



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 May 16, 2024

**SUBJECT:** Variance Application No. 4165

Allow a zero-foot front yard setback for an attached deck, and allow an 8.0-foot front yard set-back for the existing residential addition, where a minimum of 20 feet are required; and allow an approximately 38-foot-tall peak building height, where a maximum of 35 feet are allowed for the existing residential addition, on an approximately 6,435 square-foot parcel, in the R-1(m) Single-Family Residential, 6,000 Square-Foot Minimum Parcel Size, Mountain Overlay) Zone District.

**LOCATION:** The subject parcel is located on the north side of Dalton Ave., approximately 55 feet west of its intersection with Lakeview Ave, within the unincorporated community of Shaver Lake (APN: 120-291-11) (44452 Dalton Ave.) (Sup. Dist. 5).

**OWNERS:** Chad and Cindy Matoian

**APPLICANT:** Kyle Ehlers

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Approve Variance Application (VA) No. 4165; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Variance Map
6. Site Plan
7. Elevation
8. Applicant's Variance Findings

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation (County Adopted Shaver Lake Community Plan)	Mountain Residential	No change
Zoning	R-1 (m) (Single Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District.	No change
Parcel Size	6,435 square feet	No change
Project Site	See above.	See above.
Structural Improvements	Approximately 3,204 square-foot, single-family dwelling with attached deck.	No change
Nearest Residence	Approximately 30 feet west of the subject property	No change
Surrounding Development	Residential	No change
Traffic Trips	Residential	No change
Lighting	Residential	No change
Hours of Operation	N/A	N/A

**EXISTING VIOLATION (Y/N): N****ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to CEQA Guidelines, Article 19. Categorical Exemptions - Section 15305(a) Minor Alterations in Land Use Limitations, that the project/proposal is exempt

from CEQA. Class 5 consists of minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

**PUBLIC NOTICE:**

Notices were sent to 132 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PUBLIC COMMENT:**

No written comments were received from the public regarding the Variance Application.

**PROCEDURAL CONSIDERATIONS:**

A VA may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 are made by the Planning Commission.

The decision of the Planning Commission on a Variance application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

The subject parcel is approximately 6,435 square-feet and is improved with a single-family dwelling. According to available records, the existing dwelling was permitted in 1968 as a 1,848 square-foot cabin with an approximately 540 square-foot attached garage. A 1,356 square-foot residential addition and 440 square-foot deck addition were permitted in 2022.

It was determined during inspections that the residential addition as constructed encroached approximately twelve feet into the required front yard, and that the deck encroached fully through the front yard and into the right-of-way of Dalton Avenue approximately 2.6 feet.

According to available records there have been ten (10) other variances relating to the reduced setbacks and or building height within one half-mile of the subject property, which are summarized in the table below. However, the existence of a similar variance being granted in the area does not set a precedent for other approvals, each variance must be evaluated on its own particular circumstances.

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
<b>VA 2944</b> - Allow a 10-foot front yard setback (where 20 feet are required) for a proposed single-family residence.	9/12/1985	Deferred to Planning Commission	Planning Commission Approved
<b>VA 3007</b> – Allow a 13-foot front yard setback for a single-family residence.	5/22/1986	Deferred to Planning Commission	Planning Commission Approved
<b>VA 3448</b> – Allow a 0-foot side-yard setback for a residential addition.	5/19/1994	Deferred to Planning Commission	Planning Commission Approved

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
<b>VA No. 3494</b> - Allow a 10-foot front-yard setback for a single-family residential addition in the R-1(m) Zone District.	7/13/1995	Deferred to Planning Commission	Planning Commission Approved
<b>VA 3838</b> – Allow a 7-foot-tall fence within the required front yard, in the R-1 (m) Zone District.	12/9/2006 PC 2/7/2007 BOS	Denial	Denied by Planning Commission  Denied by Board of Supervisors
<b>VA 3851</b> – Allow a 6-foot front yard setback for a proposed attached garage and living quarters in the R-1(m) Zone District.	10/12/2006	Approval	Approved by the Planning Commission
<b>VA 3937</b> – Allow a 0-foot rear yard setback and 55.2 percent lot coverage to accommodate a residential addition in the R-1 (m) Zone District.	12/13/2012	Denial	Approved by Planning Commission
<b>VA 3963</b> – Allow a 6-foot rear-yard setback and 46 percent lot coverage for a residential addition in the R-1 (m) Zone District.	10/20/2016	Denial	Approved by Planning Commission
<b>VA 4022</b> – Allow a 0-foot side-yard setback to allow a property line adjustment in the R-1 (m) Zone District.	5/8/2017	Approval	Approved by Planning Commission
<b>VA 4051</b> – Allow a 14-foot front-yard setback to accommodate a garage addition.	11/8/2018	Denial	Approved by Planning Commission

**Analysis/Discussion**

**Finding 1:** ***That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.***

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	R-1(m) Front: 25 feet Side: 15 feet Rear: 15 feet	Front (south): 0 feet Side (east): 5 feet Side (west): 5 feet Rear (north): 32 feet	Yes
Parking	As per Zoning Ordinance Article 3 Chapter 828.3	No change	Yes
Lot Coverage	R-1 Zone District: 40 percent maximum.	The existing improvements comprise approximately 28 percent lot coverage.	Yes
Space Between Buildings	No animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation.	No change	Yes
Wall Requirements	No requirements	No change	Yes
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Building sewer/septic tank: 100 feet;  Disposal field: 100 feet;  Seepage pit/cesspool: 150 feet	No change	Yes

**Reviewing Agency/Department Comments:**

The Development Engineering Unit, Development Services and Capital Projects Division:  
The subject property is located in a State Responsibility Area (SRA), subject to SRA Fire Safe Regulations.

No other comments relevant to the adequacy of the size and shape of the subject parcel were received by any reviewing agencies or County departments.

**Finding 1 Analysis:**

In support of Finding 1 the applicant's submitted Findings state that the existing residence is situated on a steeply sloped lot above the road, where the grade is between 65 and 75 percent,

and that based on the steepness of the slope, expansion of the residence upslope is difficult, such that the rear portion of the lot is not practically developable.

Staff acknowledges that there is considerable variation in lot slope and configuration in the vicinity, as well as the existence of rock outcroppings and mature dense tree growth. Based on current photos and web-based street level images, the subject parcel is very steeply sloped both between the street and the parking area at the front of the residence and between the rear of the residence and the rear property line. As a result, building on such a slope often requires the building to utilize a cantilever design.

In this case, staff agrees that there are physical attributes of the property that impose limits on its development, particularly given the steep nature of the slope toward the rear of the parcel, and its elevation above the roadway which requires a driveway that displaces what would otherwise be an open front yard area.

Therefore, staff acknowledges both exceptional and extraordinary circumstances unique to the subject parcel, that are not present on many other properties in the vicinity.

**Recommended Conditions of Approval:**

None

**Finding 1 Conclusion:**

Finding 1 can be made as there are identifiable exceptional or extraordinary circumstances or conditions, unique to the subject parcel, which do not apply generally to other parcels in the vicinity under the same zoning.

**Finding 2:** **Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.**

**Reviewing Agency/Department Comments:**

No agency or County department comments relevant to substantial property rights were received.

**Finding 2 Analysis:**

In support of Finding 2 the Applicant's Findings state that because the area of encroachment in the front yard is existing and that the driveway access to Dalton has not been altered and that other properties in the vicinity have been allowed to develop or remodel with reduced setbacks and as such the residence would appear out of place as compared to neighboring residences if not allowed to remain in its current configuration. The required 20-foot front yard (setback area) would limit the residential improvements to the central and rear portion of the parcel which is steeply sloped and limits the full utilization of the property.

The existence of other parcels in the vicinity of the subject property that may have been allowed modified or reduced development standards, does not itself create a property right for other parcels in the area with the same zoning to develop with reduced and or modified standards. All property owners with the same zoning only enjoy the right of development in accordance with property development standards for the particular zone district. However, in certain cases where it can be demonstrated that the strict application of development standards would deprive the

owner of the ability to fully develop their property, due to the existence of a physical impediment to such development, a deviation from those standards may be considered through the variance process.

A variance to protect a “substantial property right” is only applicable if the physical nature of the property and the requirements of the Zoning Ordinance resulted in precluding any reasonable use of the property allowed under the zoning, such as the ability to be able to build or expand a home on the site.

The applicant understandably desires to maximize the development potential of the property, and as such, elected to enlarge the original structure substantially, such that the existing addition is encroaching into the required front yard and in exceedance of the maximum building height limitation.

Staff recognizes that the steep slope of the parcel does in fact constrain the property and limit the reasonable buildable area when standard setbacks are applied, As previously noted there is considerable variation in the topography of the area whereby some parcels in the area are constrained by that condition, and have or may seek relief through the variance process. The history of variance requests in the area supports this determination. The combination of the constraints and other parties being allowed similar relief creates an inequity of a substantial property right that is enjoyed by other owners in the vicinity, under the same zoning.

**Recommended Conditions of Approval:**

See Conditions attached as Exhibit 1.

**Finding 2 Conclusion:**

Finding 2 can be made as there is a deficit of a substantial property right, which right is enjoyed by other owners in the vicinity under the same zoning, but denied the property owner by virtue of the strict application of the development standards of the R-1 Zone District.

**Finding 3:** **The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.**

**Surrounding Parcels**

	Size:	Use:	Zoning:	Nearest Residence:
North	0.17 acre	Single Family Residential	R-1 (m)	83 feet
South	0.18 acre	Single Family Residential	R-1 (m)	67 feet
East	0.16 acre	Single Family Residential	R-1 (m)	28 feet
West	0.16 acre	Single Family Residential	R-1 (m)	26 feet

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No change

		Existing Conditions	Proposed Operation
Public Road Frontage	Yes	Dalton Avenue	No change
Direct Access to Public Road	Yes	Dalton Avenue	No change
Road ADT		Not available	No change
Road Classification		Local Road	No change
Road Improvements Required		None	No change

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations Division: Dalton Avenue is a County maintained road classified as a local road with a 40-foot right-of-way.

**Finding 3 Analysis:**

In support of Finding 3 the Applicant’s Findings assert that the proposed project would not have any impact on County services, or create any hazard to public safety. Staff concurs that this individual proposal would not have any immediate detrimental impacts on surrounding property.

**Recommended Conditions of Approval:**

Deck removed from public right-of-way.

**Finding 3 Conclusion:**

Finding 3 can be made, as no identifiable detrimental impacts to surrounding property would likely occur as a result of the requested Variance.

**Finding 4:** **The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.**

**Reviewing Agency Comments:**

Policy Planning Unit, Department of Public Works and Planning: There are no General Plan Policy Issues related to the Variance request.

Zoning Unit, Development Services and Capital Projects Division: The subject parcel is located within the Mountain Overlay Zone which has the following parking provisions:

**For residential uses:** There shall be at least one parking space for each dwelling unit. Parking spaces shall be on the same lot with the main building which they are intended to serve or on an adjacent lot. They shall not be located in any required yard which abuts a street except where the required yard has a slope from street to parking area greater than twenty-five percent, the parking space may be in the required yard. No garage doors or other moveable fixture shall project beyond a property line.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.



**Finding 4 Analysis:**

In support of Finding 4 the Applicant’s Findings assert that the requested variance would not be in conflict with the General Plan or Zoning Ordinance, and that the variance would allow the property to be developed so as to maintain the neighborhood character and allow for a uniform setback consistent with other properties in the vicinity.

There are no General Plan or Shaver Lake Community Plan Policies which specifically address setbacks or building height. Staff acknowledges several other parcels in the vicinity appear to have steep slopes and/or mature trees and rock outcroppings which may limit the developable area of the property. In this case, the property is steeply sloped and is elevated approximately eight feet above the adjacent roadway. As such, the proposed reduction in the front yard setback would not cause any site distance obstructions for vehicles on the roadway.

**Recommended Conditions of Approval:**

None

**Finding 4 Conclusion:**

Finding 4 can be made as there are no identifiable conflicts with the County General Plan or the Shaver Lake Community Plan. There are development standard nonconformities that would be addressed with the approval of the Variance.

**SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, staff has determined that the required Findings approving the Variance Application can be made, as there are unique physical circumstances on the property that are not generally applicable to other properties in the vicinity, and as such a deficit of a substantial property right exists, which is a constraint on the reasonable use of the property, imposed by the applicable development standards that are not imposed on other parcels in the area with the same zoning.

The applicant’s desire to develop their property is understandable and given the unique topographic features of the property an extraordinary circumstance or condition on the property exists; The variance does not pose a material adverse impact to neighboring property nor does it conflict with the County General Plan or Shaver Lake Community Plan; therefore, the required Findings for granting Variance Application No. 4165 can be made.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to determine the required Findings can be made based on the reasons stated in the Staff Report, and move to approve Variance Application No. 4165 subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state the basis for not making the Findings) and move to deny Variance Application No. 4165.
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

JS:ec:jp

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EXHIBIT 1  
**Variance Application (VA) No. 4165**  
**Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development shall be in accordance with the approved site plan, floor plans, and elevations.
2.	The portion of the existing deck that is encroaching into the County road right-of-way, shall be removed, subject to permits and inspections.

Conditions of Approval reference recommended Conditions for the project.

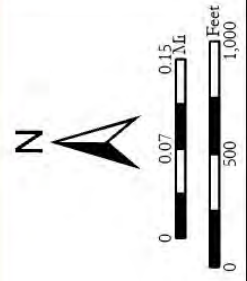
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	An encroachment permit from the Road Maintenance and Operations Division, will be required for any work within the County's road right-of-way, including modifications to previously approved driveways.
2.	No unauthorized improvements will be allowed within the County's Road right-of-way.
3.	The subject property is located within the State Responsibility Area (SRA) boundary. Any development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
4.	Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
5.	California Code of Regulations: Title 14 Natural Resources 1272.00. Maintenance of Defensible Space Measures: To ensure continued maintenance of properties in conformance with these standards and measures and to assure continue availability, access, and utilization of the defensible space provided for these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval.
6.	It is recommended that the applicant consider having the existing septic tank pumped and have the tank and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
7.	For Residential Uses: 1. There shall be at least one parking space for each dwelling unit in addition to any required parking area for commercial uses. 2. Parking spaces shall be on the same lot with the main building which they are

**Notes**

intended to serve or on an adjacent lot. They shall not be located in any required-  
yard which abuts a street except that where the required yard has a slope from street  
to parking area greater than twenty-five (25) percent, the parking space may be in the required yard.  
No garage doors or other movable fixture shall project beyond a property line.  
[Section 850.A.5-1.2]

JS:

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# LOCATION MAP

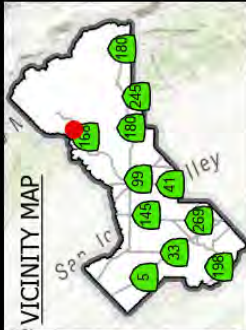
2024

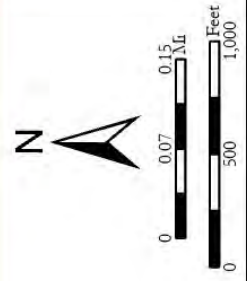
APN: 120-291-11

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : Jocervantes  
 On Date : 2/26/2024

### Legend

 Subject Property





# Existing Zoning Map






## 2024

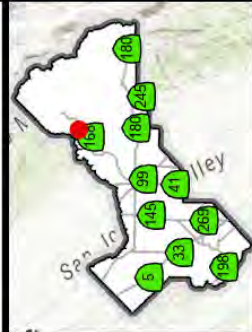
VA4165

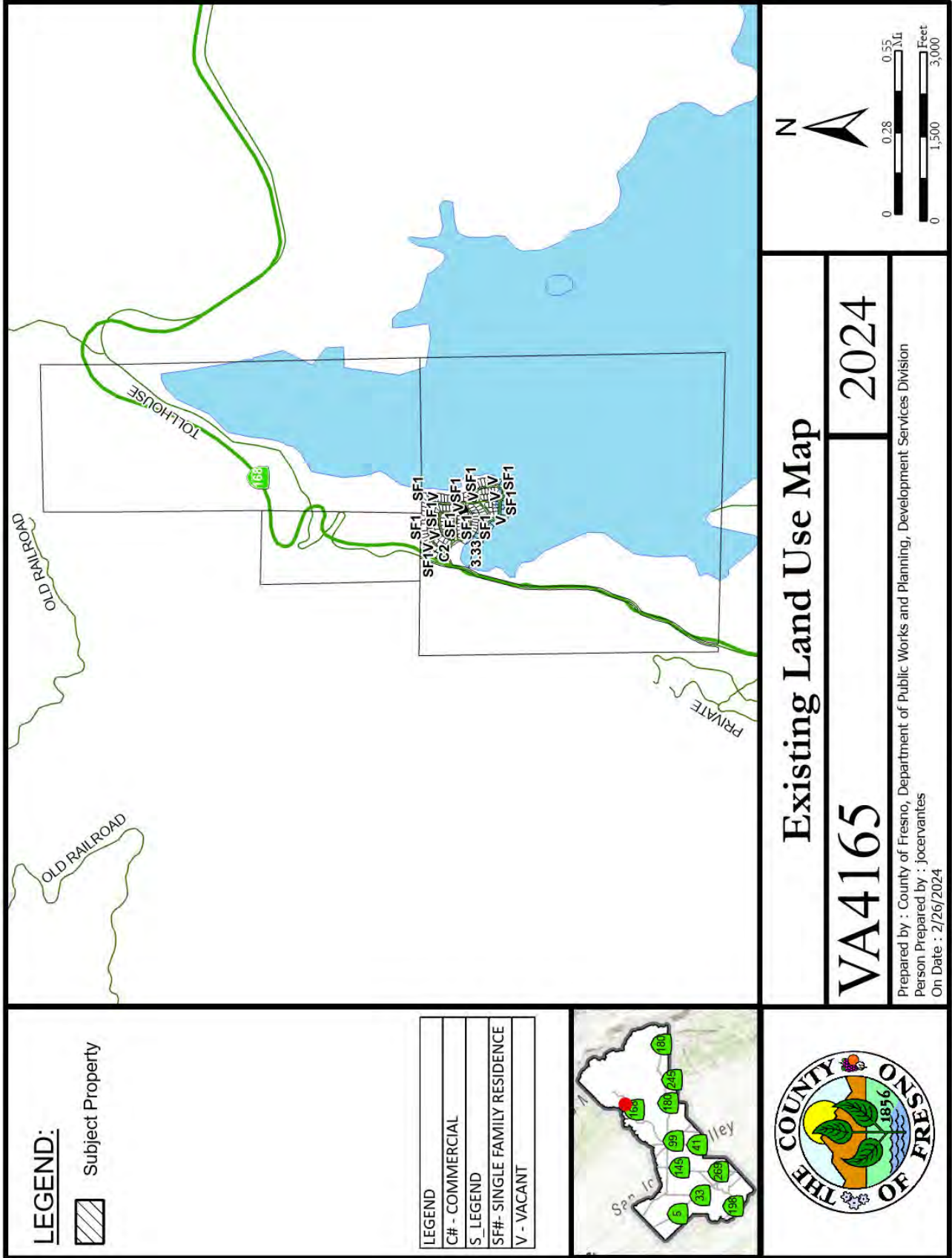
STR 24 - 9S / 24E

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : Jocervantes  
 On Date : 2/26/2024

### Legend

-  Subject Property
-  C4
-  R1
-  R2
-  RC40

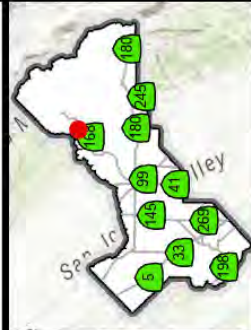




**LEGEND:**

 Subject Property

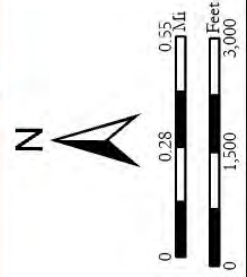
LEGEND
C# - COMMERCIAL
S_ LEGEND
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

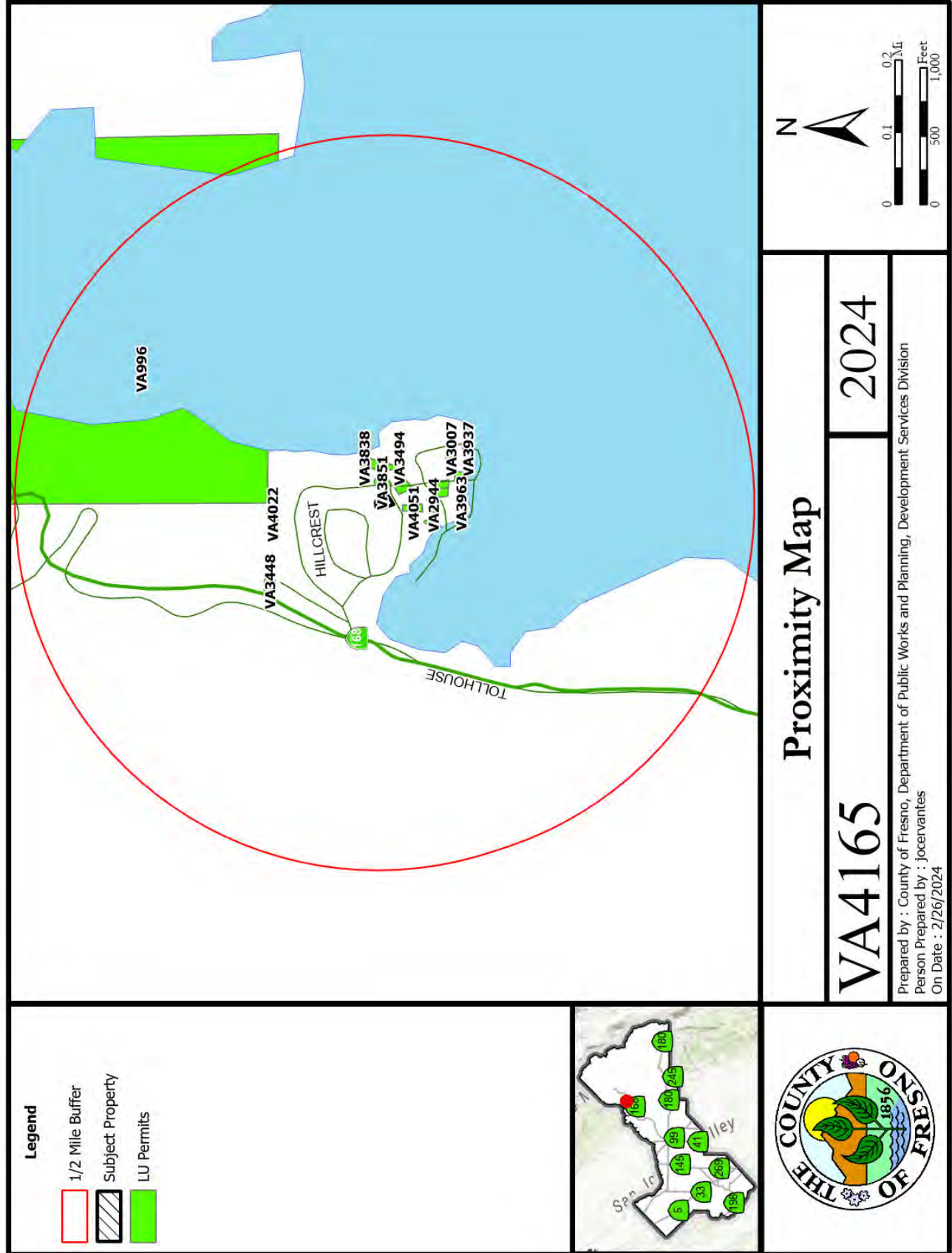


**Existing Land Use Map**

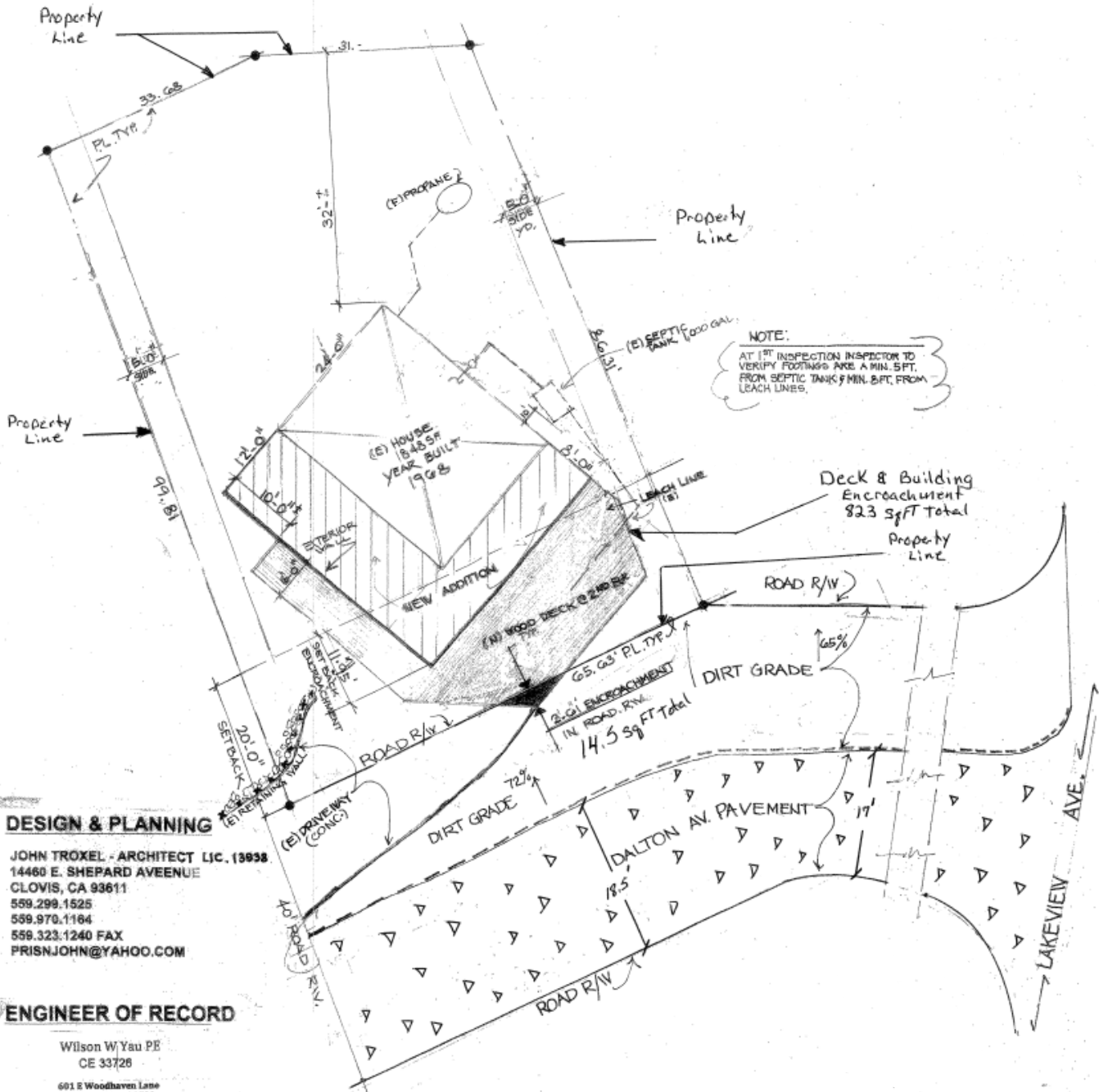
**VA4165** | **2024**

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : Jocerivantes  
 On Date : 2/26/2024









**NOTE:**  
 AT 1<sup>ST</sup> INSPECTION INSPECTOR TO VERIFY FOOTINGS ARE A MIN. 5FT. FROM SEPTIC TANK & MIN. 8FT. FROM LEACH LINES.

**DESIGN & PLANNING**

JOHN TROXEL - ARCHITECT LIC. 13938  
 14460 E. SHEPARD AVENUE  
 CLOVIS, CA 93611  
 559.299.1525  
 559.970.1164  
 559.323.1240 FAX  
 PRISNJOHN@YAHOO.COM

**ENGINEER OF RECORD**

Wilson W Yau PE  
 CE 33728  
 601 E Woodhaven Lane  
 Fresno CA 93720  
 559-360-7380

**BUILDING CONTRACTOR**

Genesis Construction  
 7555 N. Durango  
 Fresno, Calif 93722  
 559-930-9222  
 LIC # 804032

**NOTE:**  
 CONSTRUCTION WASTE MANAGEMENT PLAN  
 MUST BE FINALIZED PRIOR TO OCCUPANCY

**CONSTRUCTION WASTE MANAGEMENT PLAN:**  
 Where a local jurisdiction does not have a construction and demolition waste management ordinance, submit a construction waste management plan for approval by the enforcement agency that:

1. Identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project or salvaged for future use or sale.
2. Determines if materials will be sorted on-site or mixed.
3. Identifies diversion facilities where material collected will be taken.
4. Specifies that the amount of materials diverted shall be calculated by weight or volume, but not by both.

**REVISED SITE PLAN**

ROAD R/W AND FRONT 20'-0" SETBACK ENCROACHMENT.

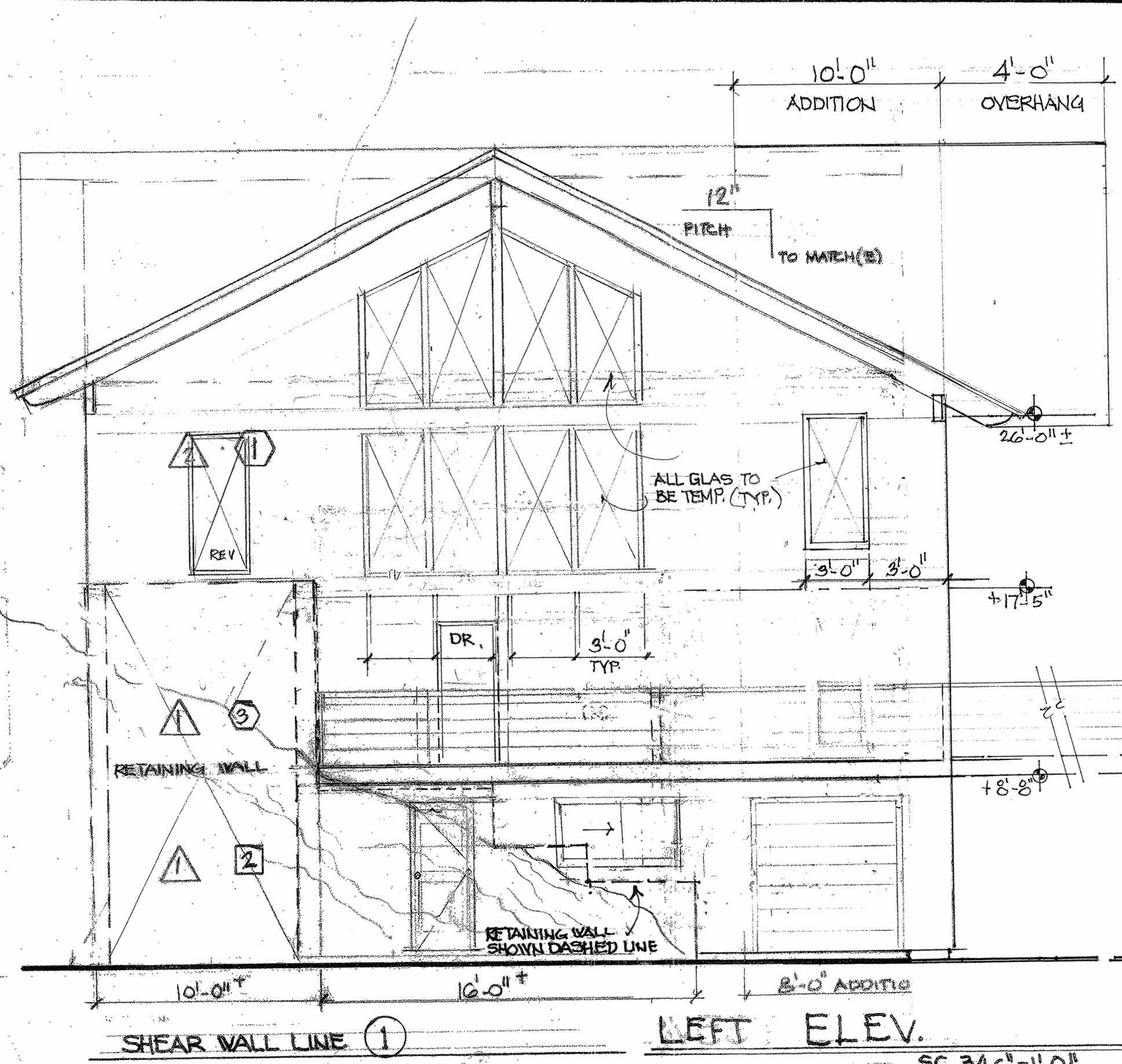
**ADDRESS:**  
 44452 DALTON AV. SHAVER LAKE CA. 93664  
 LOT #158 OF SHAVER LAKE POINT #2  
 PLAT BK. 13, PG. 43-44 - APN. 120-291-11

**NOTE:**  
 LATEST ADOPTED ADDITIONS OF THE CODES, STANDARDS & REGULATIONS REQUIRED BY LOCAL JURISDICTION SHALL GOVERN ALL WORK IN THESE CONSTRUCTION DOCUMENTS INDICATED BY THE FOLLOWING:  
 1. COUNTY OF FRESNO ORDINANCE TITLE 15.  
 INSTALL STREET ADDRESS NUMERALS AT LEAST FOUR INCHES HIGH, MINIMUM 1/2-INCH STROKE ON CONTRASTING BACKGROUND VISIBLE FROM STREET.

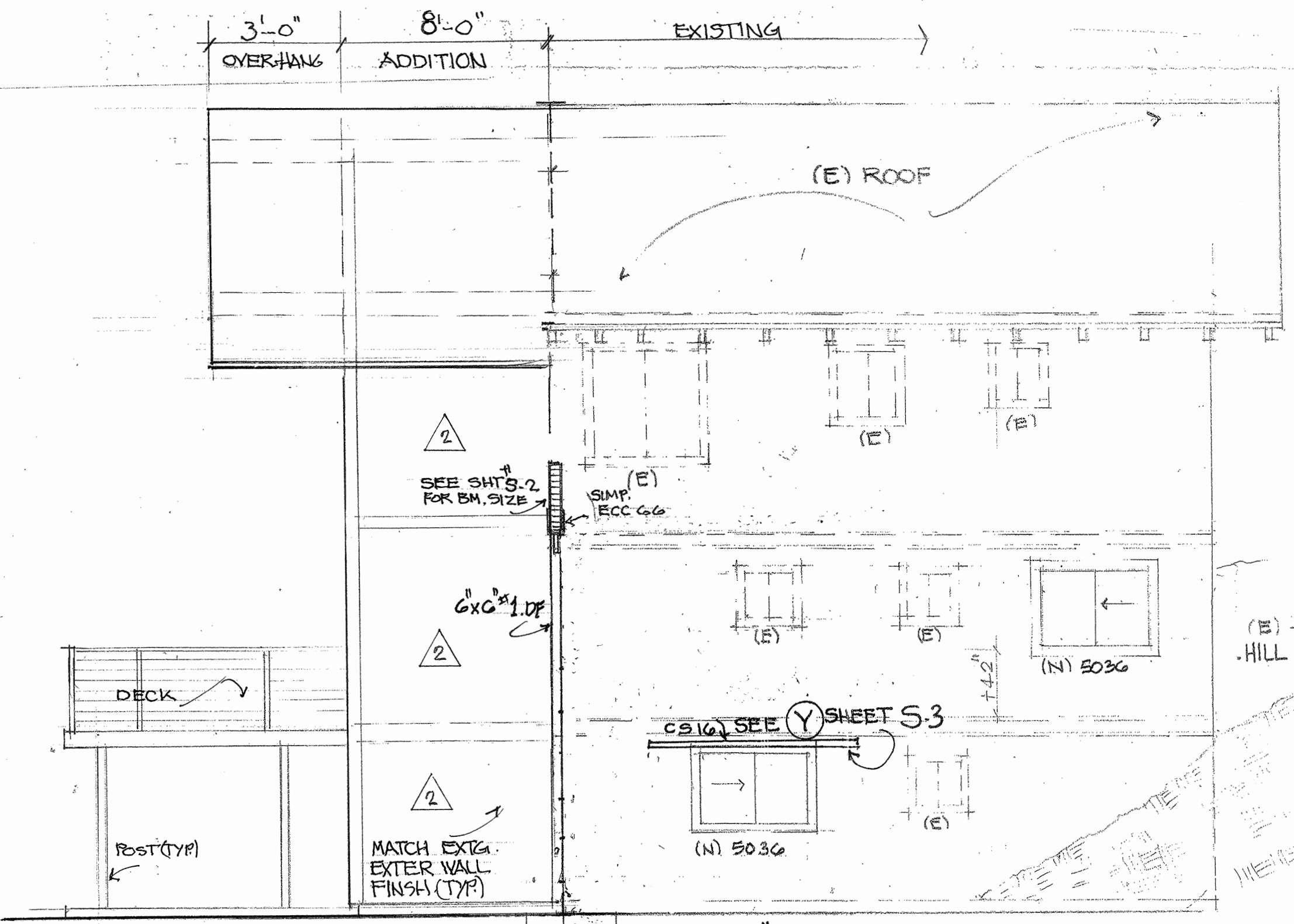


UTILITIES. CALL UNDERGROUND SERVICE ALERT (USA) AT 1-800-642-2444 TO VERIFY THE ACTUAL LOCATION OF UTILITIES PRIOR TO ANY EXCAVATION.

# EXHIBIT 7



LEFT ELEV. SC. 3/16"=1'-0"



RIGHT ELEV. SC. 3/16"=1'-0"

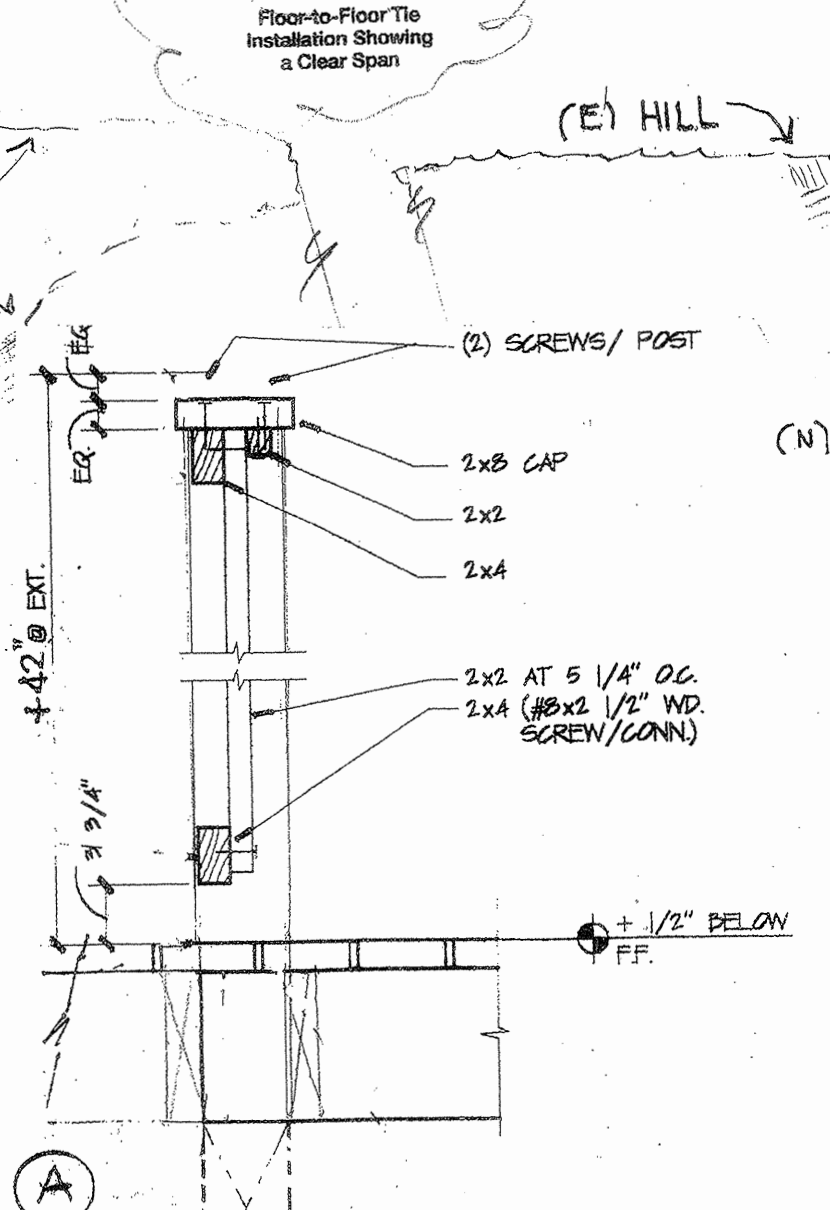
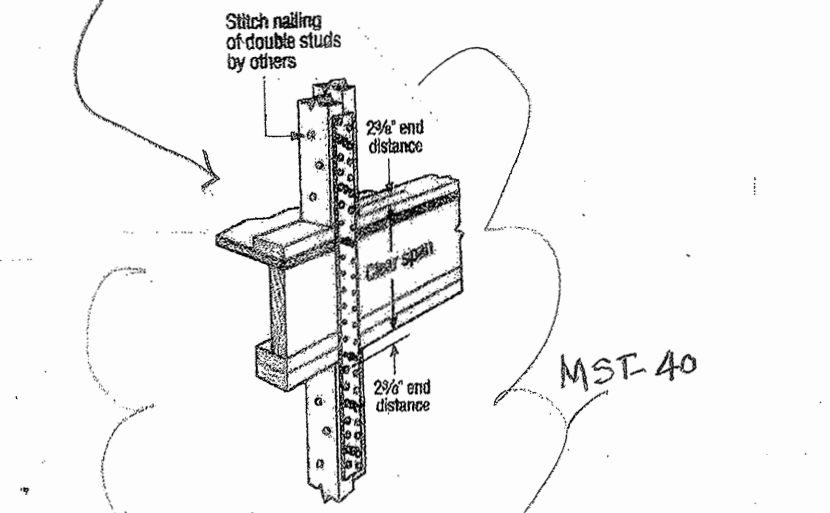
Type	Sheathing	Nails (IN. MIN)	Capacity	Wind
1	7/8" Stucco	16 gage x 7/8 Staples @ 9" o.c. at studs. Top and sill plate 3/8"	180 pcf	180 pcf
2	3/8" APA Structural Panel 2x4 CDX or OSB	8d @ 6" o.c.	260 pcf	365 pcf
3	3/8" APA Structural Panel 2x4 CDX or OSB	8d @ 12" o.c.	380 pcf	532 pcf
4	3/8" APA Structural Panel 2x4 CDX or OSB	8d @ 3" o.c.	490 pcf	685 pcf
5	3/8" APA Structural Panel 2x4 CDX or OSB	8d @ 2" o.c.	**940 pcf	**996 pcf
6	1/2" APA Structural Panel 2x4 CDX or OSB	8d @ 12" o.c.	310 pcf	439 pcf
7	1/2" APA Structural Panel 2x4 CDX or OSB	10d @ 12" o.c.	460 pcf	646 pcf
8	1/2" APA Structural Panel 2x4 CDX or OSB	10d @ 3" o.c.	**800 pcf	**840 pcf
9	1/2" APA Structural Panel 2x4 CDX or OSB	10d @ 2" o.c.	**770 pcf	**1078 pcf
10	1/2" Gypsum Board	8d cooler nails @ 7" o.c. Unblocked	100 pcf	125 pcf
11	5/8" Gypsum Board	8d cooler nails @ 7" o.c. Unblocked	125 pcf	150 pcf
12	5/8" Gypsum Board	8d cooler nails @ 4" o.c. Unblocked	115 pcf	145 pcf
13	5/8" Gypsum Board	8d cooler nails @ 7" o.c. Blocked	145 pcf	175 pcf
14	5/8" Gypsum Board	8d cooler nails @ 4" o.c. Blocked	145 pcf	175 pcf

Type	Anchor Bolt	Allowable Load (lb)
1	1/2" dia x 10" @ 6" o.c.	173
2	1/2" dia x 10" @ 8" o.c.	260
3	1/2" dia x 10" @ 12" o.c.	390
4	1/2" dia x 10" @ 24" o.c.	520
5	5/8" dia x 10" @ 6" o.c.	228
6	5/8" dia x 10" @ 8" o.c.	342
7	5/8" dia x 10" @ 12" o.c.	516
8	5/8" dia x 10" @ 24" o.c.	688
9	5/8" dia x 10" @ 6" o.c.	372
10	5/8" dia x 10" @ 8" o.c.	558
11	5/8" dia x 10" @ 12" o.c.	837
12	5/8" dia x 10" @ 24" o.c.	1116
13	5/8" dia x 10" @ 6" o.c.	359
14	5/8" dia x 10" @ 8" o.c.	538
15	5/8" dia x 10" @ 12" o.c.	807
16	5/8" dia x 10" @ 24" o.c.	1076

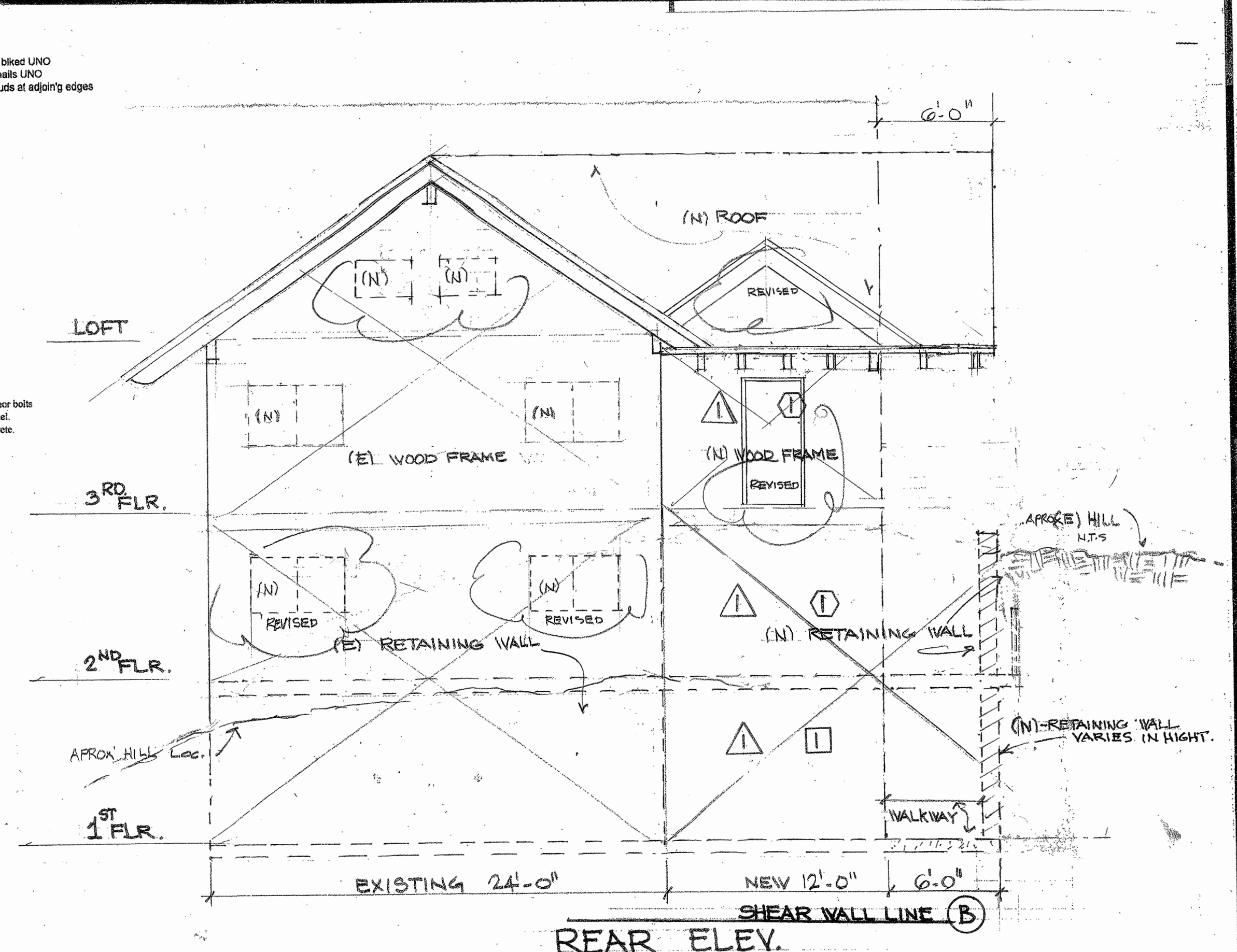
Type	Nailing	Capacity (pl)
1	16d @ 12" o.c.	174
2	16d @ 10" o.c.	209
3	16d @ 8" o.c.	281
4	16d @ 6" o.c.	348
5	16d @ 4" o.c.	418
6	16d @ 3" o.c.	522
7	16d @ 2" o.c.	698

**MST/MSTA/MSTC**  
Strap Ties (cont.)  
Codes: See p. 12 for Code Reference Key Chart  
These products are available with additional corrosion protection. For more information, see p. 15.

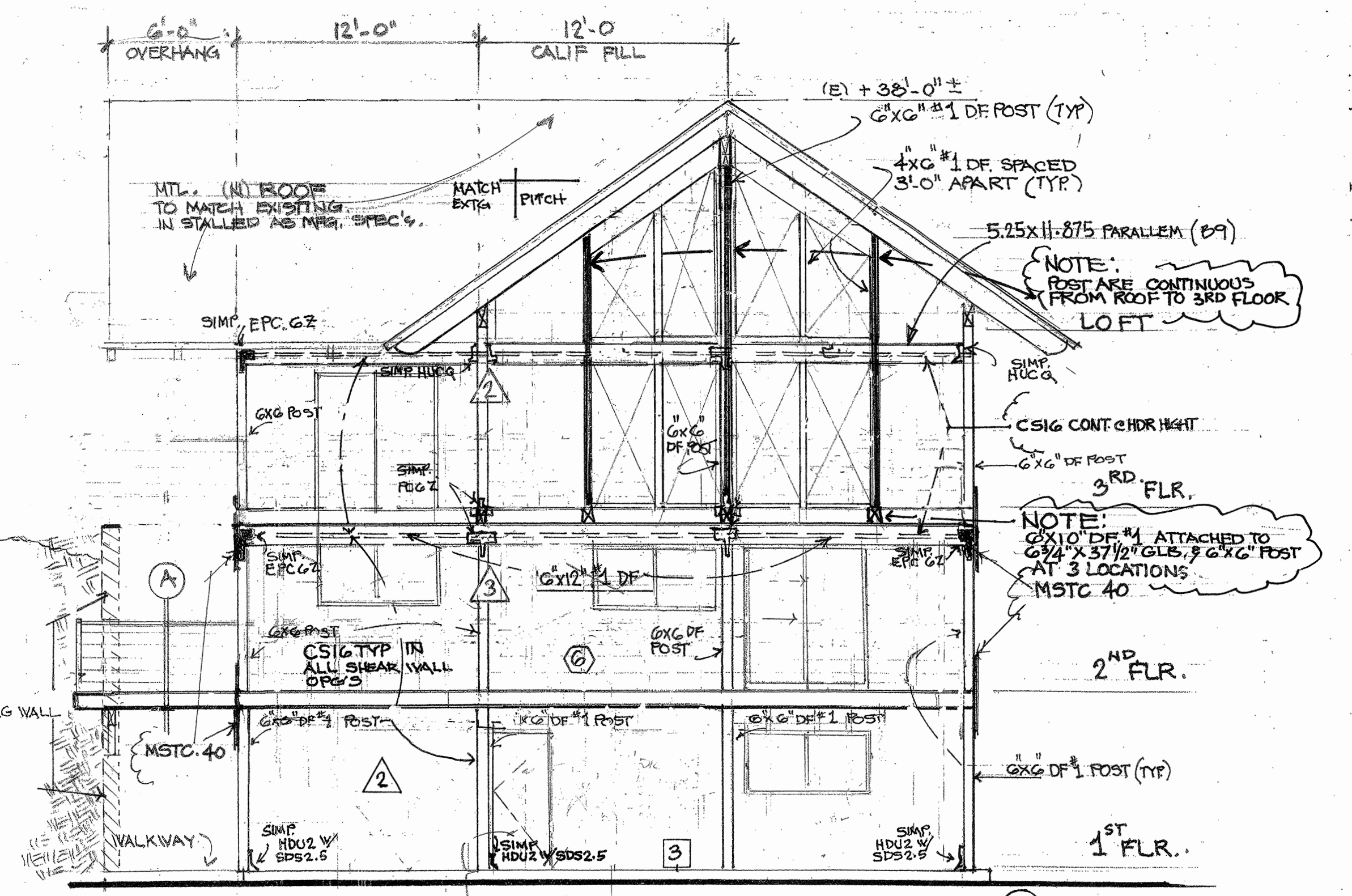
Model No.	Clear Span (ft)	Fasteners (Total)	Allowable Tension Loads (DFSP)	Allowable Tension Loads (DFPWF)
MST48	18	(20) 0.148 x 3 3/4"	2,020	2,020
MST60	18	(19) 0.148 x 3 3/4"	1,350	995
MST60	18	(18) 0.148 x 3 3/4"	1,535	1,330
MST60	24	(20) 0.148 x 3 3/4"	1,715	1,550
MST60	18	(28) 0.148 x 3 3/4"	2,680	2,235
MST60	18	(22) 0.148 x 3 3/4"	3,070	2,655



TYP. EXTERIOR GUARDRAIL N.T.S.



REAR ELEV. SC. 3/16"=1'-0"



FRONT ELEV. SC. 3/16"=1'-0"

UTILITIES. CALL UNDERGROUND SERVICE ALERT (USA) AT 1-800-642-2444 TO VERIFY THE ACTUAL LOCATION OF UTILITIES PRIOR TO ANY EXCAVATION.

**Ordinance Section 877**  
**For 44452 Dalton Avenue**  
**Chad and Cindy Matoian (Owners)**

**SUMMARY OF PROPOSED CHANGES**

The variance that is being requested is for an existing single-family home located at 44452 Dalton Avenue, Shaver Lake, CA 93664 which is undergoing a remodel and addition. This home is in a Shaver Lake development that is primarily used by the residents as a secondary vacation home. Most homes are used less than 80 days per year. The above-mentioned remodel and addition were designed and submitted through the usual channels and approved for remodel/add-on construction. It has recently been brought to my attention (Kyle Ehlers, Genesis Construction Group Inc, the Contractor, and representative for property owner) during the final stages of construction, that the addition to the home has been built into the 20-foot setback of the property.

**REQUEST: We are requesting a variance to reduce the 20-foot setback to zero setback.**

For the purposes of this letter, the following have been included:

- Revised site/plot plan
- Pictures on digital file

After submitting the initial application, we received the Variance packet and letter from the county explaining the submittal process and our points of contact. In the initial response letter, the variance for the road right-away was not approved. We are asking for a second review for the variance to the road right-away, due to new insight, pictures, and additional information that explains extenuating circumstances for this property. Of particular concern was the encroachment into a 40-foot road right-away shown on the county map labeled 44452 Dalton Avenue, Right of Way Encroachment. This map was provided by the county. Additionally, road widening expansion to the full capacity of all 40 feet has significant constraints.

- The final map shows a road right-away that varies at 40' +/- . The road is wider in some locations, and it is narrower in other locations.

- The structure has plenty of road right-away buffer to the front of the structure, because of the uphill slope.
- There is no change or new encumbrance into the existing Dalton roadway or original driveway configuration.
- The uphill grade is substantial, ranging from 65% to 72% from the toe of the slope.
- There is no impact to the Dalton Avenue road right-away or neighboring driveways.
- Widening of the existing road is not required, due to low residential traffic. The widening of Dalton Avenue is highly unlikely, due to the anticipated substantial retaining wall that would be required.
- Modifications to the existing frontage slope of the hill may affect the saturation of the existing septic system leach line.

### **1. Exceptional or extraordinary circumstances or conditions**

- a. The existing house is positioned on the lower east end of Dalton on a slight curve where it meets Lakeview. Like other homes built in this housing development, it sits on a steep grade above Dalton Ave. where the grades can exceed 65% to 75%.
- b. There are several things that make it difficult to extend the house up and to the back of the property. One is the height restrictions, and the other is the possible disturbance to the existing grade and slope that supports the rear access road for other homes located on Dalton Avenue.
- c. The subject parcel is uniquely defined by a steep slope behind the existing residence. This slope makes it difficult to utilize the northern portion of the parcel. To continue to utilize their parcel, the only reasonable expansion would be toward the front of the parcel.

### **2. Preservation and enjoyment of a substantial property right**

- a. The setback area in question already has an established history of land use for access to the driveway and the residential parking area. The driveway access from Dalton Avenue to the parking area located in the front of the house has not been altered from its original existing footprint. The full expansion to the existing road right-away would impact many homes in the area along Dalton Avenue. This would include relocating multiple utility poles and the removal of mature trees. Development of an expanded road in this area is unlikely to occur due to these factors.

- b. The house to the west of this property has been remodeled with an approved 4-foot front setback variance. This puts this house and property in a unique position, in that the house appears to be out of place. It is sitting further back behind the original erected structures. This variance would allow the front of the structure to match the setbacks of the adjacent properties along Dalton Avenue.
- c. Construction without the 20-foot setback variance would cause this home to appear out of place compared to the existing homes on this street utilizing a smaller front setback area. Construction with the 20-foot setback would severely limit the utilization of the property due to the slope of the northern portion of the property.

**3. Not materially detrimental or injurious to the public welfare**

- a. The remodeled addition of this residence will not impact the public welfare or be materially detrimental to any of the adjacent property owners or any other homeowners located in the Shaver Lake Housing area.
- b. This remodel is being carried out consistent with all the county building guidelines, environmental guidelines, and noise restrictions.
- c. There is no change to the roadway, the driveway, or other frontage encumbrances. Due to the significant uphill slopes, the actual structure is elevated well above the existing roadway.

**4. Not contrary to the objectives of the General Plan**

- a. The variance requested would not be detrimental to the public good, nor is it in conflict with the intended purpose of the zoning ordinance. The variance would still allow for the lot to be used for a single-family dwelling as intended. Granting this variance would allow the structure on the property to help maintain the neighborhood character by giving it a uniform setback consistent with other homes with extenuating circumstances in this older Shaver Lake housing development.