

### County of Fresno

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

#### Planning Commission Staff Report Agenda Item No. 3 April 22, 2021

SUBJECT: Environmental Review No. 8008 and Variance Application No. 4102

- DESCRIPTION: Allow the reduction of the front-yard setback to allow a 20' x 20' carport 15-feet (35-feet required) from the front property line.
- LOCATION: The subject parcel is located on the east side of Arcade Avenue, approximately 100-feet from the intersection of Arcade Avenue and Fairmont Avenue. (APN: 425-141-09) (Address: 4866 N. Arcade Avenue, Fresno).
- OWNER: Bart & Nancy Ramentas
- APPLICANT: Bart & Nancy Ramentas
- STAFF CONTACT: Ethan Davis, Planner (559) 600-9669

David Randall, Senior Planner (559) 600-4052

#### **RECOMMENDATION:**

- Deny Variance Application No. 4102 with recommended Findings and Conditions; 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. Existing Zoning Map
- 4. Existing Land Use Map
- 5. Surrounding Variance Map

- 6. Site Plans and Detail Drawings
- 7. Applicant's Variance Findings
- 8. Public Comment Letter

#### SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed				
General Plan Designation	Residential	No Change				
Zoning	R1B (Single-Family Residential)	No Change				
Parcel Size	0.34-acres	No Change				
Structural Improvements	Single-Family Residence	Addition of an attached carport				
Nearest Residence	Approximately 20 feet	Approximately 20 feet				
Operational Features	Single-Family residence	No Change				

#### EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

#### ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

#### PUBLIC NOTICE:

Notices were sent to 79 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

#### **PROCEDURAL CONSIDERATIONS:**

A Variance 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.

#### **PROCEDURAL CONSIDERATIONS:**

Surrounding Variances in the Area:

Application/Request	Date of Action	Staff Recommendation	Final Action			
VA No. 2880: Allow a 4- foot side yard setback	December 6, 1984	Approval	PC Approved			
VA 3102: Allow a swimming pool with a 3-	August 27, 1987	Approval	PC Approved			

foot street side yard		
setback		

## **<u>Findings 1</u>**: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)	
Setbacks	Front: 35-feet	Front: 15- feet	N	
	Side: 10-feet	Side: 10-feet		
	Rear: 20-feet	Rear: 20-feet		
Parking	One covered parking space	No Change	Y	
Lot Coverage	30% lot coverage	No Change	Y	
Space Between Buildings	6-feet	N/A	Y	
Wall Requirements	6-feet	No Change	Y	
Septic Replacement Area	City Sewer	No Change	Y	
Water Well Separation	City Water	No Change	Y	

#### **Reviewing Agency/Department Comments Finding 1:**

There were no comments from reviewing agencies or County Departments regarding the project.

#### Finding 1 Analysis:

In support of Finding 1, the Applicant states that one of the main reasons they purchased the home was its dense vegetation and mature redwoods. The trees are a central feature of the home and heavily treed neighborhood. The alignment of the driveway is such that the prevailing winds blow excessive debris from the mature vegetation onto the vehicles and cover the walkways creating a walking hazard as well as damaging the vehicles exterior. Construction of the proposed carport would allow for the protection of vehicles parked in the driveway and provide a safer access from the home without having to remove any of the pre-existing landscape. They also note that the parcel is located on a curved street.

Staff determined that the existing foliage is typical of the area and the level of growth may be reduced as desired by the property owner. Hence it is not a permanent or unique situation. The curvature of the street is not significant the rear and front of the lot does not have a significant taper. The Zoning Ordinance defines a curved street as having a center radius less than 250 feet. The street frontage along the parcel has a center radius of 987 feet; and as such is not

defined as a curved street, which allows a reduced setback of 25-feet. The street curvature is common to others similarly curved streets in the area, it is not a unique situation.

#### **Recommended Conditions of Approval:**

None

#### **Conclusion Finding 1:**

Based on the above analysis that the situation is not exceptional or extraordinary, Finding 1 cannot be made.

## **<u>Finding 2</u>**: 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 Finding 2:**

There were no comments from reviewing agencies or County Departments regarding the project.

#### **Analysis Finding 2:**

In support of Finding 2, the Applicant states that the property is on a curved street which has a front yard setback of 25-feet. The applicant contends the addition of the carport would not be unsightly as it would be consistent with the neighborhood as there are other carports and structures in the area that encroach into the setback. The applicant listed 6 other situations that he indicated construed similar circumstances.

Staff notes that 2 of the 6 sites referred to are Variances granted in 1984 & 1987 for side yard setbacks and are listed in the background section above. The remainders are either violations or may have predated setback requirements. Every variance is considered on its on merit; the previous side yard situations have limited relevance to this situation. Violations of the Zoning Ordinance, reported or unreported to the County, do not set a precedence, as they are not a right that the properties enjoy and are subject to abatement.

The lot is not on a curved street, as defined by the Zoning ordinance, and street curvature is common to others similarly curved streets in the area; it does not constitute a substantial property right issue as the setback is applicable to all other lots on similarly curved streets in the area.

#### **Recommended Conditions of Approval:**

None

#### **Conclusion Finding 2:**

Finding 2 cannot be made as there is no substantial property right that is possessed by others in the area relative to the application for the Variance.

#### **<u>Finding 3</u>**: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof

#### **Reviewing Agency/Department Comments:**

There were no comments from reviewing agencies or County Departments regarding the project.

#### Analysis finding 3:

In support of Finding 3, the Applicant states that the current vegetation on the property shields the residence from passing traffic and neighboring residences. The proposed carport will not impede the line of sight or traffic movement in the neighborhood.

Staff agrees the Variance would not create a line of sight traffic impact. While the intrusion into the setback does impact the purpose of the setback requirement Staff does not believe there is a significant impact on the adjacent properties.

#### **Recommended Conditions of Approval:**

None.

#### **Conclusion Finding 3:**

Staff is able to recommend making Finding 3.

*Finding 4*: That the proposed development is consistent with the General Plan.

#### **Reviewing Agency Comments Finding 4:**

The Policy Planning Section of Public Works and Planning determined there are no General Plan issues with the existing carport within the required side-yard setback.

No other comments specific to the General Plan Policy were expressed by reviewing agencies or County Departments.

#### **Analysis Finding 4:**

In support of Finding 4, the Applicant states that the proposed addition is not contrary to the objectives of the Fresno County General Plan. The Applicant states that the granting of this Variance would be in accordance with the objectives of the General Plan.

Staff notes that there are no General Plan policies specifically pertinent to the proposed reduction in setback requirements.

#### **Recommended Conditions of Approval:**

None.

#### **Conclusion Finding 4:**

As there are no relevant General Plan Policy issues, Finding 4 can be made.

#### PUBLIC COMMENT:

There was one letter submitted, in regard to the openness of the neighborhood and that the allowance of this project could open the door for future setback encroachments that would diminish the openness and generous visibility aspect of the neighborhood. See Exhibit 8.

#### SUMMARY CONCLUSION:

As the impacts from dense landscaping is not a unique situation, and the Variance is not needed to protect a property right enjoyed by other properties in the area. Staff believes Finding 1 and 2 cannot be made and recommends denial of Variance No. 4102.

#### **PLANNING COMMISSION MOTIONS:**

#### Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made (as stipulated by Staff) and move to deny Variance Application No. 4102; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

#### Alternative Motion (Approval Action)

- Move to determine the required Findings can be made (state basis for making the findings) and move to approve Variance Application No. 4102, subject to the Conditions of Approval listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1.

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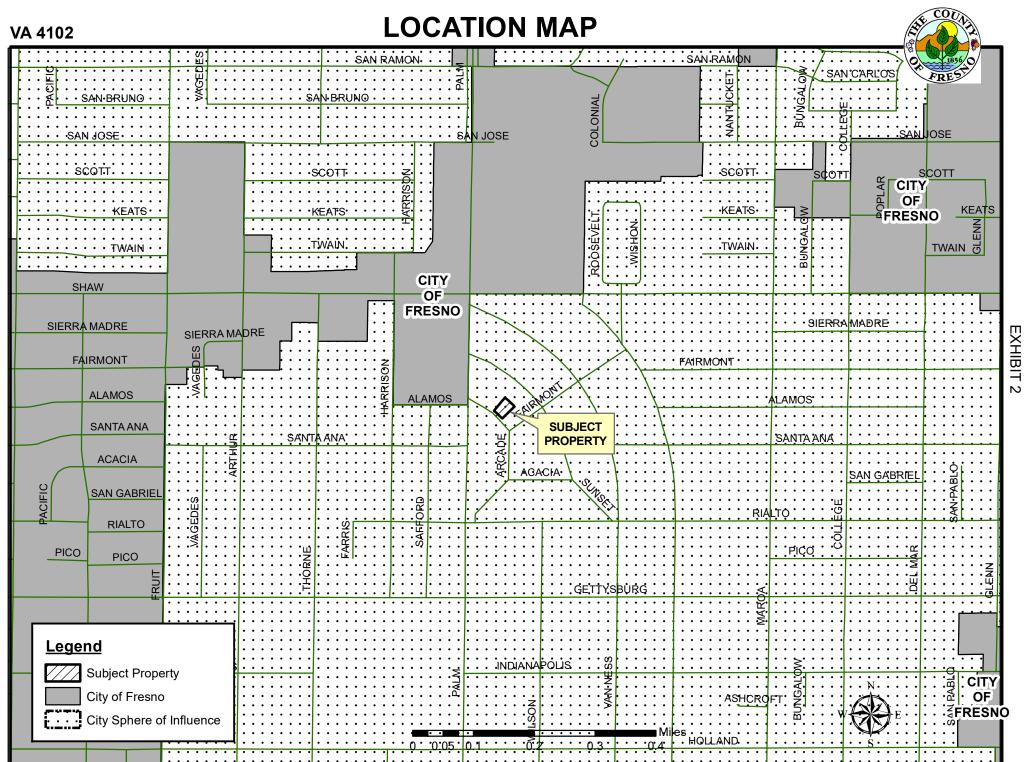
#### Variance Application No. 4102 (Including Conditions of Approval and Project Notes)

Conditions of Approval								
1.	Development shall be in accordance with the site plan as approved by the Planning Commission.							

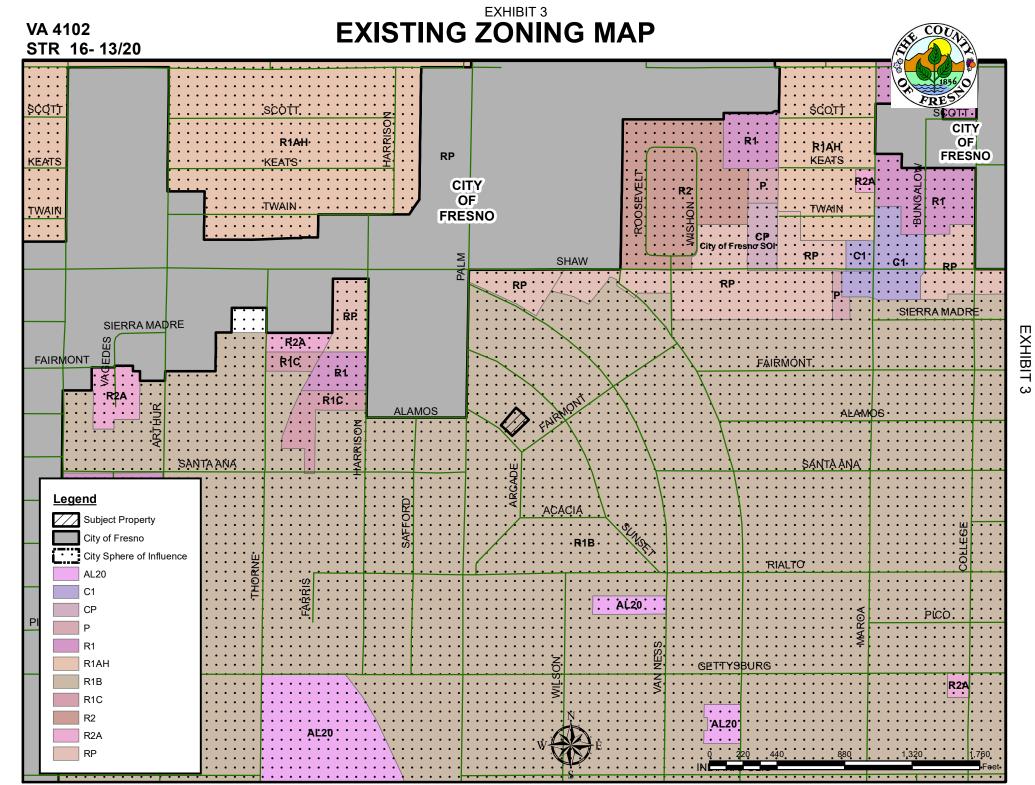
Notes								
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.								
1.	Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought. (Fresno Fire Department).							
2	No on-site water retention of storm water runoff, drainage from the site shall be directed to Arcade Avenue.							

ED:

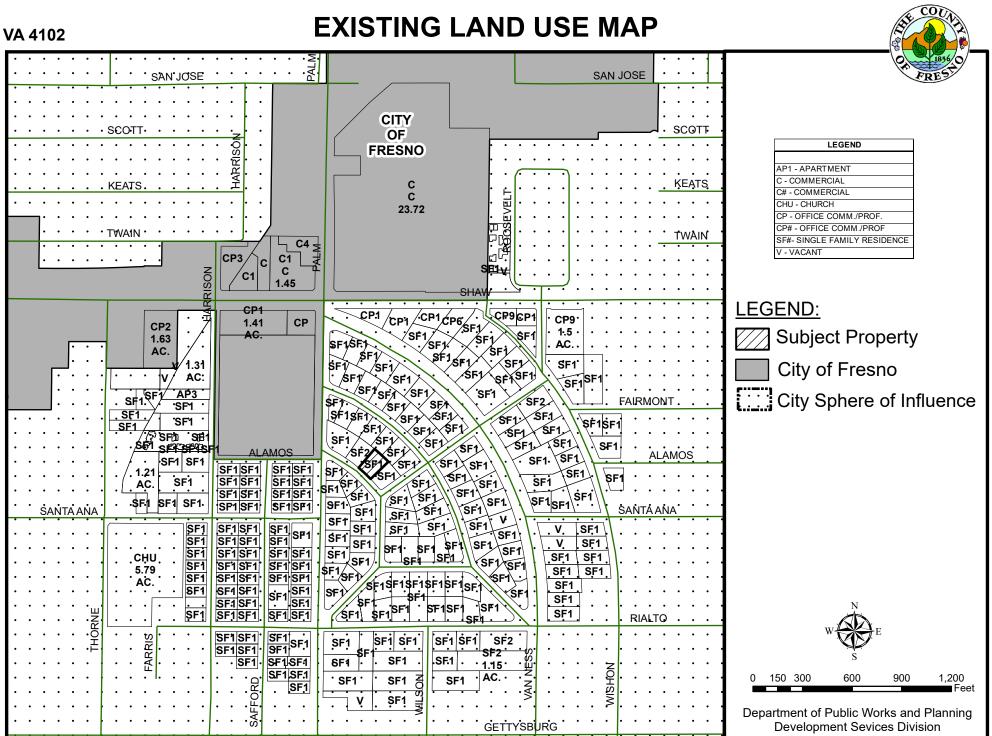
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Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division

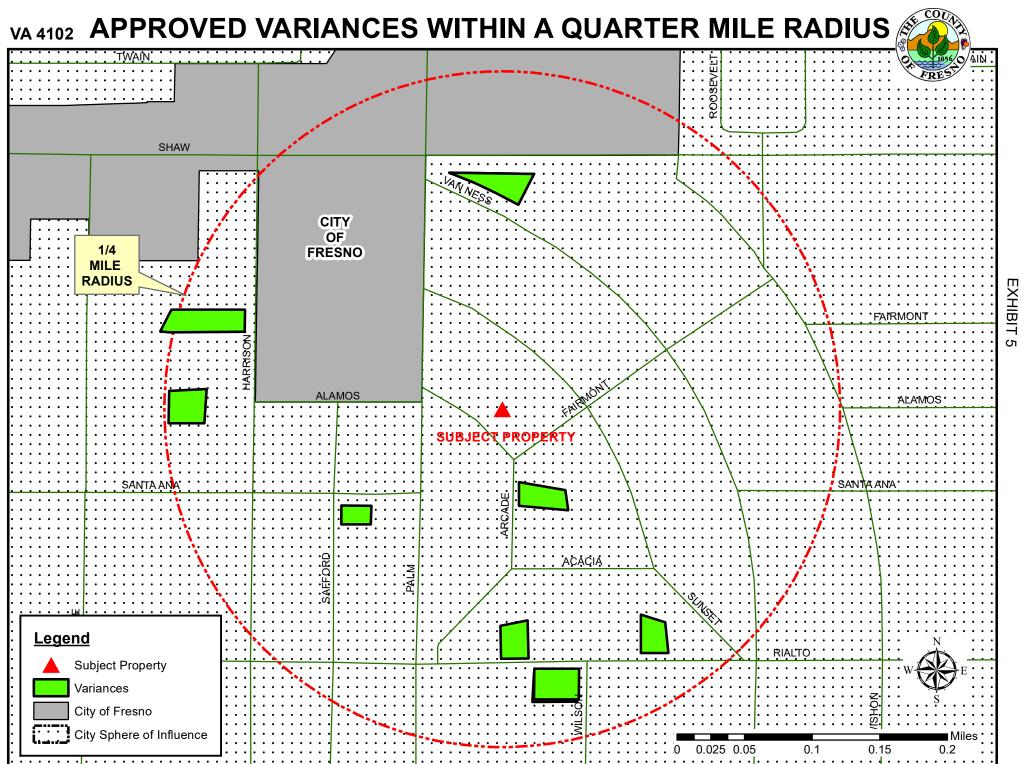


Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division



Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division

EXHIBIT 4



Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division

Kevisea:				N DESIGNS Engineering Fresno, CA 93710 Fresno, CA 93710 Fresno, CA 93710	VIEERIN( Civil & Structural Hasan A. Mohan Hasan A. Mohan (559) 225-2525 F			Prepared by: Prepared by: 75 Old Friant Road, Fresno, CA 9 (559) 285-3992 Fax: (559) 434 email: xorro4@hotmail.com	 Zamentas	Proposed Carport for: M. Arcade Ave, Fresno, CA 9370 () 264-1566 Cell (559) 930-365 partolomer@sbcglobal.net 425-141-09	I	9/29/2020 Sheet:	of Sheets
			ever miles		VICINITY MAP	OWNER BART & NANCY RAMENTAS BART & NANCY RAMENTAS 4866 N. ARCADE AVE FRESNO, CA. 93704 (559) 264-1566 APN: 4255-141-09	RESPONSIBLE ENGINER ENGINEERING DESIGNS HASAN A. MOHAMMAD, P.E. 5155 N. FIRST STREET FRESNO, CA 93770-7805 [569] 225-2525		Bret not.	CHEET No. DESCRIPTION   1 SITE PLAN   2 FLOOR PLAN - ELEVATIONS   3 FOUNDATION PLAN - SECTION - DETAILS	AJ-O-W	APPROVED	DCT 2 8 2020

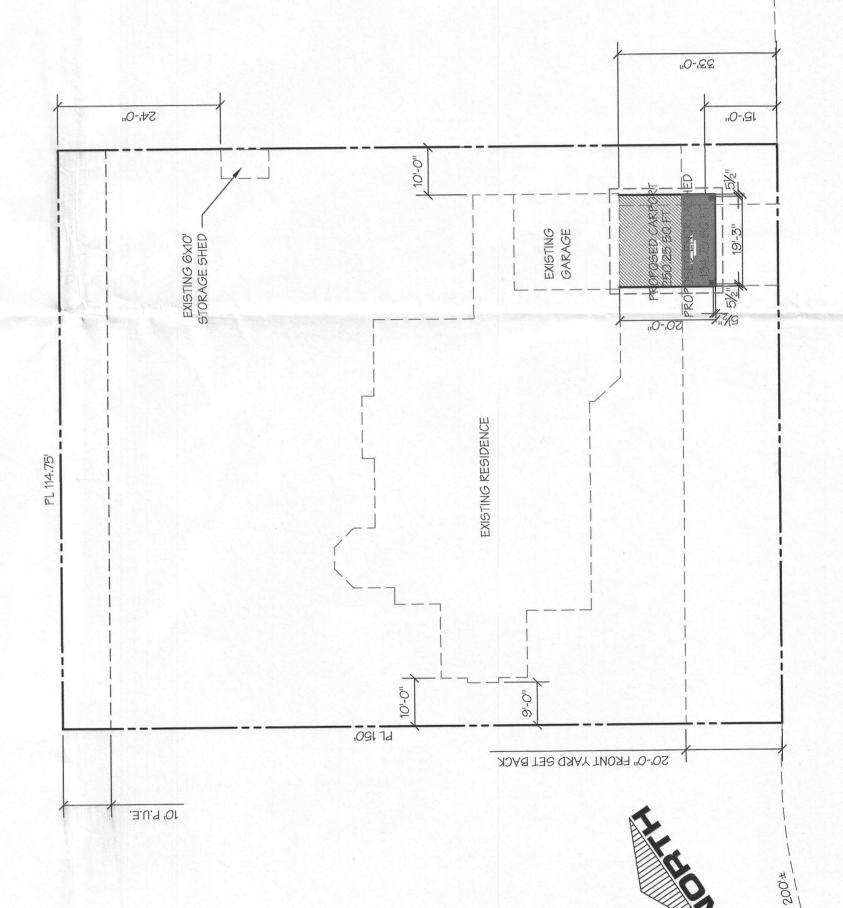
"CHANGES FROM APPROVED PLANS DURING CONSTRUCTION OTHER THAN 1] CABINET CHANGES WHEN NOT BEING SUPPORTED ENTIRELY BY THE ROOF STRUCTURE, 2] INTERIOR DOOR AND FIREPLACE RELOCATION SHOWN ON THE APPROVED PLAN, 3] A SINGLE NON-BEARING WALL RELOCATION WHEN NOT CREATING AN ADDITIONAL ROOM, AND 4] INTERIOR NONSTRUCTURAL WALL FINISHES; SHALL CAUSE PLAN APPROVAL AND CONSTRUCTION TO BE SUSPENDED, ANEW PLAN CHECK [FOR A NEW PLAN SHOWING CHANGES] WILL BE SUBMITTED FOR REVIEW AND APPROVAL THROUGH THE NORMAL PLAN CHECK PROCESS." NOTE: "THESE PLANS AND RELATED DOCUMENTS MUST BE AVAILABLE AT THE JOB SITE DURING ANY INSPECTION ACTIVITY."

## NERAL SITE NOTES

POST STREET ADDRESS NUMERALS AT LEAST 4" HIGH WITH A 1/2" STROKE MOUNTED ON CONTRASTING BACKGROUND CLEARLY VISIBLE FROM THE STREET FRONTING THE PROPERTY.
PROVIDE TEMPORARY SANITARY FACILITIES FOR THE USE OF ALL EMPLOYED PERSONEL
PROVIDE TEMPORARY SANITARY FACILITIES FOR THE USE OF ALL EMPLOYED PERSONEL
PROVIDE A MINIMUM SLOPE OF 5% A DISTANCE OF AT LEAST 10'-0" FROM THE BUILDING
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ONERALL LOT PRAINAGE SHALL BE A MINIMUM OF 0.5% FROM THE REAR PROPERTY LINE TO FRONTAGE AT A PUBLIC STREET OR TO AN APPROVED DRAINAGE FACILITY
ALL CONSTRUCTION SHALL COMPLY WITH ADOPTED ORDINANCES AND POLICIES OF THE GOVERNING AGENCY AND THE 2016 EDITONS OF THE FOLLOWING:
CALIFORNIA RESIDENTIAL CODE (CRC) CALIFORNIA RESIDENTIAL CODE (CRC) CALIFORNIA FIRE CODE (CRC) CALIFORNIA FIRE CODE (CRC) CALIFORNIA FIRE CODE (CRC) CALIFORNIA FIRE CODE (CFC) CALIFORNIA FIRE CODE (CFC) CALIFORNIA FIRE CODE (CFC) CALIFORNIA A ELECTRICAL CODE (CFC) CALIFORNIA FILE CODE (CFC) CALIFORNIA FILE

THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL DIMENSIONS, GRADES AND OTHER CONDITIONS AND SHALL CORRELATE ALL SUCH ITEMS AT THE JOB SITE NO DRAINAGE TO ADJACENT PROPERTY.

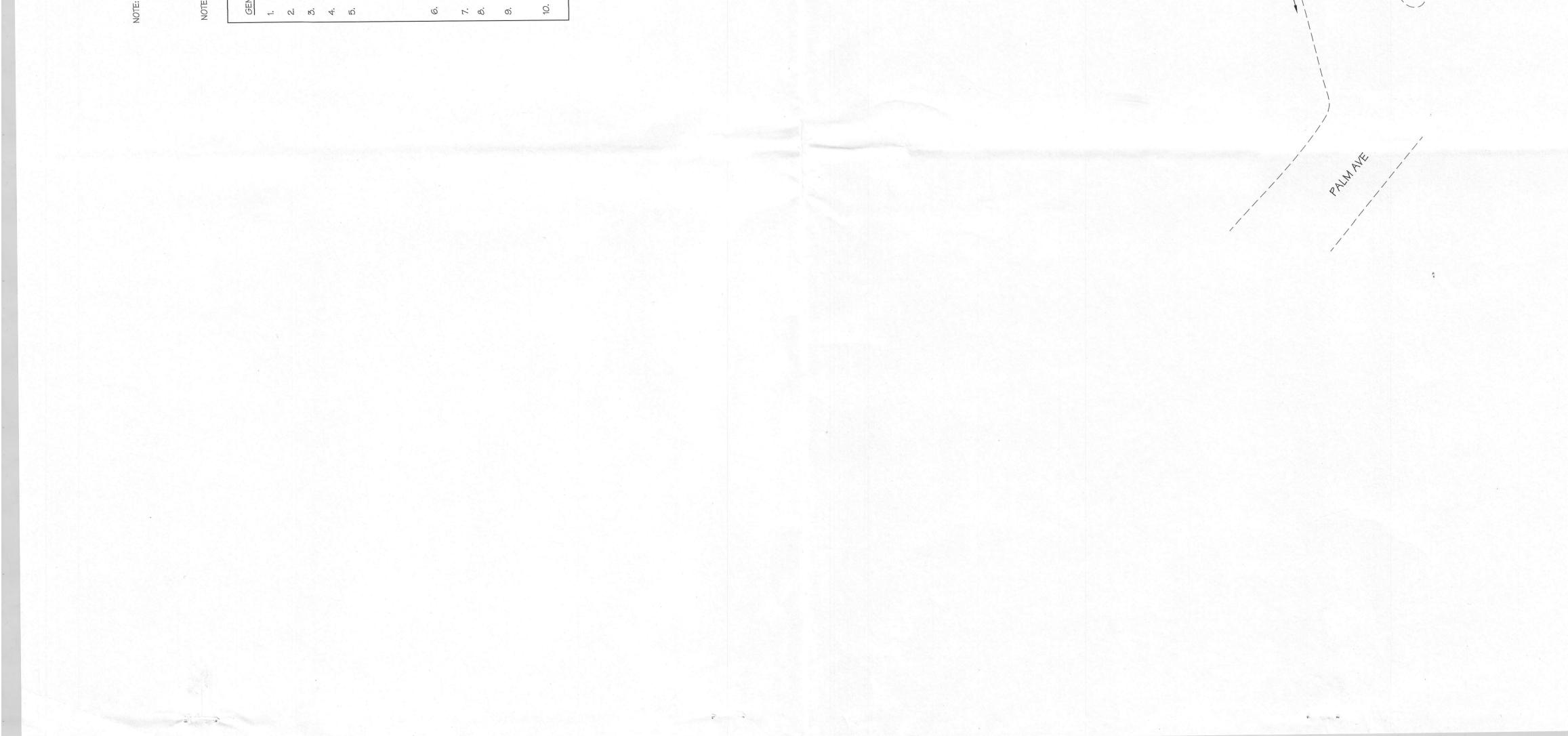
2 WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA). CALL 1-800-642-ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A PERSON LICENSED TO PRACTICE SURVEYING IN THE STATE OF CALIFORNIA REPAIR ALL DAMAGED AND / OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPANCY

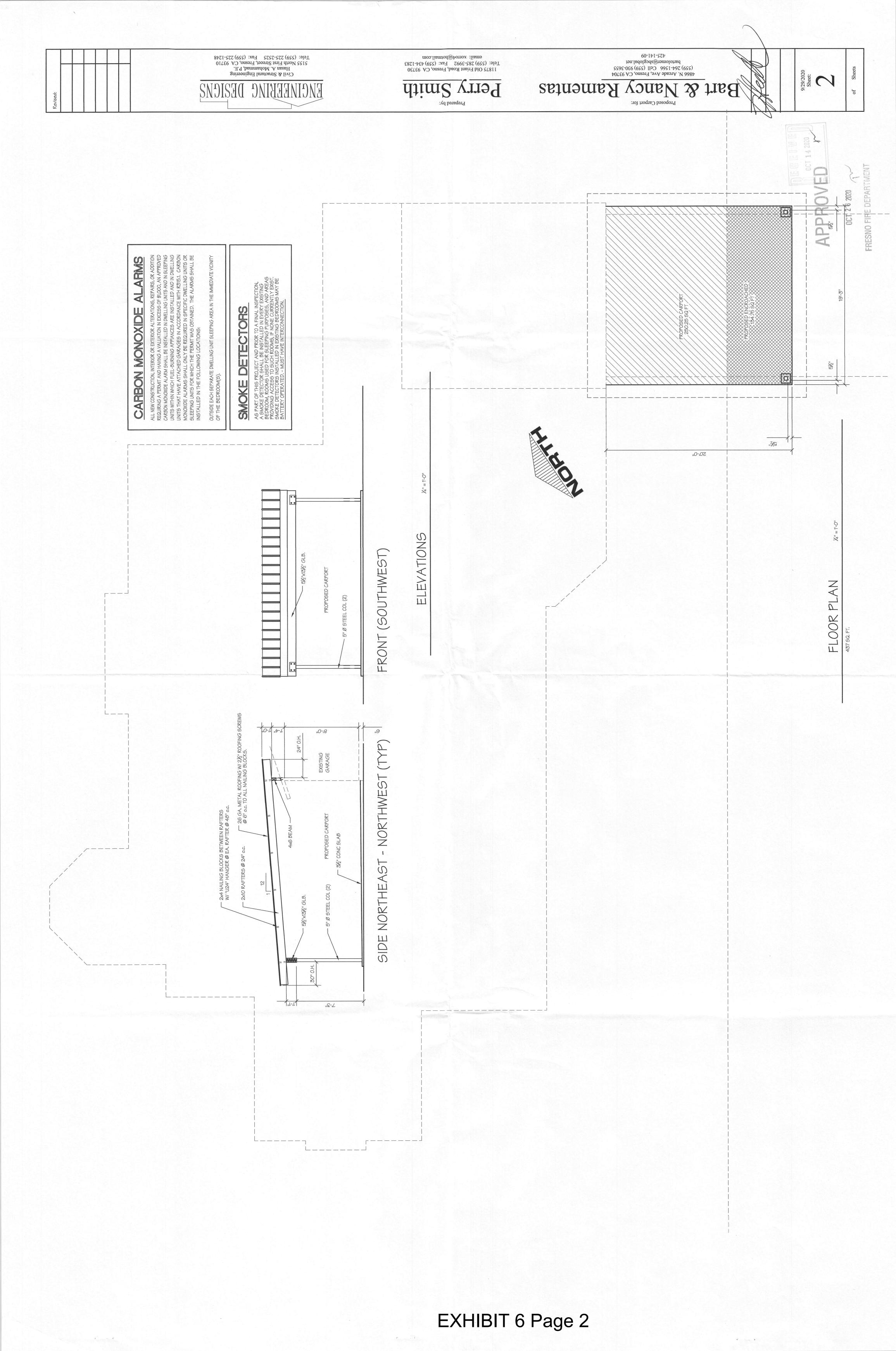


PLAN SITE

4866 ARCADE AVE

1" = 20'-0"





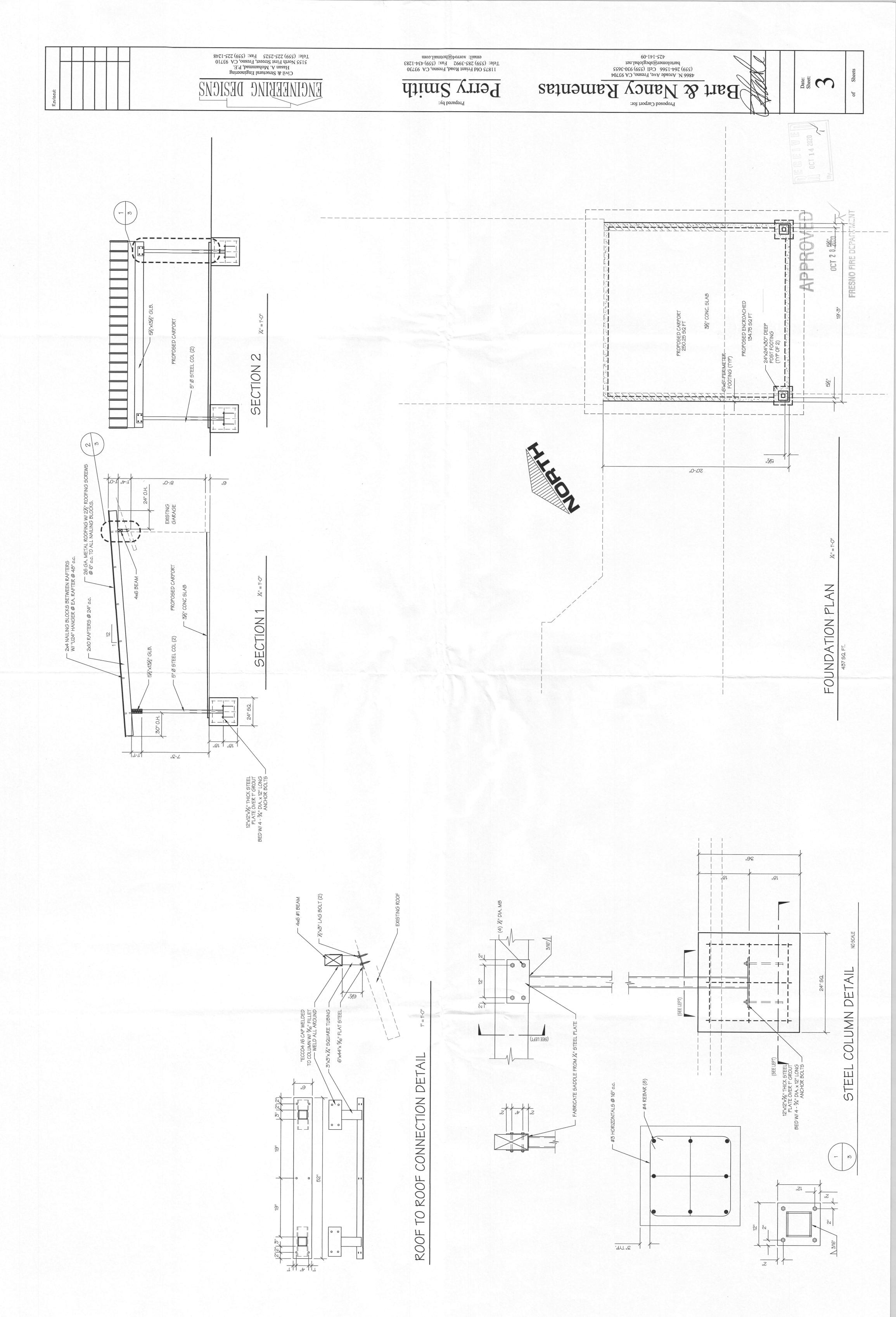


EXHIBIT 6 Page 3



#### APPLICANT'S STATEMENT OF VARIANCE FINDINGS

#### APN 425-141-09

Applicant's name: Bart G. and Nancy M. Ramentas Property address: 4866 N. Arcade Ave. Fresno, CA 93704 Contact information: 559-930-3655 (m); 559-264-1566 (h); bartolomer@sbcglobal.net

Respectfully submitted for your consideration are our, (Bart G. and Nancy M. Ramentas') findings offered to justify our request for a variance to the Fresno County Zoning Ordinance R-1-B front yard setback standards, in order to build a 20' x 20' attached carport within the front yard setback.

The following are our findings of each required item outlined in the Variance Application Informational Guide.

**Finding 1.** What are the exceptional or extraordinary circumstances or conditions applicable to this property which do not apply generally to other properties in the vicinity having identical zoning classification?

This property which we purchased 9/17/18 at 4866 N. Arcade Ave has a 2300 sq. ft. ranch style home constructed in 1958. Our property is zoned R-1-B and is located on a curved street which bears north/west as it intersects Palm Avenue on the west paralleling the curved streets to the north and east (i.e. N. Sunset, N. Van Ness Blvd, N. Wishon) as shown on Exhibit A.

One of the main reasons we purchased this house was because it was densely vegetated with a mature stand of Coastal Redwoods in the front yard that are over 75-feet tall. These trees are a central feature of our home's landscape and charm and are characteristic of this heavily treed neighborhood.

The alignment of our driveway is such that the prevailing winds from the north/west on windy days blow excessive debris from the mature stand of Coastal Redwoods. On heavier wind events however, my unsheltered vehicle in the driveway has been struck by dislodged branches both dead and live from these trees and on extreme occasions even wind borne palm fronds from a tall palm in the back yard. The debris also causes a walking hazard especially in wet weather to get to our vehicle as well as causing damage to our vehicle's exterior.

Construction of the proposed carport would allow for the protection of our vehicle and provide safer access to and from our house to the vehicle without having to remove any of the preexisting landscape vegetation or trees, thereby preserving the unique character of our yard and the neighborhood.

**Finding 2.** Why is the variance 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 identical zoning classification?

As noted above, our property is zoned R-1-B and is located on a curved street. The front yard setback for curved streets in the R-1-B zone district is 25 feet. The neighborhood is exceptional in that there are four residences within a one block vicinity with either an existing carport, pool, residence and or garage located within the 25-foot front yard setback or within the 20-foot corner lot side yard setback, plus an additional two residences within a 3-block vicinity with similar circumstances as described further below. All the lots have the identical R-1-B zoning classification as our lot. These structures which have been located within the setbacks for many decades, at least one for over 60 years, blend seamlessly into the aesthetics of the neighborhood and are not noticeably different from any other residence in the vicinity or within the Fig Garden Neighborhood Plan area.

Granting this variance would allow us to enjoy the same right already enjoyed by those six other neighbors in the immediate area as identified below and shown on Exhibits B & C. The carport we are requesting would be within 15' of the front property line.

- 1. 4872 N. Arcade Ave, immediate neighbor to the north. carport within approximately 18' of the front property line.
- 2. 4867 N. Arcade Ave. Directly across the street: swimming pool within 19' of the front property line.
- 3. 414 E Fairmont (two houses away at intersection with Arcade) residence within 20' of the front property line.
- 4. 4855 N. Sunset Ave. (1 block away) Corner lot, garage within approximately 18' of side property line.
- 5. 4720 N. Arcade Ave. (two blocks away), Garage within approximately 18' of the front property line.
- 6. 4915 N. Wishon Ct. (3 blocks away) Corner lot, garage within 15' of side property line.

All of the above properties in the identical R-1-B zoning classification, have structures within front yard setback or corner lot side yard setback for R-1-B zoning.

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

The current mature vegetation on our property shields our residence from passing traffic and neighboring residences, therefore the addition of the carport attached to our residence will not impede the line of sight or traffic movement of any other property owner. The only other residence that will have a direct view of our carport is directly across the street and she

supports our request. Rather than an unattractive, pop up automobile shelter our proposed carport will improve rather than injure other properties in the vicinity as it is aesthetically designed as an attachment to the house in a similar manner to my next door neighbor's existing carport and the other garages within the setbacks in the vicinity and as described above.

*Finding 4.* How will the granting of this variance not be contrary to the objectives of the Fresno County General Plan?

The Fig Garden Neighborhood Plan, Section 711 of the Fresno County General Plan, is the community plan applicable to this neighborhood. The objectives in the Fig Garden neighborhood Plan include the following:

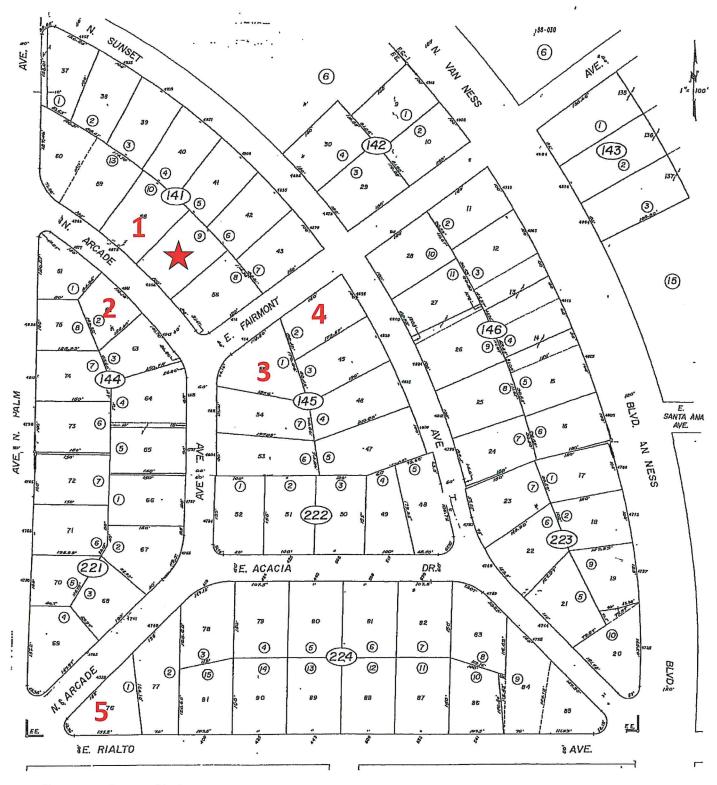
711.2.01: "The County objectives for the development in the Fig Garden Neighborhood Plan area included in the Fig Garden Neighborhood Plan are as follows:

b. "Maintain land use regulations in existing unincorporated urban fringe and in-fill areas which will stabilize and enhance existing patterns of development.

711.2.02: The County also subscribes to the following objectives of the Fig Garden Neighborhood Plan:

a. "New development will be compatible with the neighborhood's low density residential development".

Adding a carport that will enhance existing patterns of development in the vicinity will be compatible with the neighborhood's low density residential development and therefore will not be contrary to Fresno County General Plan and Fig Garden Neighborhood Plan objectives.



#### Ramentas Carport Variance

1

- 4866 N Arcade: Ramentas proposed carport within 7' of front property line
- 4872 N Arcade: Carport within approximately 18' of the front property line
- 2 4867 N Arcade: Pool within approximately 19' of the front property line
- 3 414 W Fairmont: Residence within 20' of front property line
- 4855 N Sunset: Garage within approximately 18' of the side property line
- 5 4720 N Arcade: Garge within approximately 18' of the front property line

Exhibit A EXHIBIT 7 PAGE 4



Exhibit B

# Ramentas Carport Variance

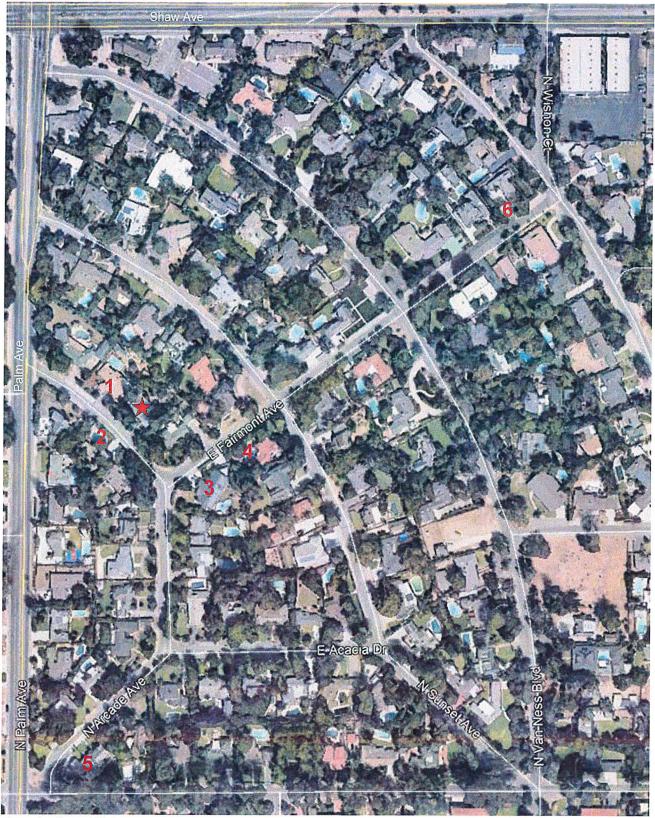
- 4866 N Arcade: Ramentas proposed carport within 18' of front property line
- 4872 N Arcade: carport within approximately 18' of front property line
- 4867 N Arcade: pool within approximately 19' of front property line

N

- 414 E Fairmont: Residence within approximately 20' of front property line
- 4855 N Sunset: Garage within approximately 18' of side property line

4

EXHIBIT 7 PAGE 5

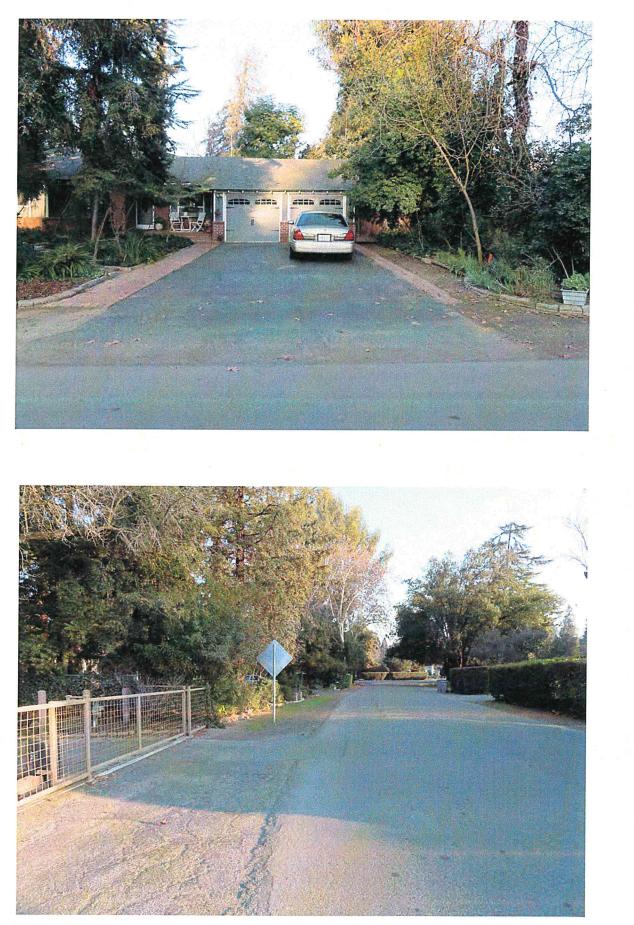


#### Ramentas Carport Variance

- 4866 N Arcade: Ramentas proposed carport within 18' of front property line
- 1 4872 N Arcade: carport within approximately 18' of the front property line
- 2 4867 N Arcade: pool within approximately 19' of the front property line
- 3 414 E Fairmont: Residence within approximately 20' of the front property line
- 4855 N Sunset: Garage within approximately 18' of side property line
- 5 4720 N Arcade: Garage within approximately 18' of front property line

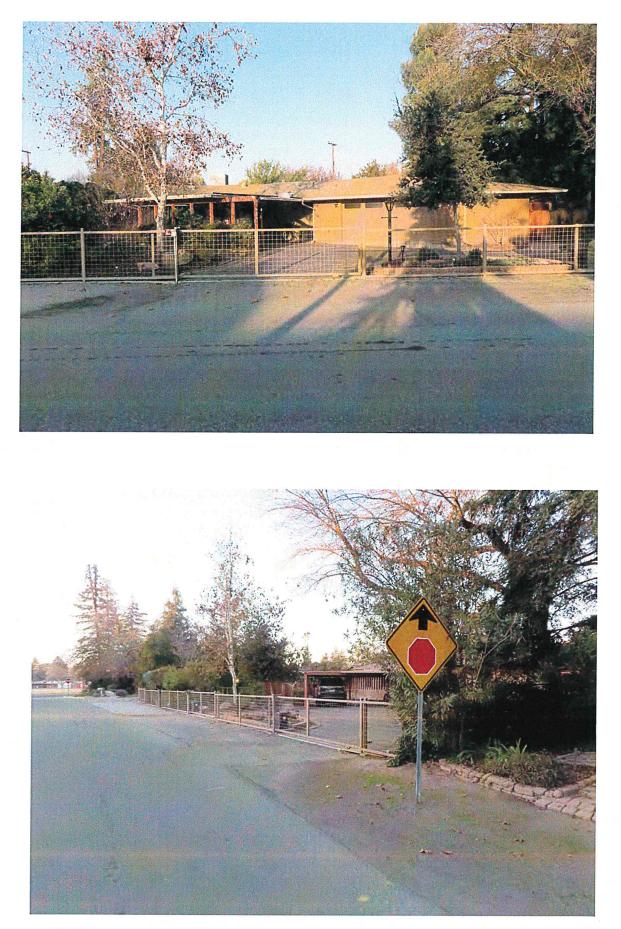
6 4915 N Wishon Ct: Garage within approximately 15' of side property line

Exhibit C EXHIBIT 7 PAGE 6



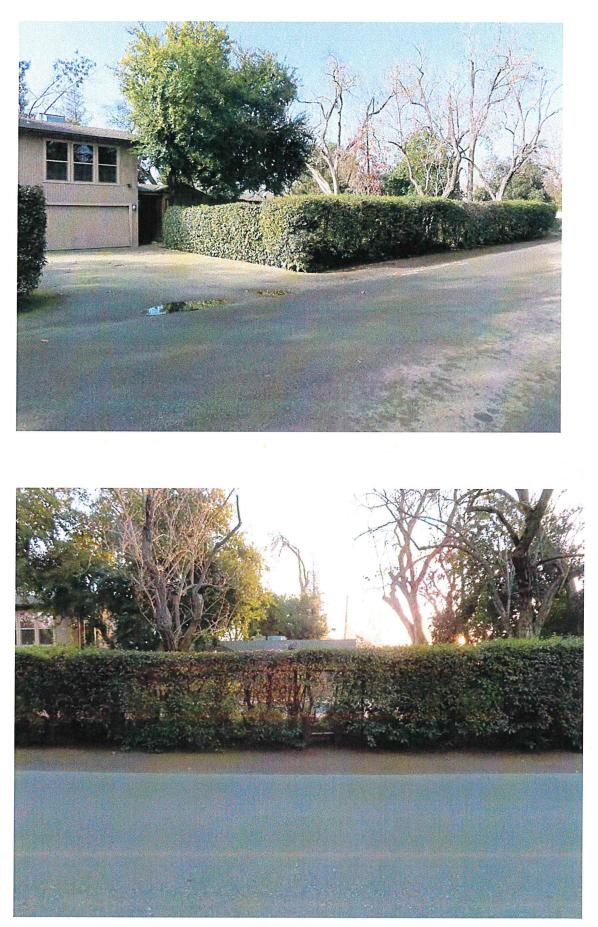
Ramentas Residence - 4866 N. Arcade Ave

EXHIBIT 7 PAGE 7

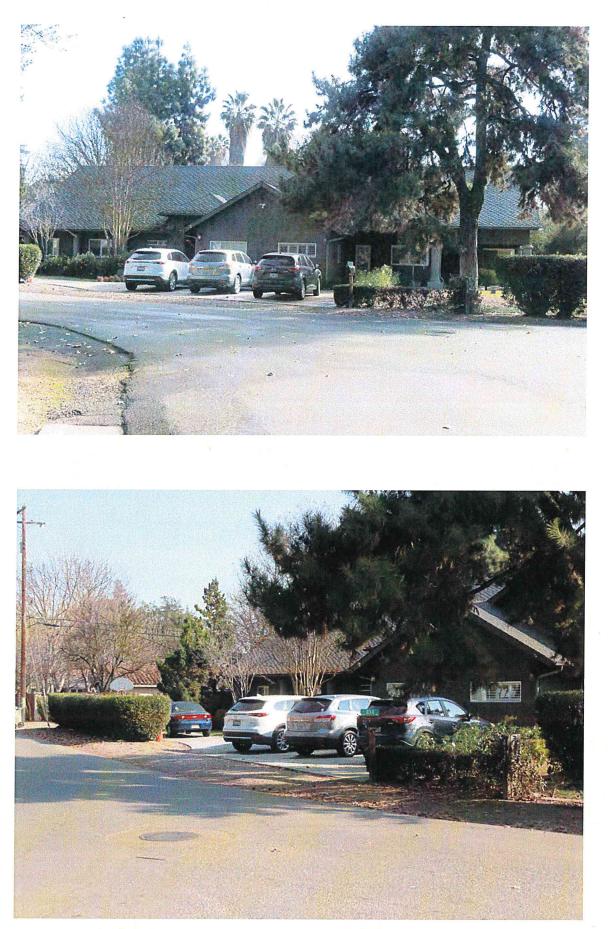


**1. 4872 N Arcade** - immediate neighbor to the north. - carport within approximately 18' of the front property line.

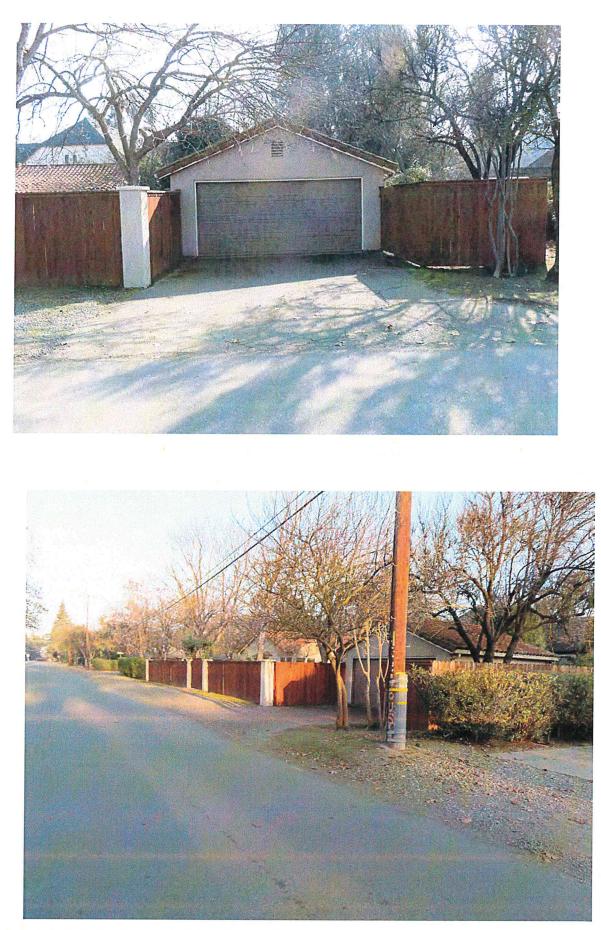
EXHIBIT 7 PAGE 8



**2. 4867 N Arcade** - Directly across the street: swimming pool within 19' of the front property line.

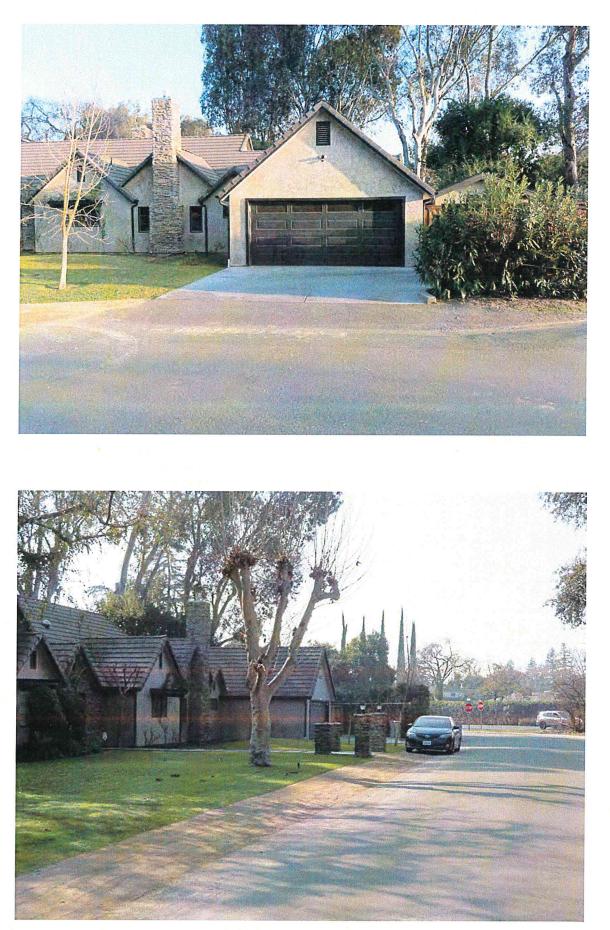


**3. 414 E Fairmont** (two houses away at intersection with Arcade) – residence within approximately 20' of the front property line.



**4. 4855 N Sunset** (1 block away) Corner lot, garage within approximately 18' of side property line.

EXHIBIT 7 PAGE 11



**5. 4720 N Arcade** (two blocks away), Garage within approximately 18' of the front property line. EXHIBIT 7 PAGE 12



**6. 4915 N Wishon Ct** (3 blocks away) Corner lot, garage within approximately 15' of side property line.

From: MAUREEN ABERCROMBIE <<u>maureen\_abercrombie@comcast.net</u>> Sent: Saturday, April 3, 2021 10:36 PM To: Planning Commission Comments <<u>PlanningCommissionComments@fresnocountyca.gov</u>> Subject: variance application no. 4102

#### CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Planning Commission Date: April 8, 2021 Item Number: 5 Comments: As residents of Old Fig Garden for about 25 years now, we are concerned about encroaching into the front yard setback and the precedent it may set for future requests. We enjoy the openness and generous visibility the large setbacks provide and are concerned this encroachment into the front setback may diminish this aspect for the neighborhood.

Sincerely, Maureen and Jeff Abercrombie