

CITY OF FRESNO  
DEVELOPMENT DEPARTMENT

Policies & Procedures

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SITE PLAN REVIEW APPLICATIONS

ISSUE NO. 1

**TITLE:** SUBMITTAL AND PROCESSING FOR REAR YARD ENCROACHMENTS

**ESTABLISHED:** JANUARY 9, 1996

**STATEMENT:**

In order to better serve our customers, we have reviewed and modified the procedures for processing site plan review applications for a rear yard encroachment. The purpose of these changes is to promote consistency in determining the requirements and guidelines for the acceptance and processing of these applications. The most significant change is the establishment of two levels of review one of which provides a 24-hour processing timeline.

**REFERENCES:**

Fresno Municipal Code;

Section 12-306-E-4 states that rear yards on single lots and in unit planned developments may be less than the required setback, provided that a site plan is submitted in accordance with the provisions of Section 12-406 (Special Permits; Procedure). However, in no case shall the rear yard encroachment be less than the required side yard for the zone district where the site is located.

In addition, the Director shall first find that the granting of the reduction will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located and will not be in contradiction of the objectives of this zoning ordinance.

Space equal to the reduction shall be provided elsewhere on the lot, exclusive of any required yard area. Any designated replacement area shall have minimum dimensions of eight feet by eight feet, and shall be situated so as to be accessible and useable and by the occupant of the premises.

Development Department Policy;

A policy has been established by the Department that if the proposal is a two-story building, or a one-story building encroaching closer than ten (10) feet from the rear property line, the applicant must submit a letter signed by the owner(s) of the property(ies) abutting the rear property line acknowledging the project and that they have no objections.

**PROCEDURES:**

A Site Plan Review application for a rear yard encroachment may be accepted and processed for one single family lot, one multi-family project, or as approved by the Director.

A. SUBMITTAL

Each request for a rear yard encroachment shall be accompanied by:

1. A correct and complete application signed by the property owner(s) or an authorized representative.
2. Three copies of "Exhibit A", a site plan drawn to scale and fully dimensioned (see application form) illustrating the location of all buildings/structures on the subject property, the proposed encroachment into the required rear yard, and the designated replacement area.

3. Three copies of "Exhibit B" showing building elevation drawings of all sides of the existing and proposed building that encroaches into the required rear yard.
4. If the encroachment is a two-story building, or a one-story building less than ten (10) feet from the rear property line, the applicant must submit a letter signed by the owner(s) of the property(ies) abutting the rear property line of the subject property acknowledging the project and stating that they have no objections.

B. ACCEPTANCE

The Planner receiving the application will review the project and determine the appropriate procedural category and related processing fees as follows:

**Case I.** If the encroachment involves single story construction and is ten (10) or more feet from the rear property line, the application shall be processed by the Planner who accepts the application at the counter. Final approval shall be accomplished within 24-hours by the Senior Planner or designee.  
Current Fee: \$110.00. (Eligible for Inner City fees.)

-OR-

**Case II.** All other applications will require that the accepted application be referred to the Site Planning Section for assignment to an analyst. It is expected that this procedure will take no more than fourteen (14) working days.  
Current Fee: \$580.00. (Eligible for Inner City fees.)

Once this determination has been made, the Planner shall log the application into the manual log and the HTE System. Upon completing the logging procedures, the Planner will either

process the application, or forward to clerical Staff to prepare the file.

C. PROCESSING

Upon assignment, the following shall be accomplished.

**Case I.** The counter Planner shall consult with a Senior Planner or designee, to review and complete the processing of the request within 24-hours. All exhibits shall be stamped with the "Exhibit" and "Address" stamps. Set 1 is stamped as "FILE COPY", and Set 2 is stamped as "APPLICANT'S COPY". The third copy is kept in reserve.

In the evaluation of the application, the analyst will:

- a) Prepare a vicinity (APN) map highlighting the subject site in red.
- b) Verify the dimensions of the subject parcel.
- c) Verify the required front and side setbacks as appropriate.
- d) Verify the required and proposed rear yard setbacks.
- e) Check Tract Maps for Building Setback Lines ("BSL").
- f) Verify the area of the encroachment.
- g) Verify the dimensions, size and location of the proposed replacement area.

- h) Review and comment, if appropriate, on the building height.
- i) Review and comment, if appropriate, on the lot coverage.
- j) Sign and date the approval on the "Exhibit" stamp on both sets of exhibits.
- k) Prepare Final Action Letter (approval/denial) to be signed by Senior Planner or designee (yourself).
- l) Notify applicant by telephone of the final action.
- m) Package together, a copy of the Final Action Letter, the application form, Set 1 of the stamped and approved exhibits, and any other documentation submitted by the applicant, and give it to the clerical Staff to prepare the file folder.
- n) Place a packet, consisting of the original Final Action Letter, Set 2 of the Exhibits and any other applicable documentation, in the will-call drawer to be picked up, or mail to applicant, per applicants direction.
- o) Route a copy of the Final Action Letter to the Job Address File.

When the application file folder is created, it is routed to the Planning Manager for control and monitoring purposes. When the file folder is returned to you for final disposition, take the following steps to close-out the application.

- o) Note the completion date on, and file, the rolodex card.
- p) Finish entering all information onto the HTE System.
- q) Prepare and route the entitlement record sheet to the timelines Monitor (Stan Dilbeck).
- r) Make sure that all documents are "nailed down" in the application file folder, and place in the close-out file cabinet.

**Case II.** All other applications that do not meet the criteria for Case I, must be routed to the Site Planning Section to be assigned to an analyst.

In the evaluation of the application, the analyst will:

- a) Prepare a vicinity (APN) map highlighting the subject site in red.
- b) Verify the dimensions of the subject parcel.
- c) Verify the required front and side setbacks as appropriate.
- d) Verify the required and proposed rear yard setbacks.
- e) Check Tract Maps for Building Setback Lines ("BSL").
- f) Verify the area of the encroachment.
- g) Verify the dimensions, size and location of the proposed replacement

area.

- h) Review and comment, if appropriate, on the building elevations (height).
- i) Review and comment, if appropriate, on the lot coverage.
- j) Prepare Final Action Letter (approval/denial) for Director signature.
- k) Forward your results to the Senior Planner/Development manager/Director for approval/denial.
- l) When the File is returned to you, notify the applicant by telephone of the final action taken on the application.
- m) If denied, mail the Final Action Letter to the applicant.
- n) If approved, sign and date the approval on the "Exhibit" stamp on both sets of exhibits.
- o) Place a packet, consisting of the original Final Action Letter, Set 2 of the Exhibits and any other applicable documentation, in will- call drawer to be picked up, or mail to applicant, per applicants direction.
- p) Route copy of Final Action Letter to the Job Address File.
- q) Note the completion date on, and file, the Rolodex card file.
- r) Finish entering all information into the HTE System.

- s) Prepare and route the entitlement record sheet to the timelines Monitor (Stan Dilbeck.)
  
- t) "Nail down" a copy of the Final Action Letter and Set 1 of the stamped and approved exhibits, and any other documentation submitted by the applicant, into the application file folder, and route to Records Section for filing.

FINIS

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2600 Fresno Street Third floor  
Fresno, California 93721-3604  
(559) 621-8003 FAX (559) 488-1020

Planning and Development Department

Nick P. Yovino  
Director

December 12, 2001

*Please Reply to:*

David Stiglich  
(559) 621-8277

Brian Conway

SUBJECT: SITE PLAN REVIEW NO. S-\_\_\_-\_\_\_\_\_ REAR YARD ENCROACHMENT FOR  
(location/site address)\_\_\_\_\_

The above application has been reviewed under the provisions of the Zoning Ordinance. Approval has been granted, subject to compliance with any corrections or notations on Exhibit(s) A (and B). As noted on Exhibit "A", provide a replacement space of \_\_\_\_\_ square feet is provided.

Upon application for a building permit, please present a this letter and Exhibit(s) A (and B) to the Development Department's Public Counter Staff as evidence of completing the site plan review process. In addition, please provide two copies of an 8 1/2 x 11-inch plot plan of the project as required by the Building and Safety Division's Building Section.

In the event you wish to appeal the Director's decision, you may do so by filing with the Director a

written appeal. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the appellant believes the decision or action appealed should not be upheld. Appeals must be filed within fifteen (15) days of the date of this letter.

If you have any questions, please do not hesitate to contact me at the telephone number listed above.

Sincerely,

PLANNING DIVISION

Rayburn R. Beach, Jr.

Senior Planner

Enclosure(s): Exhibit(s) A (and B)

c: Property Owner (if application is by agent)

Job Address File

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STATEMENT: History of Changes

Date of Revision	Changes To	Comment
07/19/96	Page 2: Item B:	change of fees, effective July 8, 1996.
09/16/96	Page 2: Item A.2.	delete requirement for a grant deed.
	Item B: Case I:	Planner on " <i>duty</i> " will assume responsibility for processing.
	Page 3: Item B: Case II:	language clarification on "logging"
	Item C: Case I:	language and process clarification
	Page 4: Item C: Case I:	language and process clarification

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11/18/97            Page 2: Item B: change of fees, effective September 1, 1997.

Pages 2 - 5:        Reduce number of exhibits from three to two. Only letter to JAF.