



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 October 12, 2023

**SUBJECT:** Variance Application No. 4148

Allow the creation of two substandard sized legal parcels, a 5.18 acre, and a 4.49-acre parcel from an existing 9.67-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project is located on the northwest corner of the intersection of W. Jensen Ave. and S. Blythe Ave, approximately 1.5 miles west-southwest of the nearest city limits of the City of Fresno (APN: 327-110-62, 61) (1723 & 1769 S. Blythe Ave.) (Sup. Dist. 1).

**OWNER/  
APPLICANT:** Audrey Oliver

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

David Randall, Senior Planner  
(559) 600-4052

**RECOMMENDATION:**

- Deny VA No. 4148; 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. Applicant's Variance Findings
8. Letters of Support

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20	No change
Parcel Size	9.67 acres comprised of two assessors' parcel numbers:  APN: 327-110-62: 7.61 acres  APN: 327-110-61: 2.06 acres (Tax Parcel- not a legal parcel)	Creation of two legal parcels:  Parcel A: 5.18-acres  Parcel B: 4.49-acres
Project Site	See above.	See above.
Structural Improvements	327-110-62: Single-Family dwelling  327-110-61: Single-Family dwelling	Proposed parcel A: Single Family dwelling.  Proposed parcel B: Single-Family dwelling and accessory structures.
Nearest Residence	327-110-62: 142 feet east  327-110-61: 135 feet east	Proposed parcel A: 142 feet east.  Proposed parcel B: 135 feet east.
Surrounding Development	Agricultural/Low density 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 Article 5: Review for Exemption, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: The activity is covered by the common-sense exemption that CEQA applies only to project which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 25 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PUBLIC COMMENT:**

No public comment was received in response to the notice of public hearing, however, the applicant provided letters of support from surrounding property owners, which have been included as Exhibit 8.

**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. If approved a separate mapping procedure to legally create the two proposed lots would be required.

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 9.67-acres in size and is comprised of two assessor's parcels. One is a 2.01-acre tax parcel, which was created by Tentative Parcel Map Waiver No. 7245 in order to finance the construction of a second residence; the other assessor's parcel designates the remaining 7.61-acres. Both assessor's parcels are developed with single family dwellings. The purpose of this variance request is to allow the creation of two separate parcels, 5.18-acres and 4.49-acres, as depicted in Exhibit 6.

According to available records there have been three other approved variances pertaining to the creation or legalization of substandard sized lots within one 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 president 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 2914:</b> Recognize two existing 4.98-acre parcels in the AE-20 Zone District.	5/9/1985	Approval	Planning Commission Approved

Application/Request	Date of Action	Staff Recommendation	Final Action
<b>VA 3133:</b> Allow the creation of two 2.3-acre parcels with reduced road frontage in the AE-20 Zone District.	2/4/1988	Denial	Planning Commission Approved
<b>VA 3159:</b> Allow the creation of a 2.4-acre and a 7.6-acre parcel with reduced road frontage in the AE-20 Zone District.	9/8/1988	Denial	Planning Commission Approved

**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.**

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	AE-20 Front: 35 feet Side: 20 feet Rear: 20 feet	Parcel A Front (east): 223 feet Side (north): 102 feet Side: (south): 214 feet Rear (west): 379 feet  Parcel B Front (east): 109 feet Side (north): 45 feet Side: (south): 179 feet Rear (west): 485 feet	<b>Yes</b>  <b>Yes</b>
Parking	As per Zoning Ordinance Section 855.I	No change	Yes
Lot Coverage	No requirements	No change	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

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
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:**

No 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 existence of the 2.06-acre tax parcel identified as APN 327-110-61, and the existence of two separate residences with separate water wells and septic systems creates an exceptional circumstance on the property. Additionally, the Findings state that the desire is to convey the proposed northern parcel to a family member.

The existence of two assessor’s parcels with separate improvements does not create an exceptional circumstance or condition on the property; any parcel in the zone district can be developed in this manner. While the applicants personal desire to convey the property to a family member is understandable, that is not an exceptional circumstance applicable to the property, it is a personal circumstance and granting the Variance may be construed as a grant of special privilege for personal reasons which is prohibited by State statutes.

**Recommended Conditions of Approval:**

None

**Finding 1 Conclusion:**

Finding 1 cannot be made as no exceptional or extraordinary circumstance or conditions, unique to the subject parcel were identified, 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 there are other parcels in the vicinity that are also substandard in size, a property right exists that would be unrealized if the proposed subdivision were not allowed.

The existence of other parcels in the vicinity of the project site that were created by previous standards than are not now in place, does not create a property right for other parcels in the area with the same zoning to develop at the old standards. All property owners with the same zoning only enjoy the rights for development as allowed by the Zoning Ordinance or as perfected when the parcel was created as a separate legal parcel (not a tax Parcel).

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 a home on the site. Staff was unable to identify any situation that would constrain the property and create a deficit of a substantial property right enjoyed by other owners in the vicinity, under the same zoning.

A property right is: The ability to utilize the property for the uses allowed by the zoning. The term “substantial” denotes that you have a right to the allowed uses but not to any extent. E.g., if you have a narrow 60-foot-wide lot, a required 20-foot side yard setback may inhibit you such that you may not be able to fit a three car garage where you want it to occur, you may have to downsize or reorient the structures

**Recommended Conditions of Approval:**

*See Conditions attached as Exhibit 1.*

**Finding 2 Conclusion:**

Finding 2 cannot be made as staff was unable to identify a substantial property right, enjoyed by other owners in the vicinity under the same zoning, but denied the property owner by virtue of the application of the development standards of the County Zoning Ordinance.

**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	17.03 acres	Orchard	AE-20	N/A
	2.32 acres	Single-Family Residential		460 feet
South	1.01 acre	Vacant	AE-20	N/A
	16.65 acres	Field crops/Single Family Residential		180 feet
East	3.62 acres	Single Family Residential	AE-20	110 feet
	3.63 acres	Single Family Residential		

	<b>Size:</b>	<b>Use:</b>	<b>Zoning:</b>	<b>Nearest Residence:</b>
	11.91 acres	Industrial/Commercial Professional		
West	8.43 acres	Vacant	AE-20	60 feet

		<b>Existing Conditions</b>	<b>Proposed Operation</b>
Private Road	No	N/A	No change
Public Road Frontage	Yes	W. Jensen: 60-foot right-of-way S. Blythe: 60-foot right-of-way	No change No change
Direct Access to Public Road	Yes	W. Jensen  S. Blythe	Vehicular access to Jensen Avenue shall be relinquished as part of the mapping process, and shown on the map.  Vehicular access for the proposed parcels shall be taken exclusively from S. Blythe Avenue.
Road ADT		W. Jensen: 4,400 VPD S. Blythe: 100 VPD	No change
Road Classification		W. Jensen: Arterial road S. Blythe: Local road	No change
Road Improvements Required		None	A 30-foot by 30-foot corner cutoff area at the northwest corner of the intersection of S. Blythe Avenue and W. Jensen Avenue shall be improved, and dedicated to the County as part of the mapping process, and shown on the map.

**Reviewing Agency/Department Comments:**

Road Maintenance and Operations Division: Blythe Ave. is classified as a Local Road in the General Plan, with a required right-of-way of 60 feet. Jensen Avenue is classified as an Arterial in the general plan, with a required right-of-way of 106 feet, and a current right-of-way width of 60 feet. No additional right-of-way is needed.

**Finding 3 Analysis:**

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

**Recommended Conditions of Approval:**

A 30 foot by 30 foot corner cutoff shall be dedicated to the County at the northwest corner of the intersection of S. Blythe Ave. and W. Jensen Ave.

Jensen Avenue is classified as an arterial; as such, all frontage access to Jensen Ave. must be relinquished. Direct access shall be limited to the proposed parcels through S. Blythe Ave.

**Finding 3 Conclusion:**

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

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>General Plan Policy LU-A.6:</b>  <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</i></p>	<p>The Applicant is requesting a reduction from the 20-acre minimum parcel size for creation of two substandard size parcels.</p> <p>Policies LU-A.9, LU-A.10, and LU-A.11 are not applicable to this Variance request</p>
<p><b>General Plan Policy LU-A.7:</b>  <i>County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an</i></p>	<p>The proposed parcel division does not conflict with Policy LU-A.7. for the following reasons:</p> <p>The proposed creation of the 5.18-acre parcel and 4.49-acre parcel could potentially exacerbate the residential density impact of the existing substandard parcel, which is improved with two single family dwellings, by allowing second residence opportunities for both of the resultant parcels.</p>



<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<i>exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</i>	
<p><b>General Plan Policy LU-A.15:</b>  <i>The County shall generally condition discretionary permits for residential development within or adjacent to agricultural areas upon the recording of a Right-to-Farm Notice, which is an acknowledgment that residents in the area should be prepared to accept that inconveniences and discomfort associated with normal farming activities and that an established agricultural operation shall not be considered a nuisance due to the changes in the surrounding area.</i></p>	<p>The applicant will be required as a Condition of project approval, to record a Right-to-farm Notice with the County, prior to approval of the required mapping procedure.</p>
<p><b>General Plan Policy PF-C.17:</b>  <i>The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</i></p>	<p>This proposal was reviewed by the Water and Natural Resources Division, which determined that the proposed parcel division would not have a significant impact on the existing water supply in the area and added that the subject property is not located in an area of the County identified as being water short.</p>

**Reviewing Agency Comments:**

Policy Planning Unit, Department of Public Works and Planning: Although the subject parcel is already substandard in size, the Variance proposes to allow the further subdivision into smaller non-viable agricultural units that will likely be used as residential parcels in an area designated for intensive agriculture. Allowing such non-agricultural uses may result in conflict between residential and agricultural uses by imposing defacto restrictions on certain agricultural uses such as application of pesticides.

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 surprisingly acknowledges that the proposed “variance is not consistent with the County’s General Plan” and presents five neighborhood support letters and asserts that there does not appear to be significant farming operations within one-mile, and that 48.6% percent of the parcels within one mile are five-acres or less in size, which is similar to the parcel sizing being sought by this variance. The Findings also assert that the granting of the variance would not affect the existing zoning in the vicinity as the parcel has two separate residences and addresses.

Staff acknowledges several other parcels in the vicinity appear to be exclusively residential, and substandard in size, this fact alone does not indicate that these residential uses are characteristic of the predominate land use pattern in the area. To the contrary, it is apparent that agricultural uses, mostly orchards and field crops are the predominate use in the immediate vicinity.

The subject parcel at 9.67-acres is already substandard in size and developed with two single family dwellings. While the subject parcel does not appear to currently be engaged in agriculture, the further division of the property would make it possible for two more residences to be added and more likely that both of the proposed parcels would be dedicated exclusively to residential uses. Such residential uses have the potential to conflict with agricultural uses by increasing density and placing residential uses in close proximity to the application of pesticides, herbicides and other agricultural chemicals.

**Recommended Conditions of Approval:**

*None*

**Finding 4 Conclusion:**

Finding 4 cannot be made as capitulated in the Applicants own statement of findings. The proposed “variance is not consistent with the County’s General Plan” as it would result in parcels below the minimum acreage designation in the Exclusive Agricultural Zone District, which is contrary to General Plan objectives which seek to maintain the integrity of the agricultural community by protecting farmland from the encroachment of non-agricultural uses, such as residential uses that are not in conjunction with agricultural uses on the property. It would create the opportunity for further intensification of residential uses in direct conflict with the agricultural zoning, land use designation, and intent of the Exclusive Agricultural zone district, which includes parcel size regulations.

**SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, Findings 1, 2 and 4 for granting the Variance Application cannot be made. The situation is not based on a unique physical circumstance of the property that constrains the use of the property any more than other parcels in the area with the same zoning. The applicants’ personal desires and support from some property owners does entitle them to a special privilege not enjoyed by other properties in the area with the same zoning. Therefore, it is recommended that Variance Application No. 4148 be denied.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine the required Findings number 1, 2, and 4 cannot be made based on the reasons stated in the staff report and move to deny Variance Application No. 4148; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Alternative Motion** (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 4148 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.

**Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

JS:JP

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EXHIBIT 1

**Variance Application (VA) No. 4148  
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Division of the subject parcels (parcel map) shall be in substantial compliance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	A 30-foot by 30-foot corner cut-off area shall be dedicated as part of the required mapping process.
3.	The subdivider shall relinquish direct vehicular access to Jensen Avenue, as part of the required mapping process, and such relinquishment shall be recorded on the final maps. Vehicular access for the proposed parcels shall be taken exclusively from Blythe Avenue.
4.	Prior to approval of the final parcel map, any structures located on the subject property for which there are no permit records must be permitted; removed or otherwise addressed through the Department of Public Works and Planning, Zoning and Permit Review Section. Removal (demolition) subject to permit and inspection.

Conditions of Approval reference recommended Conditions for the project.

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the three proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks 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.
4.	Any new development of less than two-acres or secondary dwelling may require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any new sewage disposal systems that are proposed, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.

EXHIBIT 1

**Notes**

5.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
6.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
7.	Any existing or proposed access driveway shall be set back a minimum of 10 feet from the property line.
8.	Any entrance gate shall be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.
9.	If the variance is approved, a parcel map application will have to be filed with Fresno County to affect the property division.

JS:JP  
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# LOCATION MAP



VA 4148

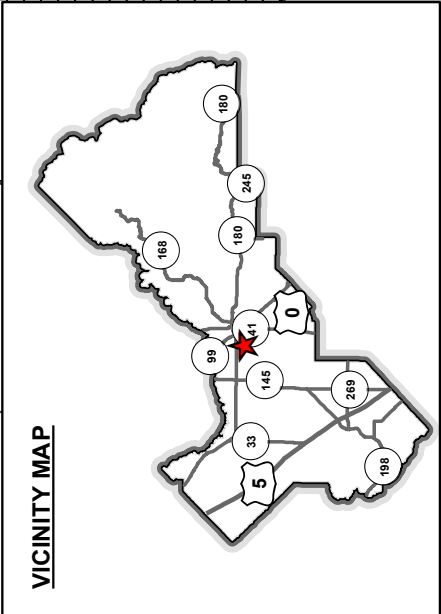
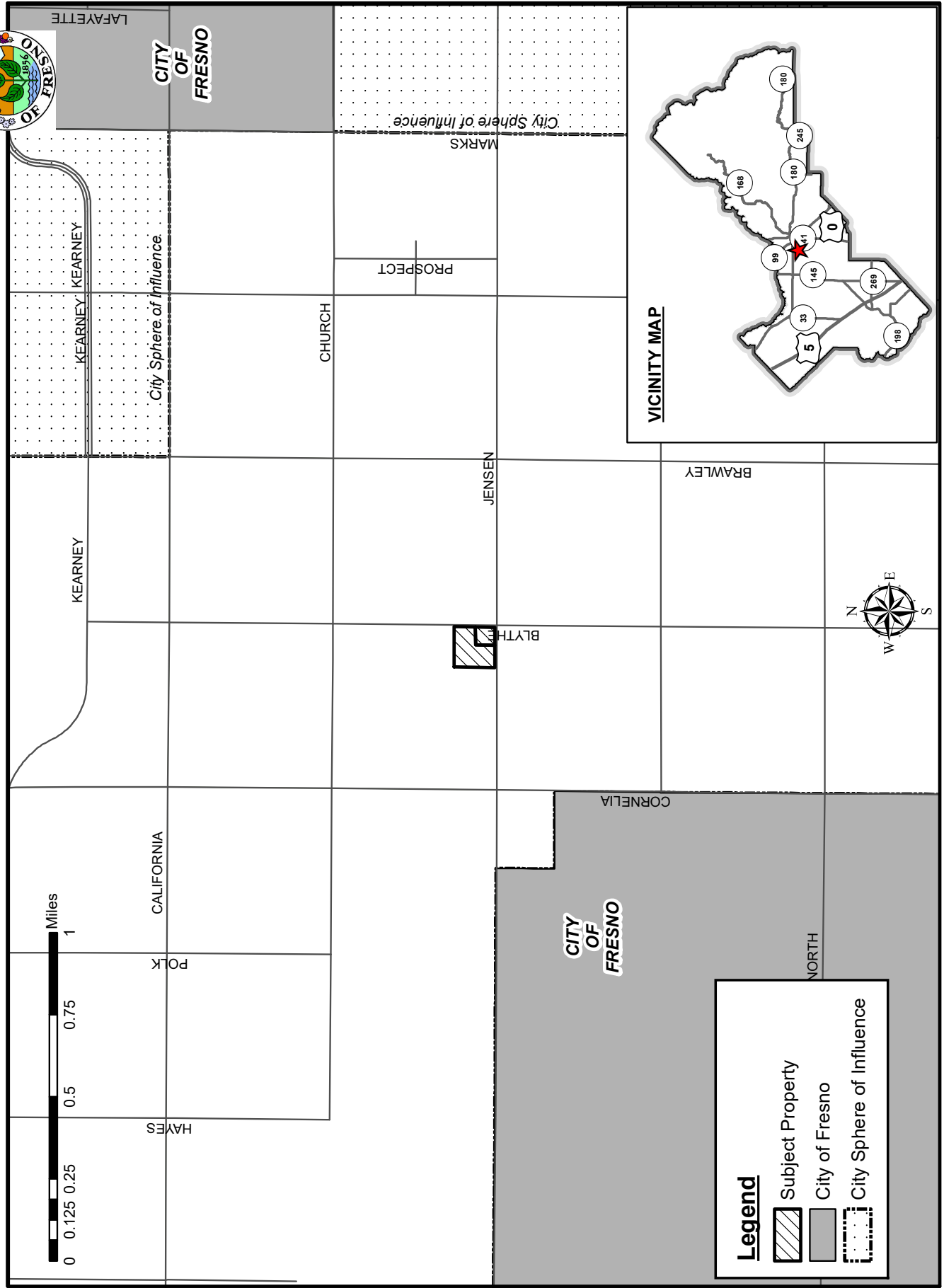
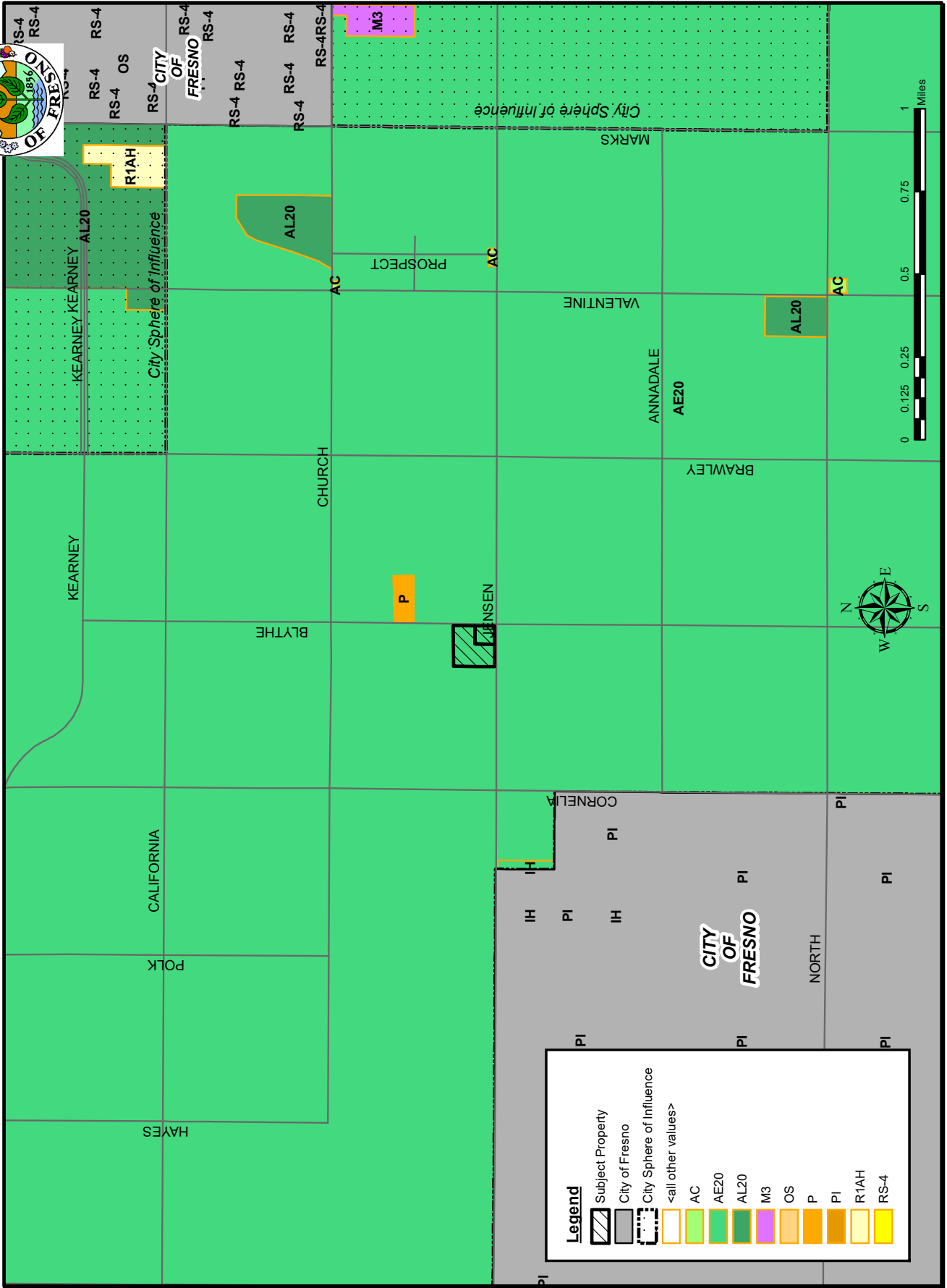


EXHIBIT 3

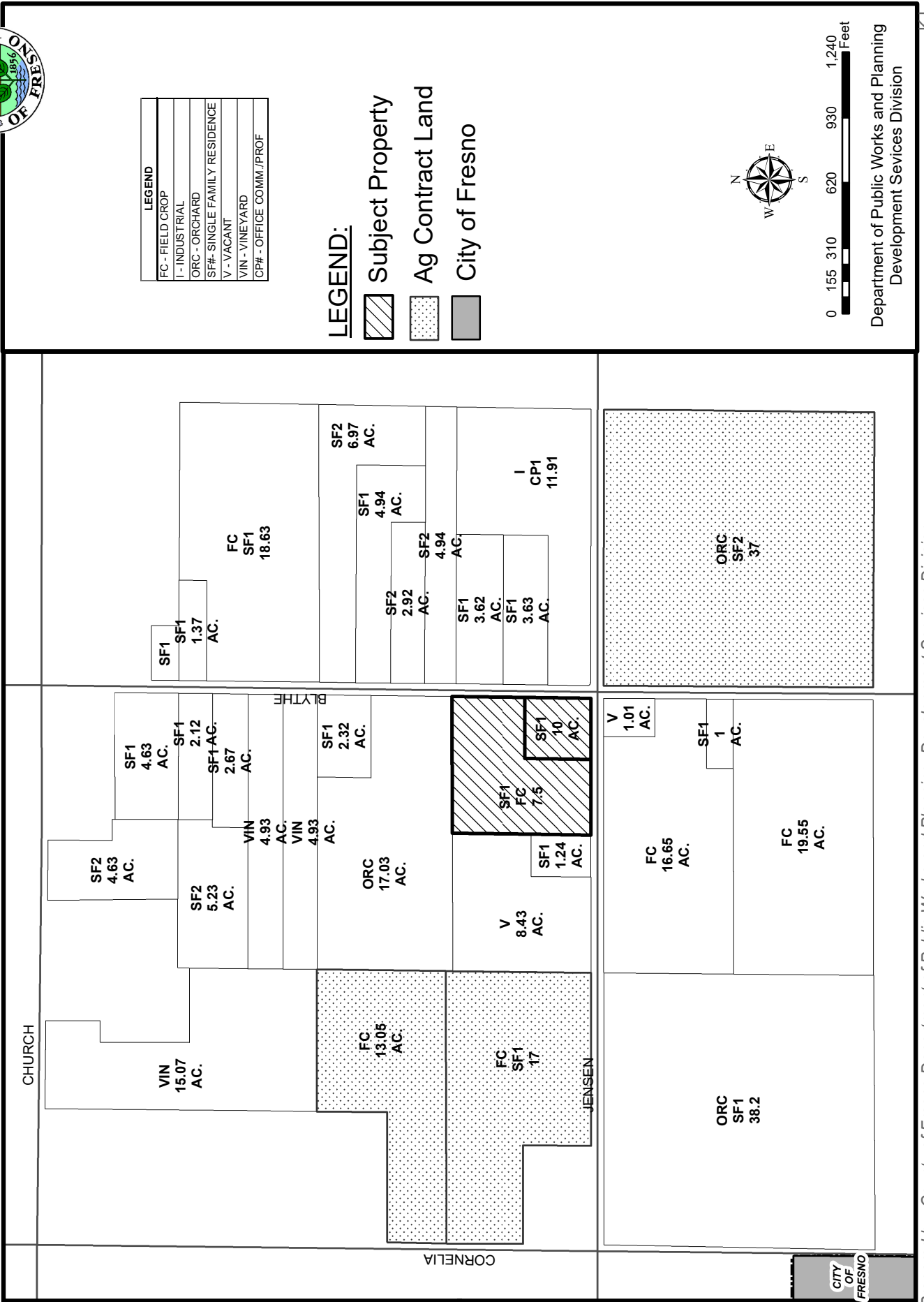
# EXISTING ZONING MAP

VA 4148  
STR 14- 14/19



# EXISTING LAND USE MAP

VA 4148

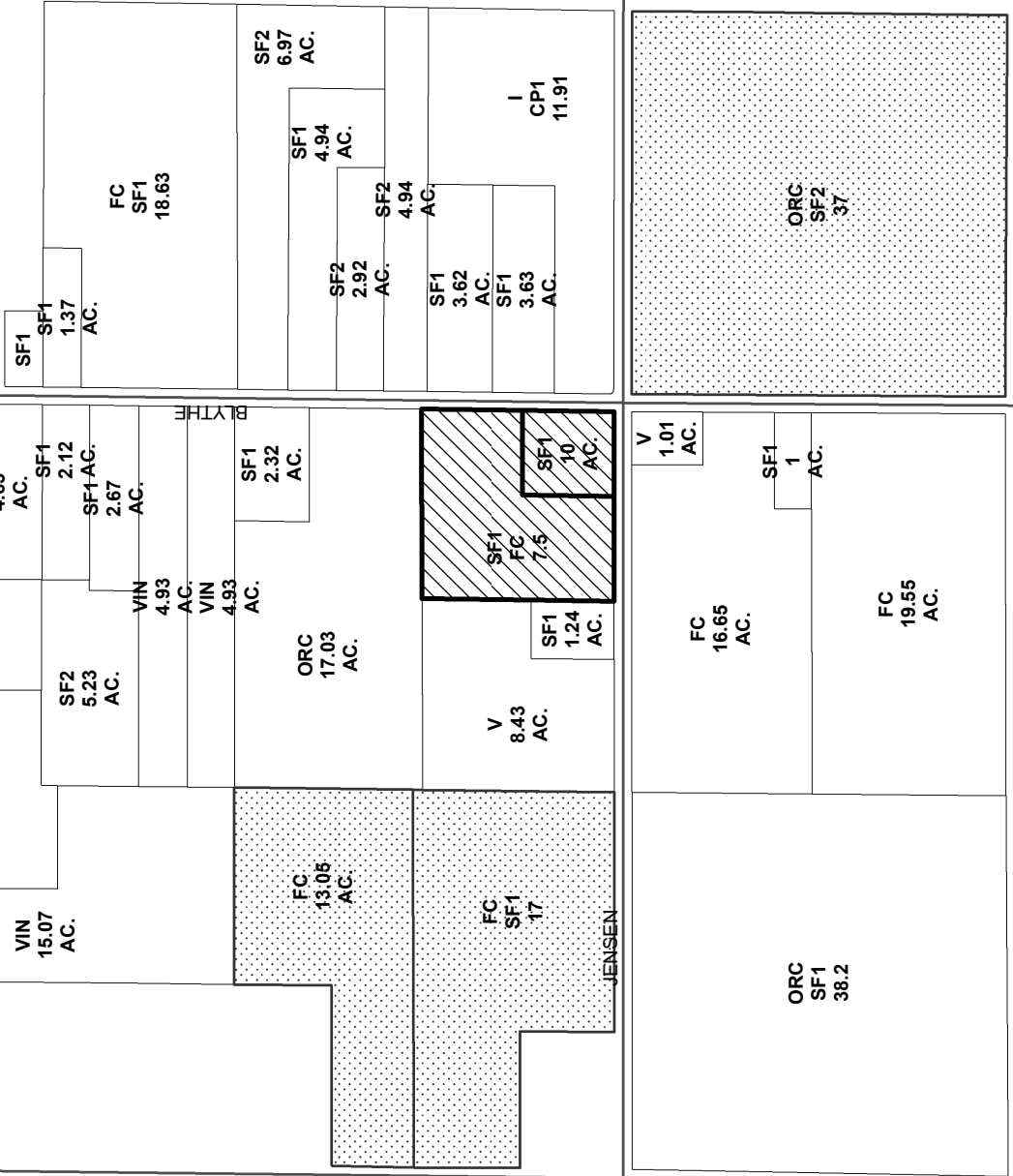


CHURCH

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CITY OF FRESNO

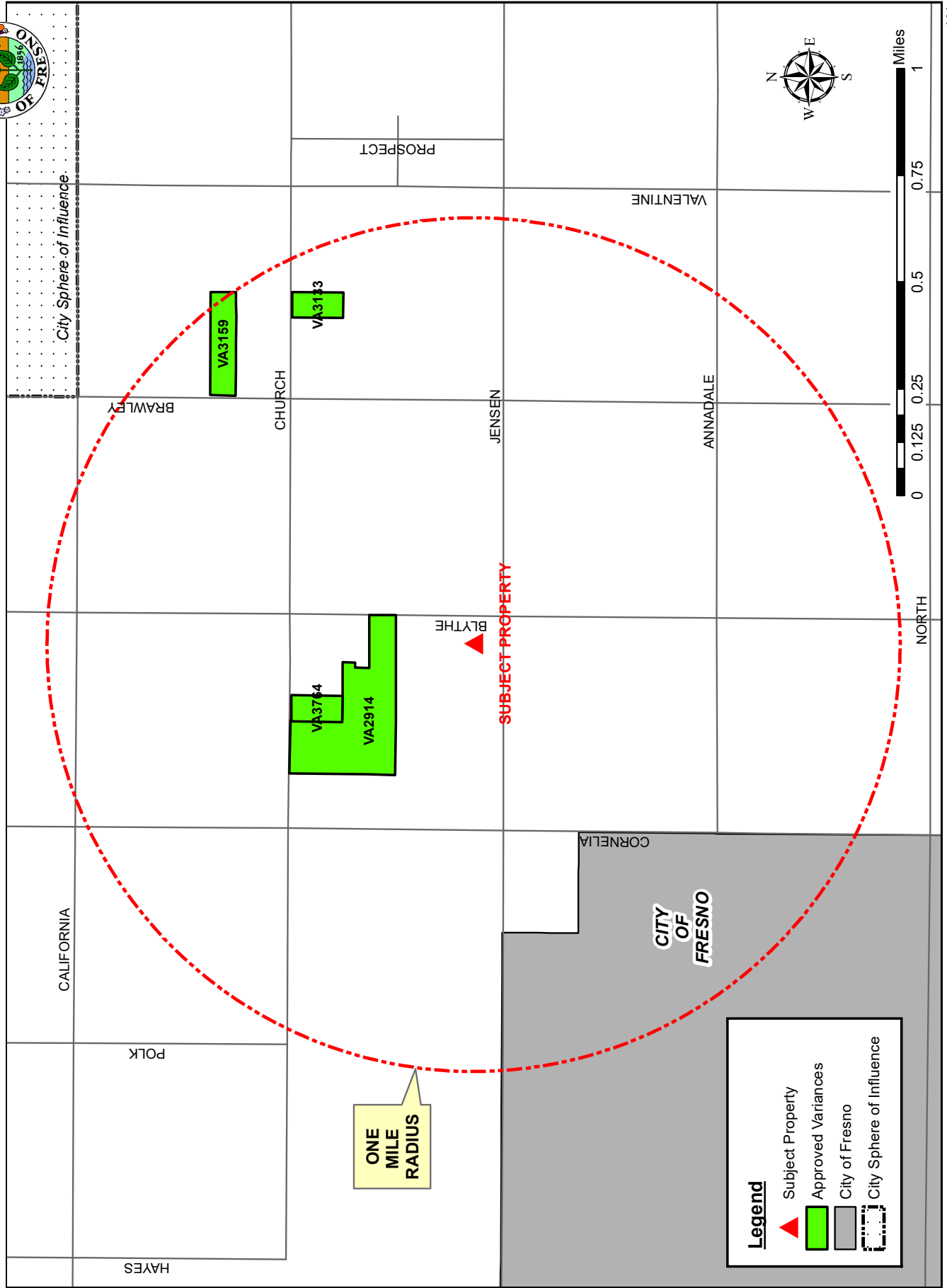




# APPROVED VARIANCES WITHIN A ONE MILE RADIUS

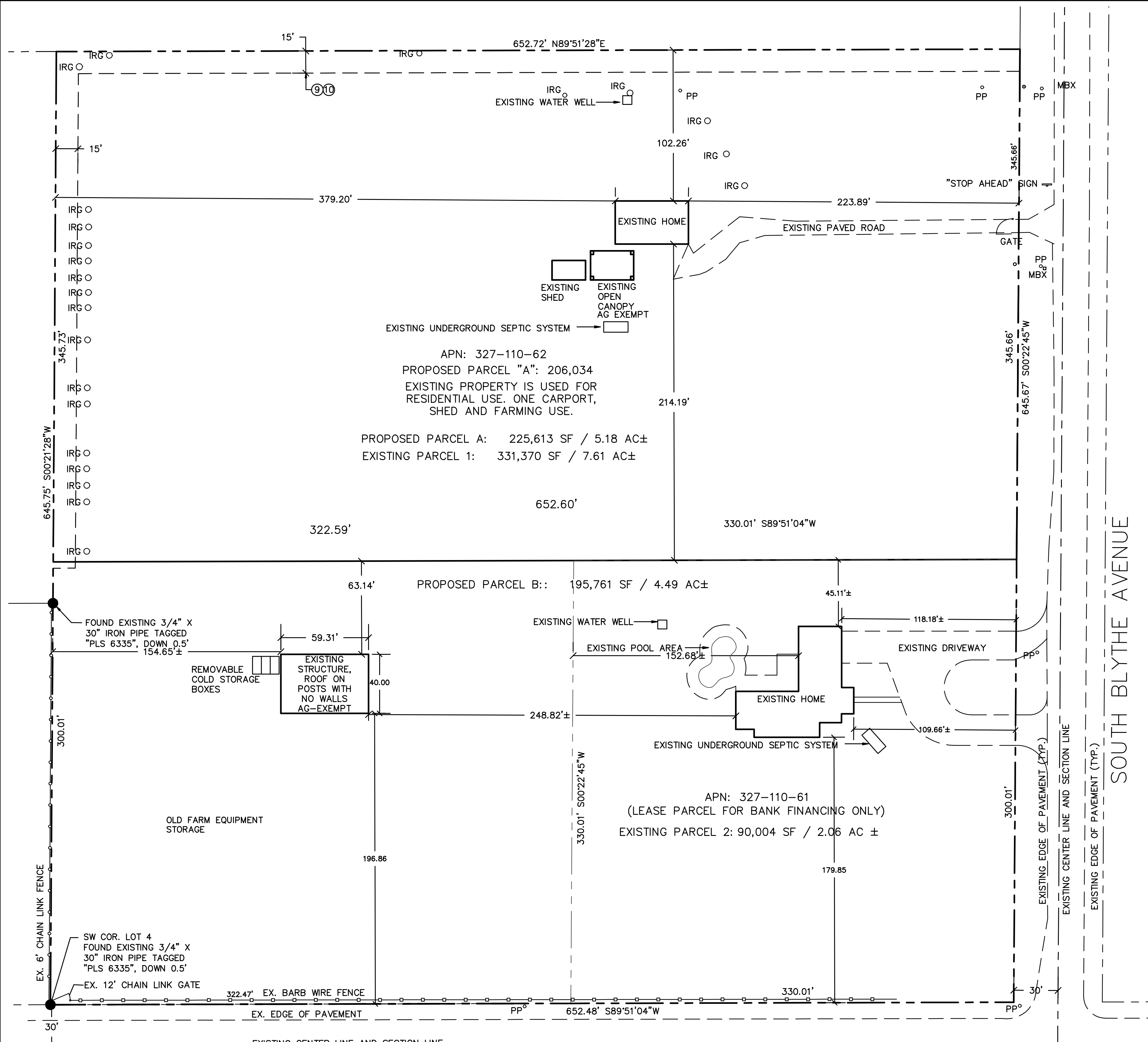
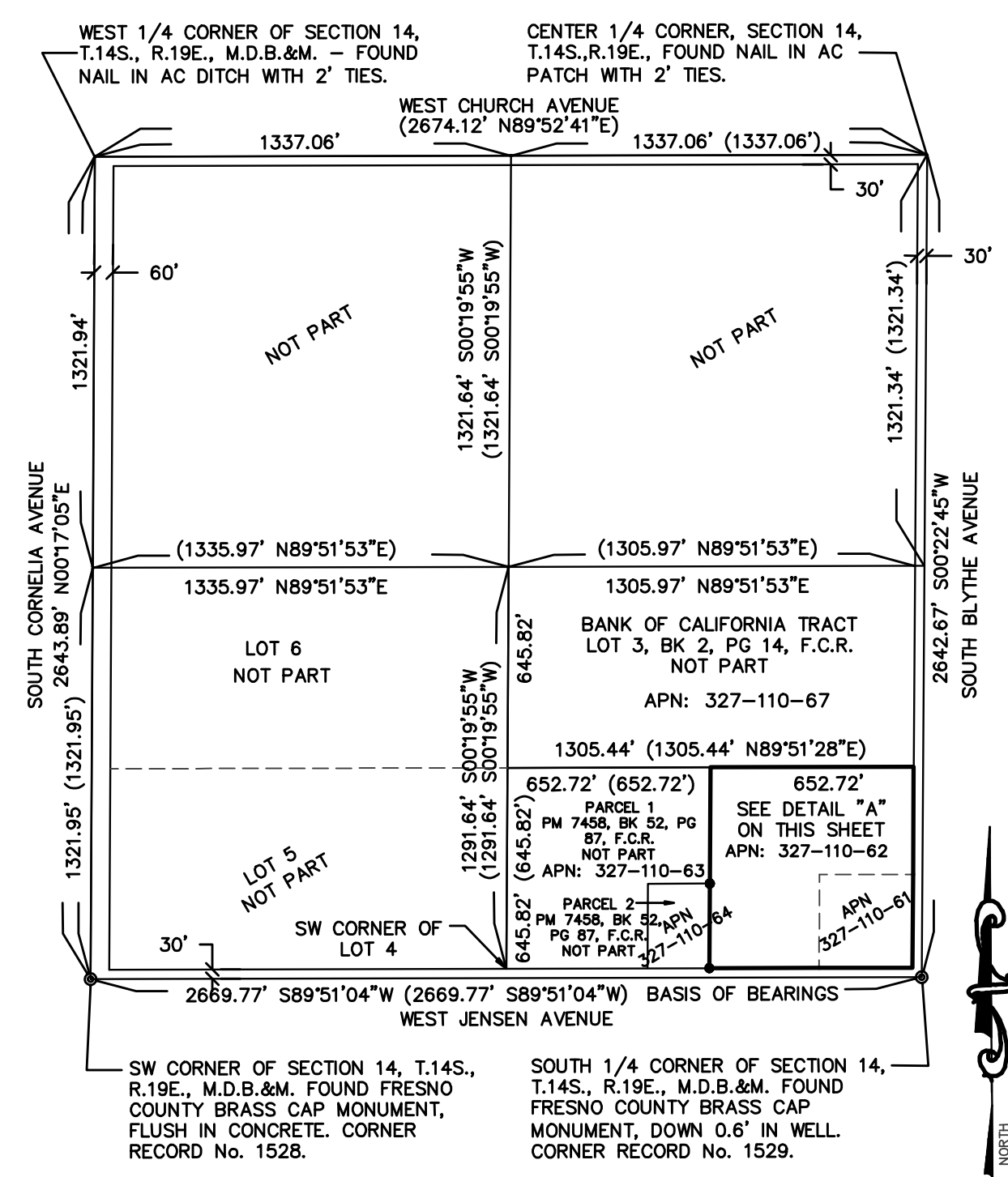
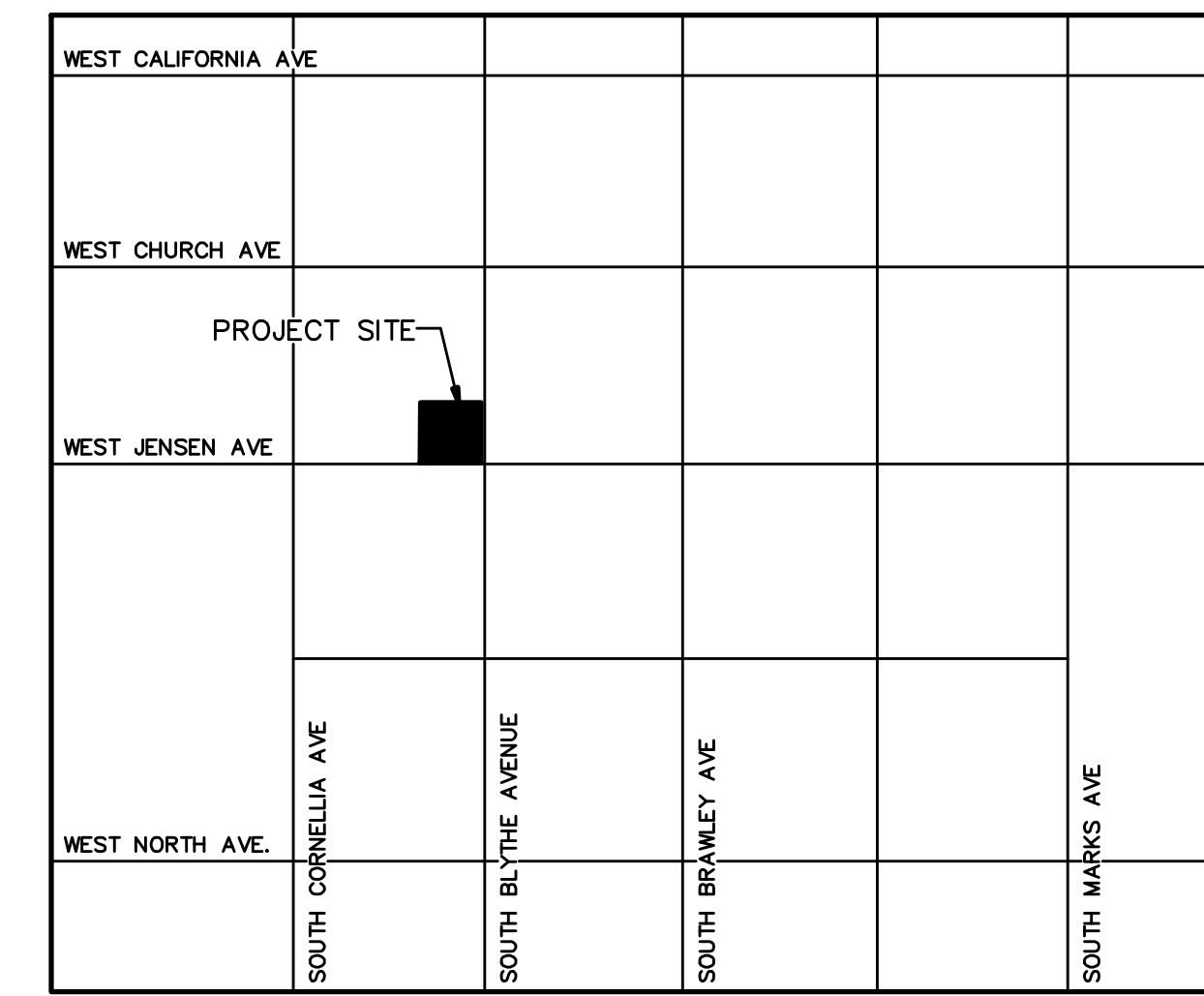


VA 4148



TENTATIVE PARCEL MAP NO. \_\_\_\_\_  
 COUNTY OF FRESNO,  
 STATE OF CALIFORNIA

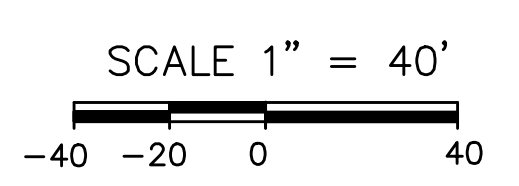
CONSISTING OF 1 SHEETS  
 SHEET 1 OF 1 SHEETS  
 SURVEYED BY: HARBISON INTERNATIONAL, INC.  
 JUNE 2022



LEGEND

- PROPOSED NEW PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT
- F.C.R. FRESNO COUNTY RECORDS
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- SF SQUARE FEET
- PP POWER POLE
- MBX MAIL BOX
- EP EDGE OF PAVEMENT
- EX EXISTING
- IRG IRRIGATION STAND PIPE
- FOUND EXISTING 3/4" X 30" IRON PIPE TAGGED "PLS 6335", DOWN 0.5'
- FOUND MONUMENT IN WELL AS DESCRIBED
- 123.45' S89°51'04"W MEASURED BEARING AND DISTANCE
- ( ) RECORD DATA PER PARCEL MAP 7458 RECORDED IN BOOK 52, PAGE 87 OF MAPS, FRESNO COUNTY RECORDS.

DETAIL "A"  
 SCALE: 1" = 40'



SOUTH BLYTHE AVENUE

EXISTING LEGAL DESCRIPTION

PARCEL 1:  
 THE EAST HALF OF THE SOUTH HALF OF THE FOLLOWING DESCRIBED PROPERTY:  
 LOTS 3 AND 4 IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP OF A PART OF BANK OF CALIFORNIA TRACT, RECORDED NOVEMBER 14, 1883, IN BOOK 2, PAGE 14 OF PLATS, FRESNO COUNTY RECORDS.  
 EXCEPTING THEREFROM THE SOUTH 330 FEET OF THE EAST 330 FEET, MEASURED FROM THE CENTERLINE OF S. BLYTHE AND W. JENSEN AVENUES, OF LOT 4.  
 APN: 327-110-61 & 62

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

- \*THE FOLLOWING ITEMS ARE NUMBERED PER OLD REPUBLIC TITLE COMPANY TITLE REPORT ORDER NO. 1411025878-GF DATED JUNE 29, 2002.
- 4. SAID LAND LIES WITHIN THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES, AS DISCLOSED BY INSTRUMENT:  
 ENTITLED: RESOLUTION NO. 1816 - THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
 BY: THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
 RECORDED: JULY 31, 1995 AS SERIES NUMBER 95092128  
 RETURNED TO ADDRESS: 5469 E. OLIVE AVENUE, FRESNO, CA 92727  
 NOT PLOTTABLE
- 5. ASSESSMENT NO. 6805 FOR FRESNO METROPOLITAN FLOOD CONTROL DISTRICT PAYABLE WITH THE REAL PROPERTY TAXES.  
 NOT PLOTTABLE
- 8. RIGHTS OF THE PUBLIC, COUNTY AND/OR CITY, IN AND TO THAT PORTION OF SAID LAND LYING WITHIN THE LINES OF WEST JENSEN AVENUE AND SOUTH BLYTHE AVENUE.  
 SEE THIS SHEET
- 9. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING  
 INSTRUMENT: EASEMENT  
 GRANTED TO: FRESNO IRRIGATION DISTRICT  
 FOR: RIGHT OF WAY FOR FULLER NO. 533 DITCH ACROSS SAID LAND  
 RECORDED: APRIL 13, 1951 IN BOOK 2865 OF OFFICIAL RECORDS, PAGE 45  
 AFFECTS: THIS AND OTHER LAND  
 SEE THIS SHEET - APPROXIMATE LOCATION AND R/W ONLY. EXACT R/W WIDTH NOT ASCERTAINABLE PER RECORD.
- 10. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING  
 INSTRUMENT: AGREEMENT  
 GRANTED TO: FRESNO IRRIGATION DISTRICT  
 FOR: IRRIGATION PIPELINE  
 RECORDED: APRIL 23, 1970 IN BOOK 5780 OF OFFICIAL RECORDS, PAGE 629  
 AFFECTS: THE NORTH 15 FEET OF THE EAST HALF OF LOT 4 AND THE WEST 15 FEET OF THE NORTH 350 FEET OF THE EAST HALF OF LOT 4  
 SEE THIS SHEET

FEMA FLOOD INFO

THIS PROPERTY IS LOCATED IN AND AREA DESIGNATED AS "ZONE X" - "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN." PER FEMA FLOOD RATE MAP 06019C2105H, PANEL 2105 OF 3525, WITH AN EFFECTIVE DATE OF FEBRUARY 18, 2009.

BASIS OF BEARINGS

THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 14S., R.19E., WAS TAKEN TO BE N89°51'04"W, AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 29 AT PAGE 46, FRESNO COUNTY RECORDS.

EXISTING PARCEL

EXISTING PARCEL 1 CONSISTS OF 1 HOUSE, A SHED NEXT TO THE HOUSE AND A FARM BUILDING WITH ROOF ON POSTS WITH NO WALLS. EXISTING WATER WELL AND SEPTIC SYSTEM AND PAVED DRIVEWAY.  
 PLEASE NOTE THAT A PORTION OF THE SITE IS BEING FARMED AND A PORTION OF THE SITE ADJACENT TO JENSEN IS BEING USED AS A STORAGE FACILITY FOR FARM EQUIPMENT AND MISC. ITEMS

PROPOSED PARCELS

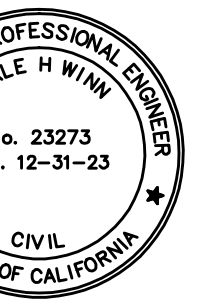
PARCEL "A": EXISTING HOUSE AND SHED NEXT TO THE HOUSE. EXISTING WATER WELL AND SEPTIC SYSTEM AND PAVED DRIVEWAY TO REMAIN  
 PARCEL "B": EXISTING HOUSE ALONG WITH EXISTING FARM BUILDING WITH ROOF ON POSTS AND NO WALLS TO REMAIN.  
 A PORTION OF THE SITE ADJACENT TO JENSEN IS BEING USED AS A STORAGE FACILITY FOR FARM EQUIPMENT AND MISC. ITEMS

PARCEL DATA

EXISTING PARCEL 1:	331,370 SF / 7.61 AC±
EXISTING PARCEL 2:	90,004 SF / 2.06 AC±
PROPOSED PARCEL "A":	225,613 SF / 5.18 AC±
PROPOSED PARCEL "B":	195,761 SF / 4.49 AC±
TOTAL	421,374 SF / 9.67 AC±

SITE ADDRESS

1723 S. BLYTHE AVE (E) PRE-58 SFR  
 1769 S. BLYTHE AVE  
 FRESNO, CA 93706



PREPARED BY:  
**HARBISON INTERNATIONAL INC.**  
 ENGINEERS-SURVEYORS-PLANNERS  
 2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710  
 PHONE: (559) 294-7485 FAX: (559) 294-7481

DR. BY: <b>JMM</b>	TENTATIVE TRACT MAP _____	SHEET <b>1</b>
CH. BY: <b>MAE</b>		
DATE: <b>2-8-23</b> <b>2-18-23</b> <b>4-11-23</b>		
CITY OF FRESNO, CA		of 1 SHEETS
1723 & 1769 S. BLYTHE AVE FRESNO, CA 93706		



# Harbison International Inc.

Engineers - Surveyors - Planners

STATEMENT OF VARIANCE FINDINGS FOR  
TPM TO SPLIT EXISTING PARCEL INTO TWO PARCELS

Revised August 28, 2023  
Jeremy Shaw, Planner  
Department of Public Works and Planning  
Development Services and Capital Project Division  
2220 Tulare St., 6<sup>th</sup> Fl.  
Fresno, CA 93721

RE: 1723 & 1769 South Blythe Avenue, Fresno, CA

Dear Jeremy,

Please find this letter as a request of variance on behalf of Mr. and Mrs. Oliver. The Olivers live at the existing home at 1769 S. Blythe and his sister used to live at the same property in the north at 1723 N. Blythe. Mr. Oliver built the second home at the corner of South Blythe Avenue and West Jensen Avenue, and at that time Mr. Oliver created a separate legal description which was approved by the County to allow for a bank loan on the new home.

The findings for the Variance is as follows:

**1. Exceptional or Extraordinary circumstance:**

Mr. Oliver left the army in 1967 after serving 2 years and moved to Fresno. He went to barber school and opened a barber shop (Mr. FRO's) in West Fresno. Mr. And Mrs. Oliver, (Pete and Audrey) purchased this land in 1987 and subsequently built their family home in 1989! The property came with a smaller home as well. It has been occupied by family members over the years! The Oliver's became row crop farmers in 1987, they have grown grapes, black eyed peas, and alfalfa since the purchase.

Pete & Audrey Oliver are contemplating retirement and experiencing some health issues.....farming is physically challenging. In fact, he is going to have a knee replacement in a couple weeks after a hip replacement nine years ago. He is hoping to subdivide the property so he can sell the 5.0 acres to his daughter. The daughter is a nurse and will be Mr. and Mrs. Oliver's caregiver. The fund from the sale of the property to his daughter will fund their retirement.

This Property has 2 separate homes, 2 separate water wells and 2 separate septic systems. The corner property was created for a Loan Agreement and a Bank Loan by Mr. Oliver.



# Harbison International Inc.

Engineers - Surveyors - Planners

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## **2. Necessary Preservation:**

The creation of the second parcel would allow Mr. and Mrs. Oliver to transfer the property to the daughter, so she can do a cash out refinance. The funds would be used to finance Mr. Oliver's retirement.

The proposed parcel sizing is consistent with surrounding properties, there is existing 36 parcels of 5 acres or less within a 1-mile radius of this property. See attached APN Map.

## **3. Variance will not affect public welfare:**

The creation of the two parcels will not affect the neighborhood area and it will not impact any additional County services such as fire and police nor will it be a public safety hazard.

The creation of the two parcels will not affect the neighborhood in general nor have a negative impact on County services such as fire, police, or public safety.

The creation of this parcel will not impact the adjacent property.

## **4. Variance consistent with County General plan:**

While our variance is not consistent with the County's General Plan, we have received (5) letters of support from the immediate neighbors, (see attachment, Neighborhood Support Letters). Additionally, it does not appear that we have significant farming operations within (1) mile of the proposed project. In fact, approximately 48.6 percent of the parcel's owners within (1) mile of the project is (5) acre parcels are less in size which is exactly the size of our proposed project, (see attachment, Sorted Surrounding Properties).

Existing Zoning will not be affected by allowing the subdivision of this parcel since it has been used as 2 separate homes and issued 2 separate addresses.

The proposed parcel sizing is consistent with surrounding properties.

It has been used as two separate homes and was issued two separate addresses with two separate APN's.

SUBDIVIDED LAND IN SEC'S. 15 & 22, T. 14 S., R. 19 E., M.D.B. & M.

Tax Rate Area  
 5-020 197-000  
 5-302 197-004  
 5-394 197-007  
 62-030

327-03

**-NOTE-**  
 This map is for Assessment purposes only.  
 It is not to be construed as portraying legal  
 ownership or divisions of land for purposes  
 of zoning or subdivision law.

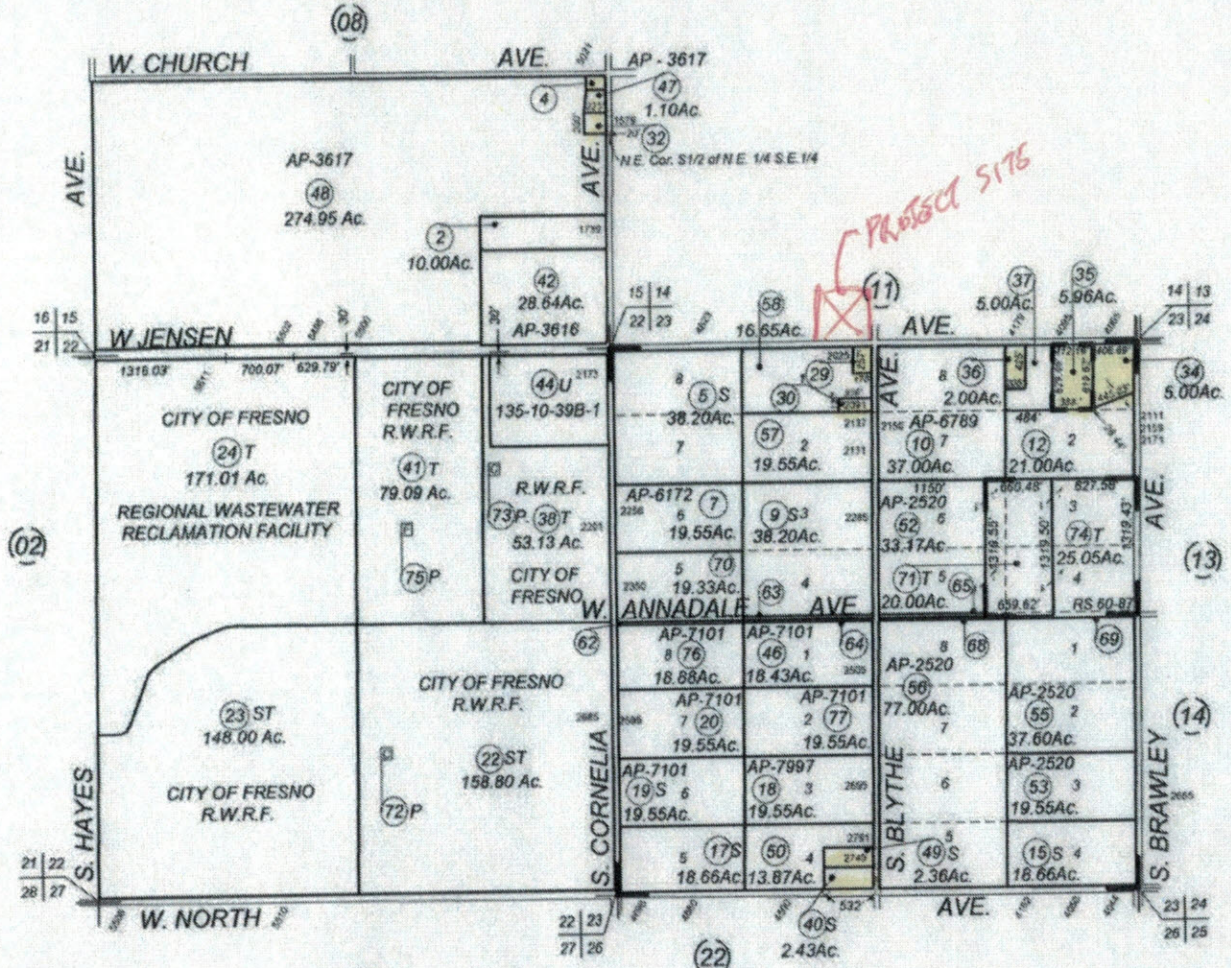
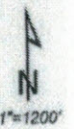


EXHIBIT 7 PAGE 3

Agricultural Preserve  
 Bank of California Tract - Plat Bk. 2, Pg. 14  
 Record of Survey - Bk. 48, Pg. 41  
 Record of Survey - Bk. 60, Pg. 87

Assessor's Map Bk. 327 - Pg. 03  
 County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

**-NOTE-**  
 This map is for Assessment purposes only.  
 It is not to be construed as portraying legal  
 ownership or divisions of land for purposes  
 of zoning or subdivision law.

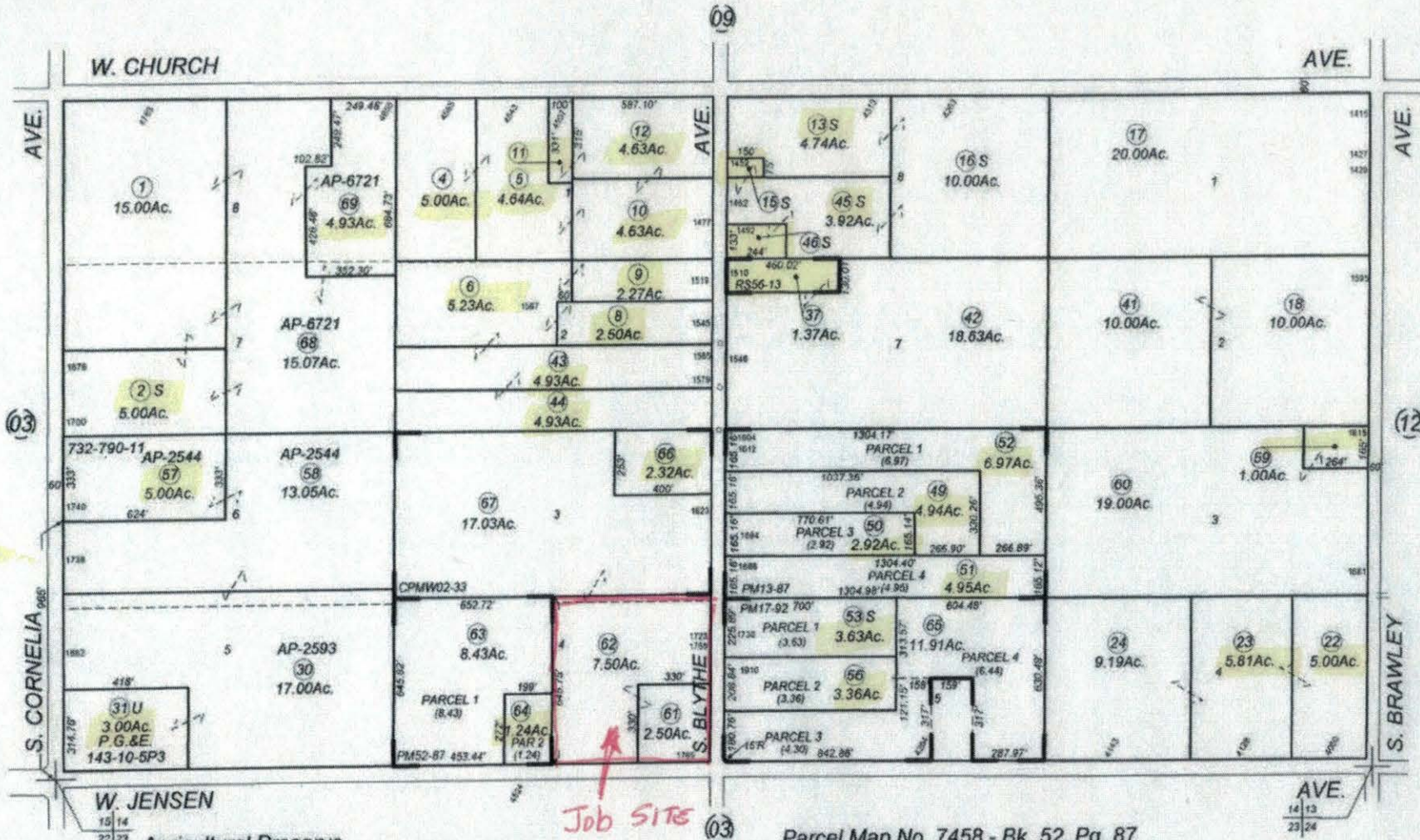
**SUBDIVIDED LAND IN POR. SEC. 14, T.14S., R.19E., M.D.B.&M.**

Tax Rate Area  
 62-014

**327-11**



EXHIBIT 7 PAGE 4



**Agricultural Preserve**  
 Bank of California Tract - Plat Bk. 2, Pg. 14  
 Certificate of Parcel Map Waiver No. 02-33, Doc. 51475, 3-13-06  
 Parcel Map No. 2202 - Bk. 13, Pg. 87  
 Parcel Map No. 2502 - Bk. 17, Pg. 92

Parcel Map No. 7458 - Bk. 52, Pg. 87  
 Record of Survey - Bk. 56, Pg. 13

Assessor's Map Bk. 327 - Pg. 11  
 County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

EXHIBIT 8

July 24, 2023

Juan D. Navarro  
Fresno, CA 93706

Jeremy Shaw  
Department of Public Works and Planning  
2220 Tulare Street, Suite A  
Fresno, CA 93721

Re: Variant Application 4148 filed for Audrey Oliver

Mr. Shaw

I want to express my support for the subject Variance as written as follows:

Allow the creation of two substandard sized parcels, a 5.18 acres and a 4.49 acre parcel from an existing 9.67 acre parcel in the AF-20 (Exclusive Agricultural, 20 acre minimum parcel size) Zone District.

The project is located on the Northwest Corner of the intersection of W. Jensen Avenue and S. Blythe Avenue approximately 1.5 miles west-southwest of the nearest city limits of the City of Fresno (APN 327-110-62, 61 (1723 and 1769 S. Blythe Ave.) (Sup Dist. 1)

I believe this is the right direction for our area of the County).

Best Regards,

  
Juan D. Navarro

July 24, 2023

Carolyn Vierra

Fresno, CA 93706

Jeremy Shaw

Department of Public Works and Planning

2220 Tulare Street, Suite A

Fresno, CA 93721

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I believe this is the right direction for our area of the County).

Best Regards,

A handwritten signature in cursive script that reads "Carolyn Vierra".

Carolyn Vierra



July 24, 2023

Revell Walker — 559-217-9793  
Fresno, CA 93706

Jeremy Shaw  
Department of Public Works and Planning  
2220 Tulare Street, Suite A  
Fresno, CA 93721

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Best Regards,



Revell Walker

July 24, 2023

Martin Chacon  
Fresno, CA 93706

Jeremy Shaw  
Department of Public Works and Planning  
2220 Tulare Street, Suite A  
Fresno, CA 93721

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I believe this is the right direction for our area of the County).

Best Regards,



Martin Chacon

September 21, 2023

Keith Koligian

8467 W. Kearney Blvd.

Fresno, CA. 93706

Jeremy Shaw

Department of Public Works and Planning

2220 Tulare Street, Suite A

Fresno, CA. 93721

Re: Variance Application 4148 filed for Audrey Oliver

Mr. Shaw:

I want to express my support for the subject variance as written, as follows:

Allow the creation of two substandard sized parcels, a 5.18 acre, and a 4.49-acre parcel from an existing 9.67 acre parcel in the AE-20 (Exclusive Agricultural, 20 acre minimum parcel size) Zone District.

The project is located on the northwest corner of the intersection of W. Jensen Ave. And S. Blythe Ave., approximately 1.5 miles west-southwest of the nearest city limits of the City of Fresno (APN 327-110-62, 61 (1723 & 1769S. Blight Ave. (Sup. Dist. 1).

I believe this is the right direction for our area of the county.

Best regards,



Keith Koligian

559-647-3019