



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 February 8, 2024

SUBJECT: Variance No. 4157 and Environmental Review No. 8513

Allow the creation of a 2.5-acre parcel and a 17.5-acre parcel from an existing 20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located east side of S. Temperance Avenue, 0.17-miles south of E. Jensen Avenue, approximately 0.63-miles southwest from the nearest city limits of the City of Fresno (APN: 316-062-02) (2250 S. Temperance Ave.) (Sup. Dist. 4).

OWNER: Silvestre Arias

APPLICANT: Jose Leon-Barraza

STAFF CONTACT: Elliot Racusin, Planner
(559) 600-4245

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4157 based on the analysis of the required findings in the Staff Report; 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. Variances within one-mile of subject parcel
6. Site Plans and Detail Drawings
7. Applicant's Variance Findings
8. Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	20.0-acre parcel.	Parcel A: 2.5-acres Parcel B: 17.5-acres
Project Site	Single Family Residence on the western section, unused area towards the eastern section.	Split the parcel into two parcels.
Structural Improvements	Single Family Residence.	No change
Nearest Residence	118 feet south of the subject parcel.	No change
Surrounding Development	Agricultural fields & Single-Family Residences.	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**ENVIRONMENTAL ANALYSIS:**

It has been determined that the proposed project will not have a significant effect on the environment and is not subject to further analysis under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3): Common Sense Exemption (Ex: It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

PUBLIC NOTICE:

Notices were sent to 19 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 as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

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

Typical alternatives to a variance application are to either create a homesite parcel or rezone the property to a zone district that allows the project as proposed.

Rezoning, to a higher density Zone which allows smaller parcels would be problematic, as the underlying General Plan Land Use Designation of Agriculture would also have to be amended and is not consistent with higher densities.

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 20-acre property is currently developed with a single-family residence including a septic system and water well. The remainder of the property is vacant and undeveloped. Surrounding land uses consist of farmland with sparsely located single family residences.

County Records indicate that prior to 1965 the subject parcel and other parcels in the area were zoned A-1 (Agricultural District; 100,000 square feet minimum parcel size required). The parcels were rezoned from the A-1 District to the current zoning of AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

According to available records there have been six previous variance requests within +/-one-mile of the subject property for substandard sized lots; four approvals and two denials. These Variances are described below:

Application	Date of Action	Staff Recommendation	Final Action
Variance No. 2965: Parcel Creation	November 21, 1985	Denial	Planning Commission Approved
Variance No. 3053: Parcel Creation	January 8, 1987	Denial	Planning Commission Approved
Variance No. 3402: Parcel Creation	March 1, 1993	Denial	Planning Commission Denied
Variance No. 3478: Parcel Creation	March 7, 1995	Denial	Planning Commission & BOS Denied

Application	Date of Action	Staff Recommendation	Final Action
Variance No. 3774: Parcel Creation	November 11, 2003	Denial	Planning Commission Approved
Variance No. 4011: Parcel Creation	August 11, 2006	Denial	Planning Commission Approved

Finding 1: **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.**

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	AE-20 Front: 35 feet Side: 20 feet Rear: 20 feet	No change	Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals which must be located a minimum of 40 feet from any human-occupied building.	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	N/A
Water Well Separation	Building sewer/ septic tank: 50 feet Disposal field: 100 feet Seepage pit/cesspool: 150 feet	Any existing or proposed water wells will be required to meet minimum setbacks (separation) from proposed septic systems.	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Road Maintenance and Operations Division of the Department of Public Works and Planning: Setbacks for new construction shall be based on the ultimate right-of-way.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Finding 1 Analysis:

In support of Finding 1, the applicant states the newly created parcel will be used to construct a home on the proposed two-acre parcel for their children.

A personal desire to create a parcel for a relative beyond what is allowed under the Ordinance is not relevant, nor constitutes an extraordinary physical characteristic or circumstance which is unique to the property. The circumstance is a personal issue that all properties with the same zoning may or may not have.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Finding 1 cannot be made as there are not any extraordinary circumstances relating to the property that do not apply to other properties in the same zone classification.

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 comments specific to the preservation of a substantial property right were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

In support of Finding 2, the applicant assert that the newly created parcels shall allow for more efficient use of the parcels and will preserve the owner’s enjoyment of their property. In addition, the applicant states parcels in the vicinity are less than 20-acres in size.

The broad assertion that it “preserve the owners’ enjoyment of their property” is not a specific right that the applicant does not enjoy any differently than other parcels in the area with the same zoning. The property has the same opportunities and constraints as all others in the area with the current zoning standards.

Variances can only be used to provide relief to preserve the “substantial property right” to be able to utilize a property for the intended use of the zoning. If regulations and unique physical attributes prohibit this property from realizing any reasonable use intended under the zoning, a Variance would be appropriate to preserve the “substantial property right” such as the ability to be able to build a home on the site; and staff and/or applicant was unable to identify any situation that would constrain the property and create a deficit of a property right enjoyed by other owners in the vicinity, under the same zoning.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Finding 2 cannot be made based on the above analysis as not being able to subdivide the parcel to substandard size would not create a situation where it creates a loss of a substantial property right of the applicant, which right is possessed by other property owners under like conditions.

Finding 3: The granting of a 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:	26.40-acres	Field crops with a single-family residence	AE-20	Approximately 890 feet
South:	51-acres	Field crops with a single-family residence	AE-20	N/A
East:	20-acres	Field crops with a single-family residence	AE-20	N/A
West:	17.88-acres	Single-family residence	AE-20	N/A

Reviewing Agency/Department Comments:

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Finding 3 Analysis:

In support of Finding 3, the applicant’s findings do not adequately address that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity.

Regarding Finding 3, it is the intention of the applicant, if this Variance is approved, to divide the existing parcel into two smaller parcels, with the existing home located on the 2.5-acre parcel. The creation of two parcels allows for the potential for an additional single-family dwelling; as such, there may be an increase in residential density, necessitating the installation of additional domestic wells and septic systems to serve the future development.

As the subject parcel is not within a water-short area, the potential for impacts to neighboring wells is minimal.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of separate legal non-conforming parcels has the potential to increase residential density in the area by allowing additional single-family residences by right on the new parcel and a 2nd residence through a Director Review and Approval on the new parcels. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations in the area. The minimum acreage requirement of the AE-20 Zone district is intended to arrest this parcellation pattern and limit the potential

conflicts between residential agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.

Recommended Conditions of Approval:

Setbacks for new construction shall be based on the ultimate road right-of-way.

Finding 3 Conclusion:

Finding 3 can be made, based on the above information and with adherence to the requirements included as project notes and all mitigation measures, the proposal will not have adverse effects upon surrounding properties.

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

Relevant Policies:	Consistency/Considerations:
<p>General Plan Goal LU-A: <i>To promote the long-term conservation of productive and potentially productive agricultural lands and to accommodate agricultural-support services and agriculturally related activities that support the viability of agriculture and further the County’s economic development goals.</i></p>	<p>Inconsistent: Substandard parcels that are created for residential purposes will likely interfere with agricultural operations on surrounding parcels that are designated and zoned for production of food and fiber and may potentially result in removal of adjacent or neighboring lands from agricultural use. Moreover, it may set a precedent for other landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands located in an area of the County designated and used for agricultural operations.</p>
<p>General Plan Policy LU-A.6: <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>Inconsistent: The proposed parcel creation is not consistent with this Policy. There are exceptions allowed subject to certain criteria. In this instance, the application either did not meet the criteria or elected not to choose one of the available options for creating a substandard sized parcel.</p>
<p>General Plan Policy LU-A.7: <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.</i></p>	<p>Inconsistent: The proposed parcel division is not consistent with Policy LU-A.7 as it would create two substandard sized parcel.</p> <p>The creation of a parcel less than 20 acres in the AE-20 Zone District</p>

Relevant Policies:	Consistency/Considerations:
<p><i>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 exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</i></p>	<p>would be inconsistent with Policy LU-A.7 and set a precedent for parcellation of farmland into smaller parcels which are economically less viable farming units and could potentially allow additional single-family homes on the proposed parcels. Such increase in the area, as noted by Fresno County Department of Agriculture, may conflict with normal agricultural practices on adjacent properties.</p>
<p>General Plan Policy LU-A.12: <i>In adopting land use policies, regulations and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses.</i></p>	<p>Inconsistent: The creation of a parcel less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.12 as smaller parcels could potentially allow a higher density residential area which is inconsistent with the compatibility of the AE-20 zone district.</p>
<p>General Plan Policy LU-A.14: <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agriculture land and the mitigation be required were appropriate.</i></p>	<p>Consistent: In this case, productive agricultural land would not necessarily be converted, rather it would be reallocated between the two parcels, with the majority of the of the land to be located on proposed parcel B.</p>

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning indicated: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. Policies LU-A.6 states that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture. The creation of additional parcels that will be used for residential purposes could create conflict with agricultural uses in the surrounding area designated and zoned to accommodate agricultural uses.

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 states they will “comply with all zoning and land use designations of the General Plan”. The proposed adjustment will not affect the existing use of the site.

The applicant's assertion that a variance makes the project consistent with the General Plan is incorrect. The table above details how the proposal is inconsistent with the General Plan.

The project would be contrary to the Goals and Policies of the General Plan. The General Plan Policy LU-A.9 does contain provisions which allow for the creation of substandard-sized lots for the creation of home site parcels, subject to certain specific criteria. This application does not meet the required criteria listed under Policy LU-A.9 to allow creation of a substandard size lot.

Finding 4 Conclusion:

Finding 4 cannot be made as the project would be contrary to General Plan Goal LU-A, Policies LU-A.6, LU-A.9, and LU-A.12 in the General Plan.

SUMMARY CONCLUSION

The existence of personal desires and personal circumstance is not a basis for granting a variance. Granting of the variance could be construed as inconsistent with Government code section 65906 which prohibits granting of unqualified variances and states in part "...*shall constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.*"

Based on the factors cited in the analysis, the required Findings for granting the Variance Application cannot be made as there are no exceptional or extraordinary circumstances or conditions applicable to the property, the variance is not 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, and the application is contrary to the goals and policies of the General Plan.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1, 2, & 4 cannot be made as stated in the staff report and move to deny Variance Application No. 4157; 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. 4157, 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.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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EXHIBIT 1
Variance Application (VA) No. 4157 & Environmental Review No. 8513
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	Setbacks for new construction shall be based on the ultimate right-of-way.
3.	Road right-of-way must be perfected to 106 feet across the parcel frontage, 53 feet each side of section line. Setbacks for any new construction must be based on the ultimate road right-of-way for Temperance Ave.

Conditions of Approval reference recommended Conditions for the project.

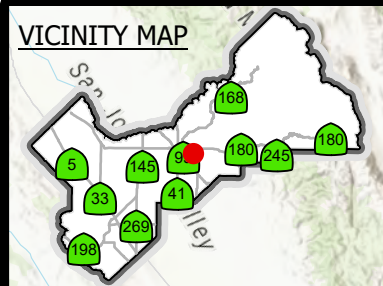
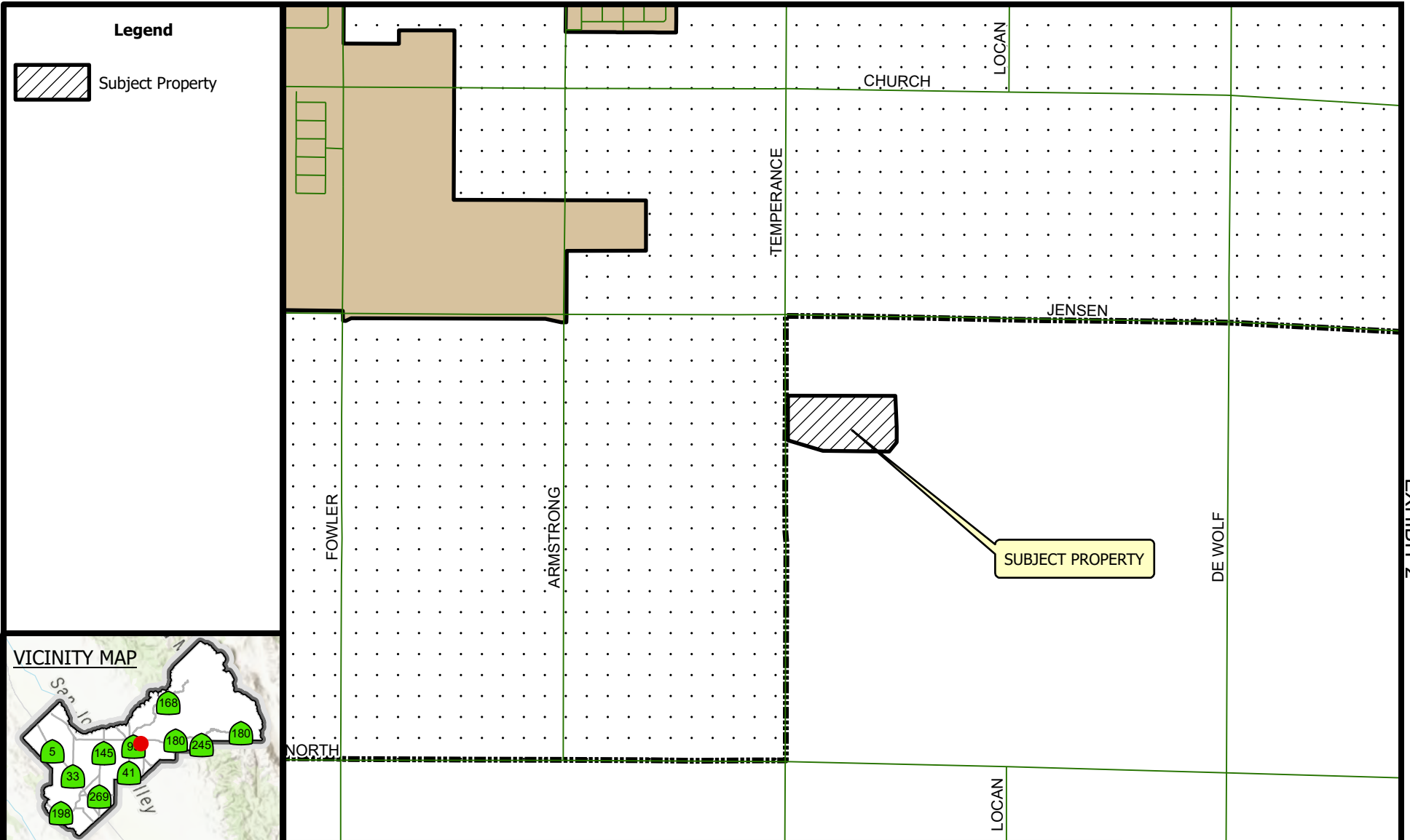
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Ordinance. A mapping procedure shall be filed to create the proposed 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.	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.
4.	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.
5.	Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared and by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying, in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.

EXHIBIT 1

Notes

6.	Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
7.	Any existing or future entrance gate should 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.
8.	A grading permit/voucher is required for any future grading with this application.

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LOCATION MAP

VA 4157 | **2023**

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 11/13/2023

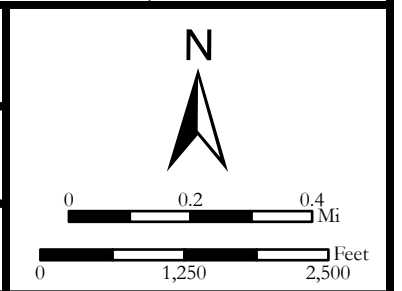





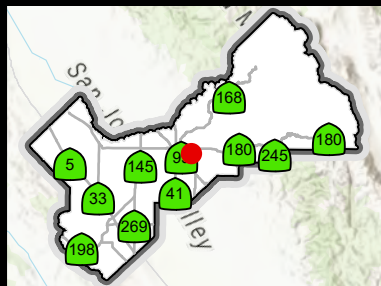
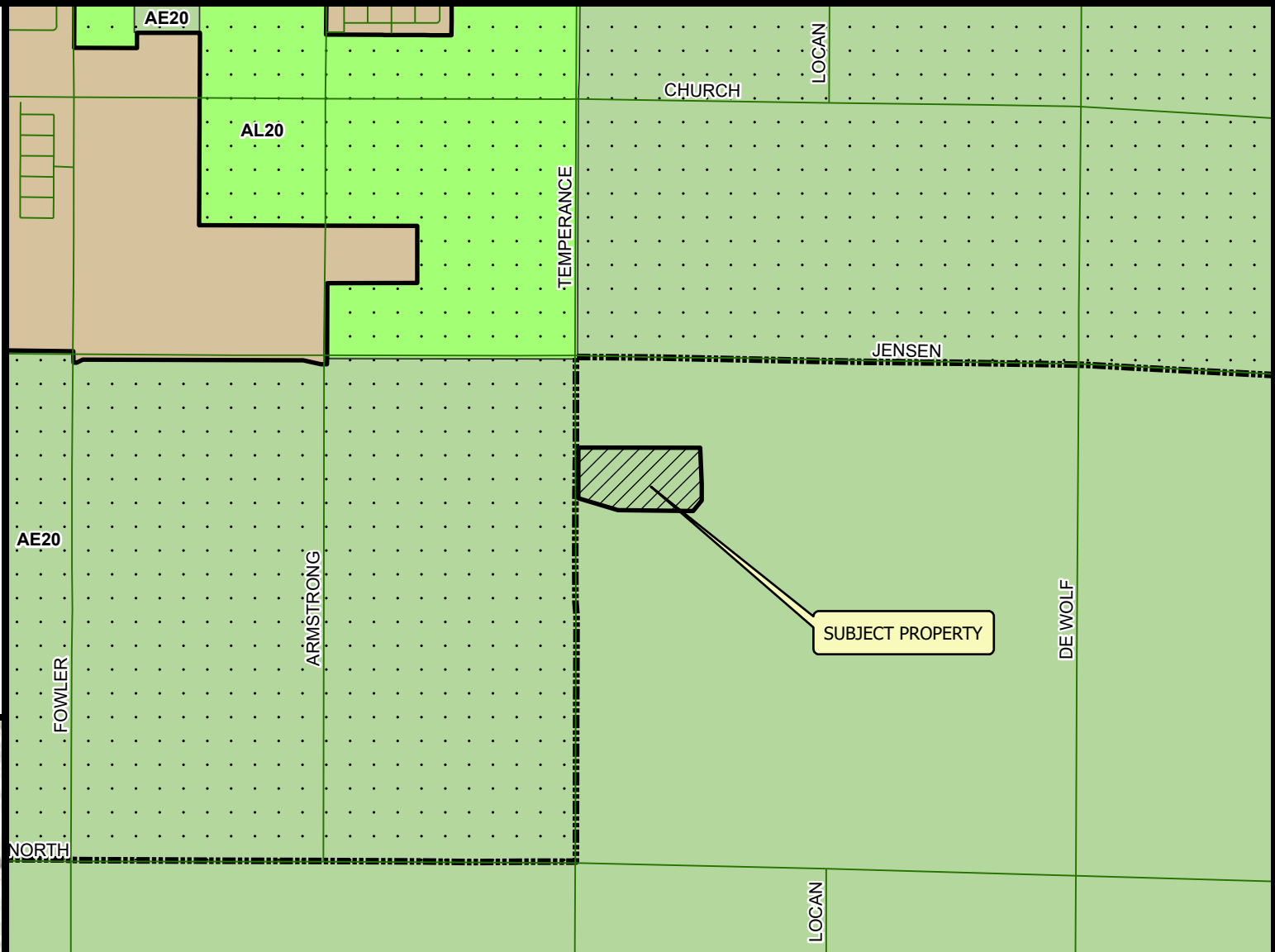


EXHIBIT 3

Legend

-  Subject Property
-  Fresno
-  City Sphere of Influence
-  AE20
-  AL20



Existing Zoning Map

VA 4157

STR 23 - 14S / 23E

2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 11/13/2023

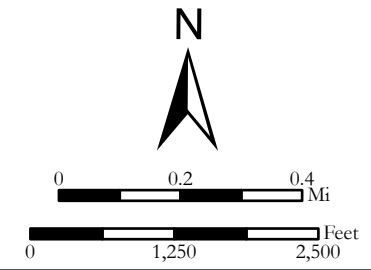


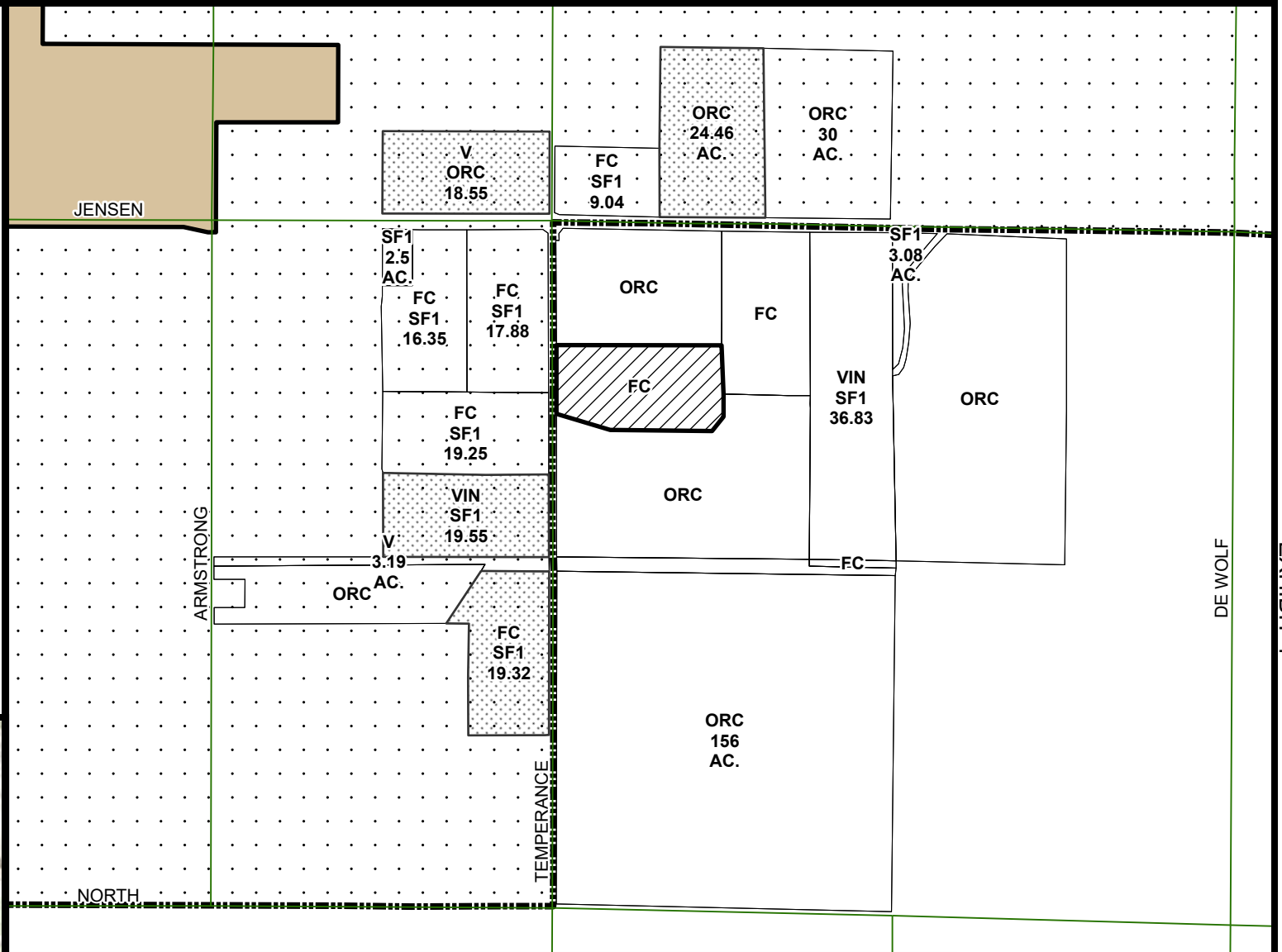
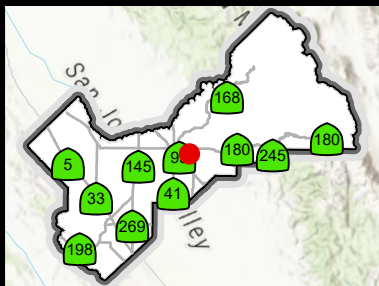


EXHIBIT 4

LEGEND:

-  Subject Property
-  Ag Contract Land

P_LEGEND
FC - FIELD CROP
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD

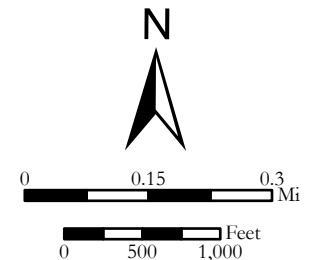


Existing Land Use Map





VA 4157

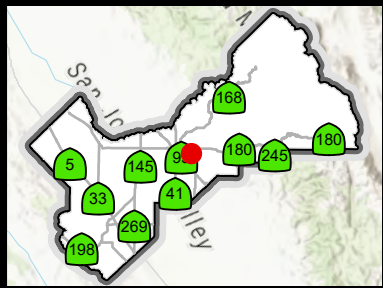
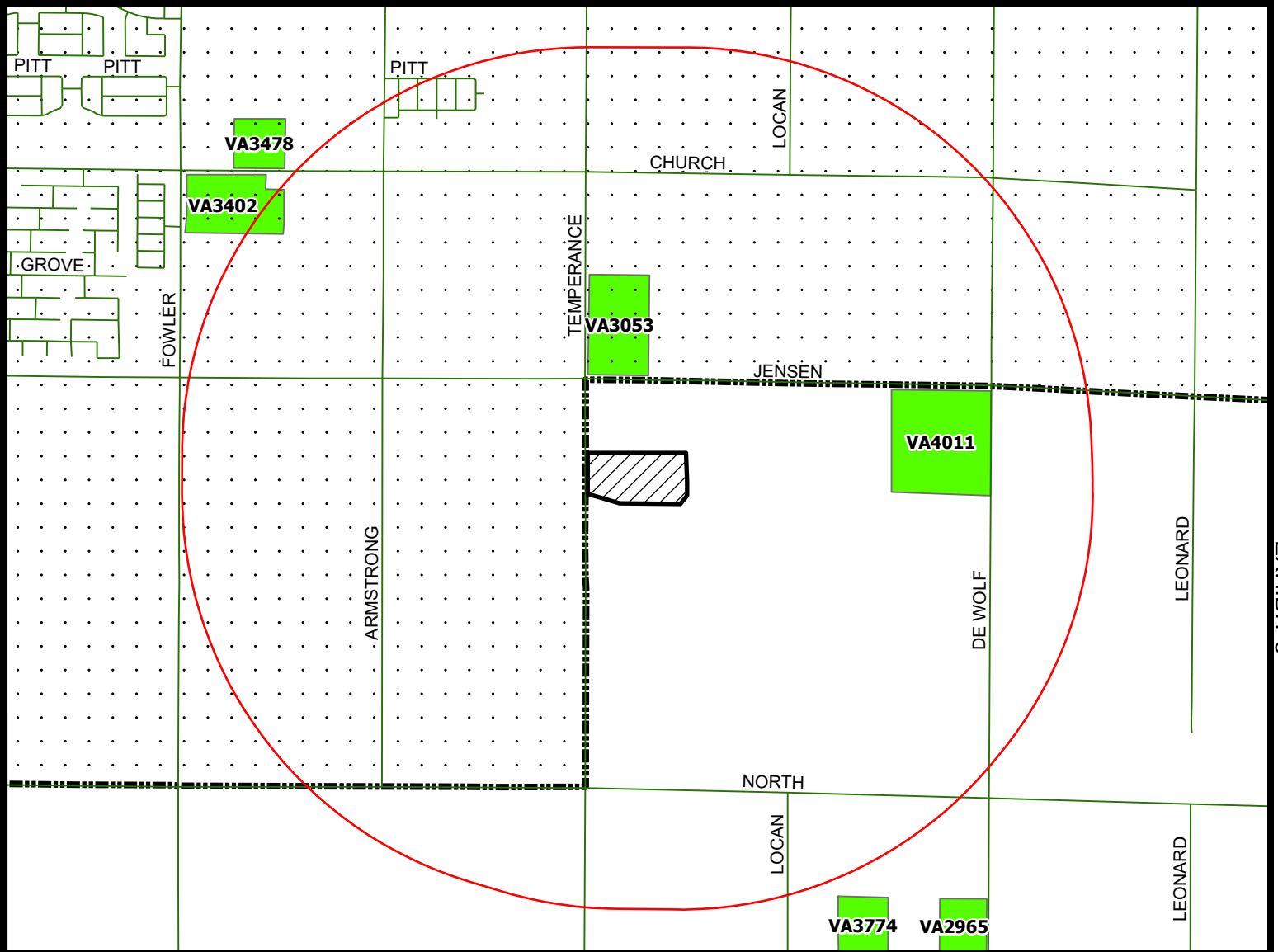
2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 11/13/2023



Legend

-  One Buffer Mile
-  Subject Property
-  City Sphere of Influence
-  VA Permits



Proximity Map

VA 4157

2023

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : chuang
 On Date : 11/13/2023

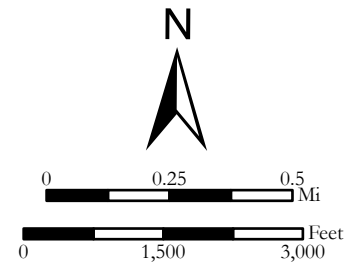
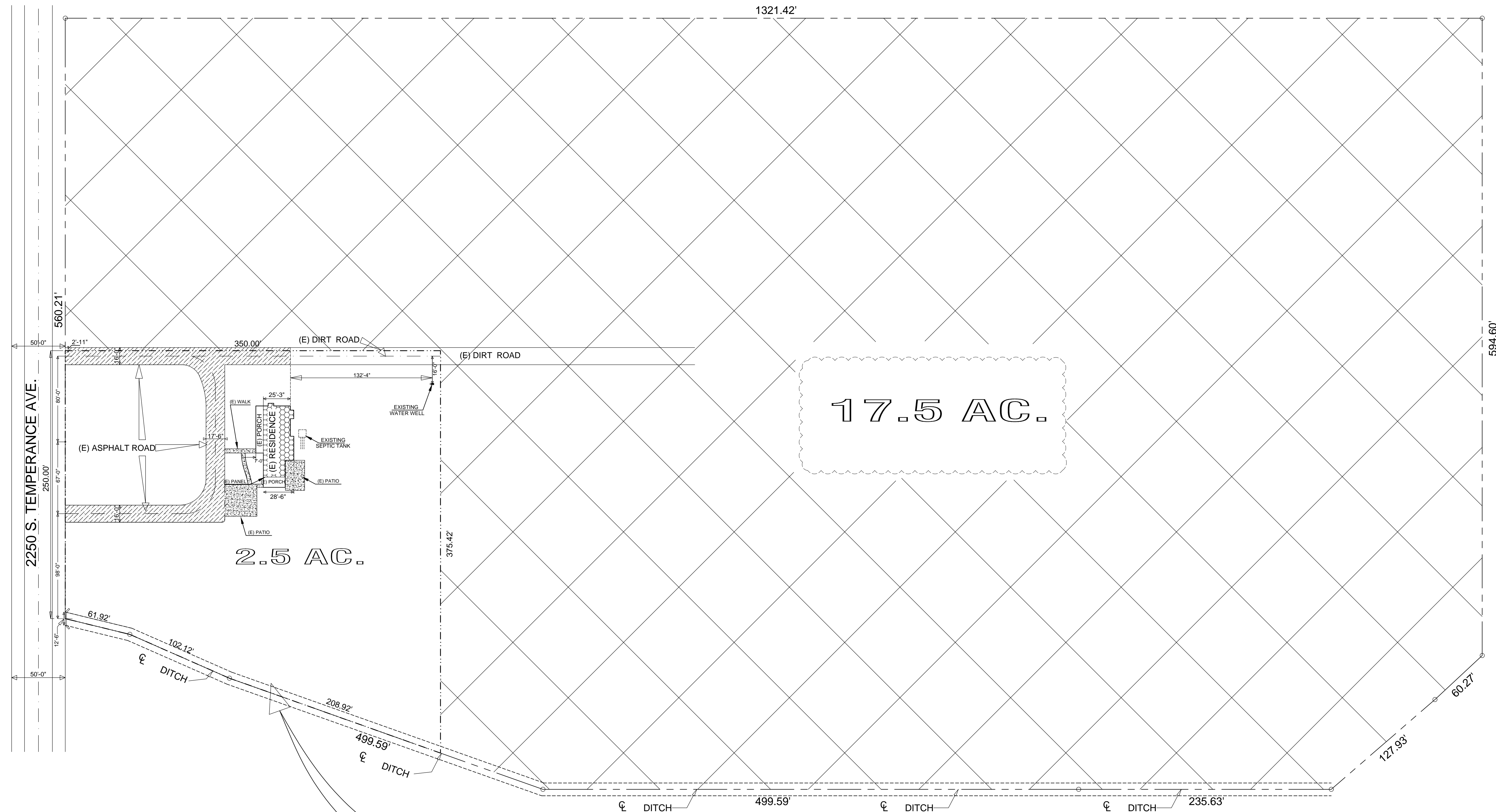


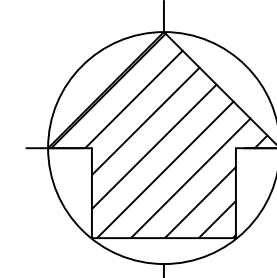
EXHIBIT 6



- NOTES:**
- "CHEMICAL TOILET IS REQUIRED ON-SITE DURING CONSTRUCTION."
 - FINISH FLOOR ELEVATION TO BE ABOVE THE CROWN OF THE STREET AND 8" MINIMUM ABOVE PAD FINISH GRADE ELEVATION.
 - DRIVEWAYS AND PRIVATE ROADS SHALL HAVE A MAXIMUM SLOPE OF 12%. THE GRADE MAY BE INCREASED TO A MAXIMUM OF 20% FOR PAVED SURFACES.
 - "INSTALL ADDRESS NUMERALS, AT LEAST 4" HIGH WITH MINIMUM 1/2" STROKE, MOUNTED ON A CONTRASTING BACKGROUND CLEARLY VISIBLE FROM THE STREET."
 - TO COMPLY WITH SECURITY CODE ORDINANCE:
 - ENTRY DOOR MUST HAVE A PEEP HOLE OR VISION PANEL.
 - INSTALL STEEL PLATE AT THE DEAD BOLT STRIKER, SOLID SHIM 6" ABOVE AND BELOW WITH 2-#8 X 2" SCREWS.
 - WINDOWS ARE TO MEET THE MINIMUM STANDARDS AS ESTABLISHED BY THE CBC STANDARDS.
 - DEAD BOLT AT ALL EXTERIOR DOORS.
 - CONSTRUCT CONCRETE SIDEWALKS, CURBS, GUTTERS, AND DRIVEWAY APPROACHES TO PUBLIC WORKS STANDARD SPECIFICATIONS.
 - REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPANCY.
 - ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A REGISTERED CIVIL ENGINEER OR A LICENSED LAND SURVEYOR.
 - ALL EXISTING DRIVEWAY APPROACHES WHICH NO LONGER PROVIDE ACCESS TO APPROVED VEHICLE PARKING AREAS SHALL BE REMOVED. UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER, SUCH AREAS SHALL BE RECONSTRUCTED WITH CURB, GUTTER AND SIDEWALK TO MATCH EXISTING ADJACENT STREET IMPROVEMENTS. THIS WORK SHALL BE COMPLETED AND ACCEPTED BEFORE A PERMIT OF OCCUPANCY IS ISSUED OR THE BUILDING IS OCCUPIED. (AUTHORITY: FMC 11-209)
 - TWO 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).
 - THESE PLANS AND RELATED DOCUMENTS MUST BE AVAILABLE AT THE JOB SITE DURING ANY INSPECTION ACTIVITY.

- NOTES:**
- 2022 CALIFORNIA BUILDING PLUMBING, ELECTRIC, MECHANICAL, FIRE CODE
 - 2022 CALIFORNIA RESIDENTIAL BUILDING CODE
 - 2022 CALIFORNIA GREEN CODE
 - 2022 CALIFORNIA ENERGY CODE
 - WIND EXPOSURE 85 mph
 - SEISMIC DESIGN CATEGORY D
 - CLIMATE ZONE 13
 - EXPOSURE C
 - SDIL 1500 psf
 - MATERIAL LIVE LOAD 20 PSF
 - MATERIAL DEAD LOAD 27 PSF
 - CONCRETE DESIGN STRENGTH 2,500 PSI
 - GROUND SNOW LOAD N/A

PROPOSED 2.5 AC. PARCEL WITHIN THE EXISTING 20.00 AC.



SITE PLAN

SCALE: 1 : 50

17.5 AC.

2.5 AC.

DRAWING INDEX

SHEET	CONTENTS
CS	SITE PLAN
A-1	FLOOR PLAN
A-2	ELEVATIONS
STD1	STANDARD DETAILS

STATISTICS	
A.P.N.	435-254-17
LOT AREA.....	871,200.00 S.F.
(E) COVERED AREA	2193.00 S.F.
% LOT COVERAGE.....	0.03 %

Occupancy Group (s):	R-3/U	Sprinklered :	No
Type of Construction:	VB	Risk Category :	II
Stories/Height:	1	Seismic Design Category:	D
Building Area:	1693 S.F.	Covered Porch Area :	500 S.F.
Climate Zone:	13	Covered Patio Area :	0 S.F.

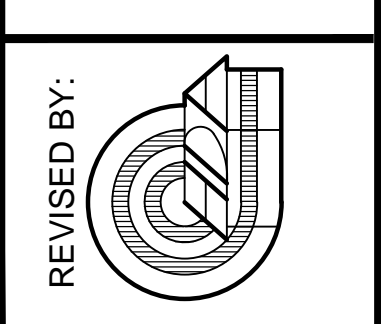
$$17.5 \text{ AC.} + 2.5 \text{ AC.} = \text{TOTAL} = 20.0 \text{ AC.}$$

- SITE GRADING NOTES:**
- LOTS SHALL BE GRADED TO DRAIN WATER AWAY FROM ALL FOUNDATIONS AT A SLOPE OF 5% WITHIN 10 FEET OF THE BUILDING. (CRC SECTION R401.3)
 - IMPERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING SHALL BE SLOPE A MINIMUM OF 2% AWAY FROM THE BUILDING.
 - ALL OUTSIDE GRADING OF THE BUILDING ENVELOPE IS REQUIRED TO BE A MINIMUM OF 0.5% DIRECTED TOWARDS THE STREET.

REVISIONS	BY:

BUILDER/CONTRACTOR:

DRAWINGS PREPARED BY:
HECTOR DIAZ ALBOR
 4483 E. GARLAND AVE.
 FRESNO, CA 93726
 PH: (559) 222 26 31 (559) 393 22 50



REVISOR:

NO.	DATE	DESCRIPTION

PROJECT: PROPOSED NEW 2.5 AC.
OWNER: MR. SILVESTRE ARIAS
 2250 S. TEMPERANCE AVE.
 FRESNO CA. 93725

DRAWN BY: H. DIAZ
CHECKED BY:
 DATE: 11/10/2023
 SCALE: AS NOTED
 JOB NO.:
 SHEET: CS OF SHEETS

EXHIBIT 6

FINDINGS DOCUMENTATION FOR VARIANCE APPLICATION

APPLICANT: Silvestre Arias *Silvestre Arias 11/8/2023*

Project Location: 2250 S. Temperance Avenue
Fresno CA 93725

APN: 316-062-02

Pre-Application Review # 21-004415

FINDING #1- (Unique or exceptional)

“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.”

The Applicant of this Variance had in the past used the land on this property to conduct research on the planting of new varieties of fruit trees. As he is approaching his retirement, he will no longer be involved in conducting this type of work, but he will continue to live there. The proposed creation of two lots will allow for the more full utilization of this property by the applicant and his family. This property is located near the City of Fresno where a more urban setting is being created. An the use of this land for agricultural purposes is being reduced significantly.

The Sphere of Influence of the City of Fresno is located at Armstrong and Jensen Avenues and new buildings for schools of the Sanger Unified School District are being built near the Armstrong an Jensen Intersection and the proximity of this property to the City of Fresno and the new homes that are being built there, these conditions are starting to offer new opportunities to provide housing to the members of his family who already appear on the title of this property

FINDING # 2- (Significant Development Right) “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.”

The proposed Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant. The right to provide housing and shelter to members of the Applicant’s family consistent with the uses of other property owners under like conditions in the vicinity having the identical zoning classification.

The project site is currently zoned AE-20-Exclusive Agricultural, and its size is 20 acres. Within the vicinity of this property there are smaller size parcels, smaller than 20 acres, similar to the proposed Variance submitted by the Applicant, as described below:

For example, immediately adjacent to the North/East from the project site there is an 18.5-acre parcel with a home. Near to the intersection of Temperance and Jensen Avenue 5 properties smaller than 20 acres. The Applicant’s property is located less than a mile from this intersection.

To the East of the Applicant’s property (also zoned AE-20 Exclusive Agricultural), within the immediate two country blocks to the South of Jensen Avenue and to the North of E. North Avenue up to S. Leonard Avenue, there are more than 15 properties ranging from 1 to 20 acres in size with homes built in each parcel.

Across Temperance Avenue to the West, South of Jensen Avenue and to the North of E. North Avenue, (the zoning is also AE-20 Exclusive

Agricultural) there are more than 16 parcels smaller than 20 acres with homes.

Across Jensen to the North and to the East of Temperance Avenue, (the zoning is also AE-20 Exclusive Agricultural), there are more than 10 parcels smaller than 20 acres with homes.

Across Temperance Avenue to the West, North of Jensen, (the zoning of this quadrant is AL 20-Limited Agricultural). Sanger Unified School district has recently built a High School in this area.

The Sphere of Influence boundary for the City of Fresno ends on the following intersection to the west at Armstrong and Jensen.

Currently the Applicant currently lives at his home located at this 20-acre-property and this property is also owned by his three adult children. Upon the granting of this Variance, the Applicant would like to allow his sons and their families to build a second home at the 2.5-acre parcel and two additional homes at the 17.5 acre parcel.

FINDING # 3- (not detrimental to the public) “The granting of a 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”

The granting of this Variance will not be materially detrimental to the public because all improvement will comply with all the required local building code and land use requirements including setback, construction, parking, landscape and fire access of the County of Fresno and all project components will be inspected by County inspectorr

FINDING # 4- (Consistent with the General Plan) “ The granting of such Variance will not be contrary to the objectives of the General Plan.”

The granting of this Variance will be not be contrary to the objectives of the general Plan. Inasmuch as the Applicant will comply with all zoning and land use designations of the Fresno County General Plan.

Proper design set backs and all County construction requirements will be followed as plan checks and construction documents are submitted to Fresno County staff for review and approval. All improvements will be implemented in accordance with zoning requirements and land use designation of the Fresno County General Plan.









