



County of Fresno

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

August 3, 2023

Ben Ewell
735 West Alluvial
Fresno, CA 93711

Dear Applicant:

Subject: Resolution No. 13000 – Variance Application No. 4121

On June 22, 2023 the Fresno County Planning Commission approved your above-referenced project. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

If you have any questions regarding the information in this letter please contact Elliot Racusin at eracusin@fresnocountyca.gov or 559-600-4245.

Sincerely,

Elliot Racusin, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: June 22, 2023

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13000 – VARIANCE APPLICATION NO. 4121

APPLICANT: Ben Ewell

OWNER: Rose Hayashi

REQUEST: Allow for the creation of four parcels (each approximately five-acres in size) from an existing 20.43-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum) Zone District.

LOCATION: The project is located on the north side of Biglione Dr., one quarter of a mile east of N. Friant Ave., approximately 1.28-miles north from the City of Fresno (APN: 300-320-15S) (12911 Auberry Rd.) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of June 22, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Zante to determine that Variance Finding No. 1 could be made as the topography and lack of water availability for farming purposes constitutes an extraordinary circumstance, and Finding No. 2 could be made based on the presence of similar substandard parcels in the area with the same zoning classification. Finding No. 3 could be made as described in the staff report. Finding No. 4 could be made as the application would be similar to the County of Fresno's proposed General Plan update which anticipates redesignating the area located south of the subject parcel to medium density. The Commission then moved to approve Variance No. 4121 subject to the Conditions of Approval and Project Notes listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Zante, Arabian, and Chatha

No: Commissioner Carver

Absent: Commissioners Ewell, Hill, and Woolf

Abstain: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By:  _____

William Kettler, Manager
Development Services and Capital Projects Division

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Notes: The approval of this project will expire one year from the date of approval unless a mapping application is filed in accordance with the requirements of the County Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

Attachments

EXHIBIT A

Variance Application No. 4121

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 22, 2023 and heard a summary presentation by staff.
- Representative: The applicant disagreed with the Staff's recommendation. He stated the stated variance findings could be made and offered the following information to clarify the intended use:
- The unusual circumstance is based on the parcel being already substandard based upon what was permitted in the 1960's.
 - The Fresno County's General Plan update is anticipating residential growth south of the subject parcel; we anticipate this area to be rezoned in the future for residential development.
 - The parcel is not economical for farming as it is substandard in size.
 - Finding No. 1 presents an unusual circumstance as it is surrounded by many substandard parcels of which do not conform to the twenty-acre parcel size minimum.
 - Finding No. 2 can be made due to the surrounding properties with the same zoning classification which are also one-acre and two-acre sized parcels.
 - Finding No. 4 can be made as the project conforms to the intent of the proposed Fresno County's General Plan update for higher density for properties located south of the project site.
- Others: No other individuals presented information in support of or in opposition to the project.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT B
Variance Application (VA) No. 4121 & Environmental Review No. 8144
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.

Conditions of Approval reference required 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 Parcel Map Ordinance. A Parcel Map Application shall be filed to create the four 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.	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.
5.	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.
6.	If approved, the subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map.
7.	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 B

Notes	
8.	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.
9.	Any existing or future access driveway should be set back a minimum of 10 feet from the property line.
10.	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.
11.	A grading permit/voucher is required for any future grading with this application.

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