



Inter Office Memo

DATE: October 12, 2023
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 13007 - VARIANCE APPLICATION NO. 4148

APPLICANT/
OWNER: Audrey Oliver

REQUEST: Allow the creation of two substandard 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).

PLANNING COMMISSION ACTION:

At its hearing of October 12, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Vice-Chair Hill to determine that the required Variance Findings can be made, stating that Finding No. 1 can be made as the property is configured with two separate residences, and already substandard in size; Finding No. 2 can be made as the owner has been and would continue to allow the property to be farmed which constitutes a substantial property right, and that Finding No. 4 can be made because the division of the property would not conflict with agriculture as it will continue to be farmed, and does not present a substantial conflict with the General Plan. The Commission moved to approve Variance No. 4148, modifying Condition No. 2 such that no dedication would be required but that the 30-foot by 30-foot corner cut-off be provided for, subject to the modified Conditions of Approval listed in Exhibit B.

EXHIBIT A

Variance Application No. 4148

Staff: The Fresno County Planning Commission considered the Staff Report dated October 12, 2023 and heard a summary presentation by staff.

Applicant: The Applicant's representative disagreed with the Staff Report. He described the project and offered the following information to clarify the intended use:

- The smaller assessor's parcel was created for financing the construction of a residence.
- The applicant wishes to divide the property in order to convey one of the parcels to a family member to assist in farming the property.
- We understand that the proposal is not consistent with the surrounding zoning.

Others: Three other individuals presented information in support of the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT B
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 improved (kept clear of physical obstructions) for sight distance purposes, at the northwest corner of the intersection of Jensen Avenue and Blythe Avenue.
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 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 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 B

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.

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