



## Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR  
MODIFICATION TO OR ADDITION OF  
CONDITIONS, SEE FINAL BOARD OF  
SUPERVISORS' ACTION SUMMARY  
MINUTES**

DATE: December 14, 2023  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 13018 — VARIANCE NO. 4153

APPLICANT: James Maxey

OWNER: Dumax Properties, LLC.

REQUEST: Allow for the creation of two substandard parcels, a 7.64-acre parcel, and a 13.87-acre parcel from an existing 21.51-acre parcel and waive development standards to allow for 12 foot side yard setbacks where 20 foot side yard setbacks are required within the AE-20 (Exclusive Agricultural, 20-acre minimum) Zone District.

LOCATION: The subject parcel is located on the north side of King Canyon Road, approximately 1.7-miles from the City of Sanger (APN: 314-120-52) (10386 E. Kings Canyon Road) (Sup. Dist. 5).

### PLANNING COMMISSION ACTION:

At its hearing on December 14, 2023, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Carver and seconded by Commissioner Quist to deny variance application 4153 on the grounds that Finding Nos. 1, 2 and 4 could not be made.

This motion passed on the following vote:

VOTING:      Yes:            Commissioners Carver, Quist, Abrahamian, Hill, and Zante  
                  No:            None  
                  Absent:        Commissioners Arabian, Chatha, and Woolf  
                  Abstain:       None

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

By:  
TM.



Chris W. Motta, Manager  
Development Services and Capital Projects Division

EXHIBIT A

Variance Application No. 4153

- Staff: The Fresno County Planning Commission considered the Staff Report dated December 14, 2023, and heard a summary presentation by staff.
- Representative: The applicants disagreed with the staff's recommendation. They stated the variance findings could be made and offered the following information to clarify the intended use:
- Variance is not intended to facilitate the selling of the property.
  - The parcel already has two separate agricultural businesses being operated and the partners that own the parcel want to operate them separately, dividing the land between the two would be an extraordinary circumstance.
  - A rezone was approved for a commercial gas station less than half a mile away which sets a precedent for this type of entitlement.
  - There will be no impact to the surrounding neighborhood because the uses will remain the same.
  - The variance can be made for Finding No. 4 because the uses on the parcel will still be agricultural related.
  - When the partners acquired the land, it was fallow, and they have restored agricultural activities on the land.
  - The partners have had difficulty leasing the nursery, and they are unable to receive their production credits with the nursery attached to their almond orchard.
- Others: No individuals presented information in support of or in opposition to the proposal.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT "B"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Variance Application No. 4153

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Variance Application:	\$ 6,049.00 <sup>1</sup>
Environmental Review:	259.00 <sup>2</sup>
Pre- Application Credit	(247.00) <sup>3</sup>
Agricultural Review	34.00 <sup>4</sup>
Health Department Review:	<u>365.00<sup>5</sup></u>
<b>Total Fees Collected</b>	<b>\$ <u>6,460.00</u></b>

<sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
<sup>2</sup> Review proposal to provide appropriate California Environmental Quality Act (CEQA) evaluation.
<sup>3</sup> Pre-Application Credit granted if application filed within 6-month timeframe
<sup>4</sup> Review of proposal by the Department of Agricultural Land Use.
<sup>5</sup> Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.



# County of Fresno

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

February 24, 2024

Rosemary and Juen Cardeo  
11624 S. Fowler Ave.  
Selma, CA 93662

Dear Applicant:

Subject: Resolution No. 13018 – Variance No. 4153

On December 14, 2023 the Fresno County Planning Commission approved your above-referenced project. A copy of the Planning Commission Resolution is enclosed.

If you have any questions regarding the information in this letter please contact Reymundo Peraza at [rperaza@fresnocountyca.gov](mailto:rperaza@fresnocountyca.gov) or 559-600-4305.

Sincerely,

Reymundo Peraza, Planner  
Development Services and Capital Projects Division

JP  
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Enclosure