



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 November 9, 2017

**SUBJECT:** Variance Application No. 4029

Allow the creation of three 2-acre (net) parcels without public road frontage and one 3-acre (net) remainder parcel from two contiguous parcels totaling 9.84 acres (gross) in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

**LOCATION:** The subject property is located on the west side of N. Marion Avenue approximately 970 feet north of its intersection with E. Nees Avenue, adjacent to the city limits of the City of Clovis (8239 N. Marion Avenue, Clovis, CA) (SUP. DIST. 5) (APN 560-052-08 & 09).

**OWNER/  
APPLICANT:** Charles Johanson

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Approve Variance Application No. 4029; 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. Proposed Parcel Configuration (Site Plan)
6. Approved Variances within One Mile Radius
7. Applicant's Statement of Variance Findings

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Rural Residential within County-adopted Clovis Community Plan	No change
Zoning	RR (Rural Residential, two-acre minimum parcel size)	No change
Parcel Size	2.48 acres 7.07 acres (9.84 acres gross)	Parcel 1: Two acres Parcel 2: Two acres Parcel 3: Two acres Parcel 4: Three acres (Remainder Parcel)
Project Site	<ul style="list-style-type: none"> <li>• 2,183 square-foot single-family residence with a 859 square-foot garage on a 2.48-acre parcel</li> <li>• Orchard; 7.07-acre parcel</li> </ul>	Parcel 1: Two acres Parcel 2: Two acres Parcel 3: Two acres Parcel 4: Three acres (Remainder Parcel)
Structural Improvements	<ul style="list-style-type: none"> <li>• 2,183 square-foot single-family residence with a 859 square-foot garage on a 2.48-acre parcel</li> </ul>	No change to the single-family residence on the proposed 3-acre remainder parcel
Nearest Residence	115 feet north	No change
Surrounding Development	Single-family residences, orchards	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential	N/A
Lighting	Residential	No change
Hours of Operation	N/A	N/A

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

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 175 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.

**PROCEDURAL CONSIDERATIONS:**

A Variance may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

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:**

County Records indicate that prior to March 8, 1977, the subject 2.48-acre and 7.07-acre parcels (9.84 acres gross) were zoned A-1 (Agricultural District; 100,000 square-foot minimum parcel size). Amendment Application (AA) No. 2898 approved on March 8, 1977 (Ord. No. 490-A-1615) rezoned the parcels from the A-1 Zone District to the RR (Rural Residential, two-acre minimum parcel size) Zone District. The current zoning on the parcels is RR. The subject 2.48-acre parcel is developed with a single-family residence and the 7.07-acre parcel is planted in orchard. Both parcels gain access from Marion Avenue (public road) and meet the lot size and public road frontage requirement of the RR Zone District.

The parcels are located in a County Island within the Sphere of Influence (SOI) of the City of Clovis. The City of Clovis did not require the parcels to annex with the City at this time. City sewer and water services are currently unavailable to serve the parcels.

On October 12, 2016, the Planning Commission considered the subject application to allow the creation of four 1.97-acre parcels (minimum two acres required) without public road frontage (minimum 165 feet required) and one 1.96-acre remainder parcel to public road frontage from the subject parcels. An 18-foot-wide private road off Marion Avenue with a gated entry to serve the parcels was also included in the proposal.

Based on the Commissioners' comments, and testimony from the Applicant and his representative, the Commission approved a motion (7 to 0; two commissioners absent) to continue the item to the November 9, 2017 hearing. The Commission made this determination in order to provide additional time to the Applicant to work with staff for the submittal and review of a revised proposal to include three parcels with minimum two-acre lot size as required by the RR Zone District.

The revised proposal submitted by the Applicant included a new Site Plan and revised findings and was circulated to agencies for review and comments. The Site Plan (Exhibit 5) shows three 2-acre parcels without public road frontage and one remainder 3-acre parcel in the RR Zone District. All three parcels meet the lot size requirement of RR zone District, and therefore, are not subject to a Variance for lot size. However, a Variance is required to waive the public road frontage requirement for the parcels. The parcels will be served by a private road access with gated entry off Marion Avenue.

In addition to the subject application, there have been four variance applications pertaining to public road frontage requirements filed within a one-mile radius of the subject properties (Exhibit 6). Although there is a history of variance requests within proximity of the subject property, each variance request is considered on its own merit, based upon physical circumstances. The following table provides a brief summary of other variance (VA) applications and final actions.

<b>Application/Request</b>	<b>Staff Recommendation</b>	<b>Final Action</b>	<b>Date</b>
VA No. 2953 – Allow the creation of a two-acre parcel without public road frontage from a 23.9-acre parcel in the RR Zone District.	Denial	Approved by Planning Commission	November 19, 1985
VA No. 3018 – Allow the creation of a 2.5-acre parcel without public road frontage in the RR Zone District.	Denial	Approved by Planning Commission	September 24, 1987
VA No. 3293 – Allow the creation of two two-acre parcels without public road frontage in the RR Zone District.	Approval	Approved by Planning Commission  Approved by the Board	December 20, 1990  February 26, 1991
VA No. 3368 – Allow the creation of a two-acre parcel and a 5.74-acre parcel with no public road frontage in the RR Zone District.	Denial	Approved by the Planning Commission	May 19, 1992

**ANALYSIS/DISCUSSION:**

*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; and*

*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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n):</b>
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Remainder parcel with an existing Single-Family Residence  Front (east property line): 130 feet Side (north property line): 44 feet	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n):</b>
		Side (south property line): 190 feet Rear (west property line): 64 feet	
Parking	No requirements for residential development	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	N/A	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change	Yes

**Reviewing Agencies/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: R-R Zone Districts require a minimum parcel size of two acres with public road frontage no less than 165 feet. A Variance is required to allow the proposed 2-acre parcels without public road frontage.

**Analysis:**

In support of Finding 1, the Applicant's findings state that the length to width ratio of the subject parcels is disproportionate to other parcels in the area, requiring three (3) parcels to be created without public road frontage. The proposed 40-foot-wide private road easement will match with road requirements for planned development in Fresno and Clovis, while achieving the two-acre (net) required parcel size. The Applicant regards the lot length and width ratio as extraordinary conditions that justify the creation of lots without public road frontage.

In support of Finding 2, the Applicant's findings state that the proposal involves one of a few remaining parcels in the Fresno County RR Zone District within the City of Clovis Sphere of Influence with the same density requirements. Due to reduced width and extended length of the subject parcels, the property owner has the same development right to subdivide the parcels and create 2-acre homesites as others have in the RR Zone District.

In order to make Findings 1 and 2, an extraordinary circumstance relating to the property that does not apply to other properties in the same zone classification and the preservation of a substantial property right must be demonstrated.

The subject proposal entails the waiving of public road frontage requirements for three parcels which conform to the minimum 2-acre lot size requirement of the RR Zone District. The parcels will be served by a 40-foot-wide private road easement with an 18-foot paved width. The road will be gated to provide secured entry.

Staff notes that waiving public road frontage requirements through Variances is common in Fresno County. From time to time, such Variances have been approved in other parts of the County. Every variance request is considered on its own merit, and is based upon the four required Findings and physical circumstances of the property.

Generally, the circulation system is designed so that access to residential lots is via local roads, which interconnect with larger collector roads providing for through traffic. Under the subject proposal, only three parcels will benefit from the proposed private road access, which dead-ends at one of the three parcels. Parcels to the north and south, developed with single-family residences, cannot share the private road off Marion Avenue (public road) and likewise the road is not extendable to the west due to non-developable parcels and a canal. As such, an argument could be made in the favor of this application considering the fact that the proposed private road will only serve a limited number of parcels and will be the only access to and from a public road, with no other outlet to other local roads or access easements.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. In this case, the property development standards for the RR Zone District require that the parcels have a minimum of 165 feet of public road frontage. The Applicant is proposing three 2-acre parcels without public road frontage. The only option would be to reduce the number of parcels from three to two with 2-acre minimum parcel size in order to accommodate a 60-foot-wide public road to provide public road frontage to the parcels. However, this option is undesirable by the Applicant, as he has reduced the number of proposed parcels from four parcels under the previous proposal to three parcels under this proposal. As noted above, the proposed private road will serve only the subject parcels with no outlet to other parcels.

Based on the above analysis, and lack of alternatives, staff believes Findings 1 and 2 can be made.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Findings 1 and 2 can be made.

*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.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	2.4 acres 4.81 acres	Single-Family Residence Vacant	RR RR	98 feet

<b>Surrounding Parcels</b>				
East	2 acres	Single-Family Residences	RC-40	255 feet
South	2 acres	Single-Family Residences	AL-20	250 feet
West	4.32 acres	Vacant	R-1 in the City of Clovis	N/A

**Reviewing Agencies/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: Building permit records indicate the existing septic system was installed in 1973. The Applicant should consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if they have 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(s).

Fresno Irrigation District (FID): FID’s active Little Teague No. 415 Pipeline runs southerly and traverses the west side of the property. The Applicant shall grant FID a 20-foot-wide exclusive easement for the portion of the pipeline traversing the subject property. Any improvements built within FID’s easement, and all private facilities that encroach into FID’s easement, shall require FID’s review and approval. The easement shall be shown on the Parcel Map for the project and any grading and drainage plan shall require FID’s review and approval.

Fresno Metropolitan Flood Control District (FMFCD): The County shall require a temporary on-site storm water storage facility to be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. The drainage and grading plan shall be reviewed and approved by FMFCD prior to approval by the County. A storm water drainage easement a minimum of 15 feet wide shall be provided on the property.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: An access easement for a private road shall be improved as a minimum to the County’s A-15 improvement standard (minimum paved width of 18 feet and 3-foot graded shoulders on each side, with minimum paved surfacing consisting of at least 0.2 foot of asphalt concrete) and be maintained to condition determined by the users of the road. A road maintenance entity shall be established during the parcel map process and road improvement plans shall be submitted to the County for review and approval prior to construction.

Fresno County Fire Protection District: Future development on the property shall require annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District and be subject to the requirements of the current Fire and Building Codes when a building permit or certificate of occupancy is sought.

Zoning Section of the Fresno County Department of Public Works and Planning: The existing residence on the property shall meet the building setback requirement of the RR Zone district.

The aforementioned requirements have been included as Project Notes.

City of Clovis Fire and Engineering Departments: The City development standards shall apply to the following: preparation of final parcel map, dedication of right-of-way and street

improvements, sewer and water services, grading and drainage, irrigation and landscaping, and fire suppression.

Design Division, Water and Natural Resources Division, and Development Engineering Section of the Fresno County Department of Public Works and Planning: No comments.

**Analysis:**

In support of Finding 3, the Applicant's Findings state that deviation from the development standards will have no effect on the public welfare or be injurious to property and improvements in the vicinity.

The subject parcels are located in a rural residential area comprised of developed parcels generally two acres in size, with one residence, and larger up to 9.56-acre parcels in agricultural use. The subject 2.48-acre parcel contains a single-family residence and the subject 7.07-acre parcel is planted in orchard.

The requirement for 165 feet of public road frontage for parcels in the RR District is to restrict the creation of landlocked parcels and to ensure proper construction and maintenance of roads serving properties. Generally, as exceptions from this standard are granted, the number of property owners along a private road may be expected to increase, resulting in additional traffic and disputes over upgrading and maintenance responsibilities and diminishing the likelihood that the road will ever be upgraded to public road standards. In this case, the proposed 40-foot-wide private road easement with 18-foot pavement, off a public road (Marion Avenue), provides access to and will dead-end at one of the three parcels proposed by this application (Exhibit 5). The road is adequate in width to serve the parcels and provides no access to other parcels in the area. The Fresno County Fire Protection District reviewed the proposal and expressed no concerns related to road width or turn-around for the maneuverability of fire trucks and equipment. Further, a Condition of Approval (Exhibit 1) for the project would require that the road shall meet the vehicular needs of the users and provide for grading and erosion control to prevent sedimentation or damage to off-site property arising out of its improvement or use.

Given the above discussion and with adherence to recommended Condition of Approval (Exhibit 1), staff believes that granting of this Variance will not create substantial adverse impacts on improvements in the area. Finding 3 can be made.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Finding 3 can be made.

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

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.



**Analysis:**

In support of Finding 4, the Applicant states that the granting of this Variance will not change the density or development objectives of Fresno County or the City of Clovis General Plan for a rural setting of single-family homesites on 2-acre parcels.

The subject property is designated Rural Residential in the Fresno County General Plan. According to the Transportation Element of the General Plan, roads that are to provide subdivision residents access to homes and are gated are not classified. Since the Rural Residential policies do not specifically address requirements for public road frontage requirements, approval of the Variance will not be in conflict with the General Plan.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 can be made.

**CONCLUSION:**

Staff believes the required Findings for granting the Variance can be made based on the factors cited in the analysis. Staff therefore recommends approval of Variance Application No. 4029.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to determine the required Findings can be made and move to approve Variance Application No. 4029; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for making the Findings) and move to deny Variance Application No. 4029; 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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**Variance Application (VA) No. 4029  
Conditions of Approval and Project Notes**

EXHIBIT 1

<b>Conditions of Approval</b>	
1.	Development shall be in accordance with the Site Plan approved by the Planning Commission.
2.	The proposed private road shall meet the vehicular needs of the users and shall also provide for grading and erosion control to prevent sedimentation or damage to off-site property arising out of its improvement or use. It will be the duty of the Registered Civil Engineer to attest to compliance with this condition; said statement to fully describe all grading work required by the Civil Engineer to be effective at the time of recordation of the Parcel Map.
3.	The properties shall connect to the City of Clovis public sewer system when the sewer main is available in the Marion Avenue frontage of the remainder parcel.
4.	The properties shall connect to the City of Clovis public water and sewer systems upon annexation with the City of Clovis, and the services being available to the property. Connection to the City systems would require the Applicant to construct necessary infrastructure for sewer and water connections as mandated by the City.

Conditions of Approval reference recommended Conditions for the project.

<b>Notes</b>	
<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 proposed parcels. The Map shall comply with the requirements of Title 17.72. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
2.	The approval of this project 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. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a maximum one-year extension of time.
3.	Building permit records indicate the existing septic system was installed in 1973. The Applicant should consider having the existing septic tank pumped, and have the tank and leach field evaluated by an appropriately-licensed contractor if they have 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(s).
4.	The existing septic system and domestic well shall be located on the same parcel as the single-family residence.
5.	To address project impact on Fresno Irrigation District (FID) active Little Teague No. 415 pipeline that runs southerly and traverses the west side of the property, FID requires the following: <ul style="list-style-type: none"> <li>• The Applicant shall grant FID a 20-foot-wide exclusive easement for the portion of the pipeline traversing the subject property.</li> <li>• Any improvements built within the FID easement, shall require FID's review and approval.</li> <li>• The easement shall be shown on the Parcel Map for the project and any grading and drainage plan shall require FID's review and approval.</li> </ul>

**Notes**

6.	<p>To reduce project impact on Fresno Metropolitan Flood Control District (FMFCD) facilities, the District requires the following:</p> <ul style="list-style-type: none"><li>• The County shall require a temporary on-site storm water storage facility to be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street.</li><li>• Drainage and grading plan shall be reviewed and approved by FMFCD prior to approval by the County.</li><li>• A 15-foot-wide minimum storm drainage easement shall be provided on the property.</li></ul>
7.	<p>For the construction of a private road on the property, the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"><li>• Access easements for a private road shall be improved as a minimum to the County's A-15 improvement standard (minimum paved width of 18-foot and 3-foot graded shoulders on each side, with minimum paved surfacing consisting of at least 0.2 foot of asphalt concrete).</li><li>• The private road shall be maintained to condition determined by the users of the road.</li><li>• A maintenance entity shall be established during the parcel map process and road improvement plans shall be submitted to the County for review and approval prior to construction.</li></ul>
8.	<p>Future development on the property shall be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought and annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>

# LOCATION MAP

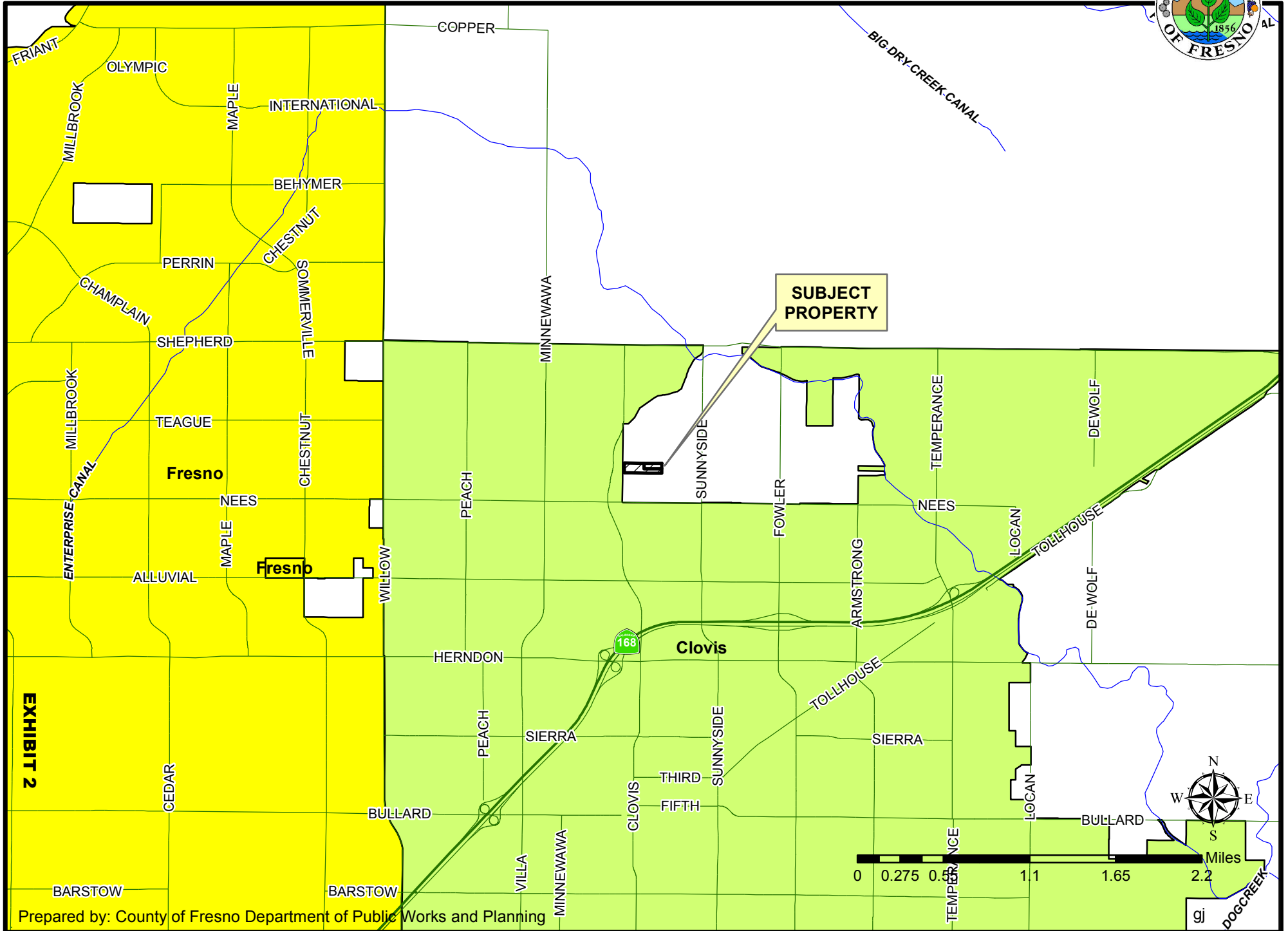


EXHIBIT 2

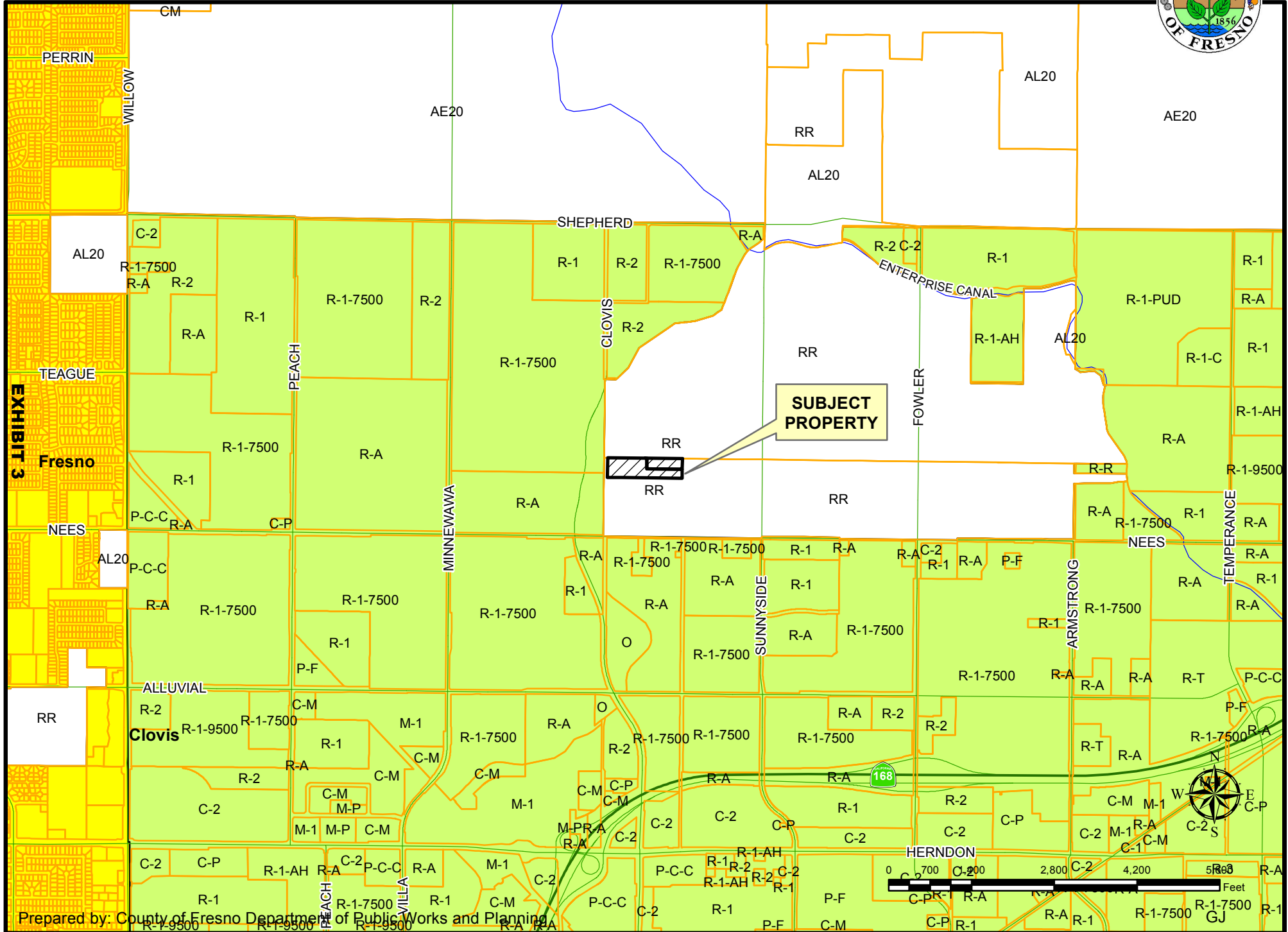
SUBJECT PROPERTY

Fresno

Fresno

Clovis

# EXISTING ZONING MAP



**EXHIBIT 3**

Fresno

Clovis

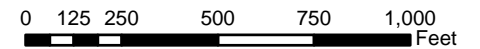
# EXISTING LAND USE MAP



LEGEND	
	PUB - PUBLICLY OWNED
	ORC - ORCHARD
	PAH - PACKING HOUSE
	SF# - SINGLE FAMILY RESIDENCE
	V - VACANT
	VIN - VINEYARD
	CHU - CHURCH

**LEGEND:**

- Subject Property
- Ag Contract Land

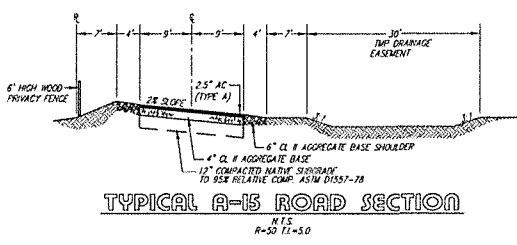
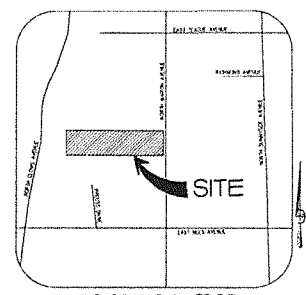


VA 4029  
 RECEIVED  
 COUNTY OF FRESNO

OCT 16 2017

DEPARTMENT OF PUBLIC WORKS  
 AND PLANNING  
 DEVELOPMENT SERVICES DIVISION  
 (REVISED)

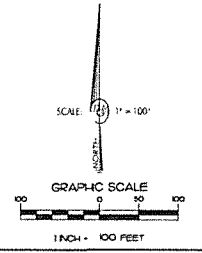
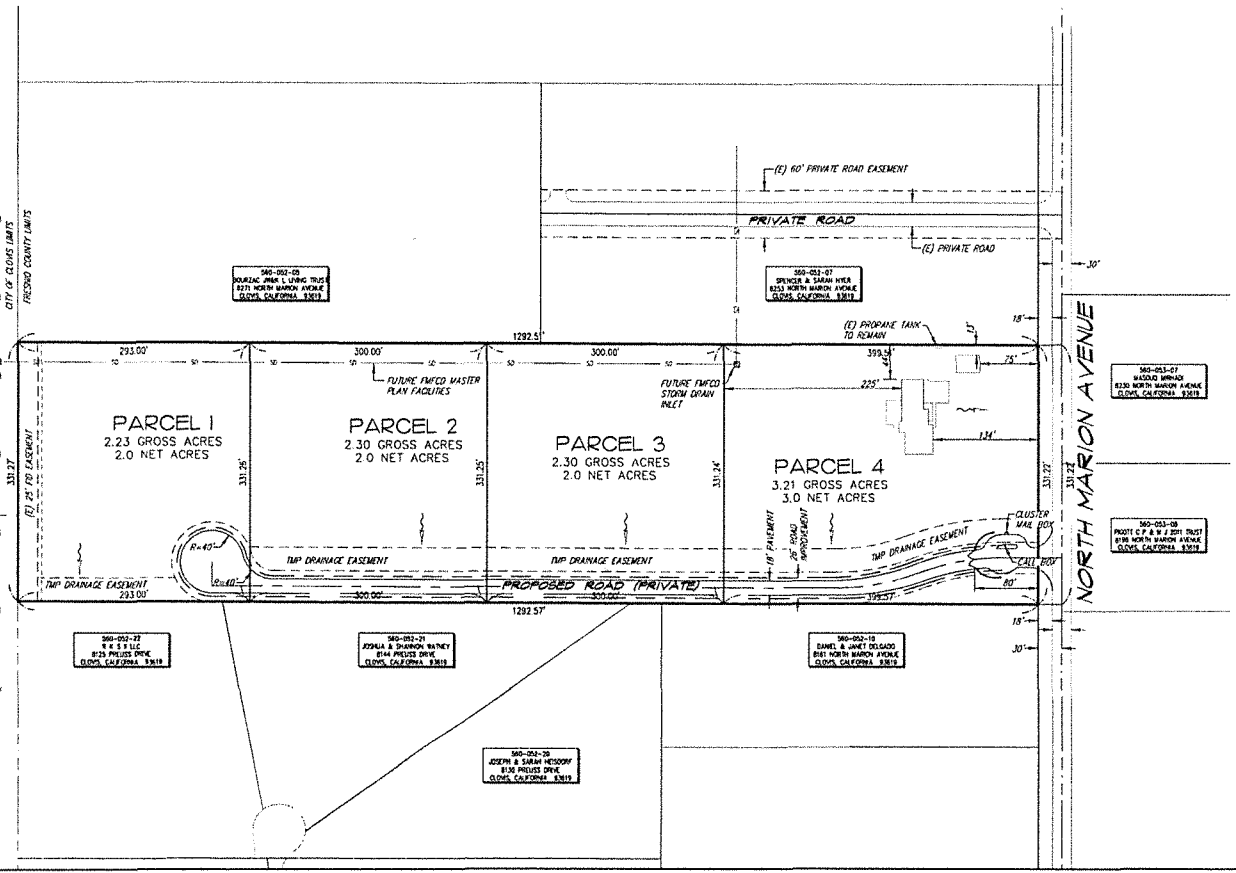
**OWNERS**  
 BRODIE JOHANSON  
 4820 EAST POWERS AVENUE  
 CLOVIS, CALIFORNIA 93619  
 (558) 438-2502



**NOTES**

1. SITE ADDRESS: 8239 NORTH MARION AVENUE
2. ASSESSOR'S PARCEL NUMBER: 580-051-08 & 09
3. EXISTING ZONING: R-R
4. EXISTING LAND USE: AG/RESIDENTIAL
5. PROPOSED ZONING: R-R
6. PROPOSED LAND USE: AG/RESIDENTIAL
7. PREPARED FROM RECORD DATA & FIELD SURVEYS
8. EXISTING STRUCTURES ON SITE AS SHOWN
9. EXISTING STREET IMPROVEMENTS AS SHOWN
10. THERE ARE EXISTING WELLS AND SEPTIC TANKS & LEACHING FIELDS AS SHOWN
11. PARCEL DESIGN PROVIDES FOR OPTIMAL SOLAR OPPORTUNITIES WITH NORTH-SOUTH ORIENTATION. DRAWING ARCHITECTURAL DESIGN TO INCORPORATE PASSIVE HEATING & COOLING CONCEPTS
12. SURROUNDING LAND USE: RESIDENTIAL
13. EXISTING STREET DEDICATIONS PER RS 2/03
14. THE EXISTING & PROPOSED SOURCE OF WATER SUPPLY: PRIVATE DOMESTIC WELLS
15. BY EXISTING & PROPOSED METHOD OF SEWAGE DISPOSAL: INDIVIDUAL SEPTIC SYSTEMS
16. THE FOLLOWING UTILITIES ARE TO BE PROVIDED (GAS, ELECTRIC, TELEPHONE & CABLE T.V.) ARRANGEMENTS HAVE (NOT) BEEN MADE WITH UTILITY COMPANIES SERVING THIS AREA
17. THE SITE ACREAGE IS 9.55 GROSS ACRES. THERE ARE 4 PARCELS CREATED BY THIS MAP A 2.0 GROSS ACRES. THE UNDIVIDED REMAINDER WILL BE RETAINED AS HOME SITE PER SECTION 8604 OF THE SUB MAP ACT
18. ALL IMPROVEMENTS SHALL CONFORM WITH THE DESIGN STANDARDS IN ACCORDANCE WITH THE COUNTY OF FRESNO A-15 STANDARDS AND SPECIFICATIONS
19. PROPOSED SITE IMPROVEMENTS SHALL INCLUDE SITE GRADING AND DRAINAGE, UTILITY SERVICE AS DIRECTED BY THE UTILITY AGENCIES, DRAINAGE WILL BE MAINTAINED
20. EXISTING ON-SITE TREES CONSIST OF MATURE PECAN TREES. A NUMBER OF TREES WILL BE REMOVED AS NEEDED TO CONSTRUCT ROAD & BUILDING PAD. THE REMAINING TREES WILL BE MAINTAINED BY AN AG MANAGEMENT COMPANY AND PROFITS SHARED

EXHIBIT 5



**VESTING TENTATIVE PARCEL MAP NO. 1**  
 A PLANNED DEVELOPMENT  
 BEING A PORTION OF SECTION 29,  
 TOWNSHIP 12 SOUTH, RANGE 21 EAST,  
 MOUNT Diablo BASE & MERIDIAN

PREPARED FOR:  
**BRODIE JOHANSON**  
 4820 EAST POWERS AVENUE  
 CLOVIS, CA 93619

PREPARED BY:  
**DALB G. WELLS & ASSOCIATES**  
 2000 UNIVERSITY DRIVE, SUITE 100  
 FRESNO, CALIFORNIA 93721  
 TEL: (559) 438-2502 FAX: (559) 438-2503  
 WWW.DGWA.COM



JOB # 17-018  
 DRAWN BY: D.G.WELLS  
 CHECKED BY: DGM  
 SCALE: 1" = 100'  
 DATE: 03/28/17  
 DWG # 17-018TPM  
 FIELD BOOK: 100  
 DATE OF SURVEY: 03/01/17  
 LAST REVISED: 03/16/17 @ 8pm

# APPROVED VARIANCES WITHIN A ONE MILE RADIUS

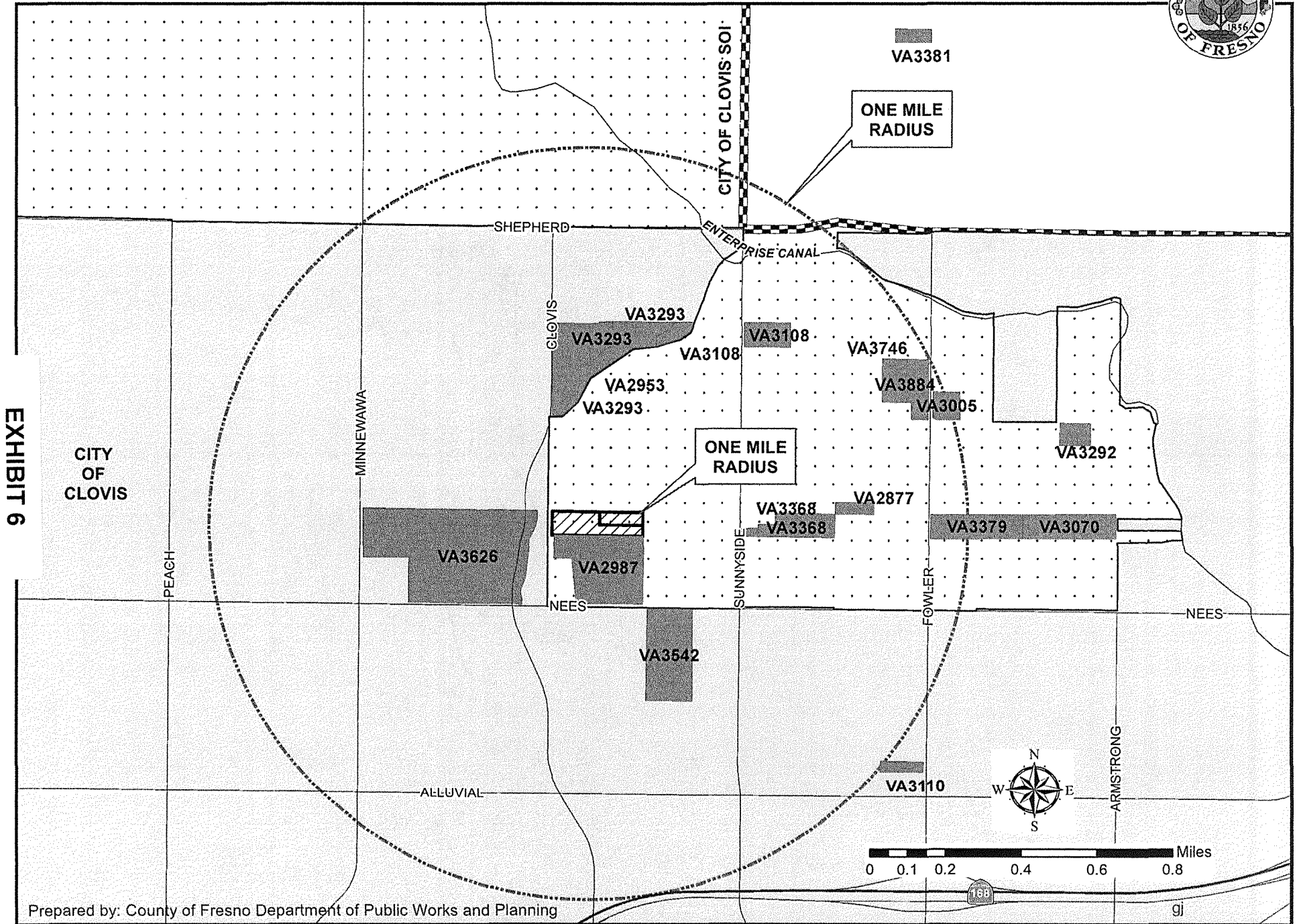


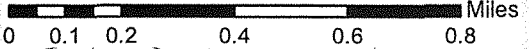
EXHIBIT 6

CITY OF CLOVIS

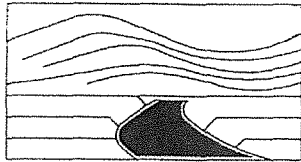
CITY OF CLOVIS SOI

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# DALE G. MELL & ASSOCIATES

## ENGINEERING & SURVEYING SERVICES

2090 N. WINERY AVENUE · FRESNO, CALIFORNIA 93703 · PH (559) 292-4046 · FAX (559) 251-9220

### Supplemental Application Findings for Variance

1. **Exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other property in the vicinity having the identical zoning classification as follows:**

The original parcel length to width ratio is disproportionate to other parcels in the area requiring three (3) parcels to be created without public road frontage. We propose the private road easement width to be 40 feet, a width common to Planned Development project in Clovis and Fresno.. the 40 ft private road easement will provide a net 2 acre parcels in an estate setting within the existing mature pecan orchard.

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.**

This 10 ac parcel is one of a few remaining in the Fresno County RR-2 zone district and the City of Clovis sphere of influence with the same density requirements.. the property right to sub-divide and create 2 ac home sites has been enjoyed by others in the immediate area. Therefore we consider this parcel with reduced width and extended length should have the same development rights possessed by others in RR Zone District.

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.**

Deviation from the development standards will have no effect on the public welfare or injurious to property and improvements in the vicinity.

4. **The granting of this variance will not be contrary to the objectives of the General Plan.**

Granting of the variance will not change the density or development objectives of Fresno Counties or the City of Clovis General Plan for a rural setting of single family home sites on 2 acre parcels.

DMA #17-015- Variance Findings  
10/19/17

EXHIBIT 7

VA 4029  
RECEIVED  
COUNTY OF FRESNO

OCT 19 2017

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION  
(REVISED)