



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 January 10, 2019

SUBJECT: Variance Application No. 4056

Allow the creation of a 2.5-acre parcel and a 27.32-acre parcel from a 29.82-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and waive the required public road frontage (165 feet) for the 2.5-acre parcel.

LOCATION: The project site is located on the north side of E. McKinley Avenue, 325 feet east of its intersection with N. Newmark Avenue, approximately 3.3 miles northeast of the nearest city limits of the City of Sanger (14600 E. McKinley Avenue) (SUP. DIST. 5) (APN 309-070-42, -43).

OWNER: WM Boos & Co./James and Alecia Pellegrini
APPLICANT: James Pellegrini

STAFF CONTACT: Danielle Crider, Planner
(559) 600-9669

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4056; 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. Variance Map
7. Applicant's Statement of Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	Parcel 1: 29.82 acres	Parcel 1: 27.32 acres Parcel 2: 2.5 acres
Structural Improvements	Parcel 1: One single-family residence and well	Parcel 1: Unimproved Parcel 2: One single-family residence and well
Nearest Residence	100 feet	Parcel 1: No Change Parcel 2: 490 feet
Surrounding Development	Agricultural and low-density residential	No change

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 10 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 (VA) may be approved only if the four Findings specified in the Fresno County Zoning Ordinance, Section 877-A 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:

The subject property is identified by two Assessor's Parcel Numbers. The 2.5-acre parcel (Parcel 1) is identified by APN 309-070-30 and the 27.32-acre parcel (Parcel 2) is identified by APN 309-070-43. The existing 29.82-acre parcel currently conforms to the 20-acre minimum parcel size and

road frontage requirements of the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The subject property was rezoned to the AE-20 Zone District from an R-A (Single-Family Residential Agricultural) Zone District by Ordinance No. 490-T-23 on July 20, 1965. The parcel is bounded to the south by the Fresno Canal No. 3, and is accessible from E. McKinley Avenue. The single-family residence and well are situated on the southern edge of the parcel. If the proposed Variance and subsequent mapping procedure are approved, the residence and well would be included in a substandard 2.5-acre parcel with no public road frontage (165 feet required). The 27.32-acre portion of the existing parcel is currently used for agricultural purposes and would have sufficient public road frontage.

The 2.5-acre piece of land was deeded to Frances Schmidt by WM Boos & Co. in 1983 without the creation of a legal parcel. The piece of land was then transferred to Jeff and Cindy Pharris in 2005, then to James and Alicia Pellegrini in 2013. The Fresno County Parcel Map Ordinance, which went into effect on March 4, 1972, allows no division of land without zoning approval and a mapping procedure for the subdivision of land into four or less parcels, as authorized by the local jurisdiction. Prior to the implementation of the Parcel Map Ordinance, a parcel of any size and dimension could be created through the recordation of a deed. However, parcels created in such a manner were still subject to the development standards prescribed by the Zoning Ordinance. The subject 2.5-acre parcel was not created in conformance with the Parcel Map Ordinance. For the 2.5-acre parcel to be recognized as a separate legal nonconforming parcel, a Variance application to waive the minimum lot area in the AE-20 Zone District must be approved and followed by a mapping application to legalize the property division. Additionally, a Variance is required for the 2.5-acre parcel because it does not have public road frontage.

The existing 29.82-acre parcel is enrolled in the Williamson Act Program under Contract No. 50. On November 28, 2012, a Notice of Partial Nonrenewal was recorded on the 2.5-acre portion of the property. The contract for this portion of the property will expire on the last day of December 2023. The remaining 27.32-acre portion of the property will remain under contract. Nonrenewal of a Contract cannot be rescinded once filed. The Applicant’s decision to take the property out of the Williamson Act Contract 6 years ago is final, and creates an additional distinction between the 27.32-acre portion of the property and the 2.5-acre portion of the property.

In addition to the subject application, there have been three other variance applications within one mile of the subject property that have requested the creation of parcels with fewer than 20 acres in the AE-20 Zone District. There have been no variance applications within one mile of the subject property requesting the creation of a parcel with no public road frontage. The following table provides a brief summary of these Variance (VA) applications and final actions.

Application/Request:	Date of Action:	Staff Recommendation:	Final Action:
VA No. 4046: Allow the creation of a 2.02-acre parcel and a 49.28-acre parcel from existing 16.12-acre and 35.18-acre parcels in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	June 28, 2018	Denial	Approved by the Planning Commission
VA No. 3277: Allow the creation of a 2.00-acre parcel and a 16.72-acre parcel from an existing 18.72-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	July 26, 1990	Denial	Approved by the Planning Commission

VA No. 2991: Allow the creation of a 16.55-acre and a 10.1-acre parcel from a 60.87-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	June 10, 1986	Denial	Approved by the Planning Commission
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Although there is a history of variance requests in the area surrounding the subject parcel, each variance request is considered on its own merit, based on unique site conditions and circumstances.

ANALYSIS/DISCUSSION:

Findings 1 and 2: 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

Such a 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.

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	Front: 35 feet Side: 20 feet Street Side: 35 Rear: 20 feet	<u>Parcel 1:</u> N/A <u>Parcel 2:</u> Front (south property line): Approx. 50 feet Side (west property line): Approx. 80 feet Side (east property line): Approx. 335 feet Rear (north property line): Approx. 75 feet	Yes
Parking	One parking space shall be required per residence, and it must be located on the same parcel as the residence.	The existing residence has sufficient parking and this parking will be included on the same parcel as the residence.	Yes
Lot Coverage	No Requirement	No Requirement	N/A
Separation Between Buildings	No Requirement	No Change	N/A
Wall Requirements	No Requirement	No Requirement	N/A
Water Well	Septic tank: 50	No Change	Yes

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Separation	feet; Disposal field: 100 feet; Seepage pit: 150 feet		

Reviewing Agencies/Department Comments Regarding Site Adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 1620H, the subject parcels are in Flood Hazard Zone A and are subject to flooding from the 100-year storm.

Staff notes that no new development is proposed at this time, and that no new land uses will be allowed a result of this project.

Fresno Irrigation District (FID): FID requires that the Applicant consult with them on all proposed development, and that the owner grant an easement to FID for the width of Fresno Canal No. 3 and the space required to maintain this canal. No development is proposed with this application. As a Condition of Approval, the Applicant will be required to map the portion of the properties beneath Fresno Canal No. 3 and grant an exclusive easement on this land to the Fresno Irrigation District. The width of the easement shall be determined by FID, in consultation with the owner’s Land Surveyor, based on the width of the canal, height of the banks, and final alignment. **This shall be required as a Condition of Approval.**

Analysis:

The AE-20 Zone District requires a minimum parcel size of 20 acres and minimum public road frontage of 165 feet for parcels less than five acres in size. Therefore, a Variance is required to waive the minimum parcel size requirement and road frontage requirement in order to recognize the 2.5-acre parcel.

In support of Finding 1 and 2, the Applicant states that the existing residence was initially constructed in 1981 for a family member, and the 2.5-acre parcel was conveyed to them. It was then sold to a non-relative, and the current owner is now attempting to make the parcel legal with this Variance application and the subsequent mapping procedure.

Staff notes that the 2.5-acre parcel was deeded to Frances Schmidt in 1983 from WM Boos & Co., then to the Pharrises and most recently, in 2013, to the Pellegrinis. According to Fresno County Ordinance Section 816.5-A, homesite parcels may be conveyed to an individual related to the owner if the parcel is between 60,000 square feet and 2.5 acres in size in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. However, the 2.5-acre parcel was not originally conveyed with a gift deed, and did not follow the required procedure with the County for deeding a gift parcel or a Variance at that time. As a result, this Variance is necessary to make the 2.5-acre portion of the land a legal parcel, and to clear the title. WM Boos & Co. is still the owner of the 27.23-acre portion of the land.

In addition to having different owners, the two portions of the property have distinct uses. The 2.5-acre portion of land is clearly used for residential purposes, while the 27.32-acre remainder is used for agricultural purposes. Aerial photographs indicate that this distinction has been present since at least 1998. This distinction is further evidenced by the partial Williamson Act Contract Nonrenewal filed for the 2.5-acre portion of the property six years ago.

Further, there is not enough road frontage on the subject parcel to create two parcels with adequate road frontage from the 29.82-acre parcel. This is primarily a result of the property's location on the Fresno Canal No. 3. The existing deed for the 2.5-acre parcel includes no road frontage, but does include an adequate 20-foot-wide access easement. The deed's property description and the Williamson Act partial nonrenewal boundary both match the proposed configuration. Therefore, this configuration has precedent. It is also the only logical choice when it is taken into account that the primary goal of this Variance is to clear the title of a property, which was improperly conveyed.

A consideration in addressing a variance application is whether there are alternatives available that would avoid the need for the variance. In this instance, such alternatives are limited to rescinding ownership of the 2.5-acre parcel to the property owner who originally created this nonconforming situation. However, staff does not believe this alternative is plausible, as it does not serve any purpose to the owners of Parcel 1 (James and Alicia Pellegrini), who purchased the parcel with the existing single-family residence. Staff finds that there are special circumstances present, and that the granting of this Variance is necessary for the enjoyment of full property rights for the current owner.

Recommended Condition of Approval:

See recommended Condition of Approval attached as Exhibit 1.

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.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North:	354.54 acres	Orchard/Single-Family Residence	AE-20	1,880 feet
West:	18.4 acres	Orchard/Single-Family Residence	AE-20	100 feet
	4.77 acres	Single-Family Residence	AE-20	740 feet
South:	4.45 acres	Orchard	AE-20	N/A
	36.18 acres	Orchard	AE-20	N/A
East:	35.87 acres	Orchard/Single-Family Residence	AE-20	1,370 feet

Reviewing Agencies/Department Comments:

Environmental Health Division of the Fresno County Department of Public Health: In the case of this application, it appears that the parcel can accommodate the sewage disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with

the implementation of the Fresno County Tier 2 Local Area Management Plan (LAMP), on-site wastewater treatment system (OWTS) policy and California Plumbing Code.

It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain 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. **This comment shall be included as a Project Note.**

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The proposed project is not within an area of the County defined as being water short; as such, the Division has no comments.

Development Engineering Section of the Fresno County Department of Public Works and Planning: McKinley Avenue is classified as a Local road with an existing 60-foot right-of-way (30/30) from Academy Avenue to Newmark Avenue. The minimum width for a Local road right-of-way is 60 feet.

McKinley Avenue is a County-maintained road. Records indicate this section of McKinley Avenue, from Academy Avenue to Newmark Avenue, has an ADT of 400, pavement width of 21.7 feet, 0.38 feet AC, and is in fair condition.

A grading permit/voucher shall be required for any grading that has been done without a permit or proposed with this application.

Analysis:

In support of Finding 3, the Applicant states that the residence has been occupied since 1981 with no negative impacts to surrounding property owners.

Staff notes that with the current parcel configuration, only one single-family residence is allowed by right. However, if this Variance is approved, a single-family residence could be constructed by right on the 27.32-acre parcel. This could result in minor traffic impacts to the surrounding properties, which would not be automatically allowed if the parcel were to be left in its current configuration. However, the impacts of one additional single-family residence in this area would be less than significant. The 27.32-acre parcel will be accessible via a public road (McKinley Avenue). An existing 20-foot access easement will provide the 2.5-acre parcel sufficient access because it would have no public road frontage. Staff has no concerns about septic system density due to the size of the proposed parcels.

Based on the above analysis, Finding 3 can be made.

Recommended Conditions of Approval:

None.

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.*

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agricultural, 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.</p>	<p>This Variance would allow the creation of a 2.5-acre parcel, and the subject property is zoned AE-20, with a 20-acre minimum parcel size requirement. As such, the creation of a 2.5-acre parcel in the AE-20 Zone District is inconsistent with Policy LU-A.6. Further, the proposed project does not qualify for an exception under Policies LU-A.9, LU-A.10, or LU-A.11:</p> <ul style="list-style-type: none"> - LU-A.9: The lot is not for a financing parcel, gift lot, or owned by the property owner prior to the date the policies were implemented. - LU-A.10: The request is not to allow for the development of an agricultural commercial center. - LU-A.11: The request is not to allow the recovery of mineral resources, oil, or gas. <p>Staff does note that if a gift parcel had been created in 1983 to convey the 2.5-acre parcel to a family member, an exemption would be met and the project would be in accordance with this General Plan policy.</p>
<p>Policy LU-A.7: The 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. Evidence that the affected parcels 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.</p>	<p>The Variance request proposes to create a 2.5-acre parcel smaller than 20 acres in an area designated as Agricultural and zoned AE-20. As such, this proposal is not consistent with General Plan Policy LU-A.7.</p>
<p>Policy PF-C. 17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>The project is not in a water-short area, and no change in land use is proposed as a part of this application.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is subject to Williamson Act Contract No. 50. A partial nonrenewal for the 2.5-acre portion of land that the Applicant wishes to separate into a separate parcel was filed in November of 2012. The contract will officially end for this portion of land in December of 2023.

Analysis:

In support of Finding 4, the Applicant states that the granting of a 2.5-acre parcel to a family member is in accordance with the General Plan. Staff agrees with this statement because General Plan Policy LU.A-6 does allow for the transfer of land to a family member. The original transfer was to Frances Schmidt, the daughter of William Boos (owner of WM Boos & Co.). WM Boos & Co. has remained the owner of the 27.32-acre parcel since the time of the original transfer. However, the property was not initially transferred as a gift parcel in accordance with the Map Act and Zoning Ordinance; it was transferred as if it were a typical legal parcel, and without County approval.

According to General Plan Policy LU-A.6 and LU-A.7, the creation of parcels less than the minimum size specified by the Agriculture designation is discouraged due to a concern that such parcels are less viable economic farming units, and that the resultant increase in residential density may conflict with normal agricultural practices on adjacent properties. Further, the decision-making body shall consider the negative incremental and cumulative effects land divisions have on the agricultural community. In regard to the subject Variance request, the 2.5-acre parcel is developed with an existing single-family residence, and no new development is approved. Under consideration is the creation of a 2.5-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, which is not in conformance with the above General Plan Policies because it does not meet the exemptions cited in LU-A.9, LU-A.10, or LU-A.11. Finding 4 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes that required Finding No. 4 for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4056.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4056; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4056; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

DTC:sn

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**Variance Application No. 4056
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in substantial compliance with the site plan, as approved by the Planning Commission.
2.	Prior to final Parcel Map approval, the Applicant shall have the portions of APN 309-070-42 and APN 309-070-43 that are under the Fresno Canal No. 3 surveyed, and shall grant exclusive easements on these portions of this land to the Fresno Irrigation District. The width of the easement shall be determined by FID, in consultation with the owner's Land Surveyor, based on the width of the canal, height of the banks, and final alignment.

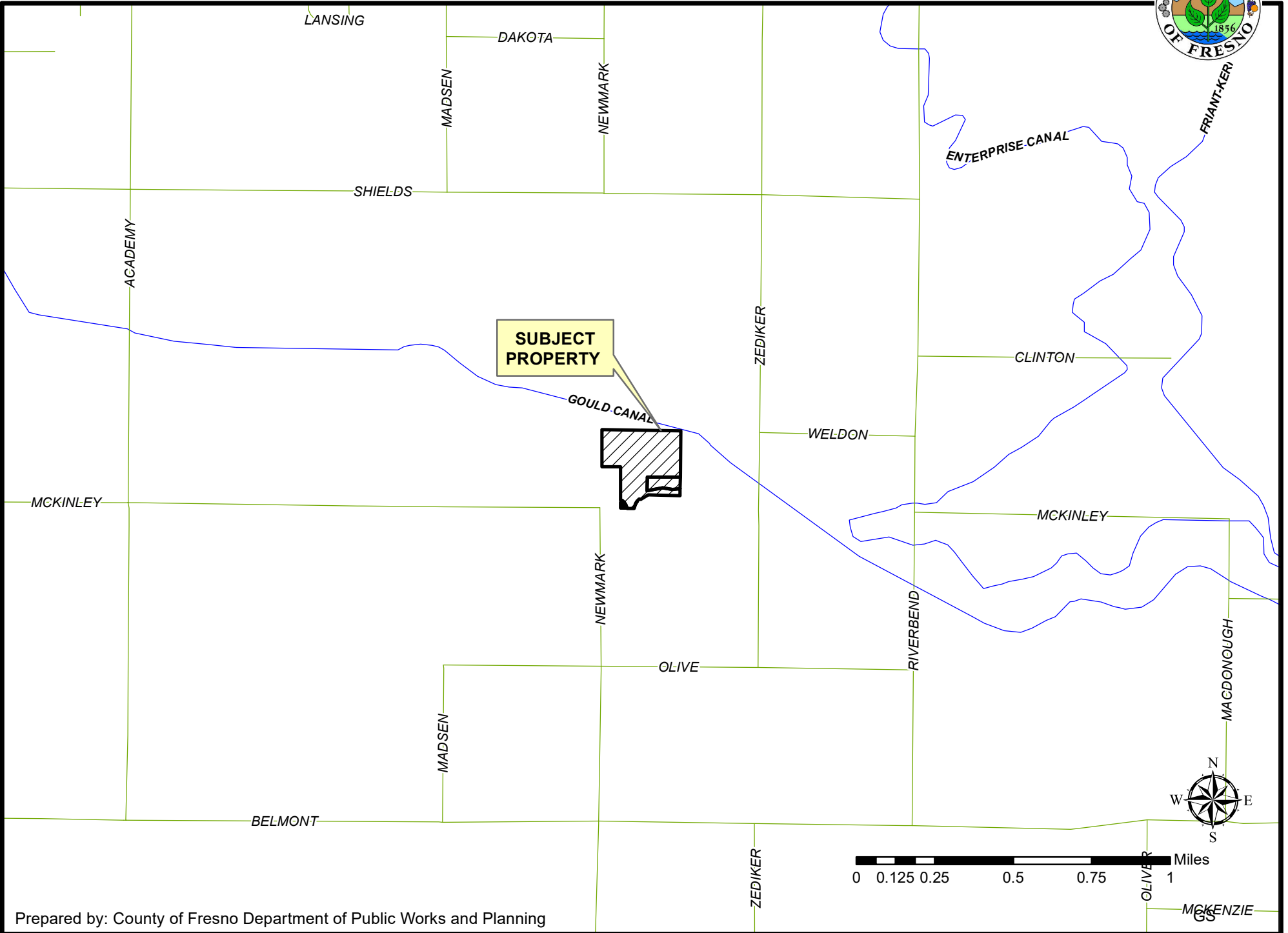
Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain 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.

DTC:sn

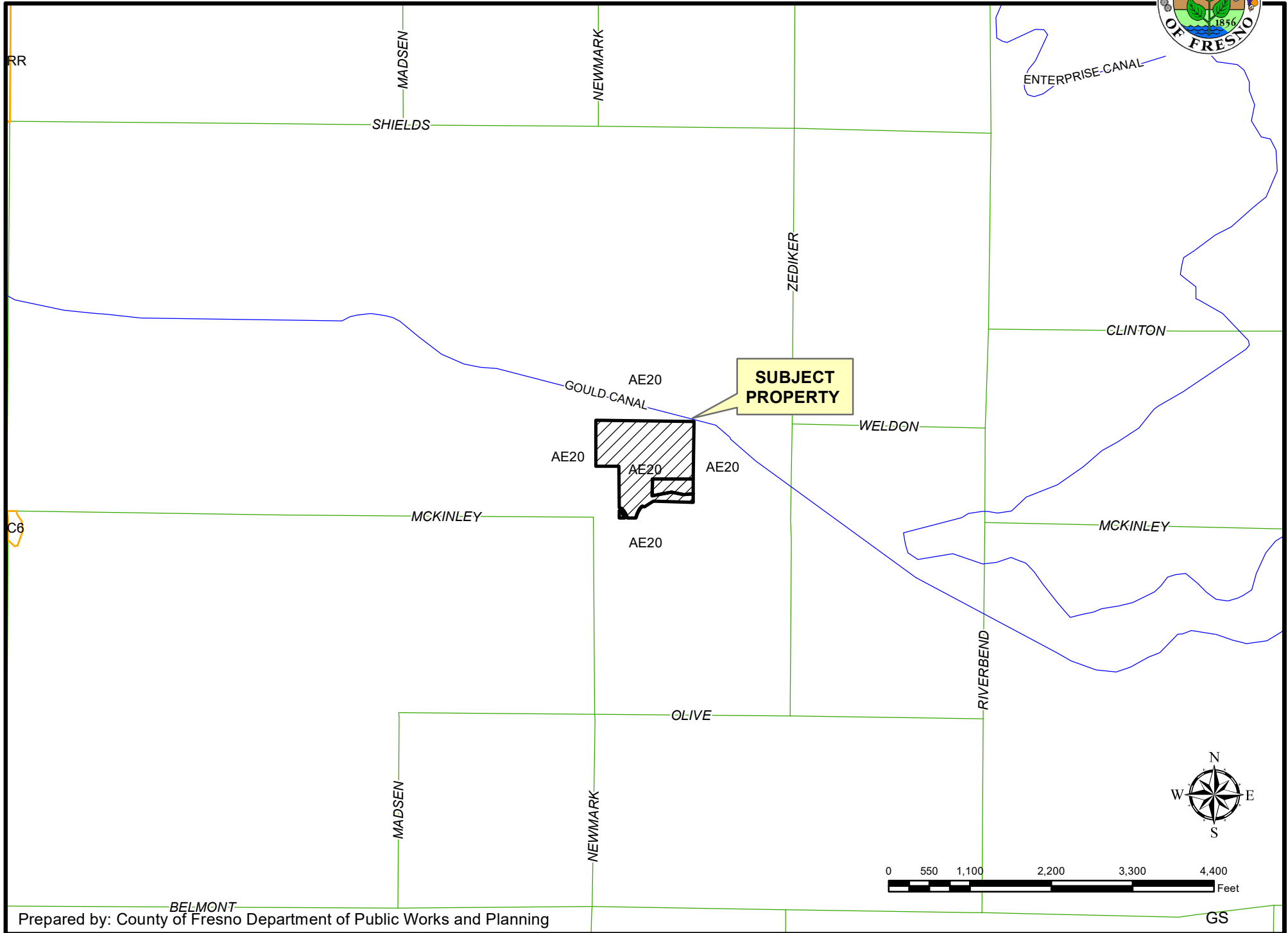
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LOCATION MAP

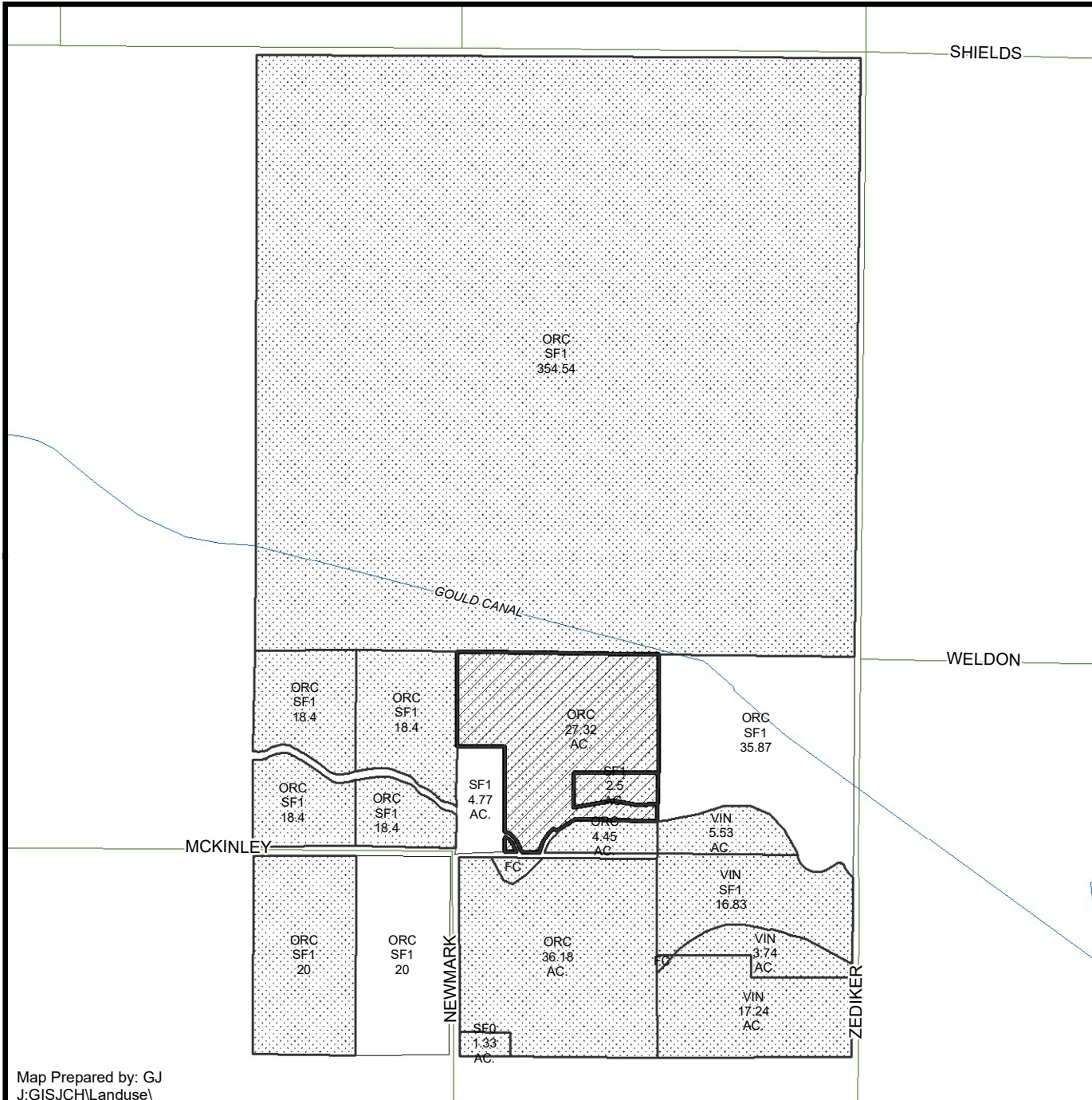


**SUBJECT
PROPERTY**

EXISTING ZONING MAP



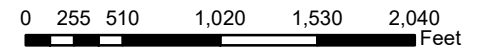
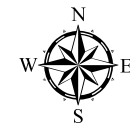
EXISTING LAND USE MAP



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

LEGEND:

- Subject Property
- Ag Contract Land

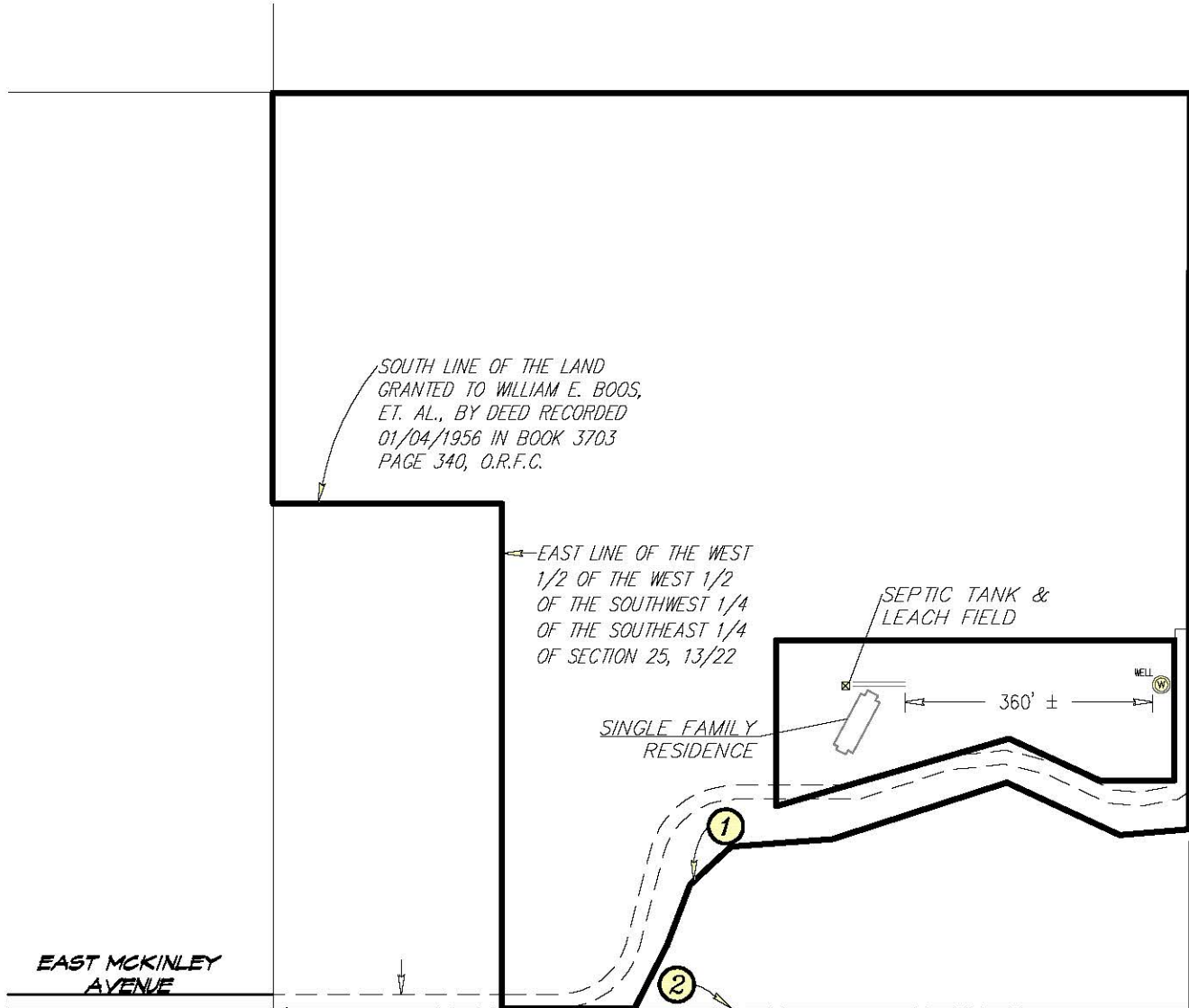


Department of Public Works and Planning
Development Services Division

VARIANCE EXHIBIT

FRESNO COUNTY, CALIFORNIA

SHEET 3 OF 3

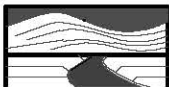


LEGEND

- ① CENTERLINE OF THE FRESNO MAIN CANAL
- ② SOUTHWEST CORNER OF THE E 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, 13/22

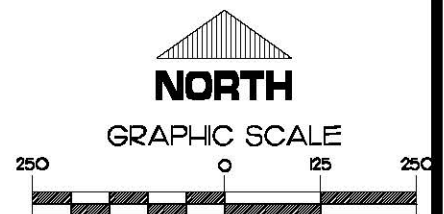
PREPARED FOR:
WM BOOS & CO.

PREPARED BY:



**DALE G. MELL
& ASSOCIATES**

ENGINEERING & SURVEYING SERVICES
2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 * FAX 251-9220



BY: R.ESPINOZA - 12/20/17
DMA CADFILE: 17-104EX01

EXHIBIT 5

VARIANCE EXHIBIT

FRESNO COUNTY, CALIFORNIA
SHEET 1 OF 3

**SEE SHEET 2 OF 3
FOR KEYNOTE LEGEND
AND LINE TABLE**

NOTES:

RECORD OR CALCULATED BEARINGS AND DISTANCES PER THE 2005 SURVEY BY JON RUSSELL, L.S. 7405, SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 49 OF RECORD OF SURVEYS AT PAGE 17, F.C.R.

(S89°59'18"W 1323.61')R-1

592.53'

SOUTH LINE OF THE LAND GRANTED TO WILLIAM E. BOOS, ET. AL., BY DEED RECORDED 01/04/1956 IN BOOK 3703 PAGE 340, O.R.F.C.

APN 309-070-43

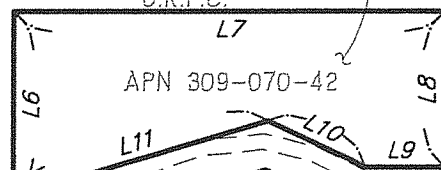
EXCEPTION TO SUBJECT SITE / NOT A PART GRANT DEED DOC. 2013-0118972, O.R.F.C.

APN 309-070-15

(N0°00'25"E 1320.43')R-1

APN 309-070-12
EXCEPTION TO SUBJECT SITE / NOT A PART GRANT DEED DOC. 2016-0025604 O.R.F.C.

EAST LINE OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, 13/22



APN 309-070-30
EXCEPTION TO SUBJECT SITE / NOT A PART GRANT DEED DOC. 2009-0132325, O.R.F.C.

1062.70'
(N0°04'38"E 1320.70')R-1 (S0°04'W)R-2

(258')R-2

(726.41')R1 & R-3

660.996'

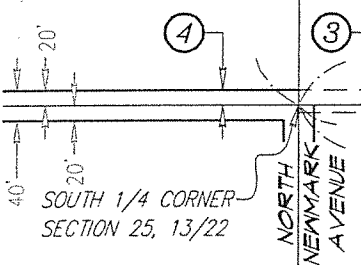
(N90°00'00"W 1321.99')R-1

(WEST)R-2

660.996' (661.11)R-2

(EAST)R-3

EAST MCKINLEY AVENUE (ALIGNMENT)



PREPARED FOR:
WM BOOS & CO.

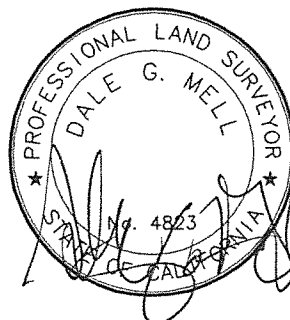
PREPARED BY:



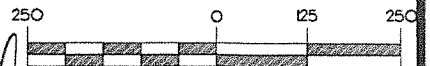
**DALE G. MELL
& ASSOCIATES**

ENGINEERING & SURVEYING SERVICES

2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 * FAX 251-9220



GRAPHIC SCALE



1 INCH = 250 FEET

BY: R.ESPINOZA - 12/20/17
DMA CADFILE: 17-104EX01

PLOTTED BY: ROCIO ESPINOZA - 12/20/2017 11:11:40 AM C:\MY DOCUMENTS\17-104EX01.DWG

VARIANCE EXHIBIT

FRESNO COUNTY, CALIFORNIA
SHEET 2 OF 3

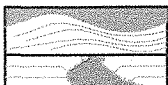
LEGEND

- ()R-1 RECORD DATA PER THE 2005 SURVEY BY JON RUSSELL, L.S. 7405, SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 49 OF RECORD OF SURVEYS AT PAGE 17, F.C.R.
- ()R-2 RECORD DATA PER THE INDIVIDUAL QUITCLAIM DEED RECORDED SEPTEMBER 09, 1983 AS DOCUMENT NO. 83083659, O.R.F.C.
- ()R-3 RECORD DATA PER THE INDIVIDUAL GRANT DEED RECORDED SEPTEMBER 09, 1983 AS DOCUMENT NO. 83083663, O.R.F.C. AND GRANT DEED RECORDED AUGUST 20, 2013 AS DOCUMENT NO. 2013-0118972, O.R.F.C.
- ① CENTERLINE OF THE FRESNO MAIN CANAL
- ② SOUTHWEST CORNER OF THE E 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, 13/22
- ③ NON-EXCLUSIVE EASEMENT FOR INGRESS & EGRESS IN FAVOR OF WM J. BOOS ET.AL. PER INSTRUMENT RECORDED 10/31/1980 IN BOOK 7615 PAGE 654 AS DOCUMENT NO. 106443, O.R.F.C.
- ④ 20' WIDE RIGHT OF WAY FOR PUBLIC ROAD GRANTED TO THE COUNTY OF FRESNO PER DOCUMENT RECORDED 02/04/1908 IN VOLUME 404 OF DEEDS PAGE 16, RECORDS OF FRESNO COUNTY
- ⑤ 20' WIDE EASEMENT FOR ROAD PURPOSES IN FAVOR OF FRANCES GAY SCHMIDT PER INSTRUMENT RECORDED 09/09/1983 AS DOCUMENT NO. 83083663, O.R.F.C.

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N0°02'31"E	232.50'
(L1)R-2	N0°2'E	232.5'
(L2)R-2	N85°41'E	147'
(L3)R-2	N72°00'E	264.8'
(L4)R-2	S65°00'E	180'
(L5)R-2	N85°00'E	100'
(L6)R-1	S0°00'00"E	240.18'
(L6)R-3	NORTH	240.18'
(L7)R-1	N90°00'00"W	575.74'
(L7)R-3	EAST	575.74'
(L8)R-1	S0°00'00"E	202.26'
(L8)R-3	SOUTH	202.26'
(L9)R-1	N90°00'00"W	109.18'
(L9)R-3	WEST	109.18'
(L10)R-1	N65°19'04"W	143.03'
(L10)R-3	N65°19'04"W	143.03'
(L11)R-1	S73°49'21"W	350.48'
(L11)R-3	S73°49'24"W	350.48'
(L12)R-1	S0°00'00"E	290.98'
(L12)R-3	NORTH	290.98'

PREPARED FOR:
WM BOOS & CO.

PREPARED BY:

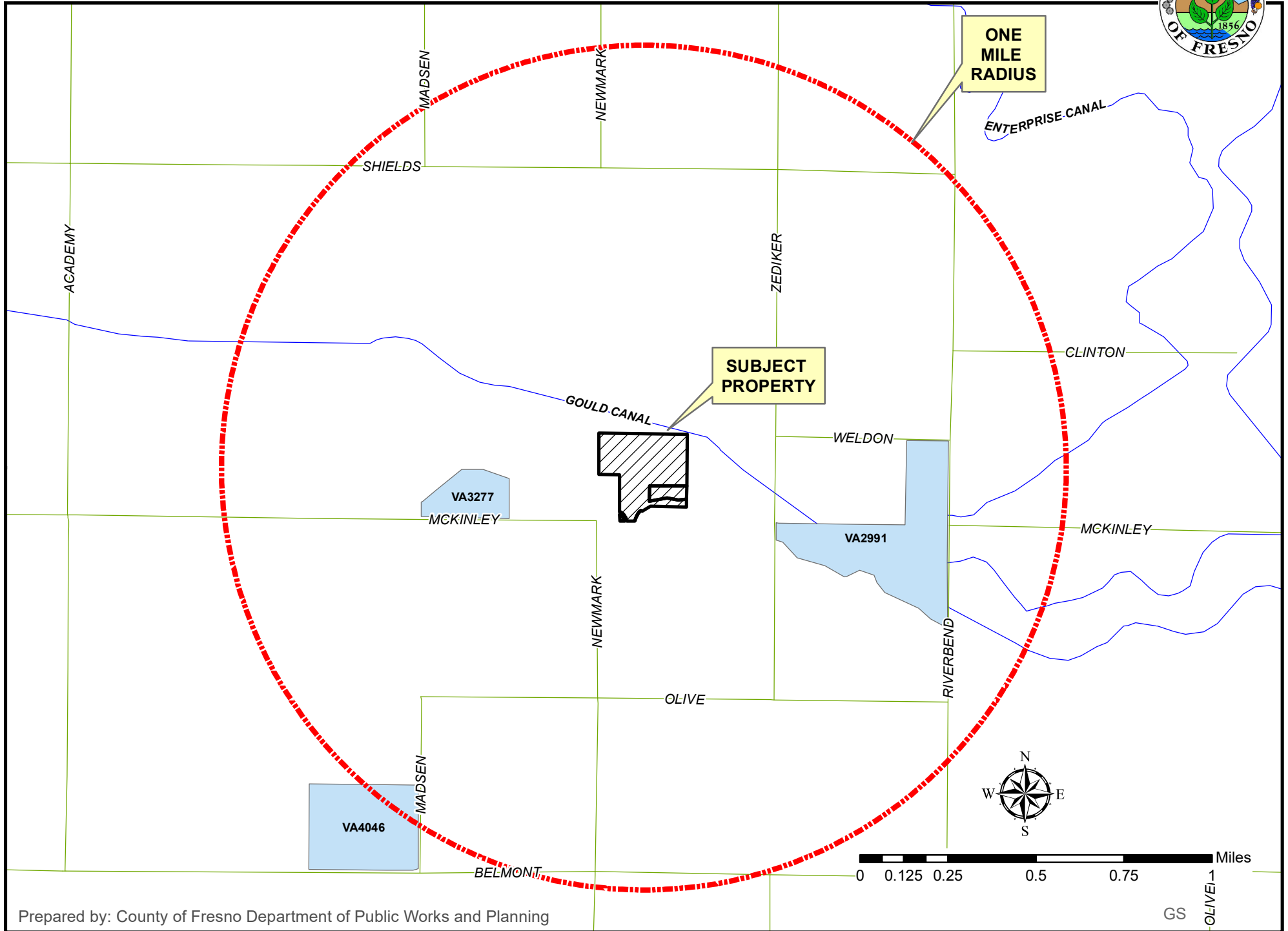


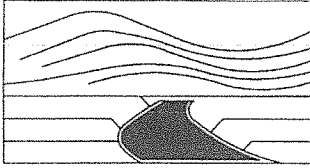
DALE G. MELL
& ASSOCIATES

ENGINEERING & SURVEYING SERVICES
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(559) 292-4046 • FAX 251-9228

BY: R.ESPINOZA - 12/20/17
DMA CADFILE: 17-104EX01

APPROVED VARIANCES WITHIN A ONE MILE RADIUS





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Supplemental Application Findings for Variance

1. **There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification;**

Residence was constructed for family member in 1981 and parcel created by gift deed to the same family member house was built for. Application for gift parcel acquired in 2011 by James Pellegrini unaware that an application was not filed to perfect the right to create and convey per Section 816.5.A.2.C of the Zoning Ordinance.

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;**

The right to have clear title to land without subdivision map act on zoning code violations.

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;**

The residence was constructed in 1981 and occupied continuously without impact to public welfare or properties within the general vicinity.

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

The General Plan does provide for the creation of parcels for convenience to family as this was; unfortunately an oversight occurred in processing the gift parcel application.

