



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 March 28, 2019

SUBJECT: Variance Application No. 4036

Allow the creation of a 2.08-acre parcel, 10.25-acre parcel and 5.25-acre parcel from an existing 17.58-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located at the southwest corner of Academy Avenue and Dinuba Avenue, approximately 2,678 feet south of the city limits of the City of Parlier (10205 South Academy Avenue, Selma, CA) (Sup. Dist. 4) (APN 358-270-56 & 57).

OWNER: Tom Taylor
APPLICANT: Ervin R. Prieto

STAFF CONTACT: Thomas Kobayashi, Planner
(559) 600-4224

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance (VA) Application No. 4036; 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. One-Mile Variance Radius Map
6. Site Plans and Detail Drawings
7. Applicant's Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20	No change
Parcel Size	17.58 acres	Parcel 1: 5.25 acres Parcel 2: 10.25 acres Parcel 3: 2.08 acres
Project Site	N/A	N/A
Structural Improvements	Single-Family Residence Mobile-Office Unit	Parcel 1: Mobile-Office Unit Parcel 2: No change Parcel 3: Single-Family Residence
Nearest Residence	Approximately 109 feet east of the project site	No change
Surrounding Development	Single-family residences and agricultural operations	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	N/A	N/A
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 15601(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 17 property owners within 1320 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 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 VA is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The existing 17.58-acre parcel does not currently conform to the 20-acre minimum parcel size established by the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The proposed Variance will waive minimum parcel sizes if approved and will create three substandard lots from the existing 17.58-acre parcel in the AE-20 Zone District. Proposed Parcel 1 will be 5.25 acres, proposed Parcel 2 will be 10.25 acres and proposed Parcel 3 will be 2.08 acres. If the Variance request is approved, the created parcels will be considered legal nonconforming lots. In the case of this application, Parcel 3 (the 2.08-acre parcel) was created by a Certificate of Waiver of Parcel Map No. 09-10 with the intent of financing the property owner's residence; if the Variance request is approved, Parcel 3 will be recognized as a legal nonconforming lot and will not be subject to any conditions of approval brought forth from the Certificate of Waiver of Parcel Map No. 09-10.

On March 4, 1972, the Fresno County Parcel Map Ordinance went into effect requiring a mapping procedure to be completed for the subdivision of land into four or less parcels. 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 17.58-acre parcel is in mostly the same configuration as Assessor Parcel Map records from the 1971-72 rolls. The property owners took ownership of the subject parcel with a deed being recorded on July 31, 2008. On March 12, 2009 the property owners recorded a Certificate of Waiver of Parcel Map No. 09-10. This procedure created a 2.35 gross acre parcel with the purpose of financing the owner's residence and would not be able to be sold separately from the 17.58-acre parcel except through a foreclosure. Although there is no recorded map or recorded deed prior to March 4, 1972 specifically creating the subject parcel, the configuration of the parcels are the same as the Assessor's Parcel Maps from the 1971-72 rolls. Staff therefore believes that the parcel was deeded and created prior to March 4, 1972. Staff also believes that with the approved Certificate of Waiver of Parcel Map No. 09-10, it further provides proof that the subject parcel is a legally-created parcel. The subject parcel went through a zoning change of A-1 to AE-20 on August 8, 1976 by means of Amendment Application No.

2870 which was initiated by the County of Fresno, and continues to be zoned AE-20.

Building records show that on September 18, 2008, a permit was issued for the single-family residence. The Applicant has stated that northern part of the property (split by the canal) is utilized by a tenant who has an office on that portion of the property along with storing agricultural equipment. No building permit was issued to place or construct an office on the property, therefore, if the Variance application is approved, building permits will be required prior to filing a mapping application or the property will be subject to a violation.

Approval of this Variance will allow the creation of three parcels, one containing the permitted single-family residence (Parcel 3), one containing the unpermitted office building (Parcel 1), and another parcel containing agricultural land (Parcel 2).

There are two variance applications that have been applied for within a one-mile radius of the project site.

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 3240: Allow creation of a 1.38-acre parcel without public road frontage (165 feet required) from a 20-acre parcel of land.	January 25, 1990	Approval	PC Approved
VA No. 3517: Allow creation of a 2.49-acre parcel and 19.85-acre parcel from an existing 22.34-acre parcel in the AE-20 Zone District.	April 4, 1994	Approval	PC Approved

Although there is a history of variance requests within proximity of the subject parcel, each variance request must be considered on its own merit, based on unique site conditions and circumstances.

Finding 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; and*

Finding 2: *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	AE-20 Front: 35 feet Side: 20 feet Street Side: 35 feet Rear: 20 feet	Parcel 1: No change Parcel 2: No change Parcel 3: No change	Y
Parking	N/A	N/A	N/A
Lot Coverage	AE-20: No Requirement	No change	Y

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n)
Space Between Buildings	6 feet	No change	Y
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Y
Water Well Separation	Building sewer/septic tank, 50 feet; disposal field, 100 feet; seepage pit/cesspool, 150 feet	No change	Y

Reviewing Agency/Department Comments Regarding Site Adequacy:

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears the parcels can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Well Standards Ordinance and California Plumbing Code.

This parcel is located in the sphere of influence of the City of Parlier for community water and sewer.

It is recommended that the Applicant 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 systems. **This shall be included as a Project Note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Academy Avenue is a County-maintained road classified as an Arterial road with existing variable width road right-of-way. Pavement width is 32-feet, with paved shoulders. ADT of Academy Avenue is 1,600 VPD, with PCI of 100. The roadway is in good condition.

Dinuba Avenue is a County-maintained road classified as a Local road with existing road right-of-way of 40-feet. Pavement width is 21.7 feet, with dirt shoulders. ADT of Dinuba Avenue is 2,600 VPD, with PCI of 90.4. The roadway is in good condition.

Academy Avenue is classified as an Arterial road with existing variable width of road right-of-way based upon the County's road reconstruction project from 2012. Additional variable width of road right-of-way is required along the east property line of this development to complete the ultimate road right-of-way of the section line as shown on Official Plan Line Serial No. 98 on file at the County Recorder's Office. No facilities shall be constructed within the ultimate right-of-way west of the section line, and any setbacks for new construction should be based upon the ultimate right-of-way for Academy Avenue. The Applicant should show this ultimate right-of-way, including annotated 30'x30' corner cutoffs, on any future parcel map that may be filed if this Variance is approved. **This shall be included as a Project Note.**

Dinuba Avenue is classified as a Local road with existing 40 feet of road right-of-way, an additional 10 feet of road right-of-way south of the section line. No facilities shall be constructed

within 30 feet south of the section line, and any setbacks for new construction should be based upon the ultimate right-of-way for Dinuba Avenue. **This shall be included as a Project Note.**

An encroachment permit is required from the Fresno County Road Maintenance and Operations Division prior to any work being performed in the County road right-of-way. **This shall be included as a Project Note.**

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA, FIRM Panel 2660H, the parcels are not subject to flooding from the 100-year storm.

According to U.S.G.S Quad Maps, there is an existing irrigation channel running through the parcel. Any work in or near this drainage channel may require additional permitting from the irrigation district and others. **This shall be included as a Project Note.**

If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Academy Avenue. **This shall be included as a Project Note.**

Typically, in an Arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized. **This shall be included as a Project Note.**

A grading permit or voucher may be required for any unpermitted grading work or for any grading proposed with this application. **This shall be included as a Project Note.**

Fresno County Department of Agriculture: No comment.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant's findings state that the proposal will be utilizing the Kingsburg Branch Canal as the boundary for the parcel division, as it is already a physical boundary splitting the existing parcel. The Applicant also states that there are multiple parcels in the immediate vicinity of the subject property that are zoned AE-20 and are less than the 5.27 acres in size. The Applicant would also like to note that a majority of those parcels less than 5.27 acres have been improved with single-family residences.

In support of Finding 2, the Applicant states that due to the parcel being physically split by the Canal, the owner would have to go through the street to get to the northern portion of the property. The owner intends to sell the property to his current tenant who also owns the property adjacent to the project site. They plan to continue using the property as a vineyard and part of his agricultural business. The Applicant also states that other property owners do not have their parcels physically split by a canal, which they believe is detrimental to the enjoyment of their property.

The subject property is located at the southwest corner of Dinuba Avenue and Academy Avenue. The subject property is improved with a single-family residence, an office unit (without building permits), and a vineyard. Building permit records indicate that the single-family residence received permits on May 21, 2008 and the permit was finalized on July 1, 2010. There are no records of a building permit for the office unit, therefore if this application is approved, the Applicant will be required to obtain a

building permit for the office unit and storage buildings prior to submitting the mapping application.

Parcels 358-270-56 & 57 are acknowledged on a Certificate of Waiver of Parcel Map No. 09-10. The intent was to create a 2.35-acre gross parcel to finance the owner's residence and may not be sold separately from the remaining 20.03-acres except through a foreclosure action. If the Variance is approved, it will create three parcels from the existing 17.58-acre net parcel (20.08 gross acres) and a 2.08-acre net parcel (2.35 gross acres).

A consideration in addressing variance requests is whether there are alternatives available that would avoid the need for the Variance. Staff recognizes that the alternative for the owners would be to lease the portion of the property north of the canal, if they did not intend to farm the land, or allow it to go fallow and not go through with the Variance and mapping procedure. The owners are constrained by their financing parcel and are unable to sell the rest of the farming acreage, as they cannot sell those sections without violating the financing parcel Conditions of Approval. The only way to not violate the financing parcel Conditions of Approval would be to split the parcel, which requires the Variance request.

In regard to Finding 1, staff recognizes that the Kingsburg Branch Canal physically splits the parcel into two distinct areas of land, but the canal is not contained to this property only and there are multiple parcels in the vicinity that are physically split by the Kingsburg Branch Canal. Staff would like to note that although the creation of the financing parcel created additional constraints on the property, the owners were made aware of and agreed to the Conditions of Approval to allow the financing parcel, which should be considered in determining the circumstances of the project site. Staff does not necessarily agree with the Applicant's finding that since there are multiple parcels in the vicinity with similar zoning below the minimum acreage designation, this proposal should be considered based on that finding. There are several factors to consider that may or may not have been in effect during the creation of the parcels that are under the minimum acreage designation. They could have been created prior to the approval of the Fresno County Parcel Map Ordinance, or created prior to the approval of the Zoning Ordinance in 1958, which established minimum parcel sizes for certain zone districts. Based on the discussion, staff does not agree with the Applicant's findings that the canal is an exceptional or extraordinary circumstance or condition, and also does not agree that similar sized parcels in the vicinity of the project area create a precedence for findings.

In regard to Finding 2, the Applicant states that a right to access the property is not being preserved. Staff does not necessarily believe that the right to access the property is being infringed upon, as access is still available by public road. Although the Applicant states that the access issue is an inconvenience that other property owners in the project vicinity may not have, staff would like to note that there are multiple properties in the vicinity and throughout Fresno County that are affected by a canal. Considering that access is still achieved by means of a public thoroughfare and that there are numerous properties throughout the County that are divided by canals similar to the project site, staff does not believe Finding 2 can be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 1 and 2 cannot be made.

Finding 3: *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	112.86 acres	Solid Waste Disposal Site (County of Fresno)	AE-20	N/A
South	20 acres	Orchard and Single-Family Residence	AE-20	Approximately 890 feet
East	9.11 acres	Field Crops and Single- Family Residence	AE-20	Approximately 205 feet
	10 acres	Vineyard and Single-Family Residence	AE-20	Approximately 107 feet
West	18.5 acres	Orchard and Single-Family Residence	AE-20	Approximately 476 feet

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Plans, permits and inspections will be required for all on-site improvements. **This shall be included as a Project Note.**

The office trailer installed on site must be permitted prior to the Variance being approved or violations will be issued. **This shall be included as a Project Note.**

Fresno County Fire Protection District: No comment.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comment.

Zoning Section of the Fresno County Department of Public Works and Planning: There is no permit history for the two new storage buildings, new office building and existing shed. If unpermitted structures were built after March 1, 1958 or larger than 120 square-feet, then unpermitted structures need to be removed or permitted or will be subject to a violation. **This shall be included as a Project Note.**

If the Variance is approved, a mapping procedure will be required to create the parcels. **This shall be included as a Project Note.**

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicant states that the created Parcel 1 will be utilized as storage for agricultural equipment and an agriculture-related office. The tenant, who is the owner of the adjacent parcel, is currently utilizing those improvements. The Applicant states that the requested Variance will not change the existing use, nor will it result in an increase in the amount of traffic on the existing private easement. Additionally, the canal will not be a detriment to the current owner's agricultural operation. Therefore, the Applicant believes that the granting

of the Variance will not result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the property.

In regard to Finding 3, staff concurs with the Applicant’s findings that if the Variance request were to be approved, the existing uses will not change and are all agriculture-related operations. Therefore, the project will not result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the project site.

Based on the information, staff believes that Finding 3 can be made.

Recommended Conditions of Approval:

If the Variance is approved, a Mapping Procedure will be required to create the parcels.

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, 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>Policy LU-A.9 references the creation of homesite parcels subject to certain criteria.</p> <p>Policy LU-A.10 references the creation of substandard lots by discretionary permit when necessary for the development of an agricultural commercial center or in conjunction with development within a designated commercial interchange within the Westside Freeway Corridor Overlay.</p> <p>Policy LU-A.11 references the creation of substandard parcels by discretionary permit when such action is deemed necessary by the Board of Supervisors for the recovery of mineral resources and the exploration and extraction of oil and gas.</p>	<p>This Variance would allow the creation of three substandard parcels from an existing 17.58-acre parcel which is zoned AE-20, requiring a 20-acre minimum parcel size. 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: Parcel 3 was originally created as a financing parcel. The proposed project seeks to separate the parcels and make the financing parcel a separate parcel that can be sold independently of the other created parcels. Therefore, the request is not consistent with Policy LU-A.9. • LU-A.10: The request is not related to allowing 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>The subject proposal is requesting a Variance from compliance with this</p>

Relevant Policies:	Consistency/Considerations:
	policy and the zoning regulations that support it (Section 816.5, minimum of 20 acres).
<p>General Plan Policy LU-A.7: The County shall generally deny requests to create parcels less than 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 parcel 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 exemption. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>If the Variance is approved, Parcel 1, which is 5.25 acres, is proposed to be utilized as an agricultural equipment storage area, agriculture-related office site, and part of the adjacent property owner's agricultural operation. Parcel 2 is proposed to be 10.25 acres and is proposed to remain as a vineyard. Parcel 3 will be 2.08 acres and be utilized as a single-family residence. The proposed parcels will be considered too small to present viable economic farming opportunities. If the Variance is approved, each new parcel could have a residential structure by-right and an additional dwelling unit with a Director's Review and Approval. As proposed, the request is not consistent with General Plan Policy LU-A.7.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> a) A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made "firm" by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amount necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. b) A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant impact on agriculture or other water users within Fresno County. If 	<p>The Water and Natural Resources Division reviewed the subject application and did not express any concerns with regard to water availability. Additionally, the project area is not located in areas of the County defined as being water short.</p>

Relevant Policies:	Consistency/Considerations:
<p>use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>c) A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users.</p>	

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning:
The subject property is not enrolled in the Williamson Act Program.

The subject property is designated as Agricultural in the General Plan. As such, the Agricultural Land Use Element of the General Plan includes policies to maintain 20 acres as the minimum parcel size in areas designated as Agricultural. Further, PF-C.17 of the Public Facilities and Service Element of the General Plan states that any discretionary projects related to land use must undertake a water supply evaluation.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 4, the Applicant states that the project area will still be utilized for agriculture and agriculture-related uses, and that they are not proposing any changes to the project site that would be in conflict with the objectives of the Fresno County General Plan. The Applicant states that no negative incremental cumulative effects would result from the granting of the request. The Applicant would also like to note that Parcel 3 is already separated from the remainder of the parcel by the financing procedure, and allowing the Variance request would permanently separate the parcels.

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 Finding 4, staff does not agree with the Applicant that the project proposal does not conflict with the objectives of the Fresno County General Plan. Based on Fresno County General Plan Policy LU-A.6 and 7, the minimum acreage designations of the AE-20 Zone District should be kept to maintain viability of agricultural operations and reduce the potential of increased residential development. Although the existing uses are agriculture and agriculture-related uses, future residential development on the parcels currently being farmed is possible if the request is approved. Therefore, based on these factors, staff does not believe the project proposal is consistent with the General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff believes the required Findings 1, 2, and 4 for granting the Variance cannot be made. Staff therefore recommends denial of Variance No. 4036.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4036; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4036, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

TK:ksn

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**Variance Application No. 4036
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the creation of the 2.08-acre parcel, the 10.25-acre parcel and the 5.25-acre parcel from an existing 17.58-acre parcel.
2.	Permits are required for all unpermitted structures prior to submittal of the mapping application.

Conditions of Approval reference recommended Conditions for the project.

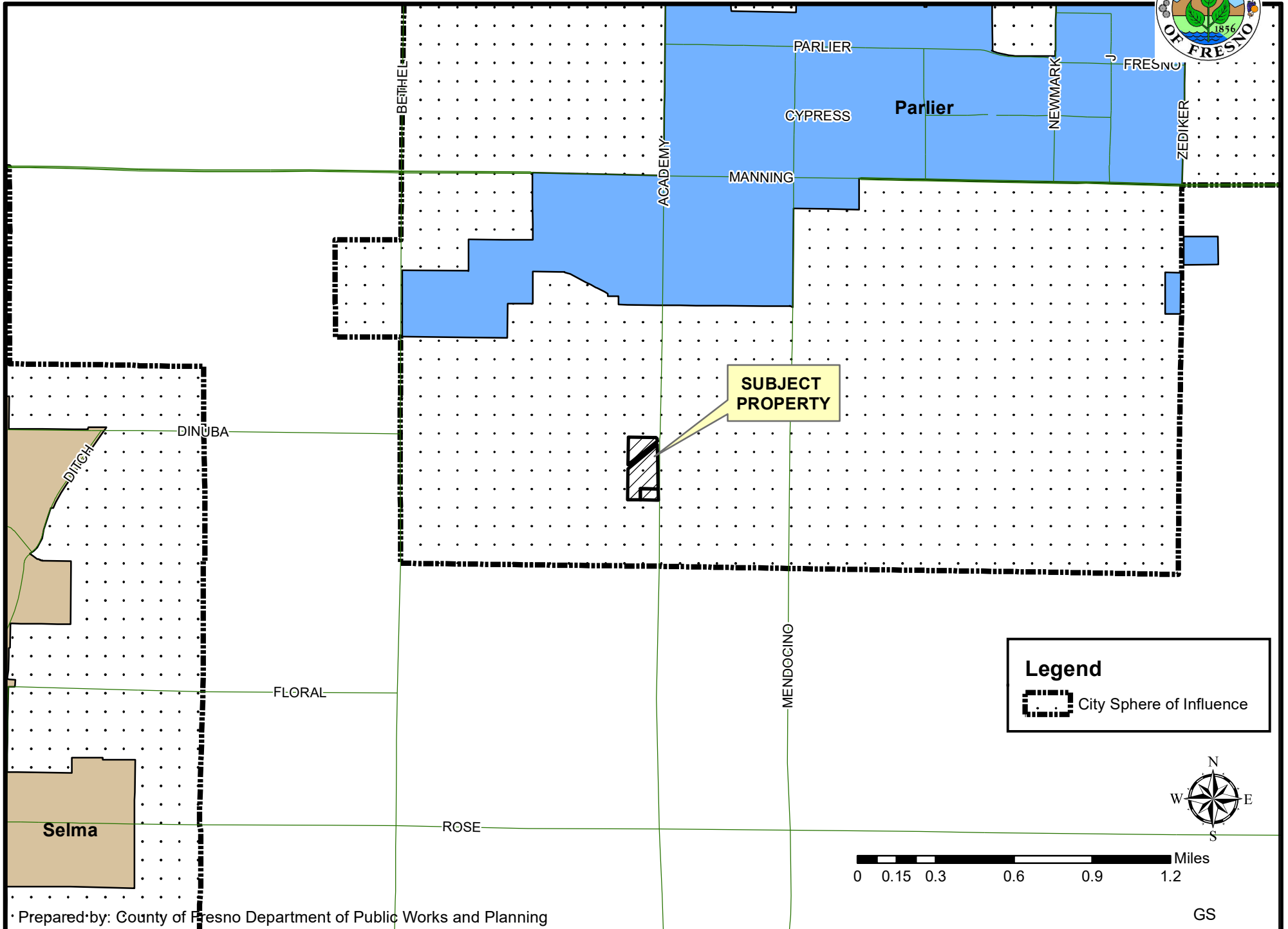
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to split the property in accordance with the approved Site Plan.
2.	It is recommended that the Applicant 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 systems.
3.	Academy Avenue is classified as an Arterial road with existing variable width of road right-of-way based upon the County's road reconstruction project from 2012. Additional variable width of road right-of-way of the section line is shown on Official Plan Line Serial No. 98 on file at the County Recorder's Office. No facilities shall be constructed within the ultimate right-of-way for Academy Avenue. Applicant should show the ultimate right-of-way, including annotated 30' x 30' corner cutoffs, on any future parcel map that may be filed if this Variance is approved.
4.	Dinuba Avenue is classified as a Local road with existing 40 feet of road right-of-way, an additional 10 feet of road right-of-way south of the section line. No facilities shall be constructed within 30 feet south of the section line, and any setbacks for new construction should be based upon the ultimate right-of-way for Dinuba Avenue.
5.	An encroachment permit is required from the Fresno County Road Maintenance and Operations Division prior to any work being performed in the County road right-of-way.
6.	According to U.S.G.S Quad Maps, there is an existing irrigation channel running through the parcel. Any work in or near this drainage channel may require additional permitting from the irrigation district and others.
7.	If not already present, 10' x 10' corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Academy Avenue.
8.	Typically, in an Arterial classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the Arterial road in a forward motion so that vehicles do not back out onto the roadway. Direct access to an Arterial road is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
9.	A grading permit or voucher may be required for any unpermitted grading work or for any grading proposed with this application.

Notes	
10.	Plans, permits and inspections will be required for all on-site improvements.
11.	There is no permit history for two storage buildings, new office building and existing shed. If unpermitted structures were built after March 1, 1958 or larger than 120 square-feet, the unpermitted structures need to be removed or permitted, or will be subject to a violation.
12.	If the Variance is approved, a mapping procedure will be required to create the parcels.

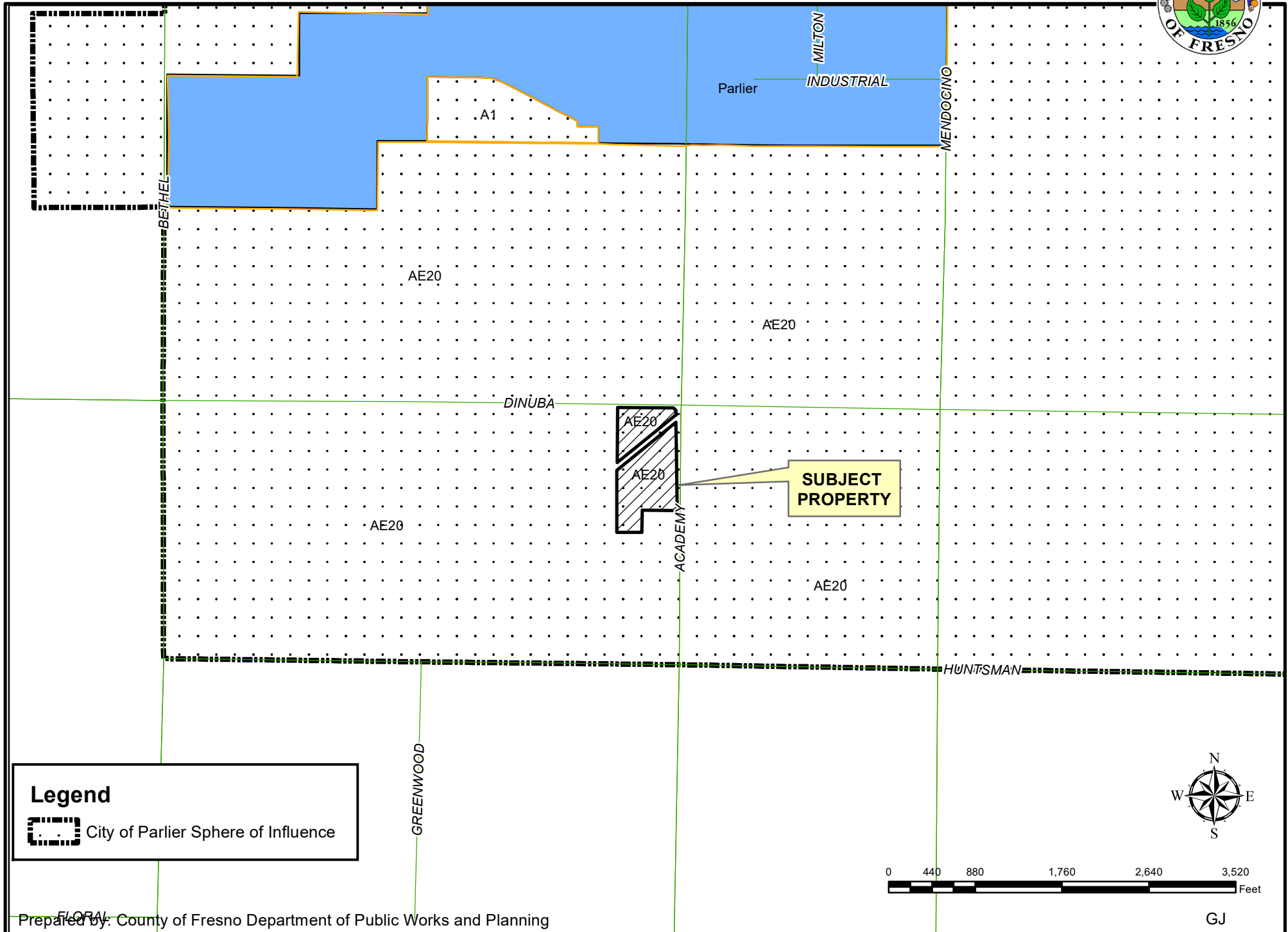
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LOCATION MAP

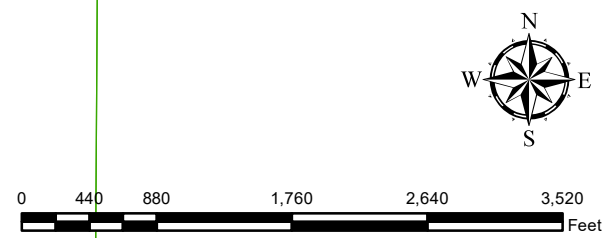


EXISTING ZONING MAP

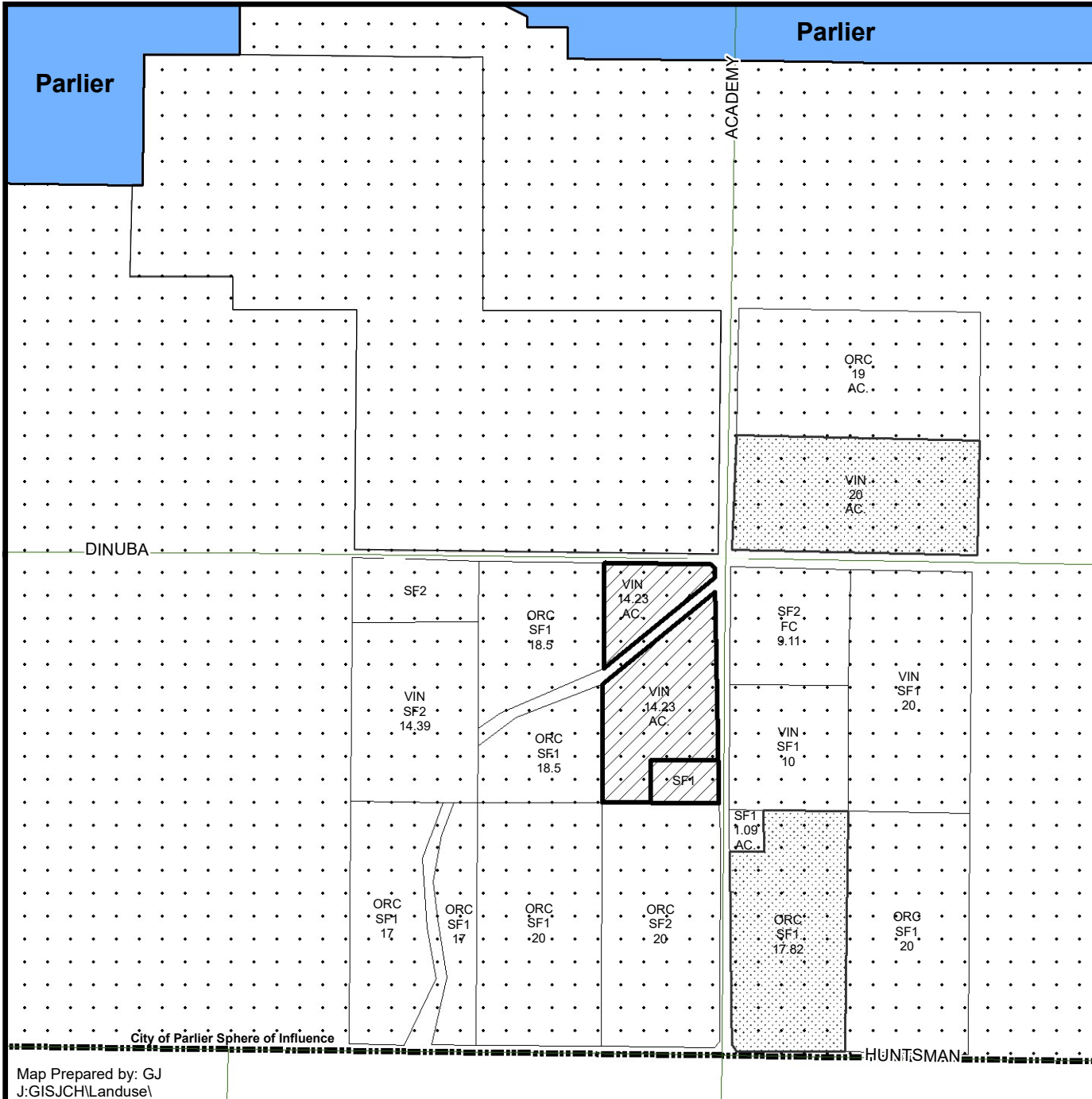


Legend

 City of Parlier Sphere of Influence





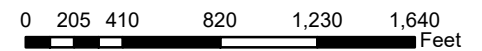
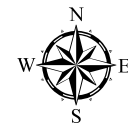
EXISTING LAND USE MAP



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

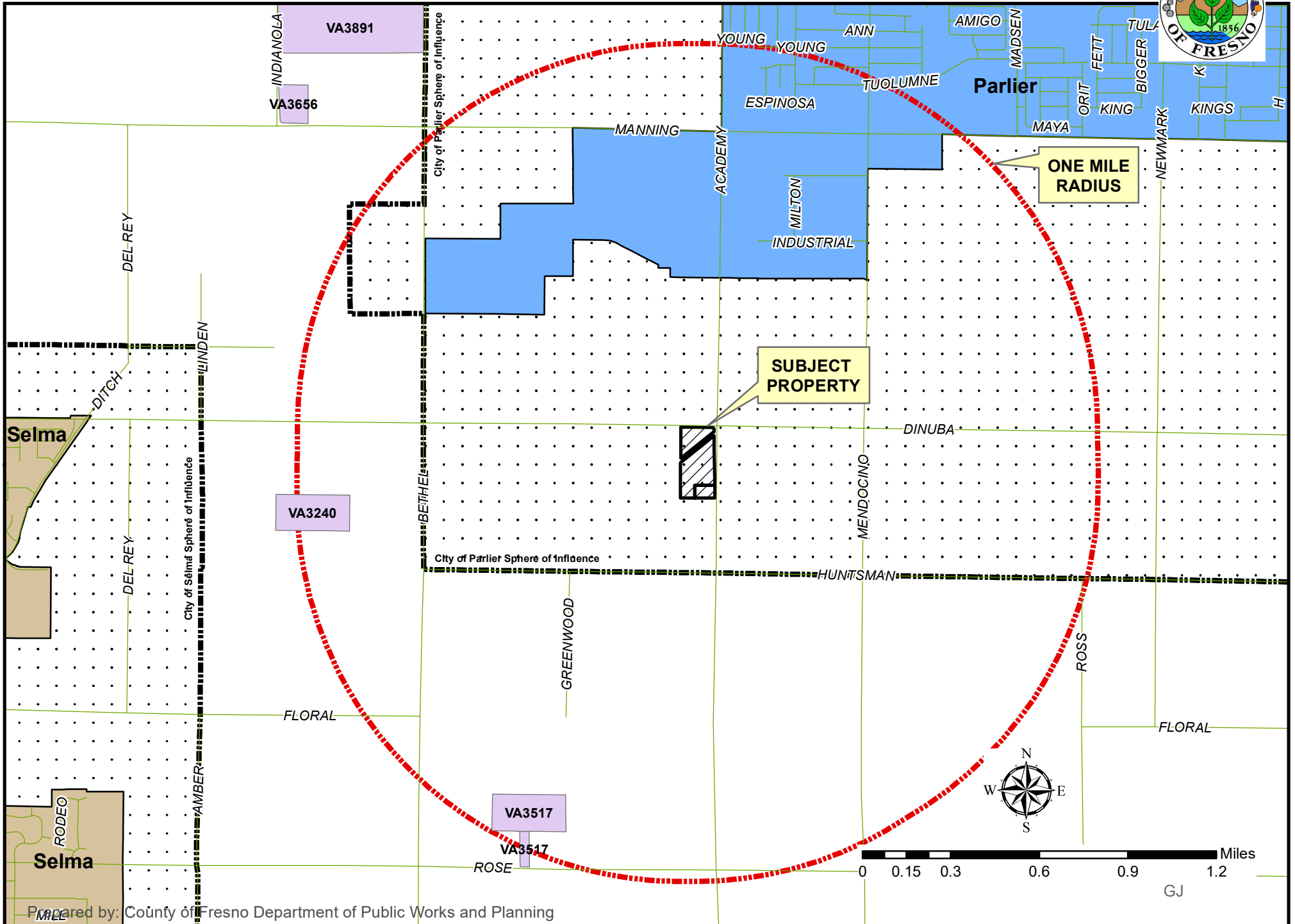
LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

APPROVED VARIANCES WITHIN A ONE MILE RADIUS



SITE PLAN VA 4036

BEING A SUBDIVISION OF A PORTION OF
SECTION 34, TOWNSHIP 15 SOUTH, RANGE
22 EAST, M.D.B.+M. IN THE CITY OF SELMA,
FRESNO COUNTY, CALIFORNIA

SURVEYED AND PLATTED IN MARCH 2014

RECEIVED
COUNTY OF FRESNO

JAN 15 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

REVISED COPY

LEGAL DESCRIPTION:

THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 15 SOUTH,
RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING
TO THE UNITED STATE GOVERNMENT TOWNSHIP PLATS.

APN: 358-270-57

NOTES:

SITE AREA: 4.75± ACRES
SOURCE OF WATER: DOMESTIC WELL
METHOD OF SEWAGE: SEPTIC TANK

LEGAL OWNER:

TOM TAYLOR AND SUSAN ANNE BIEHLE
10205 S. ACADEMY AVENUE
SELMA, CA 93662

TEL. (559) 312-8959

OWNER'S REPRESENTATIVE

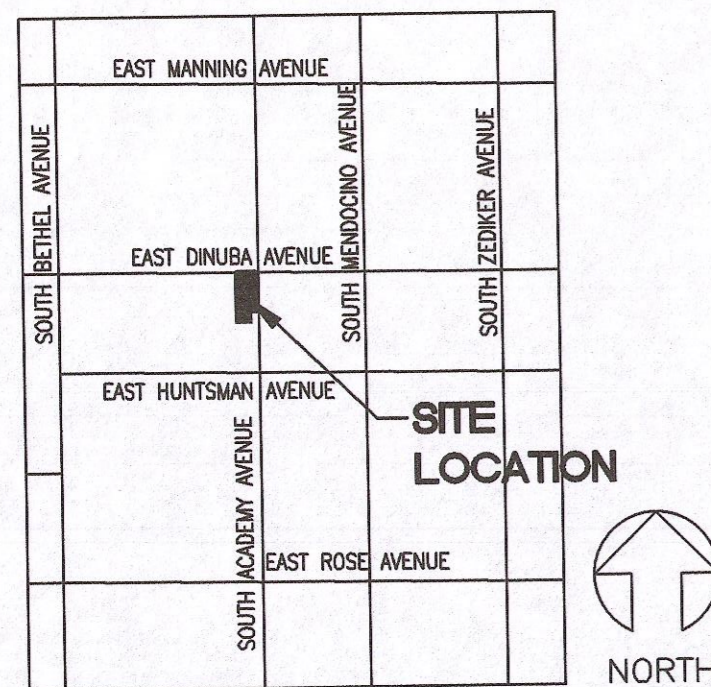
JOHN P. CHAVEZ
5799 S. CRAWFORD AVENUE
REEDLEY, CA 93654

TEL. (559) 647-1873

PROPERTY INFORMATION:

APN: 358-270-57
EXISTING ZONING: AL20
PROPOSED ZONING: VARIANCE

SITE ADDRESS: NO SITE ADDRESS
EXISTING USE: GRAPE VINEYARD FOR RAISING
PROPOSED USE: GRAPE VINEYARD FOR RAISING



VICINITY MAP
NOT TO SCALE

LEGEND

- STP IRRIGATION STAND PIPE
- C.O.F. COUNTY OF FRESNO
- O.R.F.C. OFFICIAL RECORD FRESNO COUNTY
- F.C.R. FRESNO COUNTY RECORD
- INDICATE SECTION LINE
- INDICATE PROPERTY LINE
- INDICATE RIGHT OF WAY LINE
- ⊕ UTILITY POLE (UP)
- ⊕ GUY ANCHOR (GUY)

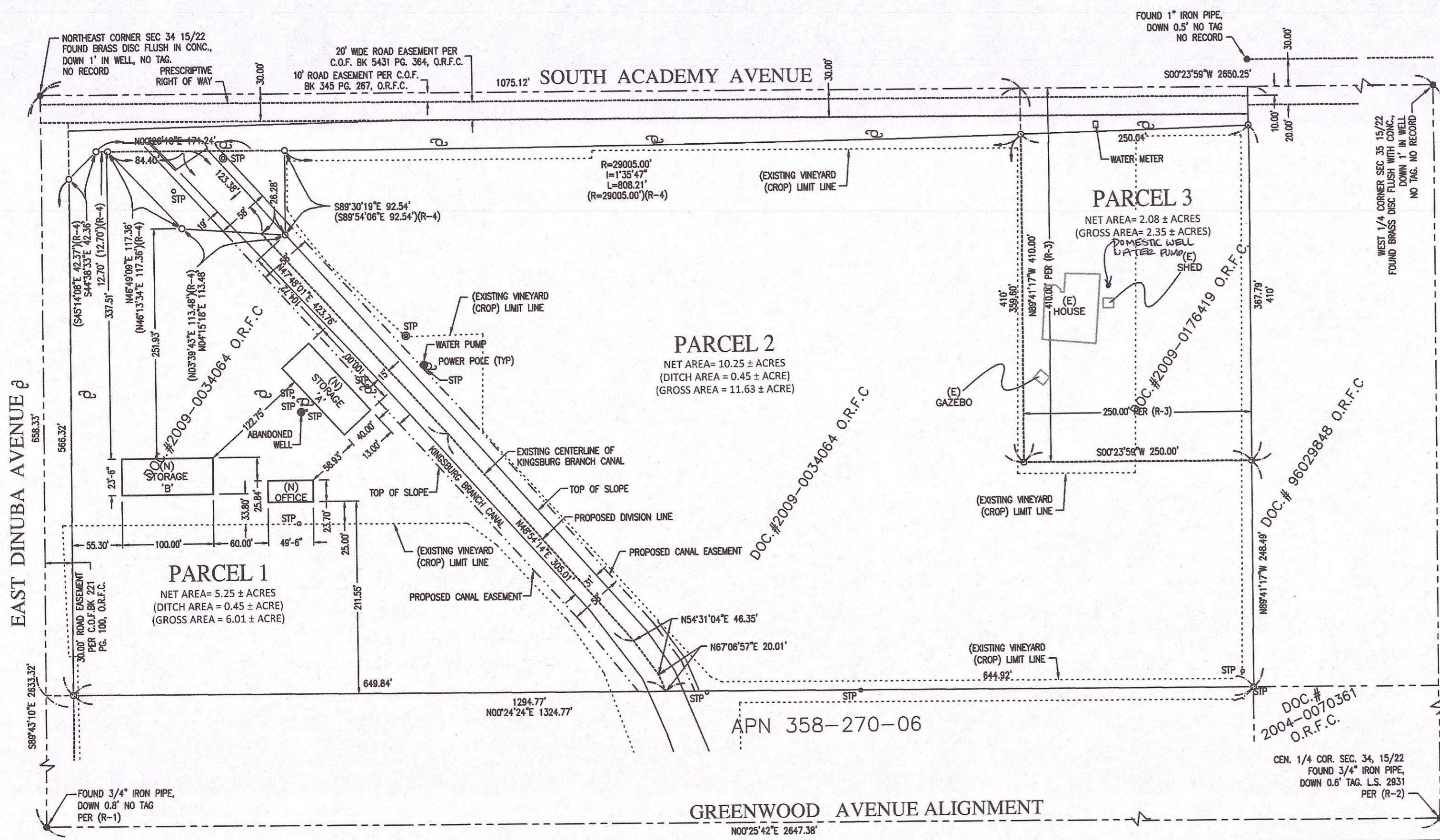
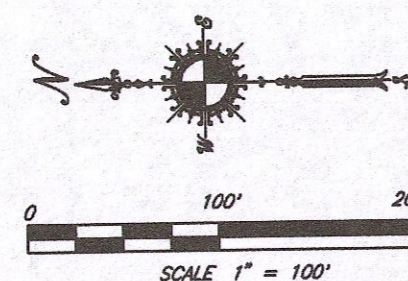
(R-1) RECORD DATA PER RECORD OF SURVEY IN BOOK 53 OF LICENSED SURVEYORS' PLATS AT PAGE 81, F.C.R.

(R-2) RECORD DATA PER PARCEL MAP NO. 2785 IN BOOK 19 OF PARCEL MAPS AT PAGE 72, F.C.R.

(R-3) RECORD DATA PER WAIVER CERTIFICATE NO. 09-10, DOC.# 34064, PREPARED BY DEE JASPAR & ASSOCIATED, INC. PER DOC. NO. 2010-0047722 O.R.F.C.

(R-4) PER DOC. NO. 2010-0047722 O.R.F.C.

NOTE: DIMENSIONS NOT MONUMENTED ARE CALCULATED



EAST HUNTSMAN AVENUE

DATE OF SURVEY	01.16.2014
JOB NO.	14006
DRAWN BY	S. GARTENLAUB
CHECK BY	N. SAHOTA
DATE	01.16.2014
REVISION DATE	09.11.18
DRAWING NAME	14006 SP

CVEAS CENTRAL VALLEY
ENGINEERING AND SURVEYING

2132 HIGH STREET
SELMA, CA 93662
WWW.CVEAS.COM

Tel. (559) 881-8811
Fax (559) 881-8815
Email: info@cveas.com

CIVIL ENGINEERING • LAND SURVEYING • CONSTRUCTION • CUSTOM HOME DESIGN
COMMERCIAL BUILDING DESIGN • PLANNING & PROJECT MANAGEMENT

April 24, 2018

Development Services
Division 2220 Tulare
Street
Fresno, CA 93721

REQUEST

Subject: Variance Application to allow creation of three parcels from existing 20.03 acres parcel Site Address; no address, new address will be applied for.

Original APN 358-270-07

After split on March 12, 2009 , APN: 358-270-57 APN: 358-270-56

New Split Parcel 1, Parcel 2 and Parcel 3, new apn's to be determined. *Received 4/24/18*

REVISSED COPY

JUSTIFICATION

In order to grant a variance four finding must be made:

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.*

The parcel is presently approximately 20.03 acres. New parcels would be

Parcel 1 Consisting of gross area 6.01 Acres

Parcel 2 Consisting of gross area 11.63 Acres and

Parcel 3 Consisting of gross area 2.35 Acres

Parcel 1 is now physically split by the Kingsburg Branch Canal passing through at the same place as the new Parcel Line. There are multiple parcels in the immediate vicinity of the subject property that are zoned AE-20 and are less than 5.27 acres in size. Most of them have single a family house.

Parcel 3 was split under Certificate of Waiver of parcel Map No 09-10 on March 12, 2009 for the purpose of building a home and for loan purpose.

Parcel 2 will continue being used for ag purposes.

Therefore, the subject parcel has an extraordinary condition from other properties in the area.

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.*

Since this parcel is physically split by the Canal, then, as owner he would have to go through the street to get to this portion of my property. He is planning to sell this to his present tenant, who is also owner of the adjacent property and will make it more convenient to all concerned. He plans to use it as it has been used, a vineyard and plans to use it to keep his ag business and sell the new parcel to the adjoining neighbor who is a farmer and labor contractor. Other owners in the area do not have their parcels physically split, this situation which is detrimental to his enjoyment of his property as is.

Therefore, granting these variance requests would preserve a property right that is enjoyed by others in the immediate vicinity of the subject property and would have no affect to them of area.

3. *The granting of the 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.*

As noted above, the property (Parcel 1) is a vineyard and partially vacant parcel where ag equipment and office is located for the tenant, who is also the owner of the adjacent parcel. The granting of the requested variances will not change the existing conditions nor will it result in an increase in the amount of traffic on the existing private easement. Also the canal will no longer be a detriment to the operation. Therefore, granting the variance requests cannot result in a condition that will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of the property.

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

In this instance, there will be no change of use since it will be used for agricultural and agriculture related use. There is no future changes in the objectives of the Fresno County General Plan by the present owner nor the future owner. Therefore, no negative incremental cumulative effects would result from granting the request. Parcel 3 is already split into a separate parcel and we are requesting to be a permanent separate parcel.

CONCLUSION


The requested variance will not materially alter any existing conditions in the immediate vicinity of the property. If granted, parcels will be used within county parameters and permits.

The requested variance will not increase the level of development in the area nor will it result in an increase in the amount of traffic on the Academy/Dinuba Avenues.

Granting the variance simply allows the parcelization of property that will be consistent with the existing use, as well as being consistent with surrounding properties.

If you have any questions, please do not hesitate to contact me.

Sincerely,



John P. Chavez

559-647-1873

Real Estate Broker

Agent