



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 December 12, 2019

SUBJECT: Variance Application No. 4043

Allow the creation of two five-acre parcels (20-acre minimum required) from an existing 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located approximately 675 feet west of South Grantland Avenue, between West Manning Avenue and West Springfield Avenue, approximately three quarter-miles west of the unincorporated community of Raisin City (9237 and 9241 South Grantland Avenue) (SUP. DIST. 1) (APN 035-360-40S).

OWNER(S): Jose A. and Liduvina Rivera; Pedro and Eufemia Rivera

APPLICANT: RookSpire Inc.

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance No. 4043; 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. Variances Map (five-mile radius)
6. Site Plan
7. Applicant's Submitted Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	10.00 acres	Parcel 1: 5.0 acres Parcel 2: 5.0 acres
Project Site	10.00-acre parcel improved with two residences, two wells, and two septic systems	Each parcel will retain one residence, one well, and one septic system
Structural Improvements	An approximately 1,600 square-foot mobile home and an approximately 1,211 square-foot mobile home	Proposed Parcel 1 will contain the larger primary residence and Proposed Parcel 2 will contain the smaller secondary residence
Nearest Residence	Approximately 300 feet east of the subject parcel	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: *Review for Exemption* 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 16 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 four Findings specified in the Fresno County Zoning Ordinance, Section 877 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 parcel was previously zoned A-1 (Agricultural), and was rezoned to AE-20 on August 31, 1976, as part of Board-approved Amendment Application No. 2870, which rezoned the subject parcel and portions of the surrounding area to their current AE-20 (Exclusive Agricultural) Zoning to be consistent with the General Plan.

According to available permit records, the subject parcel is improved with a 1,600 square-foot mobile home, permitted in 1987, and an approximately 1,211 square-foot mobile home permitted in 1993. The subject property does not have public road frontage and takes access from Grantland Avenue via an existing unimproved dirt road which traverses the neighboring property to the east and connects to a 30-foot-wide easement running along the northern boundary of the subject property.

This Variance request proposes to divide the existing ten-acre parcel into two five-acre parcels. If approved, each newly-created five-acre parcel will contain one of the existing mobile homes.

Records indicate that approximately eight variance requests have been processed within five miles of the subject property for the creation of substandard-size parcels. Of those, six were approved, one was denied, and one withdrawn. Those variances are detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 2968 – Allow two five-acre parcels with reduced road frontage.in the AE-20 Zone District	Deferred to Planning Commission	PC Approved	December 5, 1985
VA No. 3103 – Allow a 3.65-acre parcel and a 44-acre parcel, by adding 3 acres from an adjacent parcel to an existing 0.65-acre parcel, to facilitate the expansion of a church and related facilities in the AE-20 Zone District	Approval	PC Approved	September 24, 1987
VA No. 3117 – Allow a 1.57-acre gift deed parcel with reduced road frontage in the AE-20 Zone District	Approval	PC Approved	October 8, 1987

VA No. 3132 – Allow a reduced side-yard setback for two separate parcels, each with an existing dwelling as a gift deed, with a future parcel division in the AE-20 Zone District	Approval	PC Approved	February 4, 1988
VA No. 3263 – Allow a 1.38-acre parcel in the AE-20 Zone District	Deferred to Planning Commission	PC Approved	June 14, 1990
VA No. 3536 – Allow the creation of four parcels ranging from two acres to 7.77 acres in the AE-20 Zone District	Denial	PC Denied BOS Denied	September 5, 1996 October 22, 1996
VA No. 3670 – Allow the creation of a 1.70-acre parcel from an 80.75-acre parcel in the AE-20 Zone District	Denial	PC Approved with conditions	July 6, 2000
VA No. 3793 – Allow the creation of a 2.23-acre parcel from an existing 60-acre parcel in the AE-20 Zone District	Denial	Withdrawn/ Refund requested	January 12, 2005

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 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 Operation:	Is Standard Met (y/n):
Setbacks	<u>AE-20 Zone District:</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Proposed Parcel A (5± acres):</u> Residence Front: 221± feet Side (east): 63± feet Side (west): 200± feet Rear (south): 390± feet <u>Proposed Parcel B (5± acres):</u> Residence Front: 284± feet Side (east): 30± feet Side (west): 80± feet	<u>Parcel A:</u> Yes <u>Parcel B:</u> Yes

		Rear (south): 330± feet	
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	6 feet	No change	Yes
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:

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

Building permit records indicate the existing septic systems were installed in 1987 and 2000. 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 system(s).

Zoning Section of the Fresno County Department of Public Works and Planning: Any structures built after March 1, 1958, which are over 120 square feet in area or for which no permit records are available will require permits or removal.

Building and Safety, Plan Check Section of the Fresno County Department of Public Works and Planning: Available records indicate two permitted mobile homes on site. Any structures for which no permit records are available, or additions to permitted structures, for which no permit records are available, will require plans, permits, inspections or removal prior to approval of the subsequent mapping procedure for this Variance.

Development Engineering Section of the Fresno County Department of Public Works and Planning: There are no County-maintained roads directly adjacent to the subject parcel.

According to FEMA, FIRM Panel 2600H, the subject parcel is not subject to flooding from the one-percent-chance storm event. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject parcel.

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant's findings state that there are other properties in the vicinity which have been reduced in size by some means, and which currently contain less than the minimum acreage required for the creation of parcels in the AE-20 Zone District; and that the division of the subject parcel would be consistent with this pattern of parcel division in the surrounding area.

Regarding Finding 1, staff acknowledges that other property owners in the vicinity may have been granted variances allowing the creation of parcels that were less than the minimum 20 acres required; however, that fact does not itself constitute an exceptional circumstance, and each request should be considered on its own merits.

At approximately 10 acres in size, the subject parcel is currently nonconforming with the minimum parcel size designation of the AE-20 Zone District; however, it is similar in size or larger than some other parcels in the vicinity and there are no obvious physical characteristics particular to the property other than its lack of public road frontage which create an exceptional or extraordinary circumstance.

In support of Finding 2, the Applicant's findings state that the owner's intent with this proposed parcel division is to be able to convey the property as two separate parcels to their heirs, and allow future solar improvements to one of the existing dwellings without encumbering the entire property. The subject parcel has been improved with two mobile homes. If this Variance request is approved, the resultant parcels will each contain one of the existing mobile homes, and each with its own well and septic system.

Per the provisions of the Zoning Ordinance, the minimum parcel size that may be created in the AE-20 Zone District is 20 acres. A property owner may not create parcels with less than the 20-acre minimum parcel size, unless the owner qualifies under the one or more of the conditions listed in Section 816.5, or unless the substandard-size parcel is approved through the Variance process. Neither the existing residential use of the parcel, nor the parcel size, exempts the property owner from the 20-acre minimum established to protect productive farming units.

Staff does not concur that the ability to divide the parcel constitutes the exercise of a substantial property right enjoyed by other property owners in the vicinity, under the present zoning, or that the deficit of such property right creates a hardship that would be corrected with the granting of this Variance. The inability of the property owner to create a parcel or parcels less than the minimum 20 acres required in this zone district does not itself constitute an infringement of a substantial property right. Other property owners in the vicinity are subject to the same requirements and restrictions with respect to the creation of a substandard-size lot.

Additionally, this proposal is not consistent with the agricultural zoning and the residential density limits therein. General Plan Policy LU-A.8 provides that the County maintain 20 acres as the minimum parcel size in areas designated agriculture, certain exceptions notwithstanding (see discussion of Policy LU-A.6 on page 9). Density limitations provide that one single-family residence is allowed for each 20 acres, and one additional residence for each 20 acres in excess of the minimum acreage designation, except that the County may allow a second residential dwelling by discretionary permit. If this Variance is granted, each of the resultant parcels could potentially be

allowed a maximum of two dwelling units, subject to applicable policies and development standards.

While it is acknowledged that there are other parcels in the immediate vicinity that are less than ten acres in size, how those parcels came to be in their present size and configuration may vary widely. Staff does not consider the presence of other parcels similar to or smaller in size to those proposed with this Variance to be an extraordinary circumstance, physical characteristic applicable to the subject property, or evidence of a property right realized by other owners in the vicinity under identical zoning which merits the granting of the requested Variance.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant does not have any other options for dividing the existing parcel without the approval of a Variance under the current zoning. Staff acknowledges that the proposal to create two separate and distinct parcels, each to be under separate ownership, giving each owner the right to use or dispose of the property accordingly, is a reasonable request; however, that desire itself does not create an extraordinary circumstance, nor does staff believe that the fact that the subject parcel is currently nonconforming as to minimum acreage constitutes the deficit of a substantial property right which would warrant the granting of the Variance to remedy.

Staff was unable to identify any unique or exceptional circumstances on the property and could not identify a substantial property right at issue. Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot 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	39.05 acres	Vineyard Single-Family Residence	AE-20	Approximately 1,200 feet
South	6.99 acres 1.00 acre 1.00 acre 1.21 acres	Single-Family Residence Single-Family Residence Single-Family Residence Single-Family Residence	AE-20	Approximately 500 feet Approximately 500 feet Approximately 345 feet Approximately 525 feet
East	4.76 acres 4.70 acres	Single-Family Residence Single-Family Residence	AE-20	Approximately 475 feet Approximately 300 feet
West	10.00 acres	Single-Family Residence Field Crops	AE-20	Approximately 20 feet

*Measured from the existing property lines

Reviewing Agencies/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Typically, any additional runoff generated by future development of the site cannot be drained across property lines and must be retained on site or disposed of per County Standards.

A grading permit or voucher may be required for any grading that has been done without permits and any grading proposed with this application.

Fresno County Fire Protection District: No fire requirements at this time.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The subject property is served by a 30-foot-wide access easement along the northerly property boundary, which traverses the easterly adjacent parcel before it connects with South Grantland Avenue. The 30-foot-wide access easement also serves the adjacent parcel to the west. County Ordinance specifies that access easements be a minimum of 60 feet wide; however, the Road Maintenance and Operations Division has no concerns with the existing 30-foot wide easement and would support an exception for the normally required 60-foot easement width.

The access easement does not serve more than four parcels; accordingly, the access easement should be improved to a standard as required by the Applicant's engineer, such that it is adequate for passenger cars and emergency vehicles and equipment.

An encroachment permit is required from the Road Maintenance and Operations Division prior to any work being performed within the County right-of-way for South Grantland Avenue.

Analysis:

In support of Finding 3, the Applicant's Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity. Because the two residences and infrastructure are existing, and future development plans entail replacing the smaller secondary residence with a new, larger structure, any additional impacts to the area would be minimal.

Regarding Finding 3, staff concurs with the Applicant's assessment that the Variance would not be detrimental to surrounding properties. There is no change in land use proposed as part of this application. It is the intention of the Applicant, if this Variance is approved, to continue with the existing agricultural and residential uses. Staff concurs that there will be no additional impact to surrounding properties.

Staff believes that there will be no adverse impacts on neighboring properties. Finding 3 can be made.

Recommended Conditions of Approval:

See recommended conditions, 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.

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>The Applicant is requesting a Variance from the 20-acre minimum parcel size requirement and does not qualify under Policies LU-A.9, LU-A.10, or LU-A.11. See Analysis below.</p>
<p>General Plan Policy LU-A.7: 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 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 exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>The minimum parcel size for the subject parcel is 20 acres. The creation of both parcels is inconsistent with this policy. See Analysis below.</p>
<p>General Plan Policy LU-A.8: The County shall allow by right on each parcel designated Agriculture and zoned for agricultural use, one (1) single-family residential unit; one (1) additional single-family residential unit shall be allowed for each twenty (20) acres in excess of twenty (20) acres where the minimum parcel size is twenty (20) acres; one (1) additional single-family residential unit shall be allowed for each forty (40) acres in excess of forty (40) acres where the required minimum parcel size is forty (40) acres. The County may, by discretionary permit, allow a second dwelling unit on parcels otherwise limited to a single unit by this policy.</p>	<p>The existing mobile homes were permitted prior to the submission of the Variance request</p>
<p>General Plan Policy LU-A.9: The County may allow the creation of home-site parcels smaller than the minimum parcel size required by Policy LU-A.6, if the parcel involved in the division is a least twenty (20) acres in size, subject to the following criterial:</p> <ul style="list-style-type: none"> a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre. 	<p>The subject parcel is currently 10 acres and designated as a legal nonconforming lot. The property does not meet any of the pre-conditions listed under this Policy that would allow for the creation of substandard-size parcels.</p>

Relevant Policies:	Consistency/Considerations:
<p>b. One the following conditions exist:</p> <ol style="list-style-type: none"> 1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property: or 2. The lot(s) to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or 3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her home-site and sell the remaining acreage for agriculture purposes. <p>Each home-site created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</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> <ol style="list-style-type: none"> a. Adequacy of the water supply. b. Impacts of water usage on surrounding water users. c. Sustainability of the proposed water supply. 	<p>Review by the Water and Natural Resources Division has determined that as the subject parcel is not in an area defined as being water short, no well yield certification will be required.</p>
<p>General Plan Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>Review by the Fresno County Department of Public Health, Environmental Health Division has determined that the soils of the parcels are adequate to support individual on-site sewage disposal systems.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel

size in areas designated for Agriculture. Policies LU-A.6 and LU-A.7 provide that the County shall generally deny requests to create parcels less than the minimum size specified by the acreage designation in agricultural areas. Those policies are detailed in the table above. The subject parcel is not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The proposed application is not located within an area defined as being water short.

Analysis:

In support of Finding 4, the Applicant asserts that the granting of this Variance is consistent with the purposes and objectives of the General Plan in that the agricultural use of the property will be maintained should the Variance be approved and the parcel be divided into two smaller lots. Regarding parcel size, review of the Fresno County 2014 Farmlands Map indicates that the subject parcel is classified as Rural Residential Land, which is consistent with the smaller parcel sizes immediately adjacent to the subject property. However, it is adjacent to larger areas of Prime, Unique, and Farmland of Statewide and Local Importance, which supports use of the land for agricultural purposes. The Applicant's findings also indicate that the proposed parcels would continue to be utilized for the cultivation of truck crops.

Staff does not concur with the Applicant's statement that the project is consistent with the purpose and objectives of the General Plan. Goal LU-A is "to promote the long-term conservation of productive and potentially-productive agricultural lands and to accommodate agricultural support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals." Staff does acknowledge that there are a few smaller parcels in the general vicinity; however, the area is typified by primarily large farming parcels; the fact that the subject parcel is already smaller than the minimum acreage required for the Zone District is not sufficient basis for allowing further division, based on General Plan Policy.

The subject parcel at ten acres is designated as legal nonconforming due to it having been already substandard in size when it was rezoned from A-1 (General Agricultural) to its present zoning designation of AE-20. The parcel's present size is not the result of a variance, and was likely divided by deed, as appears to be the case with the majority of the adjacent parcels that contain 10 acres or less, including the three one-acre parcels immediately to the south. No records of any property being divided as a result of a variance were available within at least one mile of the subject property.

The current use of the subject parcel appears to be a combination of livestock raising and some limited field crops and orchards, along with single-family residential development. The Applicant's submitted findings state that the property would continue to be utilized for growing truck crops and thus be consistent with the agricultural zoning and land use designation; however, as stated in General Plan Policy LU-A.6 in the preceding table, the County maintains the minimum acreage requirements of the agriculturally-designated areas in order to ensure the viability of agricultural operations. This Policy implies that smaller parcels are less viable for commercial agricultural operations than those meeting the minimum acreage requirement.

Policy LU-A.6 also identifies the minimum parcel size for parcels which are designated as Agriculture, like the subject parcel, as well as those policies which provide for exceptions to that requirement (Policies LU-A.9 through LU-A.12).

Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the zone district. Specifically, it states that evidence that the parcel is already not an economic farming unit

is not a basis for granting an exception. The Applicant's findings do not specifically state that the present parcel size creates any limitation on the existing farming operation, or that this fact should be considered as a basis for granting the Variance. However, this policy must be considered in terms of the negative incremental effect of such land divisions on the agricultural community in evaluating this Variance request. There is no requirement that the resultant parcels be utilized for agricultural purposes.

The subject parcel is not restricted under a Williamson Act Contract, and does not meet the requirements for a Williamson Act Contract due to its smaller size.

Finding 4 cannot be made.

Recommended Conditions of Approval:

See recommended conditions, attached as Exhibit 1.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None.

CONCLUSION:

Based on the factors cited in the analysis, staff does not believe that the required Findings for granting the Variance can be made; specifically, staff was unable to make Findings 1, 2 and 4, and therefore recommends denial of Variance No. 4043.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4043; 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. 4043, subject to the Conditions and Project Notes attached as 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.

**Variance Application No. 4043
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.
2.	Prior to final map recordation, the Applicant shall remove or obtain permits for any structures over 120 square feet on the site which do not have permits.

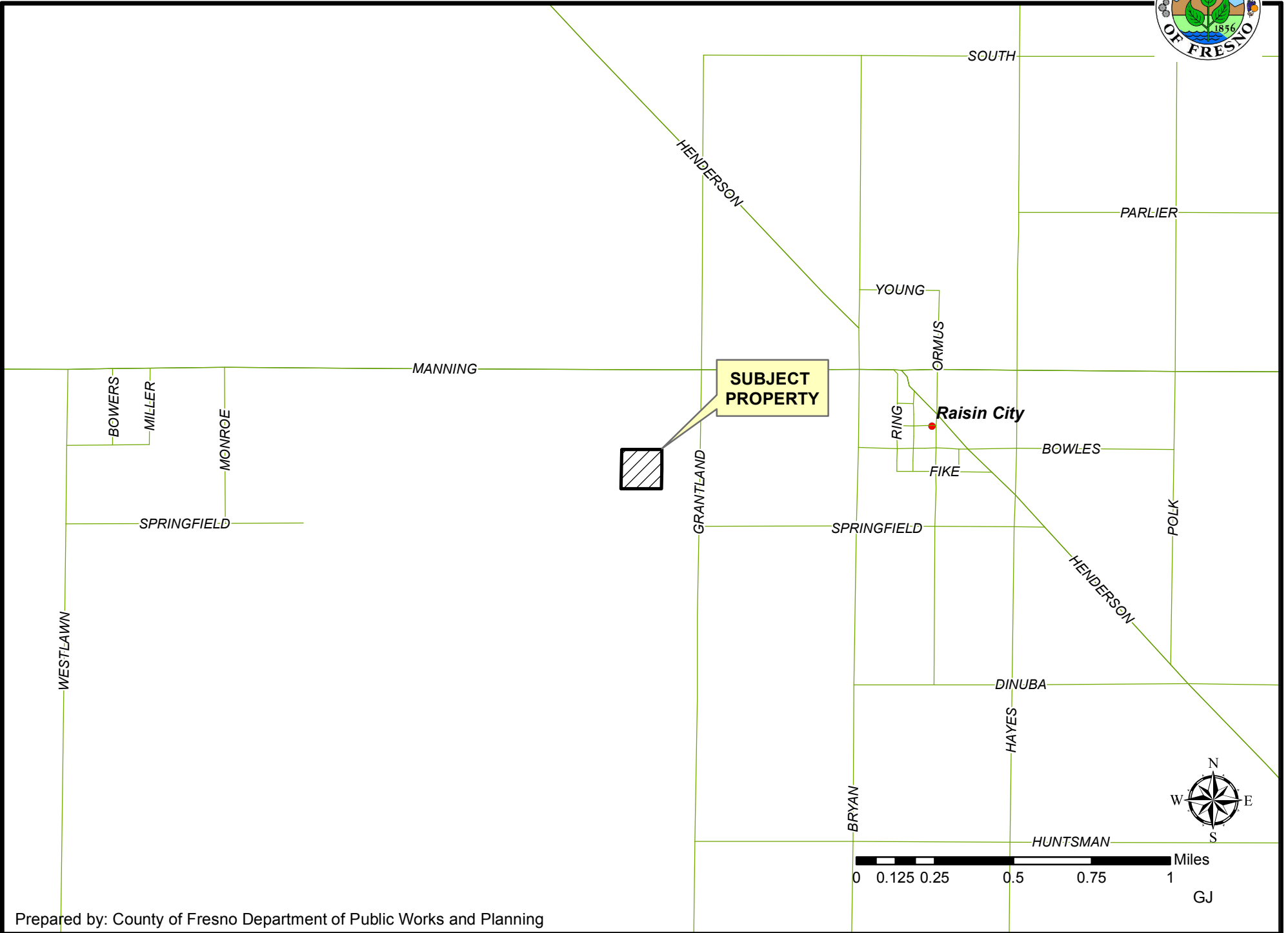
Conditions of Approval reference recommended Conditions for the project.

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 create the two proposed 5.00-acre parcels from an existing 10-acre parcel.
2.	Any work done within the County right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
3.	Building permit records indicate the existing septic systems were installed in 1987 and 2000. It is recommended that the Applicant consider having the existing septic tanks pumped and have the tanks and leach fields 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 project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
5.	A grading permit or voucher may be required for any grading proposed with this application.

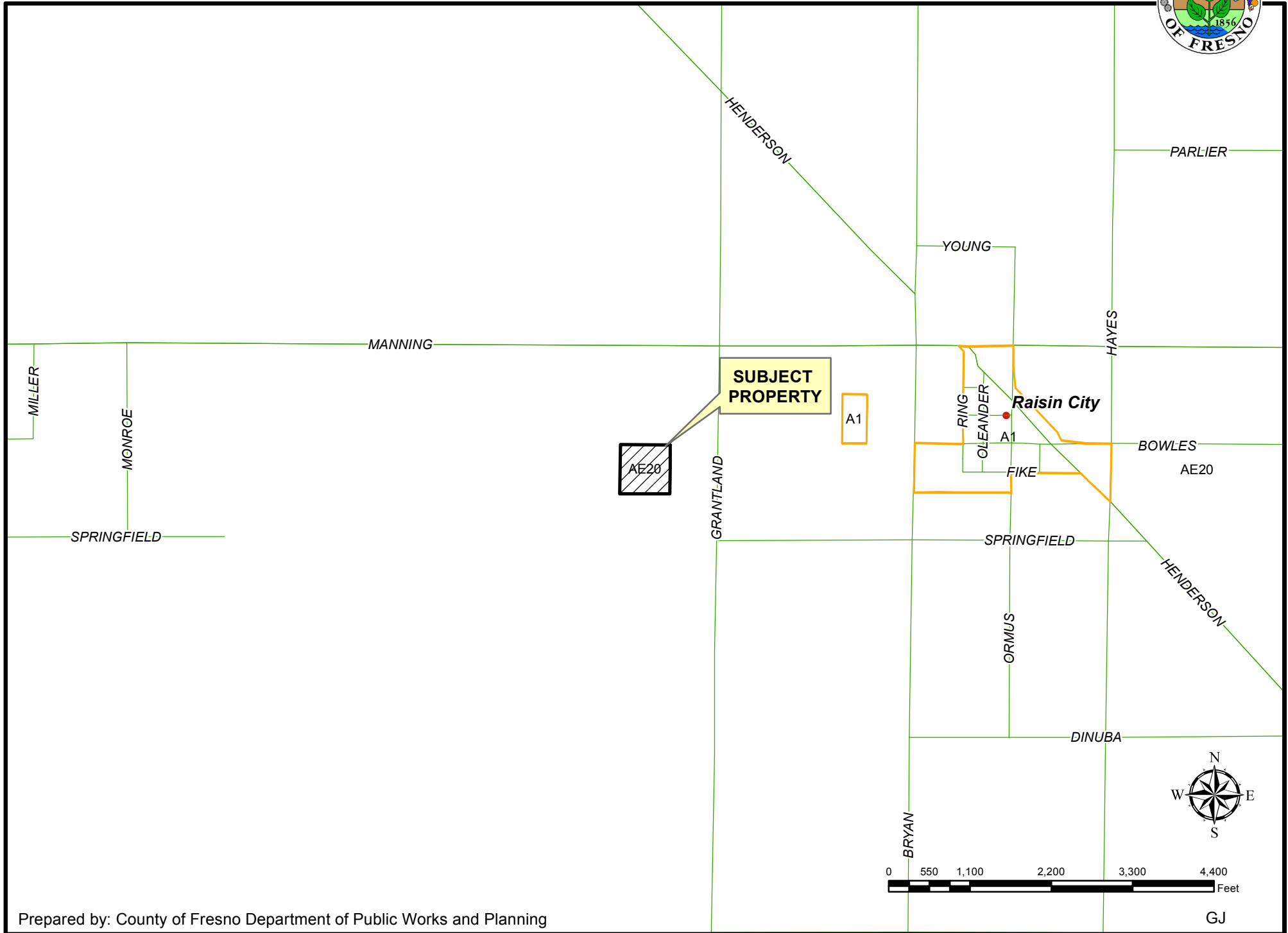
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G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4043\SR\VA 4043 Conditions & PN (Ex 1).docx

LOCATION MAP



EXISTING ZONING MAP



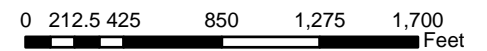
EXISTING LAND USE MAP



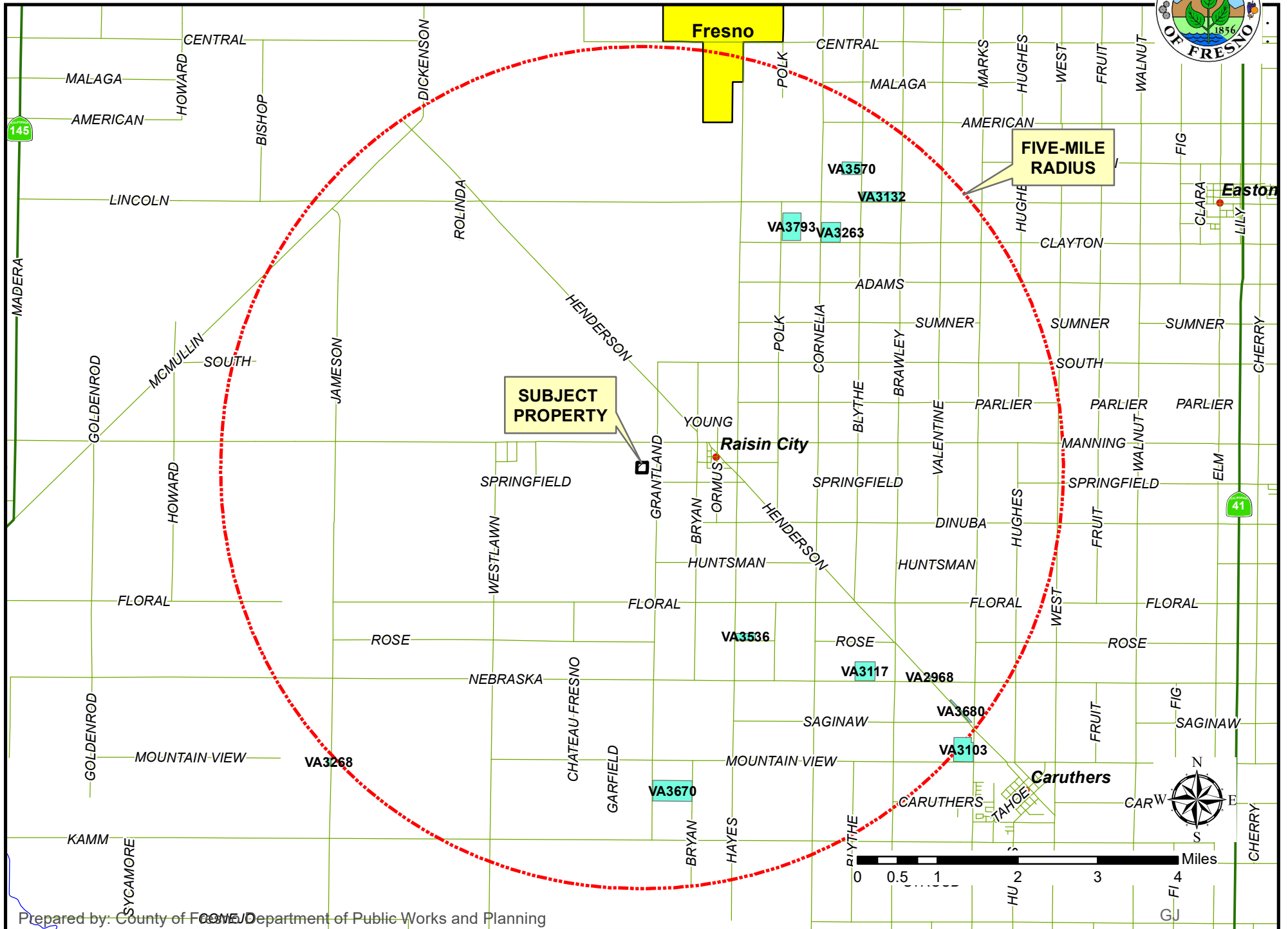
LEGEND	
FC	FIELD CROP
ORC	ORCHARD
SF#	SINGLE FAMILY RESIDENCE
TWR	CELL TOWER SITE
V	VACANT
VIN	VINEYARD

LEGEND:

-  Subject Property
-  Ag Contract Land



APPROVED VARIANCES WITHIN A FIVE-MILE RADIUS



035-360-33S

(EXISTING) S 00°02'28" E 660.47'

035-360-6S

(EXISTING) N 89°05'25" E 664.04'

1,600± SQ.FT. LIVING SPACE

MOBILE HOME

SEPTIC/FIELD

800± SQ.FT. LIVING SPACE

MOBILE HOME

SEPTIC/FIELD

(P) PARCEL A
219208 SQ. FT.
5 ACRES

(P) PARCEL B
219196 SQ FT
5 ACRES

035-360-51S

(EXISTING) S 89°05'03" W 663.74'

035-360-46S

(EXISTING) S 00°00'52" E 660.40'

035-360-45S

FOUND 3/4 IRON PIPE NOTES NOT ACCEPTED, 2" SOUTH & 0.18 WEST

FOUND 3/4 IRON PIPE LIPS NOT ACCEPTED, 1.12" SOUTH AND 0.1 WEST

FOUND 3/4 IRON PIPE NOTES NOT ACCEPTED, 0.13" WEST AND 0.13" NORTH

FOUND 3/4 IRON PIPE ROE13352 DN3

LEGEND

These standard symbols will be found in the drawing.

- ===== TELEPHONE OVERHANG
- ===== POWER
- ===== FENCE
- ⊙ POWER POLE
- ⊥ GUY WIRE

BASIS OF BEARINGS

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 28, 16/19, M.D.B. & M., WAS TAKEN TO BE NORTH 00°04'38" WEST, AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 40, OF RECORD OF SURVEYS, AT PAGE 34, FRESNO COUNTY RECORDS.



CURRENT SITE PLAN STRUCTURES REMOVED

RIVERA PARCEL SPLIT

PROJECT
APN: 035-360-40S
9237 S. GRANTLAND AVE.
FRESNO, CA 93706

CLIENT:
JOSE & PEDRO RIVERA
9237 S. GRANTLAND AVE.
FRESNO, CA 93706

ROOKSPIRE INC.
4644 W. JENNIFER
SUITE 104
FRESNO, CALIFORNIA
93722
559-385-7833
ROOKSPIRE1@GMAIL.COM

SCALE: 1"=80'

REVISION:

DATE: 10/16/19

SIGNATURE:

SHEET

SP 3
3 OF 3

COUNTY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
2600 Fresno Street-Third Floor
Fresno, California 93721-3604

Property:
Jose & Pedro Rivera
9237 S. Grantland Avenue
Fresno, California 93706
APN: 035-360-40S

Representative:
RookSpire Inc.
Art Lancaster
4644 W. Jennifer, Suite 104.
Fresno, Ca. 93722

December 20, 2017

Supplemental Variance Application Findings for variance

Proposal: Allow the creation of two five-acre parcels from an existing 10-acre parcel in the AE-20 (Exclusive Agricultural, 20 acre minimum parcel size) Zone District. Additionally, we would like to request a Waiver of Public Road Frontage Requirement.

The property currently has two residential units located in a manner that would allow for a symmetrical property split.

1. Exceptional or Extraordinary Circumstances;
 - a. As indicated in the attached exhibits, the surrounding properties of like or same zoning have been reduced to a lesser acreage than the current zoning adopted by Fresno County. By reducing the proposed property to (2) 5± acre parcels would not be inconsistent to the surrounding area.
2. Hardship
 - a. The property owners (Rivera Brothers) purchased the property in 1987 with the intent of someday leaving it to their children as two parcels. With the current zoning it has prevented them from dividing the property for the purpose of inheritance.
 - b. One of the property owners would also like to install solar for his residence but can't due to creating a lien right to the overall property. This causes the prevention of updating the property.
3. Detrimental or Injurious to property improvements in Vicinity
 - a. The property split will not affect or change any conditions to the surrounding properties. The current use will remain the same.
4. Granting of Variance Consistency
 - a. The granting of this variance will be consistent the general purposes and objectives of the code and General Plan. The land will still be used for small truck crops and agricultural use.

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Exhibit: SP1- Current Property and Surrounding parcels
SP2- Proposed Parcel Split
PHOTO MAP - Photos of surrounding parcel use