



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 5 June 11, 2020

**SUBJECT:** Variance Application No. 4065

Allow the creation of an approximately 2.93-acre parcel and an approximately 2.00-acre parcel (20-acre minimum required) from an existing 4.93-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located at the southwest corner of Copper Avenue and Burgan Avenue, approximately 1.54 miles north of the city limits of the City of Clovis (5645 E. Copper Avenue, Clovis, CA & 10897 N. Burgan Avenue, Clovis, CA) (Sup. Dist. 5) (APN 581-110-05).

**OWNER:** Michael F. and Tina M. Emmerich

**APPLICANT:** Tina Henson-Emmerich

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

Marianne Mollring, Senior Planner  
(559) 600-4569

**RECOMMENDATION:**

- Deny Variance Application No. 4065; 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. Variance Application 1-Mile Radius Map
6. Site Plans and Detail Drawings
7. Applicant's Findings

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Northeast Rural Residential	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	4.93 acres	Parcel A: 2.93 acres Parcel B: 2.0 acres
Project Site	N/A	N/A
Structural Improvements	Two Single-Family Residences, Shed, Goat Barn, and Shop Building.	Parcel A: Single-Family Residence, Shed, Goat Barn, and Shop Building Parcel B: Single-Family Residence
Nearest Residence	Approximately 135 feet east	Parcel A: Approximately 140 feet east Parcel B: Approximately 135 feet east
Surrounding Development	Single-Family Residences	No change
Traffic Trips	Residential	No change
Lighting	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 65 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 Application 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 Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

The subject parcel first shows up as lot 37 and lot 44 in the recorded International Vineyards, Tract "A" Record of Survey, recorded on October 7, 1908. The parcel is in its current configuration in the 1971- and 72-year Assessor's Rolls with Assessor's Parcel Number 301-140-04. The updated Assessor's Parcel Number 581-110-05 identifies the subject parcel and is in the same configuration as the 1971 and 72 Assessor's Rolls.

On June 8, 1960 the Board of Supervisors approved zoning of the project site for interim A-2 (General Agricultural). On April 20, 1965, Amendment Application (AA) No. 1384 was approved by the Board of Supervisors to rezone the project site from the interim A-2 Zone District to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. On June 24, 1980 AA No. 3164 was approved by the Board of Supervisors that established the Northeast Rural Residential area for the development of parcels northeast of the Enterprise Canal. With the establishment of the Northeast Rural Residential area, certain parcels were designated RR (Rural Residential), O (Open Space), and AL-20 (Limited Agricultural, 20-acre minimum parcel size). In the case of the subject property, the parcel was rezoned from AE-20 to AL-20 and continues to be AL-20.

Building permit records indicate that permits for the primary single-family residence were issued between January 21, 1966 and March 23, 1966. Building permits for a metal storage building were completed on April 12, 1994. On June 2, 2006, Director Review and Approval (DRA) No. 3813 was approved to allow a temporary second residence on the subject parcel. A building permit for a mobile home was issued and approved on June 22, 2007. On September 2, 2011, DRA No. 4240 was approved to allow the existing temporary second residence to remain as a permanent second residence. If the Variance Application is approved, the proposed parcel split will create two parcels, each with a legal single-family residential unit as shown by building permit records and land-use permit records.

There have been eight Variance Applications that have been applied for within a one-mile radius

of the project. Of those applications, seven Variance Applications are related to the subject application and have been summarized below.

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
VA No. 3106: Waive minimum lot size to allow creation of two 5-acre parcels from a 10-acre parcel in the AL-20 Zone District.	October 27, 1987	Denial	PC Denied
VA No. 3234: Waive minimum lot size requirements to allow creation of two 5.3-acre parcels from a 10.6-acre parcel in the AL-20 Zone District.	November 16, 1989	Deferred to Planning Commission	PC Approved
VA No. 3353: Waive minimum lot size requirement and public road frontage requirement to allow creation of three parcels ranging from 4-acres to 9-acres with no public road frontage in the AE-20 Zone District.	December 5, 1991	Denial	PC Approved with conditions
VA No. 3589: Waive minimum lot size and public road frontage requirement to allow creation of two 2.28-acre parcels with no public road frontage and a third 2.28-acre parcel with road frontage from an existing 6.84-acre parcel in the RR Zone District.	September 4, 1997	Deferred to Planning Commission	PC Denied
VA No. 3595: Waive minimum lot size and public road frontage requirement to allow creation of a 2.4-acre parcel and a 2.6-acre parcel from an existing 5-acre parcel in the AL-20 Zone District.	February 19, 1998	Deferred to Planning Commission	PC Approved with modified conditions
VA No. 3606: Waive minimum lot size to allow creation of three 5-acre parcels and a 7-acre parcel from a 22-acre parcel in the AE-20 Zone District.	September 24, 1998	Denial	PC Denied
VA No. 3823: Waive minimum lot size to allow creation of two 5-acre parcels	June 13, 2006	N/A	Refunded

**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.*

**Finding 2:** *Such Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AL-20 Front Yard: 35 feet  Side Yard: 20 feet  Street Side Yard: 35 feet  Rear Yard: 20 feet	Parcel A (Copper Avenue Parcel):  Front yard: Approximately 105.6 feet  Side Yard: Approximately 84.48 feet  Street Side Yard: Approximately 144 feet  Rear Yard: Approximately 213.76 feet  Parcel B (Burgan Avenue Parcel):  Front Yard: Approximately 110.83 feet  Side Yard: Approximately 74.83 feet  Rear Yard: Approximately 178.56 feet	Y
Parking	No requirement	N/A	Y
Lot Coverage	No requirement	N/A	Y
Space Between Buildings	No requirement	N/A	Y
Wall Requirements	No requirement unless a pool is present	None	Y

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Septic Replacement Area	100 percent replacement	100 percent replacement	Y
Water Well Separation	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	Septic Tank: 100 feet Disposal Field: 100 feet Seepage Pit: 150 feet	Y

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

Zoning Section of the Fresno County Department of Public Works and Planning: Building permit records indicate that the permitted mobile home has had additions made without permits and inspections. There are two unpermitted structures, a goat barn and shed building that will need permits and inspections if they are over 120 square feet. All unpermitted structures and additions will require plans, permits, and inspections prior to finalization of the mapping procedure. **This shall be included as a project note.**

Mapping Section of the Fresno County Department of Public Works and Planning: The proposed property line will result in a shared driveway. Either a cross-access agreement should be prepared for both proposed parcels, or new driveway(s) should be constructed to eliminate future trespass issues. **This shall be included as a project note.**

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Burgan Avenue is classified as a local road in the County’s General Plan requiring 60 feet of road right-of-way. Currently, Burgan Avenue has a total right-of-way of 50 feet. An additional five feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way of Burgan Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way for Burgan Avenue. **This shall be included as a project note.**

Copper Avenue is classified as a local road in the County’s General Plan requiring 60 feet of road right-of-way. Currently, Copper Avenue has a total right-of-way of 50 feet. An additional five feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way for Copper Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way for Copper Avenue. **This shall be included as a project note.**

No new driveways are proposed, but an encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way. **This shall be included as a project note.**

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 states that the subject 4.93-acre parcel has had two rural single-family residences since 2007. The parcel is improved with two separate residences and each residence has its own well and septic system. The two residences have different street

frontages with separate entrances and already have two different street addresses.

In support of Finding 2, the Applicant states that the Finding can be made as the Variance will allow the property owner to preserve and enjoy the same property right that numerous property owners in the area possess by residing on parcels of similar size as what the subject parcel split is proposing. The Applicant further states that there are twenty-two parcels within approximately ¼ mile that are of similar size as the proposed parcels.

A consideration in addressing Variance applications is whether there are alternatives available that would avoid the need for the Variance. A rezone of the subject parcel to the R-R (Rural Residential) would allow the parcel to have a minimum lot size of two acres which could allow a parcel split, although the current proposal would need to be further revised slightly to create two 2-acre minimum parcels. Additional General Plan policies would be applicable if the parcel were to be rezoned. This alternative is not preferred by the Applicant because an Amendment Application costs considerably more than a Variance Application. There are no other alternatives available that would meet the Applicant's proposal that would avoid the need for the Variance.

In regard to Finding 1, the Applicant references two existing single-family residential units on the property, with both having separate wells and septic systems. The presence of two permitted single-family residential units does not necessarily create a unique or extraordinary circumstance. The subject parcel is zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and per the Fresno County Zoning Ordinance, any parcel zoned AL-20 is allowed a secondary residence subject to a Director Review and Approval application. Staff does not believe an extraordinary or exceptional circumstance has been described.

In regard to Finding 2, the Applicant references numerous properties within the vicinity of the project site that are similar in size to the proposed parcels. Staff does concur with the Applicant that there are a large number of lots that do not conform with the standards of the underlying zone district located in the vicinity of the project site. However, staff does not believe that this situation creates a property right issue as there are many factors that could be involved in the creation of the identified parcels, that may not be applicable to this project.

Staff is unable to make Findings 1 and 2 based on the above analysis.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 1 and 2 cannot be made.

***Finding 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.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	5 acres	Single-Family Residential	AL-20 (Limited Agricultural, 20-acre minimum parcel	Approximately 247 feet

Surrounding Parcels				
			size)	
South	4.72 acres	Single-Family Residential	AL-20	Approximately 359 feet
East	2 acres 2 acres	Single-Family Residential Single-Family Residential	R-R R-R	Approximately 140 feet
West	4.7 acres	Single-Family Residential	AL-20	Approximately 241 feet

**Reviewing Agency/Department Comments:**

Department of Public Health, Environmental Health Division: 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). **This shall be included as a project note.**

In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor (permits required). **This shall be included as a project note.**

Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be tested for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The “oily water” removed from the well must be handled in accordance with federal, state and local government requirements. **This shall be included as a project note.**

Fresno Metropolitan Flood Control District: The subject site contains a portion of a canal or pipeline that is used to manage recharge, stormwater and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline. **This shall be included as a project note.**

No other comments specific to Finding 3 were expressed by reviewing Agencies or Departments.

**Analysis:**

In support of Finding 3, the Applicant states that the subject parcel is already improved with two rural residential home sites in an area of similarly sized rural residential parcels therefore, the parcel split will not be materially detrimental to the public welfare or injurious to properties within the vicinity of the project site. Since there are numerous similarly sized parcels in the immediate area of the property, splitting of the subject parcel will not adversely affect the use or enjoyment of the other properties in the area.



In regard to Finding 3, Staff agrees with the Applicant’s statement that the proposed parcel split will not adversely affect surrounding properties. The subject proposal does not include new development for the subject parcel. The proposal will create two parcels, each already improved with a single-family residence.

Based on the above analysis, staff is able to make Finding 3.

**Recommended Conditions of Approval:**

*None*

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<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>General Plan Policy LU-A.9 is related to the creation of homesite parcels with the stipulation that the parcel involved in the division is at least 20 acres in size.</p> <p>General Plan Policy LU-A.10 is related to the creation of a substandard parcel for the development of an agricultural commercial center.</p> <p>General Plan Policy LU-A.11 is related to the creation of substandard parcels for the recovery of mineral resources and exploration and extraction of oil and gas.</p>	<p>Policy LU-A.9, 10, and 11, do not related to the subject proposal. The subject parcel is less than 20 acres and is not related to the development of an agricultural commercial center or recovery or mineral resources and exploration and extraction of oil and gas.</p> <p>The subject parcel is zoned AL-20, which requires a minimum parcel size of 20 acres. The subject proposal is inconsistent with General Plan Policy LU-A.6 as further parcelization of the subject parcel does not conform to the 20-acre minimum size requirement.</p>
<p>General Plan 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</p>	<p>The project proposal is inconsistent with General Plan Policy LU-A.7 as the Variance proposes to create a parcel less than the minimum size of the underlying agricultural zone district. General Plan Policy LU-A.7 also states that the current size of the parcel shall not alone be considered a sufficient basis to grant an exception.</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>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>General Plan Policy LU-E.8: The County shall not allow further parcelization of uncommitted Rural Residential areas lying northeast of the Enterprise Canal due to potential groundwater supply problems. These areas shall be zoned to a Limited Agricultural Zone District. However, rezoning and development of Rural Residential use may be permitted subject to the following criteria:</p> <ul style="list-style-type: none"> <li>a. The parcel to be developed is not productive agricultural land, and agricultural use of the property is not feasible.</li> <li>b. The County shall make a determination of the availability of an adequate water supply to serve the proposed development. 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” or other information acceptable to the County shall be required to confirm the availability of groundwater in amounts necessary to meet project demand.</li> <li>c. The County shall make a determination of the impact that the 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 use of groundwater is proposed, a hydrogeologic investigation shall be required.</li> </ul>	<p>The subject parcel is designated Northeast Rural Residential. The parcel is zoned AL-20 indicating that the parcel is uncommitted rural residential land. Based on the proposal, the project is not consistent with General Plan Policy LU-E.8. As the proposal is not requesting a rezone of the property, consideration to the following criteria were not made.</p>

Relevant Policies:	Consistency/Considerations:
<p>Should the hydrogeologic investigation determine that significant pumping-related impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>d. The County shall make a determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured 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, Department of Public Works and Planning: The existing parcel is designated as Northeast Rural Residential and is not enrolled in the Williamson Act.

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 although the General Plan promotes the long-term conservation of productive potentially productive agricultural lands, the subject parcel has very little productive agricultural potential and is best suited with the current use of rural residential, a land use that commonly exists in the general area surrounding the subject parcel. The Applicant further states that the subject parcel is already non-conforming with the underlying zoning of AL-20 and the area around the subject property has been developed over the last four decades with the addition of rural residential parcels which are not strictly in conformance with the underlying zoning but are allowed with Variances and parcel maps. The Applicant has provided a list of approved Parcel Maps in the vicinity of the project site that were created entirely or partially created parcels of similar size as the proposed split. The applicant states that along with the subject parcel, none of the similarly sized parcels have active agricultural operations. The proposed split with two existing rural residences will result in no net loss of productive agricultural land.

In regard to Finding 4, based on the above analysis, the project proposal is not consistent with General Plan Policy LU-A. 6 and 7, and Policy LU-E.8. The identified policies provide guidance in the preservation of agriculturally viable parcels. The underlying zone district of AL-20 requires that the minimum parcel size of the property be 20 acres. Policy LU-E.8 specifically states that

further parcelization of uncommitted rural residential land should not occur. Staff does concur with the Applicant that the subject parcel is a legal nonconforming lot and also acknowledges that surrounding properties under the same zoning classification are also nonconforming lots. Aerial images of the subject property indicate that the project site has been utilized as a residential site since 1998. Additionally, surrounding properties are utilized for residential purposes with minimal agricultural operations being located in the vicinity of the neighborhood. Therefore, although Staff does not believe the project proposal is consistent with the identified relevant policies of the Fresno County General Plan, considerations should be given to the project site as existing and past conditions of the subject property show that the parcel was not intended for use as an agricultural site. Considerations are based on the current and past uses of the site, surrounding uses within the vicinity of the project site, and the legal nonconforming status of the project site.

**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 Application cannot be made. Staff therefore recommends denial of Variance Application No. 4065.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance Application No. 4065; 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 Application No. 4065, 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.

**Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:  
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**Variance Application No. 4065  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the mapping procedure to split the existing 4.93-acre parcel into two parcels approximately 1.9 acres and 2.9 acres.

Conditions of Approval reference recommended Conditions for the project.

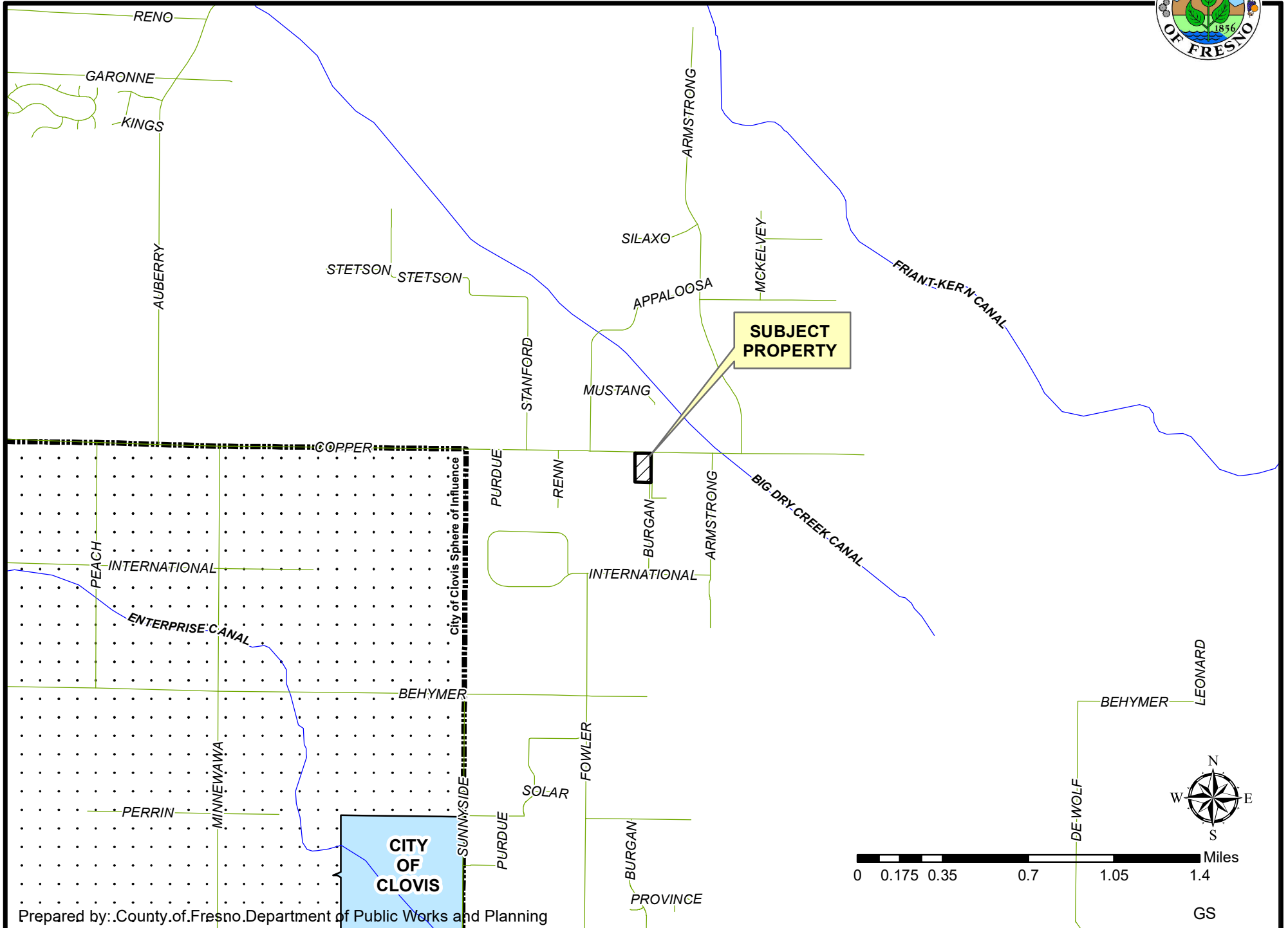
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Building permit records indicate that the permitted mobile home has had additions made without permits and inspection. There are two unpermitted structures, a goat barn and shed building, which will need permits and inspections if they are over 120 square feet. All unpermitted structures and additions will require plans, permits, and inspections prior to finalization of the mapping procedure.
2.	The proposed property line will result in a shared driveway. Either a cross-access agreement should be prepared for both proposed parcels, or new driveway(s) should be constructed to eliminate future trespass issues.
3.	Burgan Avenue is classified as a local road in the County's General Plan requiring 60 feet of road right-of-way. Currently Burgan Avenue has a total right-of-way of 50 feet. An additional five feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way of Burgan Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way of Burgan Avenue.
4.	Copper Avenue is classified as a local road in the County's General Plan requiring 60 feet of road right-of-way. Currently, Copper Avenue has a total right-of-way of 50 feet. An additional five feet of right-of-way is needed along parcel frontage to meet the ultimate right-of-way for Copper Avenue. Any setbacks for new construction should be based upon the ultimate right-of-way for Copper Avenue.
5.	No new driveways are proposed, but an encroachment permit from the Fresno County Road Maintenance and Operations Division is required for any work in the County road right-of-way.
6.	It is recommended that the Applicant consider having the existing septic tanks 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).
7.	In an effort to protect groundwater, all abandoned water wells and septic systems on the parcel shall be properly destroyed by an appropriately licensed contractor (permits required).
8.	Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements.

<b>Notes</b>	
9.	The subject site contains a portion of a canal or pipeline that is used to manage recharge, stormwater and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.
10.	This Variance will become void unless there has been substantial development within one year of the effective date of approval.
11.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A mapping procedure shall be required for the proposed parcels. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.

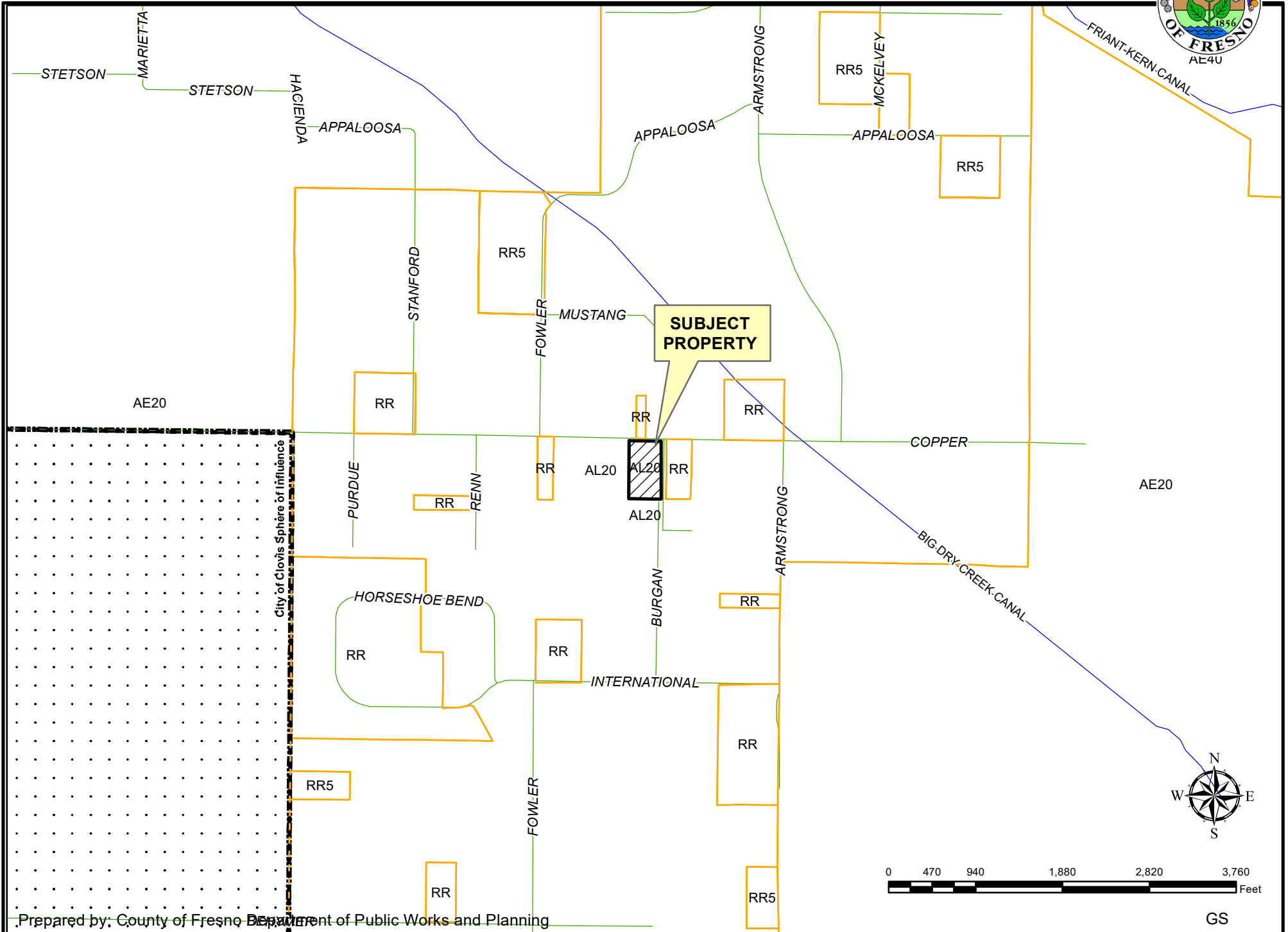
TK

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# LOCATION MAP



# EXISTING ZONING MAP





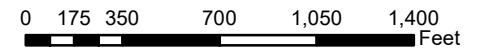
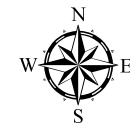
# EXISTING LAND USE MAP



LEGEND
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

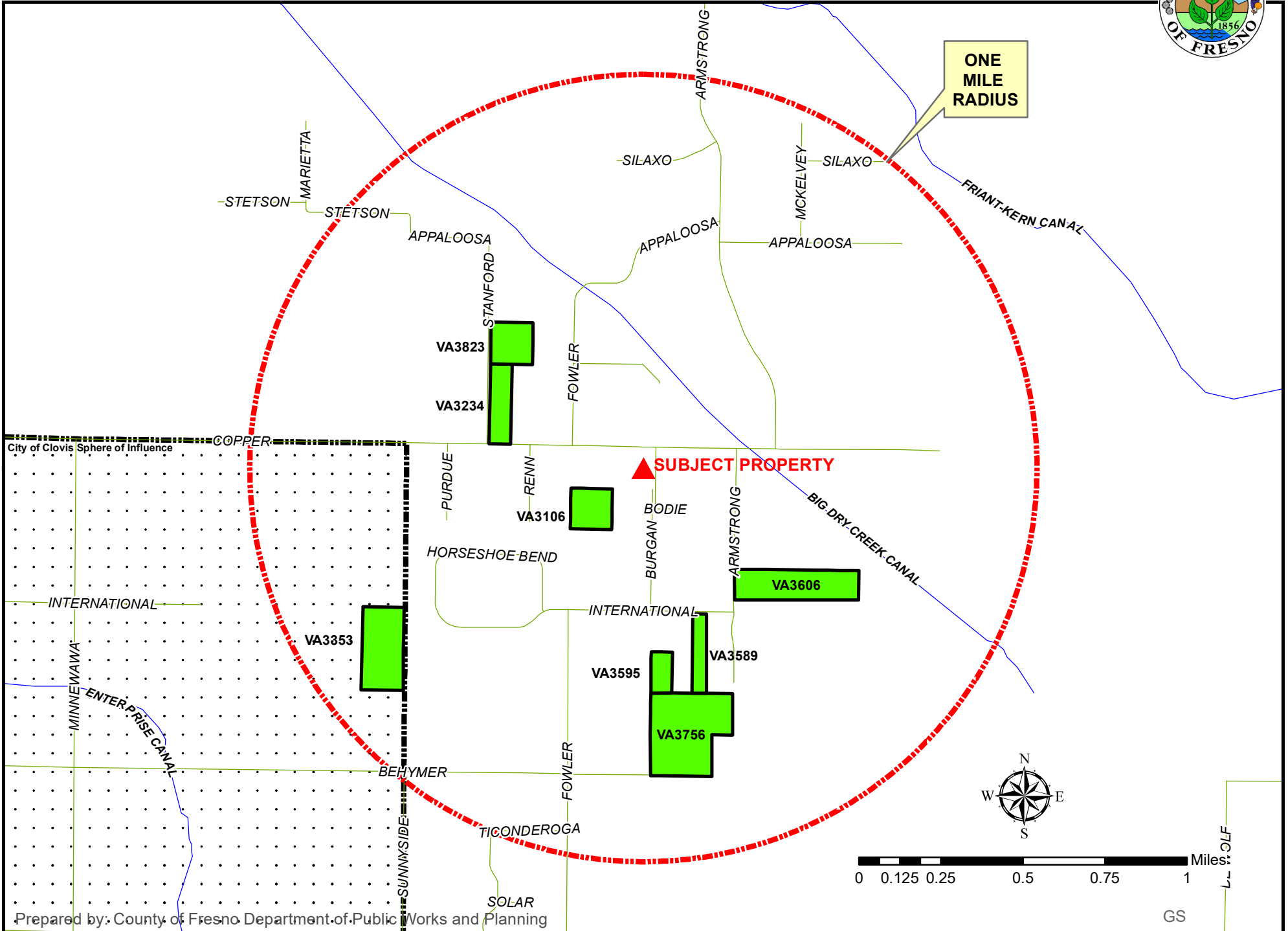
LEGEND:

 Subject Property



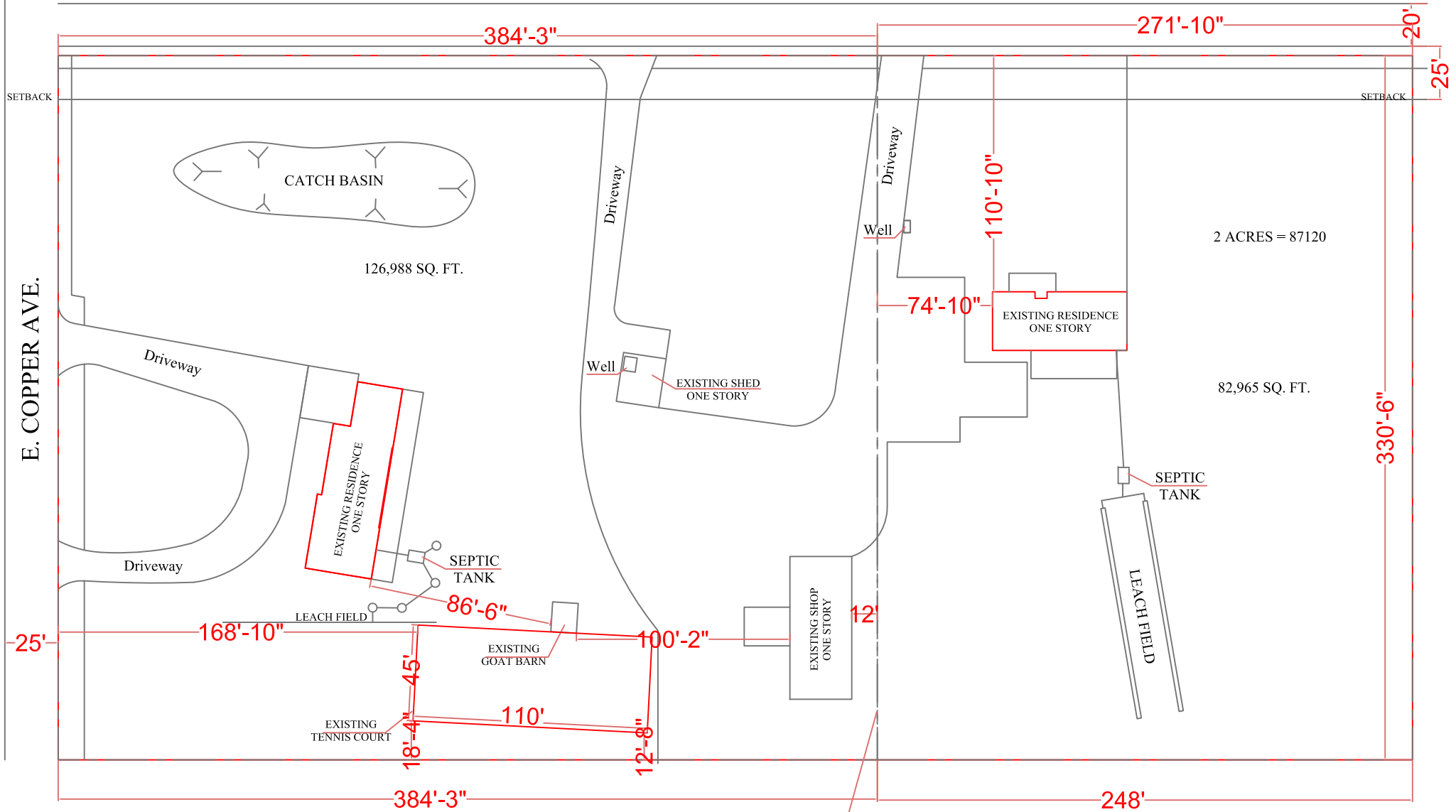
Department of Public Works and Planning  
Development Services Division

# APPROVED VARIANCES WITHIN A ONE MILE RADIUS



### EXHIBIT 5

BURGAN AVE.



SCALE = 1/64" = 1'-0"

PROPOSED LOCATION FOR NEW PROPERTY LINE

EXHIBIT 6



New Proposed Property Line

RECEIVED  
COUNTY OF FRESNO

FEB 28 2019

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION



E Copper Ave  
E Copper Ave  
E Copper Ave  
E Copper Ave  
E Copper Ave

10897 N. Burgeta

Imagery ©2019 Google, Map data ©2019 Google 20 ft



# 5645 E Copper & 10897 N Burgan Avenues

## VA 4065 - VARIANCE FINDINGS

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

**This Finding can be made** since the subject +/- 4.93 acre property (APN 581-110-05) has had two rural single family residences since 2007. The parcel is improved with two separate residences and each residence has its own well and septic system. The two residences have different street frontages with separate entrances and already have two different street addresses.

2. *Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

**This Finding can be made** because with a Variance the property owner will be allowed to preserve and enjoy the same property right that numerous property owners in the area possess by residing on parcels of similar size as the proposed split.

The subject parcel is located amongst twenty-two parcels within approximately ¼ mile that are of similar size as the proposed split. Across East Copper Avenue, immediately north of the subject parcel, there are eleven parcels of similar size. Across North Burgan Avenue, immediately to the east of the subject parcel, there are six parcels of similar size. On the south side of East Copper at North Fowler Avenue there two additional similar size parcels and on the west side North Armstrong Avenue south of Copper there are four similar size parcels.

The following are parcels in the area that are of similar size as the proposed split (also please see the attached APN maps):

ADDRESS	APN	ACREAGE	ADDRESS	APN	ACREAGE
5756 Bodie Circle	581-110-19	2.12	5515 E Copper Avenue	581-110-01	2.55
11060 N Fowler Avenue	581-080-31	3.32	5527 E Copper Avenue	581-110-02	2.39
5558 E Copper Avenue	581-080-32	2.46	10942 N Burgan Avenue	581-110-07	2
5590 E Copper Avenue	581-080-33	2.46	10864 N Burgan Avenue	581-110-08	2
5616 E Copper Avenue	581-080-34	2.3	10853 N Armstrong	581-110-11	1
5664 E Copper Avenue	581-080-35	3.52	10785 N Armstrong	581-110-13	2.42
5764 E Copper Avenue	581-080-38	2.41	10757 N Armstrong	581-110-14	2.42
5792 E Copper Avenue	581-080-39	2.5	10727 N Armstrong	581-110-15	2.42
5826 E Copper Avenue	581-080-40	2.5	5799 Bodie Circle	581-110-16	2.26
5754 E Copper Avenue	581-080-41	2.41	5755 Bodie Circle	581-110-17	2.44
5888 E Copper Avenue	581-080-42	2.41	5798 Bodie Circle	581-110-18	2.26

# 5645 E Copper & 10897 N Burgan Avenues

## VA 4065 - VARIANCE FINDINGS, Continued

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.*

**This Finding can be made** since the subject parcel already has two rural residential home sites in an area of similar size rural residential parcels as the proposed size therefore, the split will not be materially detrimental to the public welfare or injurious to properties in the vicinity. Since there are numerous similar size parcels in the immediate area of the property, splitting of the subject +/- 4.93 acre parcel will not adversely affect the use or enjoyment of the other properties in the area.

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

**This Finding can be made** although the General Plan “promotes the long-term conservation of productive and potentially productive agricultural lands” the subject parcel has very little productive agricultural potential and is best suited with the current use of rural residential, a land use that commonly exists in the general area surrounding of the subject parcel.

The subject parcel is already non-conforming with the underlying zoning of AL-20 and the area around the subject property has been developing over the last four decades with the addition of rural residential parcels which are not strictly in conformance with the underlying zoning but allowed with Variances and Parcel Maps.

The following are Parcel Maps approved by the County in the area that created entirely or partially created parcels of similar size as the proposed split.

Parcel Maps: 904, 1270, 2729, 3369, 3425, 3580, 3688, 4251, 5286

Along with the subject parcel, none of the similar size parcels have active agriculture operations and the proposed parcel split with two existing rural residences will result in no net loss of productive agricultural land.