



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 March 11, 2021

SUBJECT: Variance Application No. 4097

Allow a reduction of the minimum lot size requirement for a mapping procedure to adjust the property line between two parcels, which will result in an increase of 3,876 square-feet to an existing 0.94-acre parcel and an equivalent decrease in size to an existing adjacent 17.84-acre parcel; and also allow a 15-foot rear yard setback where a minimum of 20-feet is required on the 0.94-acre parcel for an existing garage/accessory living quarters, built over the property line, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the east side of South Bethel Avenue between East Central Avenue and East North Avenue, approximately one half-mile southwest of the City of Sanger (SUP. DIST. 4) (APN 332-110-36 and 37) (3534 S. Bethel Avenue and 3556 S. Bethel Avenue).

**OWNER
APPLICANTS:** Gary and Deborah Blagg

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve Variance No. 4097; 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
6. Site Plan
7. Applicant's Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AL-40 (Limited Agricultural, 40-acre minimum parcel size) Zone District	No change
Parcel Size	Parcel A: 17.84 acres Parcel B: 0.94 acres	17.75 acres (decreased by 0.09 acre) 1.03 acres (increased by 0.09 acre)
Project Site	See description under parcel size	See proposed Parcel Sizes above
Structural Improvements	Proposed parcel 'A' (APN 332-110-37) has no structural improvements; proposed parcel 'B' (APN 332-110-36) is improved with a single-family residence and a detached garage with attached accessory living quarters	No change
Nearest Residence	Approximately 10 feet north of the northern boundary of Proposed Parcel 'B' (APN 332-110-37).	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15305(a) of the California Environmental Quality Act (CEQA) guidelines: *Minor Alterations in Land Use Limitations*, 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 38 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:

According to available records, the subject parcels have existed in their current configuration since at least 1961. The current Variance request, submitted on October 1, 2020. The existing detached garage with accessory living quarters was originally constructed without permits in 1997 and subsequently permitted by the County in 1998. It was unknowingly constructed over the property line.

One (1) variance request for a reduced lot size has been processed within one half-mile of the subject property, there were none for setback reductions. The variance is detailed in the table below:

Application/Request	Staff Recommendation	Final Action	Date of Action
VA No. 3513– Allow the creation of two ten-acre parcels from a 20-acre parcel in the AE-20 Zone District.	Defer to Planning Commission	PC Approved	January 25, 1996

ANALYSIS/DISCUSSION:

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

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	AE-20 Zone District: Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Proposed 1.03-acre parcel:</u> Front: 35 feet Side: 20 feet Rear: 15 feet <u>Proposed 17.75-acre parcel:</u> Front: 35 feet Side: 20 feet Rear: 20 feet	No Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals, which must be located a minimum of 40 feet from any human-occupied building	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	N/A

Water Well Separation			
Proposed Parcel 'B' (1.03 acres)	Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	There are currently two septic systems on the proposed 1.03-acre parcel to serve the existing dwelling and accessory living quarters, there is also a domestic water well which appears based on the submitted site plan to meet the minimum separation distance from the septic systems.	Yes
Proposed Parcel 'A' (17.75 acres)		The site plan shows two abandoned and capped agricultural wells and one abandoned and capped domestic well located on the proposed 17.75-acre parcel. No septic system was identified on the site.	Yes

Reviewing Agencies/Department Comments:

There were no relevant comments from reviewing agencies or County Departments regarding the project other than advisory statements about required regulations that have been noted under the Projects Notes section of Exhibit 1.

Analysis Finding 1:

In support of Finding 1, the Applicant's findings state that the garage/accessory living quarters located on proposed parcel 'B' (1.03-acres) was constructed over the rear property line adjacent to proposed Parcel 'A' (17.75-acres), in error, creating the situation whereby the Variance is necessary in lieu of removing the garage/accessory living quarters.

Staff would concur that the permitted garage/accessory living quarters structure built over the existing property line creates an exceptional circumstance on the property which can only be remedied either by the Variance or by removal of the building. As the building was permitted by the County in 1998, it would be unreasonable to require it to be removed after having been allowed to remain as a conforming building for 22 years. The applicant was unable to obtain an additional 5 feet from the adjacent property owner to meet the 20-foot rear yard setback but is able to acquire enough area to meet a fifteen-foot setback. The applicant nor the County can force the sale of the additional property to meet the needed 20 feet. The proposed 15 feet does provide adequate distance for building code requirements, and is not in an area where it is problematic for privacy, light and ventilation for the adjacent parcel.

Recommended Conditions of Approval: *None*

Conclusion Finding 1:

Due to the existing building on the property line Finding 1 can be made for the reduced lot size and the reduced rear yard setback.

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.*

Analysis Finding 2:

In support of Finding 2, the Applicant’s findings state that the granting of this Variance would not confer a special privilege inconsistent with the limitations upon other properties in the vicinity; the granting of the Variance would alleviate the encroachment of the building over the property line. The reduction in size of one of the parcels, is consistent with other parcels in the vicinity that contain less than the 20-acres required. Both parcels are currently legal non-conforming as to minimum lot size.

Staff acknowledges that the situation created by the encroaching building creates an uncommon hardship or deficit of a substantial property-right for both property owners, by having the building ownership and the underlying land ownership misaligned. The alternative remedy of having to remove the garage/accessory living quarters would also create a hardship on the building’s owners.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the only alternative available to the Applicant would be to demolish the encroaching structure, under permit and inspection, as the encroaching structure would not otherwise be allowed to remain.

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*
<u>North</u> Parcel B	1.07 acres	Single-Family Residential	AE-20	6 feet
<u>North</u> Parcel A	0.94 acres	Single-Family Residential	AE-20	140 feet
	80.0 acres	Orchard	AE-20	None
<u>South</u> Parcel B	17.84 acres	Field Crops	AE-20	None
<u>South</u> Parcel A	2.38 acres	Single-Family Residential/Vineyard	AE-20	140 feet
	17.18 acres	Vineyard	AE-20	None

Surrounding Parcels				
<u>East</u> Parcel B	17.18 acres	Field Crops	AE-20	None
<u>East</u> Parcel A	38.01 acres	Orchard/ Single-Family Residential	AE-20	None
<u>West</u> Parcel B	80.0 acres	Orchard	AE-20	None
<u>West</u> Parcel A	80.0 acres	Orchard	AE-20	None

*Distances are approximate and measured from the existing subject parcel boundaries using web aerial imagery application.

Reviewing Agencies/Department Comments:

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

Analysis Finding 3:

In support of Finding 3, the Applicant’s Findings state that the proposed property line adjustment and reduced rear yard setback for one of the parcels would not have a detrimental effect on surrounding property. The minimal reduction in size by 3,873 square feet of the larger vacant parcel would not impair it’s continued use as agricultural land. The Applicant has also indicated that the reduction of the required rear yard setback from 15 feet to 20 feet is necessary as the adjacent property owner is only willing to allow sell 15 feet, not 20 feet.

Staff has noted that the subject property is in an area of both residential and agricultural uses, primarily orchards vineyards, and row crops. Parcel sizes in the immediate vicinity range from one acre to 80 acres. The proposed property line adjustment would result in a minimal change to the configuration and size of both parcels. The smaller parcel being enlarged does not further exasperate the substandard parcel size. The requested reduction of the required rear yard setback from 15 feet to 20 feet is a reasonable accommodation to remedy the unique situation of a building permit having been issued and final inspection approved in error by the County. The smaller parcel’s rear yard and location of the structure in question is situated such that it is unlikely to have any adverse impacts to the larger parcel as there are no nearby structures on the large parcel, or are there likely to be structures or sensitive uses located in that area in the future as it a considerable distance from the road frontage of the larger parcel.

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

Recommended Conditions of Approval:

None

Conclusion Finding 3:

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, and 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 proposed lot line adjustment between the two non-conforming parcels will result in the larger of the two parcels being decreased in size by 3,876 square feet and the smaller parcel being increased by an equivalent amount. Staff believes that this request is not contrary to General Plan Policy because the resultant parcel would not be substantially smaller than it is currently and would therefore not affect its viability as farmland. No additional development is proposed therefore no increase in residential density would occur.</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.</p>	<p>This proposal was reviewed by the Water and Natural Resources Division, which did not express concerns related to water supply, as there is no development proposed with this application. However, any subsequent development of either of the proposed parcels would require a well yield test in accordance with Title 15, California Building Standards Code.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is designated General Plan. Policy LU-A.6 states that the County shall maintain

twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture. Additionally, General Plan Policy LU-A.7 states 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.

Fresno County Agricultural Commissioner: No comments were provided.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject parcel is located in a water-short area; however, there is no development proposed. No further comments.

Analysis Finding 4:

In support of Finding 4, the Applicant’s findings assert that the purpose of the 20-acre minimum lot size, acreage designation is to prohibit the creation of parcels that cannot effectively produce an agricultural product. The proposed Variance seeks to modify property lines to accommodate a rear yard encroachment: further, the proposed Variance will not adversely affect the production of agriculture as it will not reduce agricultural production or its intensity. Accordingly, there will be no change in land available for agricultural production, as the quantity of land being transferred is less than one tenth of an acre.

Staff notes that 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.”

There are no policies in the General plan that directly address the requested reduction of the rear yard setback requirement from 20-feet to 15-feet.

Staff concurs with the Applicant’s statement that the project would not be contrary to the objectives of the General Plan. There are no new parcels being created and neither of the existing parcels conform to minimum lot size requirements. The smaller parcel is less than one acre and is improved with a single-family dwelling and several accessory structures including a detached garage with accessory living quarters which was constructed over the rear property line. The larger 17.84-acre parcel according to aerial imagery, appears to have been utilized for the cultivation of row crops recently. The property could also be developed with a single-family dwelling by right. If the Variance is approved, the net result would be a reduction of the current parcel size by 3,876 square feet or .08-acres, a negligible area of productive farmland; and would not substantially hinder the potential for continued agricultural use of the property.

Recommended Conditions of Approval:

None.

Conclusion Finding 4:

Finding 4 can be made as there are no conflicts with the General Plan.

PUBLIC COMMENT:

None.

SUMMARY ANALYSIS / CONCLUSION:

This is a unique situation in that considering that the structure in question was issued building permits and received final inspection from County staff. The only alternative to the Variance is removal of the structure.

- While the reduction of the parcel size is strictly not consistent with the 20-acre minimum, the goal of preserving the viability of agricultural lands is not appreciably impacted as the area is a negligible portion of the existing parcel.
- While the AE-20 Zone District requires a 20-foot minimum Rear-yard setback, the Applicant cannot achieve the requirement as the adjacent property has only agreed to transferring a limited amount to the Applicant's smaller parcel resulting in the structure being 15-feet from the proposed new property line. The proposed reduced 15-foot set back is adequate to meet building codes and is not detrimental to the surrounding area.

Based on the factors cited in the analysis, staff believes that the four necessary Findings required for granting the Variance can be made, and therefore recommends approval of Variance Application No. 4097.

PLANNING COMMISSION MOTIONS:

Recommended 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. 4097, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

- Move to determine the required Findings cannot be made (stating the basis for not being able to make the findings) and move to deny Variance No. 4097; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

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**Variance Application (VA) No. 4097
Conditions of Approval and Project Notes**

Conditions of Approval

1.	The property line adjustment between the two subject parcels shall be done in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
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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.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to affect the property line adjustment between the two subject parcels is filed in substantial compliance with the Condition(s) of Approval and Project Notes.
2.	<p>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 parcels. The Map shall comply with the requirements of Title 17.72.</p> <p>The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance." These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.</p>
3	It is recommended that the applicant consider having the existing septic tank systems pumped and have the tanks and leech fields evaluated by an appropriately licensed contractor if it has 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.
4.	All abandoned water wells and septic systems on the subject parcels or resultant parcels shall be properly destroyed by an appropriately licensed contractor, subject to permits and inspections by the Fresno County Department of Public Works and Planning and the Fresno County Department of Public Health.
5.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked 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 shall 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.

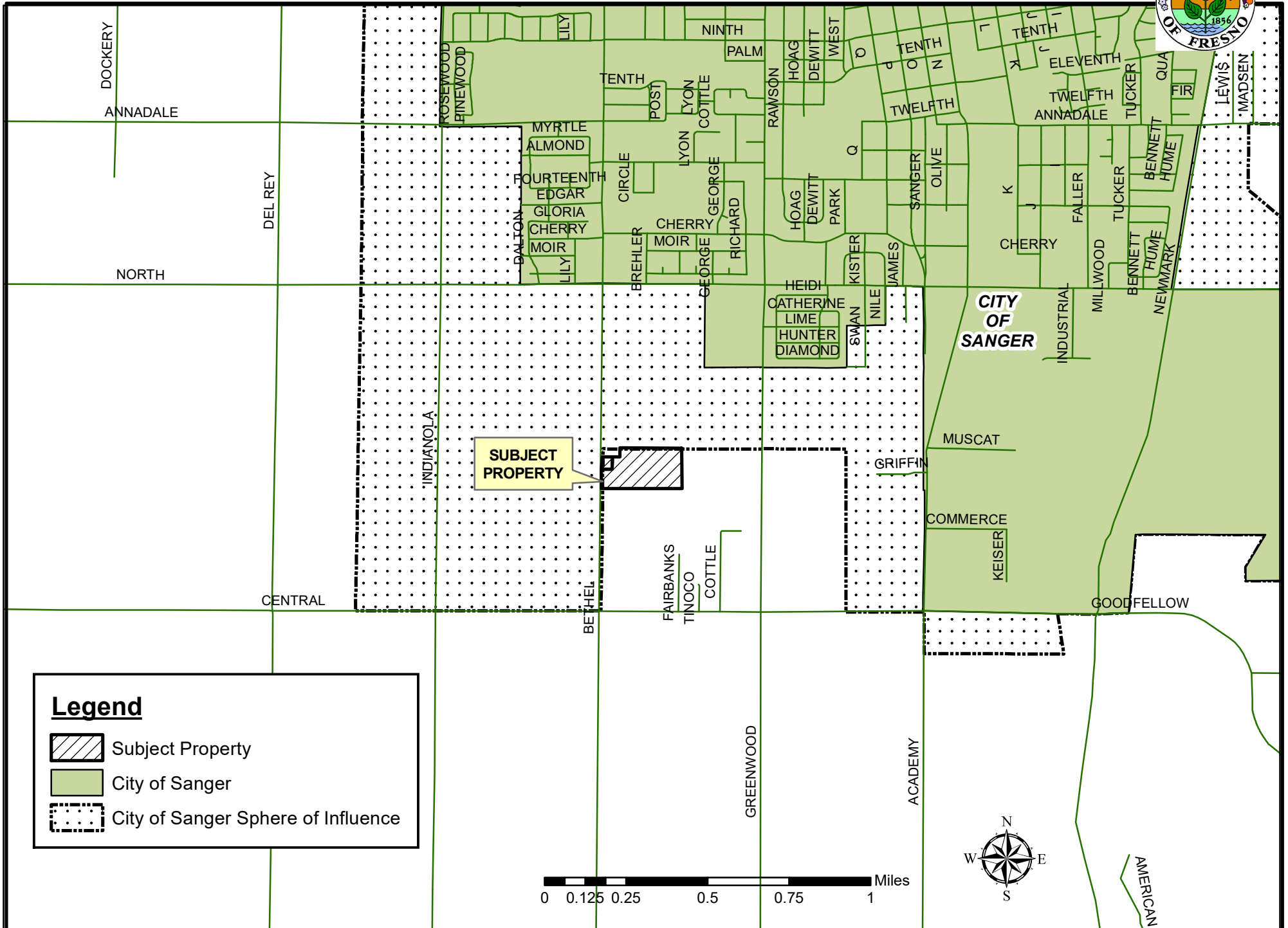
Notes

6	At such time the applicant or a future property owner decides to construct a water well on either of the subject parcels, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells.
7.	Should any underground storage tank(s) be found during development of either of the subject parcels, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
8.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
9.	Any additional runoff generated by development of the subject parcels cannot be drained across property lines and must be retained or disposed of per County standards.
10.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.

JS:
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LOCATION MAP

VA 4097



Legend

- Subject Property
- City of Sanger
- City of Sanger Sphere of Influence

EXHIBIT 3
EXISTING ZONING MAP

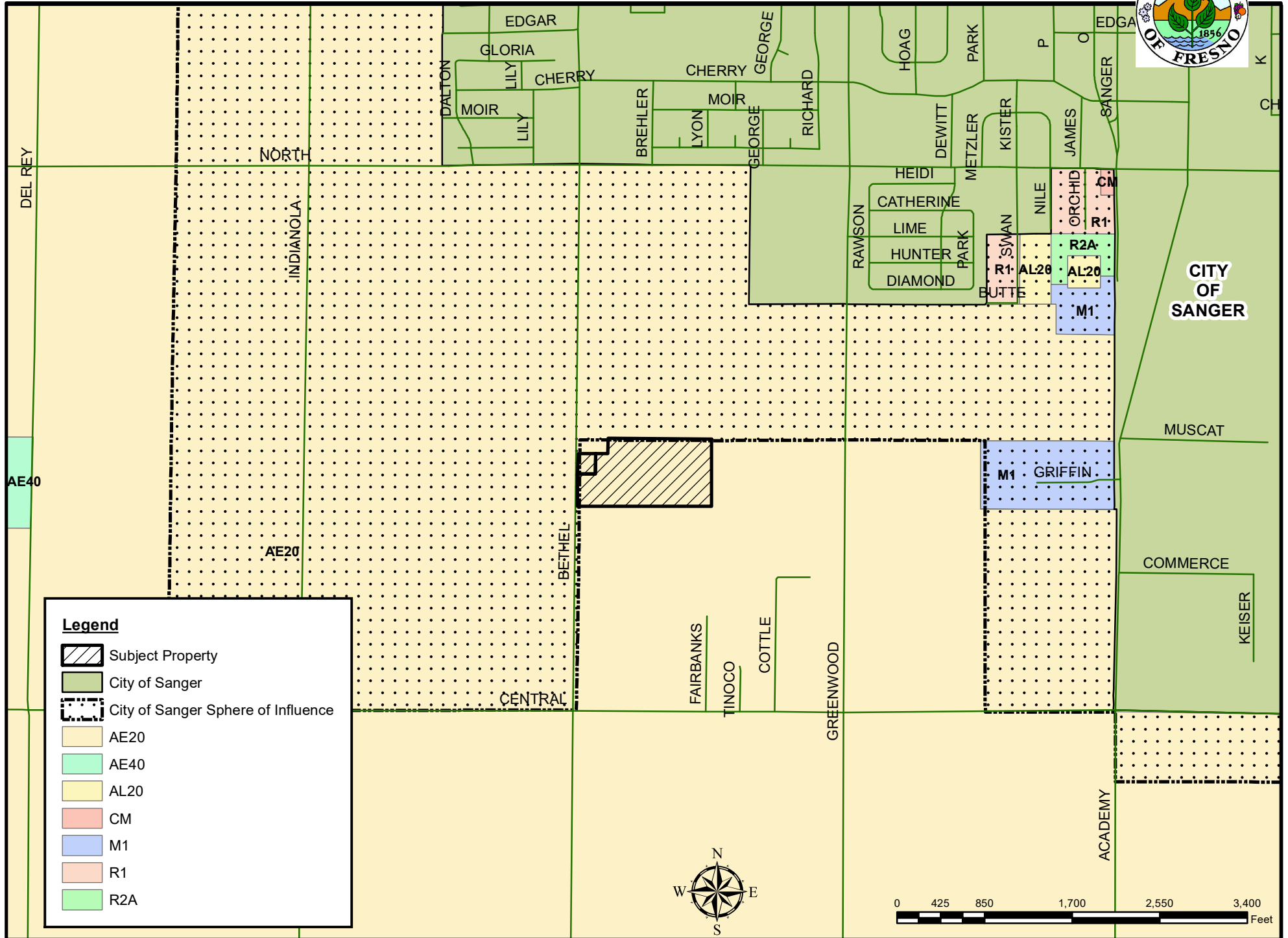
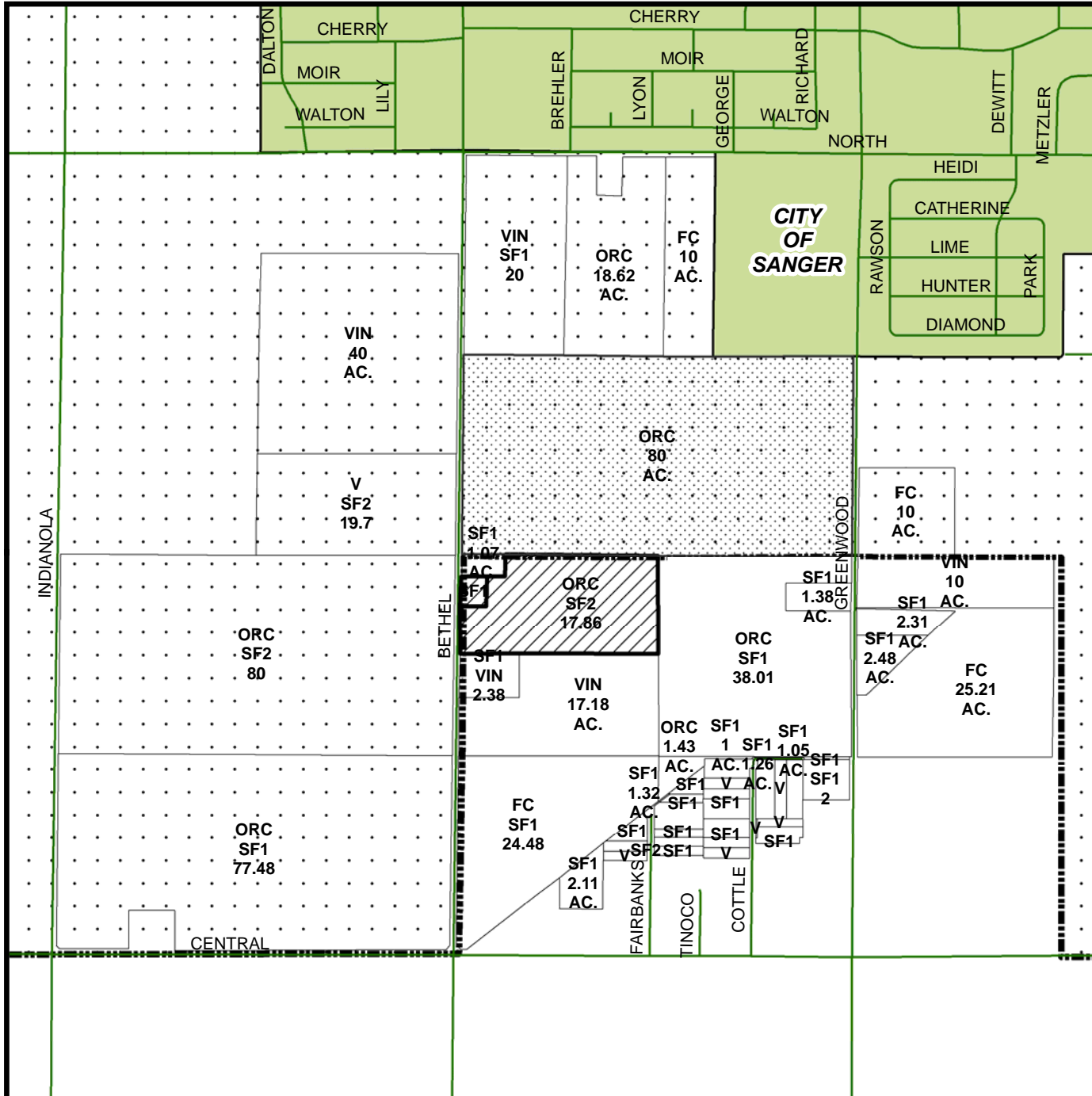


EXHIBIT 3

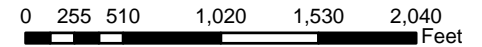
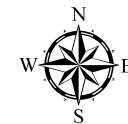
EXISTING LAND USE MAP

VA 4097



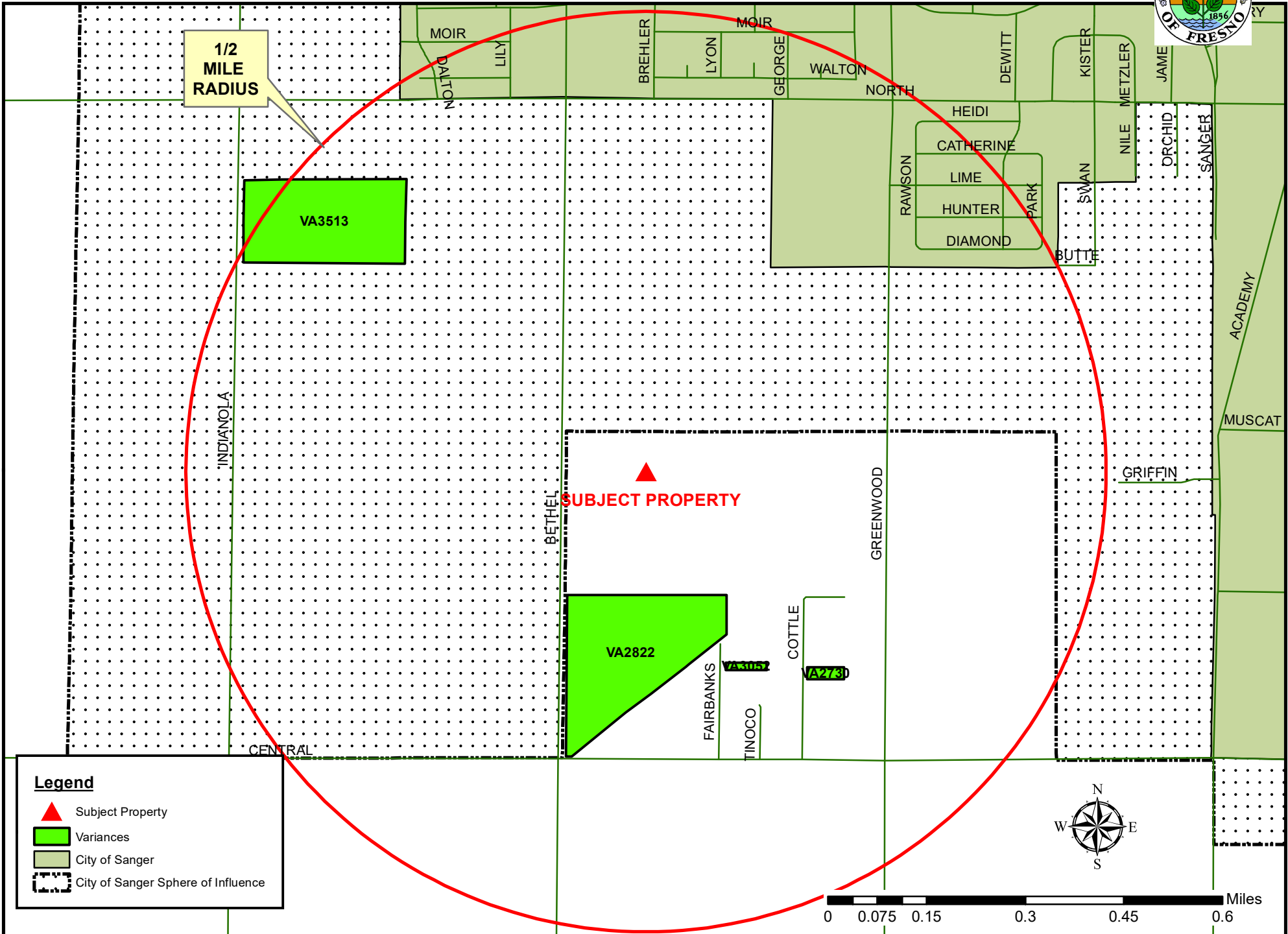
LEGEND	
	FC - FIELD CROP
	ORC - ORCHARD
	SF#- SINGLE FAMILY RESIDENCE
	V - VACANT
	VIN - VINEYARD

- LEGEND:**
- Subject Property
 - Ag Contract Land
 - City of Sanger
 - City Sphere of Influence



Department of Public Works and Planning
Development Services Division





APPROVED VARIANCES WITHIN A HALF-MILE RADIUS



VARIANCE APPLICATION No. 4097

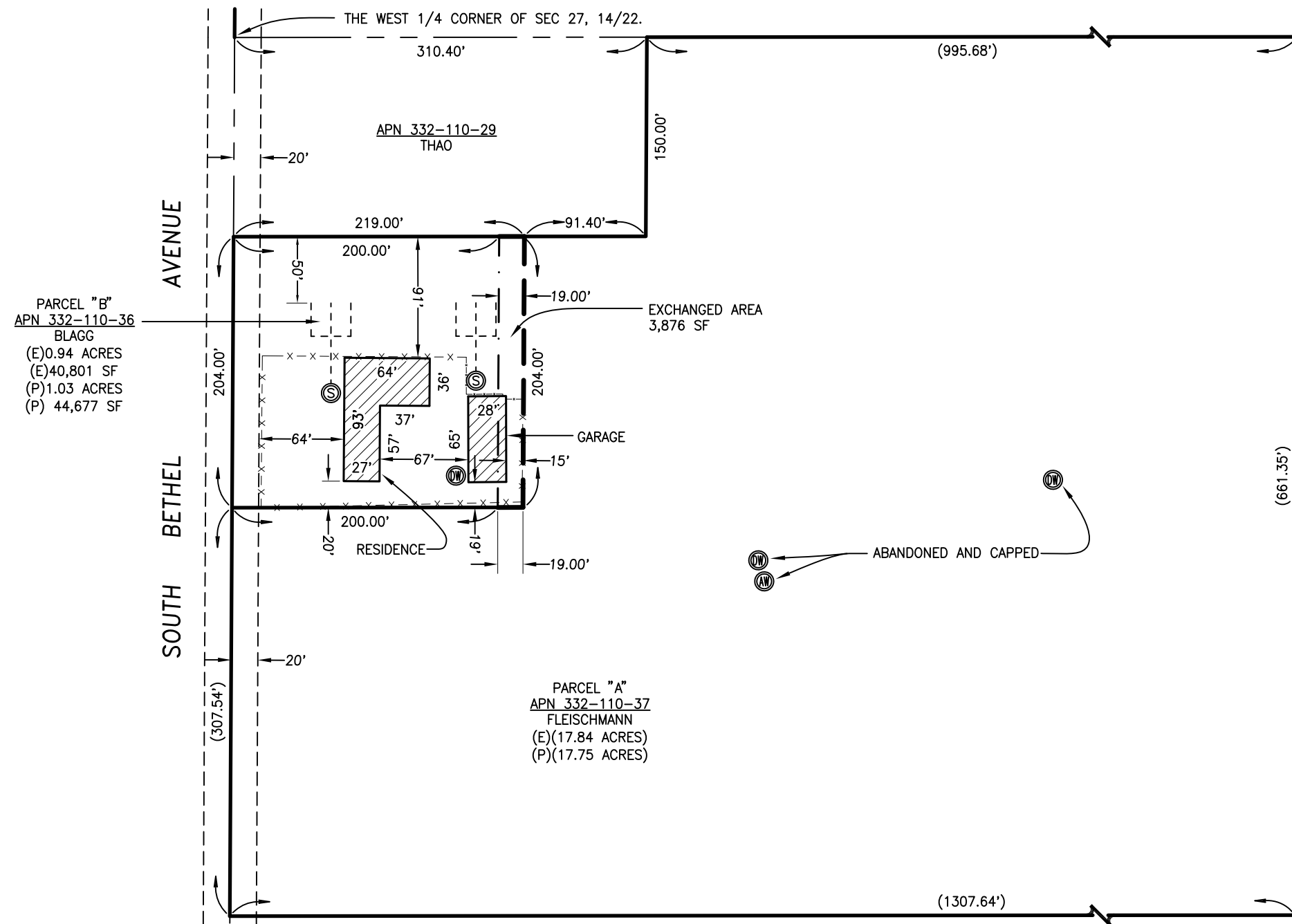
BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 27, T. 14 S., R. 22 E., MDB.M. IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

LEGEND:

- SECTION LINE.
- - - RIGHT OF WAY.
- (E) EXIST. PROPERTY LINE.
- - - (P) NEW PROPERTY LINE.
- · - (E) LINE TO BE REMOVED.
- x - x - x - x - x - (E) FENCE LINE
- - - (E) LEACH LINES
-  (E) STRUCTURES
-  (E) DOMESTIC WELL
-  (E) AGRICULTURAL WELL
-  (E) SEPTIC
- (R-1) BOUNDARY DATA PER RECORD OF SURVEY RECORDED IN BK. 43 OF RECORD OF SURVEYS AT PG. 53, F.C.R.

RECORD OWNERS:

RACHELLE FLEISCHMANN (PARCEL "A")
DEBORAH K. BLAGG (PARCEL "B")

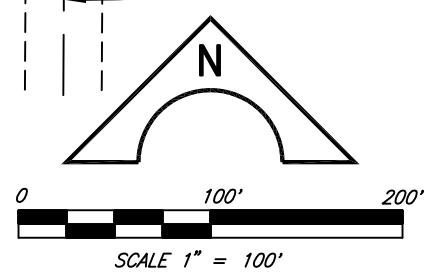


PARCEL "B"
APN 332-110-36
BLAGG
(E) 0.94 ACRES
(E) 40,801 SF
(P) 1.03 ACRES
(P) 44,677 SF

PARCEL "A"
APN 332-110-37
FLEISCHMANN
(E) 17.84 ACRES
(P) 17.75 ACRES

AVENUE
SOUTH BETHEL

THE WEST LINE OF THE SOUTHWEST 1/4 OF SEC 27, 14/22.



ASSESSOR'S PARCEL No'S:
APN 332-110-37 AND APN 332-110-36

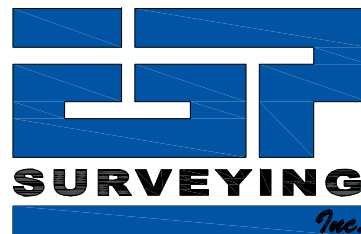
PROJECT SITE ADDRESS
3556 S. BETHEL AVE. AND 3534 S. BETHEL AVE.
SANGER, CA 93757 SANGER, CA 93757

PROPERTY OWNER CONTACT INFO:
RACHELLE FLEISCHMANN, 559-356-3893

EXISTING PLANNED USE DESIGNATION:
EXCLUSIVE AGRICULTURAL

EXISTING AND PROPOSED ZONE DIST.:
AE-20

PROJECT INFORMATION			
NAME: Fleischmann PLA	CLIENT: Rachele Fleischmann		
TWP, RNG, SEC: 14, 22, 27, MDB&M	COUNTY OF: FRESNO	STATE OF: CALIFORNIA	

	ESP SURVEYING 2598 N. MIAMI AVE. FRESNO, CA Tel. 559.442.0883 Fax 559.442.0884 www.espls.com	DATE OF SURVEY: 7/31/220 ESP JOB No.: 20075 DRAWN BY: 6335 DRAWN DATE: 9/16/2020 REV 1: 10/08/2020 REV 2: 10/19/2020
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VARIANCE APPLICATION FINDINGS
Garry and Debora Blagg
September 25, 2020

Applicant/Owner:

Deborah & Garry Blagg
3534 S. Bethel Ave
Sanger, CA 93657

Representative:

Ms. Kourtney Medlin, Planner
Dirk Poeschel Land Development Services, Inc.
923 Van Ness Ave., Suite 200
Fresno, CA 93721
559-445-0374

Property Location:

3534 S. Bethel Avenue, Sanger, CA 93657

APN:

APN 332-110-36 consisting of 0.94 +/- acres.
APN 332-110-37 consisting of 17.86 +/- acres

Existing Zone Designation:

AE-20

Existing General Plan Land Use Designation:

Agriculture

Request:

Allow a waiver of the minimum lot area requirement to allow a mapping procedure to add approximately 3,876 +/- sq. ft. to APN 332-110-36 consisting of 40,800 +/- sq. ft. from APN 332-110-37 consisting of 17.84 acres and creating a 15 ft. rear yard for APN 332-110-36 where a 20 ft. rear yard is required.

Both parcels are in the AE-20 Exclusive Agricultural, (20-acre minimum lot size) zone district. Please see Pre-Application Review No. 20-100965 and the attached map of the property prepared by ESP Surveying, Inc.

Background:

Sometime ago, a third party erroneously constructed the applicant's garage over the rear property line of the Blagg property (APN 332-110-36). Building permits were subsequently obtained and the garage was completed per county standards. Granting the proposed variance will allow a lot line adjustment to occur with the applicant's property and the neighbor immediately to the east.

Finding 1:

Does the strict application of the Zoning Ordinance deprive this property of privileges enjoyed by other properties in the vicinity and in an identical zoning district due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings?

The applicant's garage was erroneously constructed on the rear property line. The purpose of the variance is to allow an *increase* in lot size of 3,873 sq. ft. with approval of a lot line adjustment between the neighbor immediately to the south to enlarge the applicants rear yard. As a consequence, the neighbor's yard will also be correspondingly reduced 3,873 sq. ft. thus necessitating the variance. No material change to the land is occurring as a result of the variance or the future lot line adjustment.

Finding 2:

Would this variance grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located?

As stated above, the applicant erroneously constructed a garage on the rear property line. The purpose of the proposed variance is to allow the transfer of approximately 3,873 feet to the applicant from the neighbor immediately to the south. The neighbor immediately to the south is the applicant's niece. This resolution will solve the garage encroachment on the rear property line. Other properties in the vicinity are less than the required 20-acre minimum lot size.

Finding 3:

If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?

Granting the proposed variance will not be detrimental to surrounding properties for various reasons. Both properties are improved so no new wells, roads or other improvements are required. The remaining portion of the parcels remain in agriculture as they have been historically been used. No change in the agricultural use of the properties, either in size or intensity would be affected by the proposed variance.

Finding 4:

If granted, would the requested variance be in conflict with established general and specific plans and policies of the county?

The purpose of the 20-acre minimum lot size is to prohibit the creation of parcels that cannot effectively produce an agricultural product. The proposed variance simply seeks to modify property lines to accommodate a rear yard encroachment.

The proposed variance will not adversely affect the production of agriculture as it will not reduce agricultural production or its intensity. For these reasons, the proposed variance will not conflict with the policies of the Fresno County General Plan as there will be no change in agricultural land available for production. Further, the amount of land being transferred is less than 10% of an acre.

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