



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 3 May 20, 2021

SUBJECT: Variance Application No. 4103

DESCRIPTION: Allow a 130-foot-tall flagpole (maximum 75 feet allowed) on a 5.19-acre parcel in the M-1 (Light Manufacturing) Zone District.

LOCATION: The subject parcel is located on the east side of S. Maple Avenue approximately 380 feet north of the intersection of Maple and Central Avenues and the nearest city limits of the City of Fresno (Sup. Dist.: 3) (APN: 330-110-16) (3672 S. Maple Avenue, Fresno, CA).

OWNER: South Maple Associates, LLC

APPLICANT: Camping World, Inc

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4101 based on the recommended findings in the Staff Report; 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. Site Plan/Elevation
6. Applicant's Variance Findings
7. Approved Variances Within One Mile Radius

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	General Industrial in Roosevelt Community Plan	No Change
Zoning	M-1 (Light Manufacturing)	No Change
Parcel Size	5.19 acres	No Change
Project Site	Recreational vehicles (RV) sale and storage facility	Allow a 130-foot-tall flagpole (maximum 75 feet allowed) on a 5.19-acre parcel
Structural Improvements	Three building related to RV sales and storage facility	130-foot-tall flagpole
Nearest Residence	None	N/A
Operational Features	N/A	130-foot-tall flagpole
Employees	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	Outdoor Lighting in RV sales/ storage area and on building(s) exterior	Two LED lights on an existing pole at the northwest property line that parallels the State Route 99
Hours of Operation	N/A	N/A

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b) 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 40 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 may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F are made by the Planning Commission.

It should be noted that the variance only addresses the height of the structure it cannot address the content that can be displayed on flags, as Government Code § 65906 prohibits variances from permitting a use not expressly authorized by the zoning.

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 project site is developed with a Recreational Vehicle (RV) sales and storage facility. Per the County records, the facility was established in 1973.

On April 10, 1997, Site Plan Review Application No. 6781 was approved to allow the expansion of an advertising structure and on August 27, 2001, Director Review and Approval No. 3378 was approved to allow an automobile, truck, and boat sales operation on the project site.

The subject Variance Application (VA 4103) proposes to allow a 130-foot-tall flagpole. The flagpole exceeds 75-foot height limits allowed for structures in the M-1 zone district. The subject Variance request is to waive the height limit.

County records indicates that no Variance request for building height, or a structure was filed or approved within an existing one-mile radius of the project site. (Exhibit 7)

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; and*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: None (15 feet if property abuts a residential district) Sides: None (15 feet if property abuts a residential district) Rear: None (15 feet if property abuts a residential district)	The flagpole will be located 89.9 feet from west property line and 89.3 feet from northwest property line that parallels the State Route 99.	Yes
Parking	One parking space for every two permanent	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
	employees, each company salesperson, and each company vehicle		
Lot Coverage	No requirement	N/A	N/A
Space Between Buildings	N/A	N/A	N/A
Wall Requirements	Six-foot-high wall between an industrial and residential zone properties	N/A	N/A
Septic Replacement Area	100 percent of the existing system	N/A	N/A
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	N/A	N/A

Reviewing Agency/Department Comments:

There were no 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.

Finding 1 Analysis:

In support of Finding 1, the applicant's finding states that Camping World, a retail RV sales dealership, is a unique business for this zoning classification surrounded by other industrial uses.

To make Finding 1, an extraordinary circumstance relating to the property that does not apply to other properties in the same zone classification and the preservation of a substantial property right must be demonstrated. That the subject property is developed with an RV sales and storage facility within an industrially zone area is not a physical characteristic demonstrating a unique circumstance which warrants the requested height Variance.

Upon analyzing the site aerial photo and comments from reviewing agencies, staff has concluded that there are no physical property constraints that justify the need for this Variance. There are no elevation changes or other physical conditions where adhering to the height limitation would place its visibility from the surrounding area at a disadvantage in comparison to other properties in the area.

Recommended Conditions of Approval:

None

Conclusion Finding 1:

Based on the above analysis, Finding 1 cannot be made.

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.*

Reviewing Agency/Department Comments Finding 2:

There were no 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 2:

In support of Finding 2, the applicant’s finding states that the subject Variance request is necessary for the applicant’s enjoyment of the property in that all Camping Worlds country-wide locations have a 130-foot-tall flagpole. The applicant further states that our business is very patriotic, we proudly display our signature flagpole at all locations and is liked by our customers.

The applicant maintains that his enjoyment of property rights rest on the fact that all Camping World business locations have 130-foot-tall flagpoles. However, the company’s other locations are not relevant, as the standard only applies to uses in the vicinity with the same zoning. Staff believes that denial of this Variance request would not deprive the Applicant of any right enjoyed by other property owners in the M-1 Zone District since all properties in are subject to the same 75 foot height limit.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. Variances only allow deviations from development standards they cannot allow/permit different uses. The applicant’s desire to display their patriotic sentiments by allowing a higher structure could be addressed by an amendment to the text of the Zoning Ordinance to make provisions for allowing certain increased heights for flagpole structures.

Conclusion Finding 2:

Based on the above analysis, Finding 2 cannot be made.

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

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North/East	One-acre to 3.52 acres	Industrial	AE-20	None
South	0.98 acre 1.64 acres 2.91 acres	Commercial- Mobile Home Park	AE-20	None

Surrounding Parcels				
West	10 acres 25.6 acres	Wastewater Treatment Facility	AE-20	None

Reviewing Agency/Department Comments Finding 3:

Fresno Irrigation District (FID): FID's Central No. 23 Canal runs southwesterly, traverses the subject property, and crosses the intersections of Central and Maple avenues approximately 300 feet south of the subject property. Any street improvements in the vicinity of pipeline crossing would require FID approval.

Within the limits of the proposed project [and its remainder], the landowner grants an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance.

Development Engineering Department: According to FEMA FIRM Panel 2140H, a portion of the subject property is within the Flood Zone AE subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding.

Design Division, Road Maintenance & Operations Division; Fresno County Department of Public Health, Environmental Health Division; Fresno County Fire Protection District; Water and Natural Resources Division: No concerns with proposal.

Analysis finding 3:

In support of Finding 3, the applicant's finding states that granting this variance will not be detrimental to the public welfare or injurious to property or improvement in the vicinity in which the property is located. We use one company to handcraft poles and handmade flags to last 50 plus years. Additionally, we keep additional flags on hand for quick replacement.

This proposal entails installation of a 130-foot-tall flagpole on a 5.19-acre parcel currently developed with an RV sales and storage facility. The flagpole will be located within RV sales area in the north portion of the property.

The subject property parallels the State Route (SR) 99 to the northwest, RV sales lot to the south and a wastewater treatment facility to the west. Various industrial uses are located further to the northwest across SR 99 and a commercial use and a residential trailer park is located further to the south. The proposed flagpole will be located approximately 125 from SR 99, 860 feet from Central Avenue and 1,230 feet from trailer park.

Aesthetics is typically the concern associated with a flagpole because of the substantial height of pole. The visibility of a flagpole relates to its height, design, and exposure to neighbors and the public. In the case of subject proposal, flagpole will be 130-foot-tall slimline design, 18 inches in diameter at the base and 6.5/8 inches in diameter at the top.

Staff notes that the installation of the flagpole will not change the nature of the existing RV sales operation on the property. Though most visible to the motorist on SR 99, staff believes that the

flagpole will have a less than significant visual impact on surrounding area consisting of industrial and non-industrial uses.

Recommended Conditions of Approval:

None.

Conclusion Finding 3:

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

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

Reviewing Agency/Department Comments Finding 4:

Policy Planning Unit of the Fresno County Department of Public Works and Planning: No comments specific to General Plan Policy expressed.

Analysis Finding 4:

In support of Finding 4, the Applicant's finding states that the Fresno County General Plan will be followed, and the flag will beautify the area.

Staff notes that there are no policies specific to building or structure height in the Fresno County General Plan. Therefore, approval of the subject Variance request to deviate from height requirement in the M-1 Zone District from the maximum 75-foot allowed to 130-foot proposed would not conflict with the policies of the General Plan.

Recommended Conditions of Approval:

None.

Conclusion Finding 4:

Based on the above analysis, Finding 4 can be made.

PUBLIC COMMENT:

None.

SUMMARY CONCLUSION

As the requested variance does not address a unique physical situation or is needed to protect a substantial property right that has been afforded to other properties in the area, staff believes Findings 1 and 2 cannot be made, and recommends denial of Variance No. 4103.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1 and 2 cannot be made (as stipulated by Staff) and move to deny Variance Application No. 4103; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine the required Findings can be made (state basis for making the findings) and move to approve Variance No. 4103, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

EA:im

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EXHIBIT 1

**Variance Application (VA) No. 4103
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan and Elevation approved by the Commission.

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.	This Variance approval will become void unless there has been substantial development within one year of the effective date of this approval.
2.	Construction plans, building permits and inspections are required for the installation of flagpole. Contact the Building and Safety Section of the Fresno County Department of Public Works and Planning at (559) 600-4540 regarding plans, permits and inspections.
3.	Fresno Irrigation District (FID) Central No. 23 Canal runs southwesterly, traverses the subject property, and crosses the intersections of Central and Maple avenues approximately 300 feet south of the subject property. Any street improvements in the vicinity of pipeline crossing would require FID approval.
4.	Within the limits of the proposed project [and its remainder], the landowner grants an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance to Fresno Irrigation District.
5.	According to FEMA FIRM Panel 2140H, a portion of the subject property is within the Flood Zone AE subject to flooding from the 100-year storm. Any development within the Special Flood Hazard Area shall conform to provisions established in Fresno County Ordinance Code Title 15, Chapter 15.48 Flood Hazard Areas. Any dirt material used for grading must be obtained within the designated flood area as to not cause an impact to the determined area of flooding.

EXHIBIT 1

EXHIBIT 2 LOCATION MAP

VA 4103

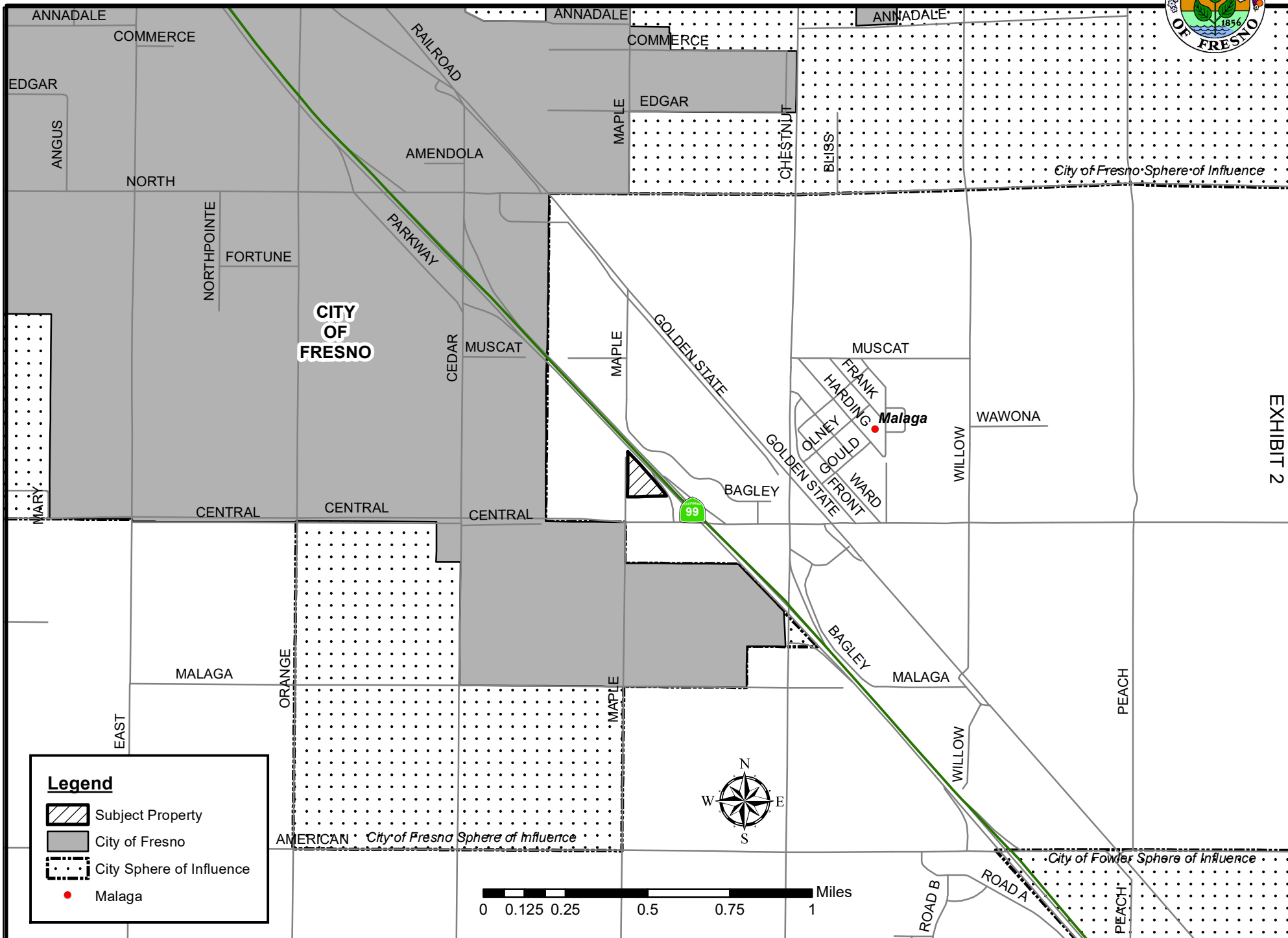


EXHIBIT 3
EXISTING ZONING MAP

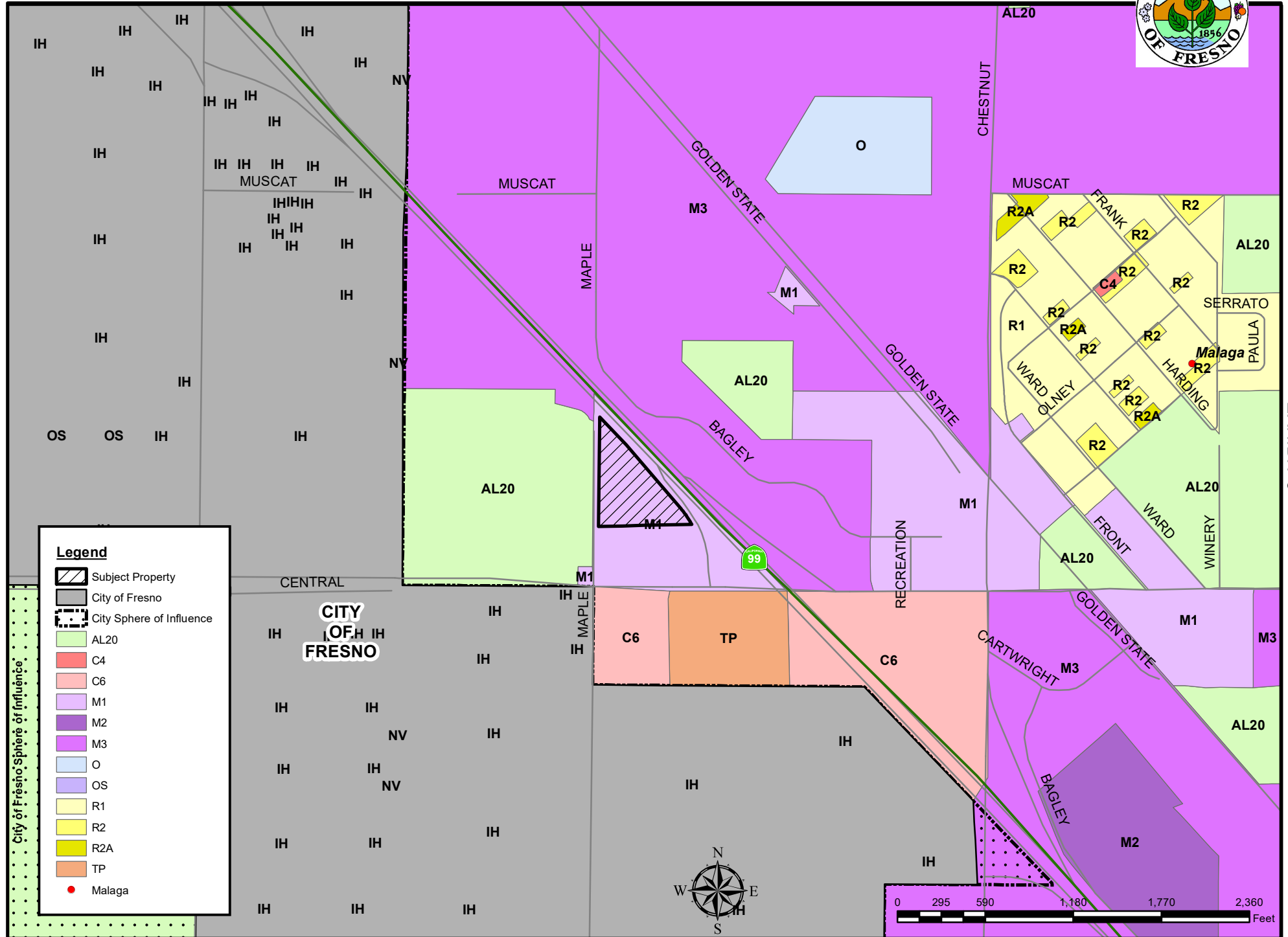


EXHIBIT 3

EXISTING LAND USE MAP

VA 4103

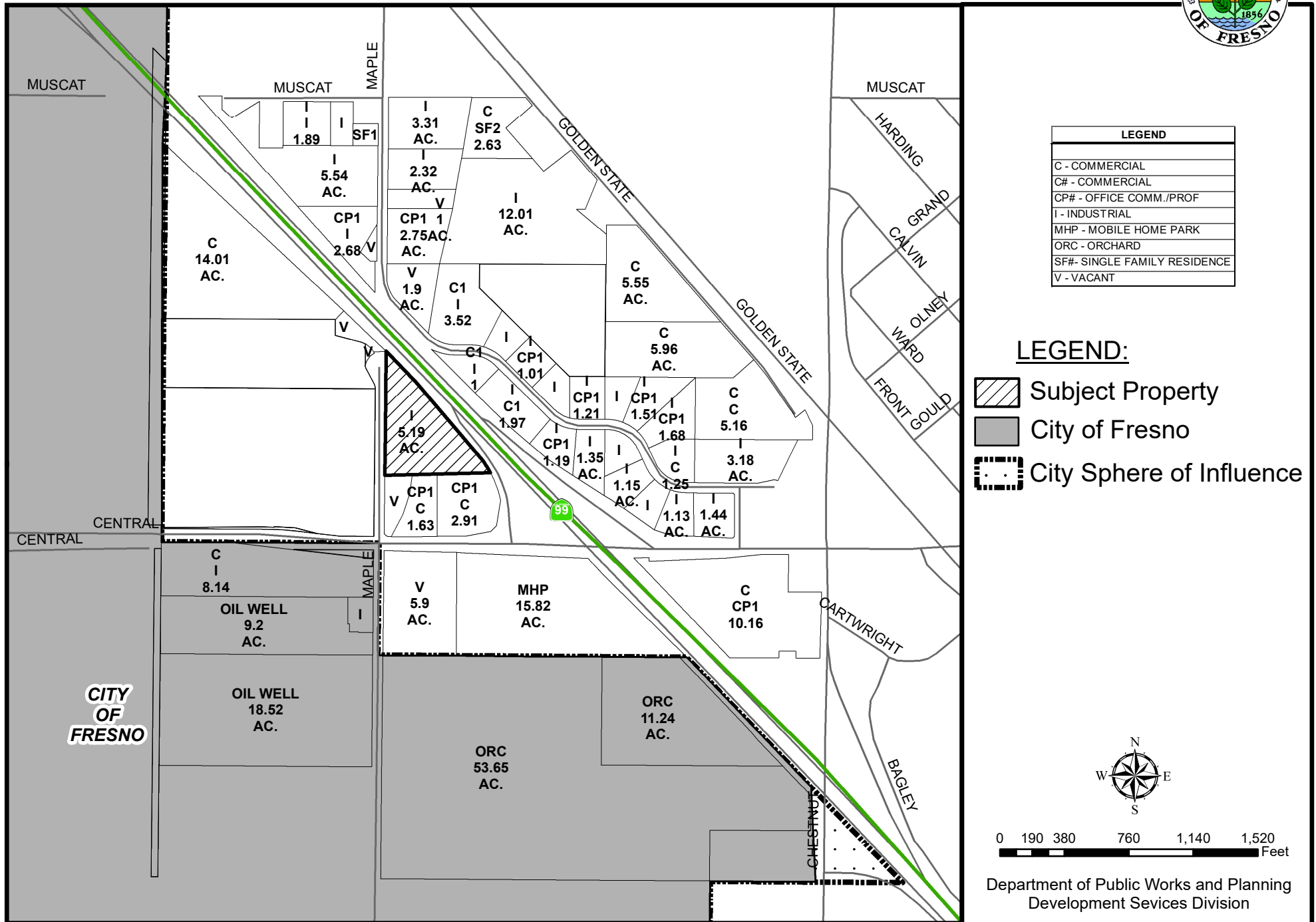
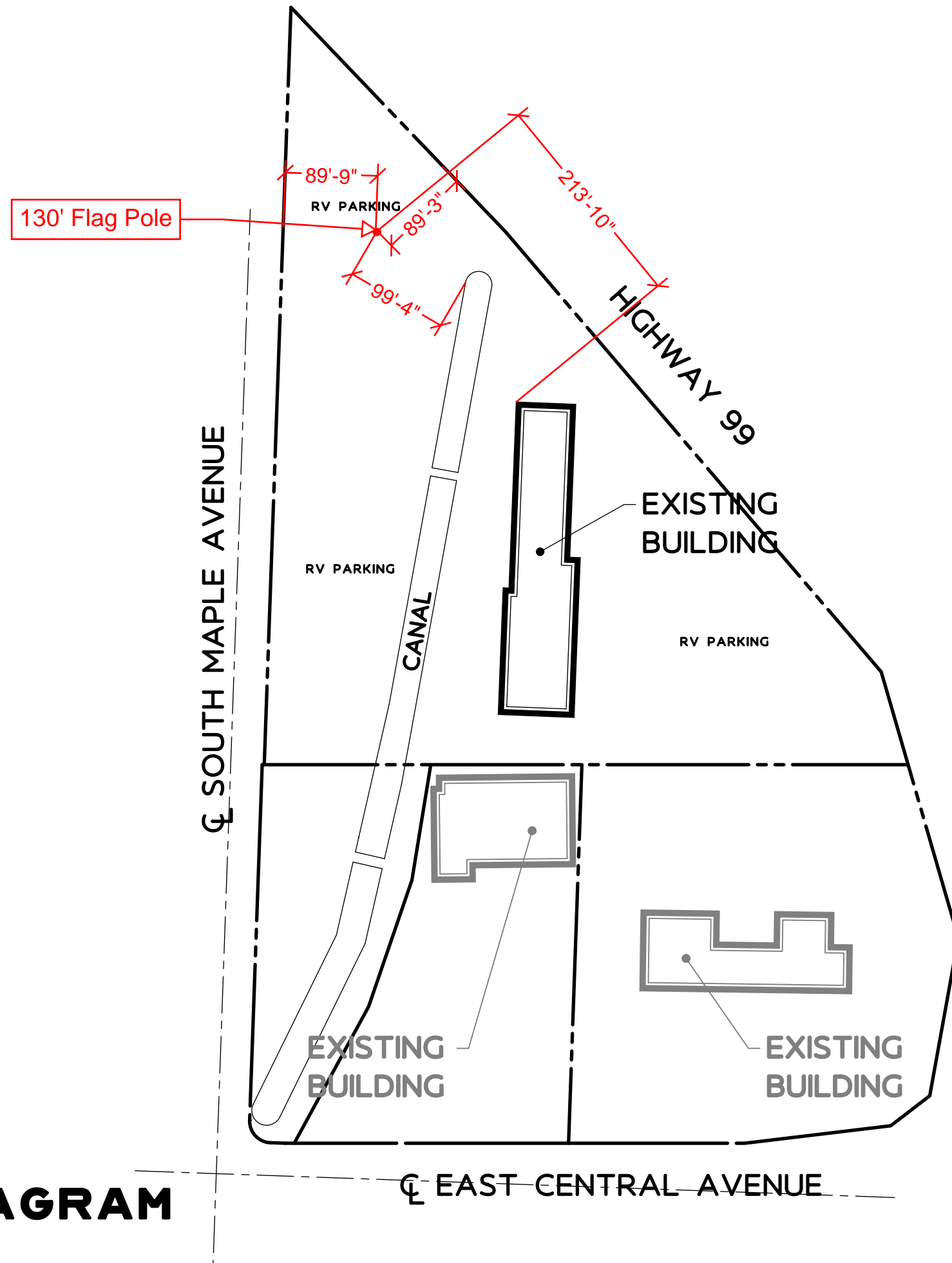


EXHIBIT 5



ELEVATE
ARCHITECTURE

DAVID BIRD - ARCHITECT
2822 26TH STREET, SUITE 200
BANKERSFIELD - CALIFORNIA
95301
TEL: 408.2888
DAVID@ELEVATEARCH.COM

EXHIBIT 5

CAMPING WORLD
NEW FLAG POLE

3372 S. MAPLE AVENUE
FRESNO, CALIFORNIA

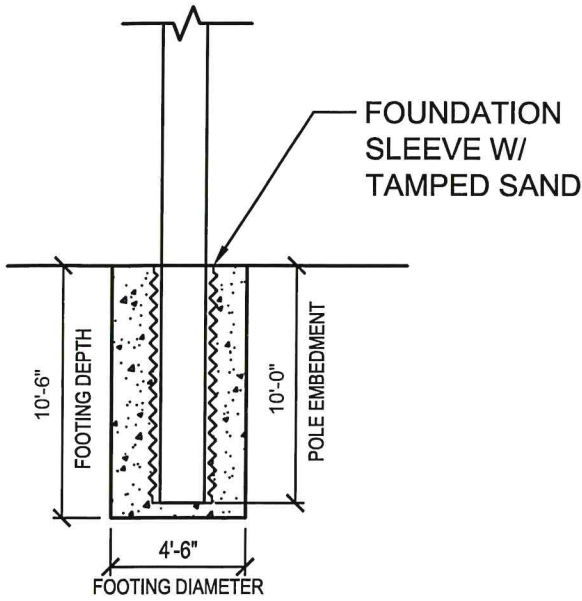
DATE
2-25-21
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0093



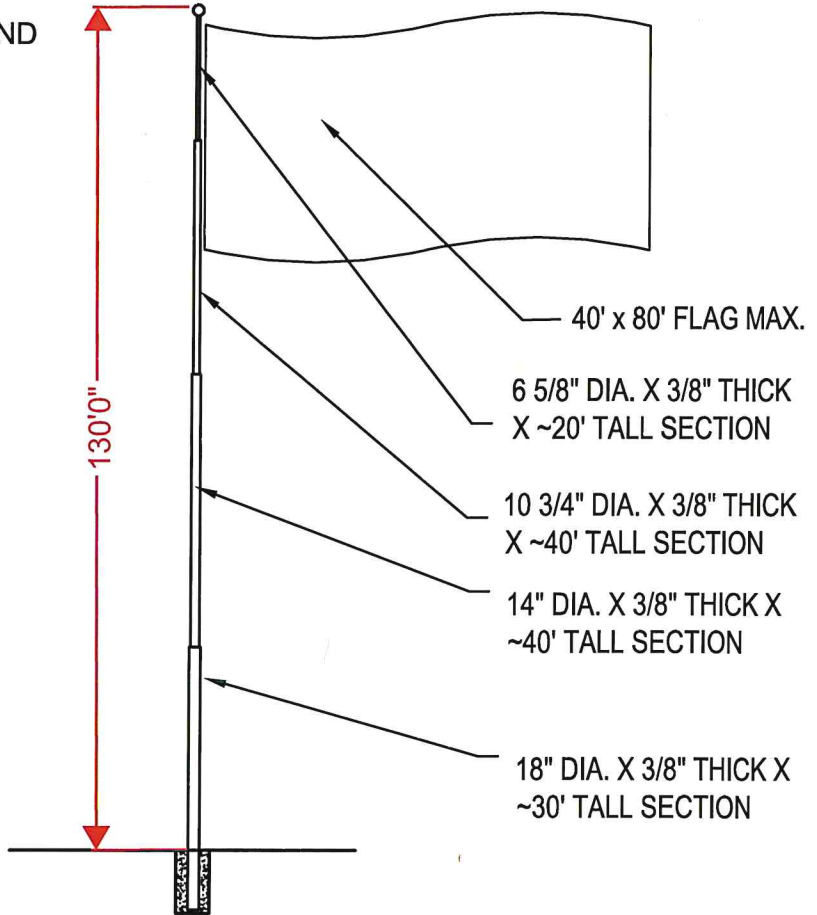
SITE DIAGRAM

120'

WARNING: FLAG MUST BE REMOVED IF WINDS WILL EXCEED 75 MPH




FOOTING



ELEVATION

1 FLAGPOLE



SCALE: N.T.S.

<p>SHEET: SK1</p>	<p>PROJECT NUMBER 10400 DATE 12/14/2020 DRAWN BY M. PERKINS PROJECT MANAGER S. ROCHE</p>	<p>PROJ. CAMPING WORLD FRESNO, CA 3672 SOUTH MAPLE AVE. FRESNO, CA 93725</p>	 <p>SALT LAKE CITY 45 WEST 10000 SOUTH Suite 500 Sandy, UT 84070 P. 801.255.0529 F. 801.255.4449 ENSIGN THE STANDARD IN ENGINEERING WWW.ENSIGNUTAH.COM</p>
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Camping World, Fresno, CA

Write a description for your map.

Legend

-  130' Flagpole
-  3672 S Maple Ave





VIA EMAIL

Ejaz Ahmad, Planner
Development Services & Capital Projects Division
Fresno County
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

RE: Letter of Intent – 130' Flagpole

As is signature with all Camping Worlds, we would like to install a 130' flagpole at the Camping World of Fresno.

Variance Findings Questions:

- 1) Camping World is a unique business for this zoning classification. While the variance we are requesting is for 3672 S. Maple (where the flagpole will be located), we also operate on the adjacent parcels granting us nearly 8 acres of area to operate on. Additionally, most of the businesses that operate around us are industrial. We operate a retail RV sales dealership.
- 2) Such variance is necessary for the enjoyment of the property by the applicant. All of the Camping Worlds throughout the country (150+) have a 130' flagpole. Customers expect to see our signature flagpole at all locations and question why when we do not have the flagpole at a certain location. Our company is very patriotic as our CEO and Chairman was adopted from Lebanon at 9 months old by an American family. We proudly display the American flag at all the locations.
- 3) Granting this variance will not be detrimental to the public welfare or injurious to property or improvement in the vicinity in which the property is located. We install all flagpoles using the same company. They handcraft the poles and handmade the flags. The poles will last 50+ years and all sites have 2+ flags on hand for quick replacement in the event of damage. They are also illuminated with 2 LED lights.
- 4) The Fresno County General Plan will be followed at all times. The flag installation will beautify the area.

We take extreme care and pride in the flag. The flag will be illuminated with LED lights and we will always have 2 extra flags onsite in the event of damage. Our flagpoles are hand crafted to last over 30 years.

Please see picture below. Thank you for your consideration.



APPROVED VARIANCES WITHIN A ONE MILE RADIUS

