



County of Fresno

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

June 29, 2020

Tina Henson-Emmerich
5645 E. Copper Avenue
Clovis CA 93619

Dear Applicant:

Subject: Resolution No. 12822 – Variance Application No. 4065

On June 11, 2020, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire one year from the date of approval unless the required mapping application to create the parcels is filed in accordance with the Parcel Map Ordinance. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

If you have any questions regarding the information in this letter please contact me at tkobayashi@fresnocountyca.gov or 559-600-4224.

Sincerely,

Thomas Kobayashi, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: June 11, 2020
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12822 - VARIANCE APPLICATION NO. 4065

APPLICANT: Tina Henson-Emmerich

OWNER: Michael Emmerich

REQUEST: 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).

PLANNING COMMISSION ACTION:

At its hearing of June 11, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Eubanks to adopt the required Findings of Fact for approval of a Variance, determining the required Findings could be made, stating that Finding 1 and 2 could be made, as there are separate residences with separate access points that make the property unique, and Finding 4 could be made, as the proposal is not contrary to the General Plan, and approve Variance No. 4065, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Variance Application No. 4065

Staff: The Fresno County Planning Commission considered the Staff Report dated June 11, 2020 and heard a summary presentation by staff.

Applicant: The Applicant's representative did not concur with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The County rezoned thousands of acres of land to the AE-20 and AL-20 Zone Districts in the mid-70s. None of the parcels in the immediate area of the project site are 20 acres in size and are nonconforming with the underlying zone district. The subject parcel was zoned AE-20 in 1965, and in 1980 was changed to AL-20.
- The parcel has been in the same configuration and size since at least 1971 according to the Assessor Parcel Map rolls. The AE-20 zoning automatically created a nonconforming parcel as it did for properties in the surrounding area.
- We feel that the presence of the separate residences, the primary residence built in 1966 and the second built in 2007 with separate wells, septic systems, and street frontages creates an unusual circumstance.
- The existing parcel is located in close proximity of approximately 38 parcels that are similar in size to the proposed parcels.
- There is a concern in the General Plan for preservation of farmland. There is no loss in farmland associated with this application. The majority of parcels in the vicinity of the site are not full-blown farming operations.
- No opposition has been received. Neighbors have stated they support the property owner.
- The Applicant's parents live in the existing secondary residence.
- The County has discretion on additional residential development if the Applicants were to propose construction of more residences.

Others: One individual presented information in support of the application and provided additional information regarding the proposal, stating that they are the current property owners of the subject site and that the second residence is occupied by their elderly parents. The speaker reiterated that the subject site is configured as two separate properties with each property having their own well, septic system, driveway, and address.

RESOLUTION # 12822

If the Variance request is approved, they intend to keep both proposed parcels within their family and not be sold off. The project was deliberately proposed to be in similar size to the surrounding properties.

No individuals spoke in opposition of the subject application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the 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 required 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.	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.

Notes

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.

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