



County of Fresno

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

March 2, 2020

Roberto Garcia
2045 W. San Ramon Avenue
Fresno, CA 93711

Dear Applicant:

Subject: Resolution No. 12814 - Variance Application No. 4081

On February 13, 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. 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 jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: February 13, 2020
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12814 - VARIANCE APPLICATION NO. 4081

APPLICANT: Roberto Garcia

OWNER: Dumax Properties, LLC

REQUEST: Allow the creation of an 0.88-acre parcel, a 1.38-acre parcel and a 2.66-acre parcel (20-acre minimum required) from a 2.39-acre parcel and a 2.53-acre parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located at the southeast corner of West Dakota Avenue and North Blythe Avenue, adjacent to the nearest city limits and within the Sphere of Influence (SOI) of the City of Fresno (4341 West Dakota and 3384 North Blythe Avenue) (SUP. DIST. 1) (APNs 511-031-54S and 511-031-55S).

PLANNING COMMISSION ACTION:

At its hearing of February 13, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Hill to determine the required Findings for approval of a Variance could be made, stating that Finding 1 could be made due to the location of the property near the City of Fresno, the length of time the property has been in the family and that one of the parcels is a corner lot creates an exceptional circumstance, and Finding 2 could be made because of the existence of other parcels of similar size in the vicinity supports a substantial property right, and that Finding 4 can be made due to the fact that the parcel is not an agricultural parcel and has never been conforming in size to the minimum 20-acre requirement in the Limited Agricultural Zone District. Based on the ability to make all four of the required findings, a motion was made to approve Variance No. 4081, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Variance Application No. 4081

Staff: The Fresno County Planning Commission considered the Staff Report dated February 13, 2020, and heard a summary presentation by staff.

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

- The property has been in the family for a substantial amount of time.

Others: The property owner gave testimony in support of the application, offering the following information:

- The parcel has been in my family since January of 1951.
- Until recently my family members were living on both parcel A and Parcel B; due to health reasons, they were unable to continue to maintain the property.
- I was asked by my family to design a new arrangement of the property lines to make better use of the existing improvements.
- It is my intention to retain Parcel 3 as a small family farm for the use of my grandchildren.

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

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**Variance Application (VA) No. 4081
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Division of the subject parcels shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	The existing residence addressed as 3384 N. Blythe on proposed Parcel 1 cannot receive water service from the well located on proposed Parcel 3. Prior to approval of the Final Parcel Map, proper abandonment of the water connection to the well and subsequent connection to the City of Fresno public water system will be required.
3.	The existing septic system serving the structure (pool cabana/arbor) labeled Storage 2A** on the site plan crosses the boundary between proposed Parcels 2 and 3. Prior to approval of the Final Parcel Map, the septic system must be properly abandoned, subject to permits and inspections, and a new connection made to the City of Fresno public sewer system.

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.	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 three proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	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.
4.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
5.	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).

Notes

6.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
7.	If not already present, 30-foot by 30-foot corner cutoffs shall be improved at the intersection of Blythe and Dakota on the subject property for sight distance purposes.
8.	If not already present, 10-foot by 10-foot corner cutoffs shall be improved for sight distance purposes at the exiting driveways onto Blythe Avenue and Dakota Avenue.
9.	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.
10.	If this Variance is approved, a subsequent mapping procedure will be required. Any new septic system or expansion of an existing system will be subject to the provisions of the Fresno County Local Area Management Program (LAMP).
11.	Any structures on the subject property for which there are no available permit records will require the submission of plans and the issuance of permits, or removal, unless verification of construction prior to March 1958 is provided.
12.	The subject parcels are located within the boundaries of Fresno Metropolitan Flood Control District Drainage Area AK. Prior to approval of the Final Parcel Map, any required drainage fees must be resolved through (FMFCD).