



# County of Fresno

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

October 2, 2019

Thomas L. Bell  
5637 E. Cole  
Clovis CA 93619

Dear Applicant:

Subject: Resolution No. 12798 - Variance Application No. 4054

On September 12, 2019, 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](mailto: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

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DATE: September 12, 2019  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12798 - VARIANCE APPLICATION NO. 4054

APPLICANT: Thomas L. Bell

OWNERS: Ronald A. & Carole D. Day; Erik Ibach & Jill Marie Lott; Casey A. & Jamie R. Belmont; Kourosh & Golnaz Malakan, Trustees; Thomas L. & Linda L. Bell, Trustees; Daniel J. & Deborah S. Mueller, Trustees; Joseph & Ashley Coelho

REQUEST: Allow waiver of the public road frontage requirement for all seven lots within Tract No. 3057, and allow the construction of a six-foot tall vehicle gate, a 6-foot tall pedestrian gate, and a 6-foot tall fence, where a maximum of three feet is allowed, within the front-yard setback of Lot Nos. 1 and 7 of said tract, in the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The subject parcels (Tract No. 3057) are located on East Cole Avenue on the east side of North Fowler Avenue, between East Teague Avenue and the Enterprise Canal, easterly, northerly, and westerly adjacent to the nearest city limits of the City of Clovis, and within the City of Clovis Sphere of Influence (SUP. DIST. 5) (APN's 559-012-21, 22, 23, 24, 25, 26, and 27).

### PLANNING COMMISSION ACTION:

At its hearing of September 12, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Chatha to determine the required Findings could be made, stating that Finding 1 could be made because the Cole Avenue cul-de-sac takes access from a busy street and Finding 2 could be made because there is a traffic safety issue on E. Cole Avenue that constitutes the deficit of a substantial property right. Based on the ability to make all four required findings, a motion was made to approve Variance No. 4054, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Variance Application No. 4054

- Staff: The Fresno County Planning Commission considered the Staff Report dated September 12, 2019, and heard a summary presentation by staff.
- Applicant: The Applicant 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:
- We are trying to protect the rural character of our community, as the City of Clovis boundaries expand nearer to our neighborhood; we signed an annexation agreement with the City of Clovis to preserve our rural lifestyle.
  - We have had traffic problems increase in intensity as more urban development has occurred near us; our intent is to install a gate to limit traffic to residents of our neighborhood.
  - We have a number of young children in our neighborhood and we are concerned for their safety with the increase in traffic on our street.
- Others: One other individual spoke in support of the application citing concerns about traffic and the safety of his children if a gate were not installed.
- 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. 4054  
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the site plan as approved by the Planning Commission.
2.	Prior to issuance of permits for construction of the gates, the Applicant shall demonstrate that provision for continuing maintenance of the private access easement, formerly East Cole Avenue, has been made by a property owners' association or other method acceptable to the Department of Public Works and Planning.
3.	Prior to the issuance of permits for gate construction, the road vacation process shall be completed, including the reciprocal cross access agreements, to provide access to the individual lots within Tract No. 3057.
4.	<p>The entrance gates shall be constructed and maintained in accordance with the requirements of the Fresno County Fire Protection District and the City of Clovis Fire Department.</p> <ul style="list-style-type: none"> <li>a) If the vehicle entrance gate is a swing type, the gate shall open inward toward the development.</li> <li>b) The call box or actuator shall be located a minimum of 25 feet from the public right-of-way of North Fowler Avenue.</li> <li>c) When gate is open there can be no obstruction due to overhead cross-arms, braces or other structures, and gate shall provide an overhead clearance of a minimum of 14 feet. When open, gate shall provide a clear width of not less than 14 feet for one-direction travel, or 20 feet for two-direction travel.</li> </ul>
5.	<p>Electronically operated gates require a lock box with a Best Lock Company padlock Model No. 21B722-L, and must have a CX-1 core, and not an X-1 core.</p> <ul style="list-style-type: none"> <li>a) The lock box shall be a Door King lock box Model 1400 or similar product.</li> <li>b) The color of the box shall be red with FIRE DEPT painted on the door.</li> <li>c) The entry and exit gates are to remain open while lock box door is open.</li> <li>d) The lock box shall be installed in an area that is easily located but protected from vehicular damage.</li> <li>e) The lock box shall be locked using a Best Lock Company padlock with the specifications previously listed.</li> </ul>
6.	<p>Non-electric gates – vehicle and pedestrian - requirements:</p> <ul style="list-style-type: none"> <li>a) A Best Lock Company padlock with CX-1 core shall be used.</li> <li>b) A lock box or rapid-entry box shall be installed.</li> <li>c) Non-electric vehicle gates will require an "Emergency Access No Parking" sign installed on both sides of the gate. Refer to Clovis Fire Department Standard No. 1.</li> <li>d) Emergency pedestrian gates shall require a sign on both sides. The sign shall be made of aluminum and read "FIRE DEPT ACCESS" with lettering a minimum of one and one-half inches tall that contrasts with the background, which shall be white and reflective.</li> </ul>

EXHIBIT B

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.	The approval of this Variance will expire one year from the date of approval unless the required road vacation is completed and reciprocal cross access agreements completed and recorded.
2.	If not already present, 30-foot by 30-foot corner cutoffs shall be improved for sight distance purposes at the intersection of East Cole Avenue and North Fowler Avenue.
3.	An engineered grading and drainage plan with grading permit shall be required. Improvement plans shall be submitted to the Fresno County Department of Public Works and Planning, Development Engineering Section for review and approval. Any work proposed within the right-of-way of North Fowler Avenue shall require an encroachment permit from the Fresno County Department of Public Works and Planning, Road Maintenance and Operations Division.
4.	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).
5.	Any additional runoff generated by development cannot be drained across property lines and must be retained or disposed of per County standards.

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