



# County of Fresno

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

July 15, 2019

Loye Stone  
1305 W. Bullard Avenue #32  
Fresno CA 93711

Dear Applicant:

Subject: Resolution No. 12782 - Variance Application No. 4067

On June 27, 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: June 27, 2019  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12782 - VARIANCE APPLICATION NO. 4067

APPLICANT: Loye Stone

OWNER: Harjot Singh Dulai

REQUEST: Allow a reduced street side-yard setback of 28 feet two inches, where a 35-foot minimum is required, for a single-family residence currently under construction on a 5.62-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of East Reno Road approximately one half-mile west of its intersection with Auberry Road, and approximately one mile northeast of the nearest city limits of the City of Fresno (4872 East Reno Road) (SUP. DIST. 5) (APN 580-010-03S).

### PLANNING COMMISSION ACTION:

At its hearing of June 27, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Chatha to determine the required Findings of Fact for approval of a Variance could be made, stating the Finding 1 could be made based on an error that occurred during the installation of the foundation footings, and given the size of the property in relation to the size of the residence, and the presence of an existing easement, an extraordinary circumstance exists; and Finding 2 could be made based on the fact that the encroachment would still be 88 feet from the property line, which is a reasonable distance and is consistent with a substantial property right. Based on the ability to make all four required findings, a motion was made to approve Variance No. 4067, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Variance Application No. 4067

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 27, 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:
- The encroachment into the required setback consists of a small single-story portion of the residence containing the electrical service panel; moving the panel to another location would result in a substantial cost.
  - The encroachment occurred when the concrete contractor made an error by placing the footings into the setback area, which was subsequently discovered by the County inspector.
  - The total area of encroachment is only 55 square feet, which is relatively small when compared to the size of the house.
- Others: One other individual presented information in support of the 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 (VA) No. 4067  
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.
Conditions of Approval reference required Conditions for the project.	
Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	If the Variance is not approved, the property owner shall remove or reduce the portion of the residence encroaching into the required street side-yard setback.
2.	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).
3.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column should 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 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. Contact the Water Surveillance Program at (559) 600-3357 for more information.
4.	Should any underground storage tank(s) be found during the project, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
5.	The subject property is located within the California Department of Forestry "State Responsibility Area" (SRA) boundary and is therefore subject to all applicable Fire Safe Regulations and standards, including, but not limited to, building setbacks, driveway construction, turnaround area, gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials.
6.	The Applicant is required to abide by SB 1374 – Construction and Demolition Diversion Requirements, including Title 15 Building Standards Code related to diversion requirements.