



# County of Fresno

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

January 31, 2019

James Pellegrini  
14600 E. McKinley Avenue  
Fresno CA 93657

Dear Applicant:

Subject: Resolution No. 12753 - Variance Application No. 4056

On January 10, 2019, the Fresno County Planning Commission approved your above-referenced project with modified 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.

Additionally, a covenant restricting future development of your property is required by Condition of Approval. This covenant has been attached and must be returned to me prior to final mapping approval. The enclosed covenant will need to be signed by all property owners of record in the presence of a notary public. Once signed and notarized, please return the original document to me along with two checks. One check should be in the amount of \$243.50 to cover the current County Processing Fee. Please make this payment payable to "Fresno County Department of Public Works and Planning". The other check should be in the amount of \$31.00 to cover the current recording fee. Please address this check or money order to the "Fresno County Recorder". If more than one notary page is added for the signatures of the owners, an additional \$3.00 will be charged per page.

If you have any questions regarding the information in this letter please contact me at [dacrider@fresnocountyca.gov](mailto:dacrider@fresnocountyca.gov) or 559-600-9669.

Sincerely,

Danielle Crider, Planner  
Development Services and Capital Projects Division

DTC:

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Enclosure



## Inter Office Memo

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DATE: January 10, 2019

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12753 - VARIANCE APPLICATION NO. 4056

APPLICANT: James Pellegrini

OWNER: WM Boos & Co./James & Alecia Pellegrini

REQUEST: Allow the creation of a 2.5-acre parcel and a 27.32-acre parcel from a 29.82-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and waive the required public road frontage (165 feet) for the 2.5-acre parcel.

LOCATION: The project site is located on the north side of E. McKinley Avenue, 325 feet east of its intersection with N. Newmark Avenue, approximately 3.3 miles northeast of the nearest city limits of the City of Sanger (14600 E. McKinley Avenue) (SUP. DIST. 5) (APN 309-070-42, -43).

### PLANNING COMMISSION ACTION:

At its hearing of January 10, 2019, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Ede to deny the Variance.

This motion failed on the following vote:

VOTING: Yes: Commissioners Lawson, Ede, and Chatha

No: Commissioners Abrahamian, Delahay, Eubanks, Hill and Vallis

Absent: Commissioner Burgess

Abstain: None

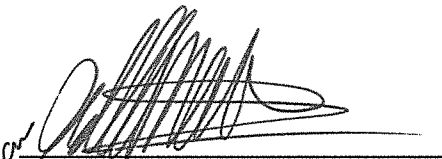
RESOLUTION NO. 12753

A subsequent motion was made by Commissioner Vallis and seconded by Commissioner Eubanks approve Variance Application No. 4044, subject to the Conditions of Approval in Exhibit B, with an additional Condition of Approval requiring the property owners to enter into a covenant with the County of Fresno that restricts the 2.5-acre parcel to one single-family residence. In determining that the Variance Findings could be made, the Commission stated Finding 4 could be made because the intent of the Variance was to bring the property into conformance with County policies, and it is not contrary to the goals of the General Plan.

This motion passed on the following vote:

VOTING:      Yes:              Commissioners Vallis, Eubanks, Abrahamian, Delahay, Ede and Hill  
  
                  No:              Commissioners Chatha and Lawson  
  
                  Absent:        Commissioner Burgess  
  
                  Abstain:       None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:   
William M. Kettler, Manager  
Development Services and Capital Projects Division

WMK:ksn  
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NOTE:      The approval of this project will expire one year from the date of approval unless a determination is made that substantial development has occurred. 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.

Attachments

RESOLUTION NO. 12753

EXHIBIT A

Variance Application No. 4056

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 10, 2019, and heard a summary presentation by staff.
- Applicant: The Applicant's representative did not concur with staff's analysis of Finding 4 in the Staff Report, but did agree to the recommended Conditions of Approval. He described the project and offered the following information to clarify the intended use:
- It was an oversight of the property owner in 1983 that led to the 2.5-acre portion of the property being deeded without properly separating the parcel; the intent was to provide a gift of property to his daughter.
  - The existing access easement crosses Fresno Canal No. 3, an at-grade canal, and follows the canal bank to the existing residence.
  - The property owner is willing to restrict future residential development of the 2.5-acre parcel to one single-family residence by entering into a covenant with the County of Fresno.
- Others: No other individuals presented information in support of or in opposition to 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 No. 4056  
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in substantial compliance with the site plan, as approved by the Planning Commission.
2.	Prior to final Parcel Map approval, the Applicant shall have the portions of APN 309-070-42 and APN 309-070-43 that are under the Fresno Canal No. 3 surveyed, and shall grant exclusive easements on these portions of this land to the Fresno Irrigation District. The width of the easement shall be determined by FID, in consultation with the owner's Land Surveyor, based on the width of the canal, height of the banks, and final alignment.
3.	Prior to the completion of a mapping procedure to adjust lot lines between the two parcels, a covenant shall be recorded prohibiting development of a second residence on the 2.5-acre parcel.

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.	It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain 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.

1 RECORDING REQUEST BY AND  
2 WHEN RECORDED RETURN TO:  
3 DEVELOPMENT SERVICES  
4 DIVISION, MAIL STOP 214  
5 ATTN: Danielle Crider

6 Exempt from fees per Government  
7 Code Section 27388.1(a)(2)(D)

THIS SPACE FOR RECORDER'S OFFICE USE ONLY

8 **COVENANT AND AGREEMENT**

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10  
11 THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_,  
12 2019, between the COUNTY OF FRESNO, hereinafter referred to as "COUNTY" and  
13 James and Alecia Pellegrini, hereinafter referred to as "PROPERTY OWNER."

14 WITNESSETH:

15 WHEREAS, PROPERTY OWNER is the sole owner of all that real property  
16 located in the County of Fresno, State of California, located at 14600 E. McKinley  
17 Avenue, known as APN 309-070-42 and more particularly described as follows:

18 ***See Attached Exhibit "A"***

19 *And;*

20 WHEREAS, pursuant to the Land Use Policies of the Fresno County General  
21 Plan and provisions of the Fresno County Zoning Ordinance, the property owner intends  
22 to complete a mapping application to legally acknowledge the lot line between APN  
23 309-070-42 and APN 309-070-43, where APN 309-070-42 only includes 2.5 acres with  
24 no road frontage on McKinley Avenue.

25 NOW THEREFORE, in consideration of the County's granting of Variance No.  
26 4056, PROPERTY OWNER and COUNTY agree as follows:

- 27 1. All residential development, including that which can be allowed through  
28 the approval of a discretionary use permit, shall be limited to one single-

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family dwelling on the 2.5-acre parcel (APN 309-070-42).

2. This Covenant and Agreement is an instrument affecting the title and possession of the real property described above. This Covenant and Agreement shall run with the land and be binding upon all parties and all persons claiming under them and their successors and assigns from the date this Covenant and Agreement recorded. Enforcement may be by proceeding at law or equity against any person or persons violating or attempting to violate this Covenant and Agreement, either to restrain violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have caused this Covenant and Agreement to be executed as of the day and year first above written.

COUNTY OF FRESNO

BY: \_\_\_\_\_ DATED: \_\_\_\_\_  
William Kettler, Division Manager  
Development Services Division

PROPERTY OWNERS

BY: \_\_\_\_\_ DATED: \_\_\_\_\_  
James Pellegrini

BY: \_\_\_\_\_ DATED: \_\_\_\_\_  
Alecia Pellegrini

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## Exhibit "A"

### EASEMENT FOR ROAD PURPOSES:

A strip of land, 20.00 feet in width, across that portion of the Southwest Quarter of the Southeast Quarter of Section 25, Township 13 South, Range 22 East, M.D.B. & M., according to the Official Plat thereof, the centerline of which is described as follows:

Commencing at the Southwest corner of the said Southwest Quarter of the Southeast Quarter of Section 25; thence East along the South line of said Southwest Quarter of the Southeast Quarter of Section 25, a distance of 330.54 feet and North, a distance of 10.00 feet to the True Point of Beginning of this description; thence from said Point, East, parallel with the South line of said Southwest Quarter of the Southeast Quarter of Section 25, a distance of 83.20 feet; thence Northeasterly along a tangent curve concave Northwesterly, with a radius of 110.00 feet, through a central angle of  $75^{\circ}27'11''$ , an arc distance of 144.85 feet; thence  $N.14^{\circ}32'49''E.$ , a distance of 136.88 feet; thence Northeasterly along a tangent curve concave Southeasterly, with a radius of 115.00 feet, through a central angle of  $75^{\circ}27'11''$ , an arc distance of 151.44 feet; thence East, to the intersection with a line 20.00 feet North of the Northerly bank of the Fresno Main Canal; thence Easterly, along said line 20.00 feet North of and parallel with the Northerly bank of the Fresno Main Canal to the intersection with a line 10.00 feet West of and parallel with the East line of the said Southwest Quarter of the Southeast Quarter of Section 25; thence North; along said line 10.00 feet West of and parallel with the East line of the said Southwest Quarter of the Southeast Quarter of Section 25; a distance of 230.00 feet, more or less to the terminus of this easement.