



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 January 13, 2022

**SUBJECT:** Variance Application No. 4113

Allow reduction of the minimum parcel size requirements to 0.17 acres (20-acre minimum parcel size), the minimum lot width requirement to approximately 60.57 feet (165-foot minimum), the minimum lot depth requirement to approximately 125.3 feet (170-foot minimum), the minimum front yard setback requirements to 25 feet (35-foot minimum), and the minimum side yard setback requirements to 5 feet (20-foot minimum) to allow creation of four approximately 7,589 square-foot parcels from an existing 0.69-acre (30,056 square feet) parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located at the north side of E. Belmont Avenue approximately 138 feet east of its intersection with N. Fine Avenue and is located in a county island within the city limits of the City of Fresno (APN: 456-184-07) (Sup. Dist. 3).

**OWNER/  
APPLICANT:** Francisco Andraca

**STAFF CONTACT:** Thomas Kobayashi, Planner  
(559) 600-4224

David Randall, Senior Planner  
(559) 600-4052

**RECOMMENDATION:**

- Deny Variance Application No. 4113; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Variance Applications within One-Mile Map
6. Site Plans and Detail Drawings
7. Applicant's Variance Findings
8. Public Correspondence

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Roosevelt Community Plan: Office Commercial	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	0.69-acre parcel (30,056 square feet)	Four 7,589 square-foot parcels
Project Site	0.69-acre parcel	Subdivide existing 0.69-acre parcel to create four 7,589 square-foot parcels
Structural Improvements	None	None
Nearest Residence	Approximately 3 feet east	No change
Surrounding Development	Residential	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	N/A	N/A
Lighting	N/A	N/A

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
Hours of Operation	N/A	N/A

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15303 of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 93 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Variance Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877-A are made by the Planning Commission.

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission’s action.

**BACKGROUND INFORMATION:**

The subject parcel was originally created through the recordation of the Belmont Gardens No. 2 Subdivision Map on May 3, 1937. The majority of parcels created by this map were between 120 and 122 feet in width and each mapped at 300.6 feet in depth. A number of parcel divisions have been approved in this area since the adoption of the original Belmont Gardens No. 2 Map.

The existing 121.15-foot wide and 250.6-foot-deep parcel does not conform to the 20-acre minimum parcel size of 165-foot lot width minimum required by the underlying AL-20 Zone District. The subject parcel was originally zoned R-A (Single-Family Residential, Agricultural) in April 27, 1948 which had a minimum parcel size of 6,000 square feet. The northern portion of the parcel was then rezoned to R-1 on September 29, 1980, which also has a 6,000 square-foot minimum. The parcel was rezoned to the AL-20 Zone District on September 21, 1993 by the County in conjunction with updates to the Roosevelt Community.

There has been one Variance Application within 600 feet of the project site that is similar to the project proposal. A brief summary of the Variance Application has been given below.

<b>Application/Request</b>	<b>Staff Recommendation</b>	<b>Final Action</b>	<b>Date of Action</b>
VA 4059: Allow creation of a 16,186 square-foot (Parcel 1) parcel and two 7,075 square-foot (Parcel 2 and 3) parcels in the AL-20 Zone District. Reduce the	Denial	BOS Approved	February 9, 2021

required lot width of Parcel 1 to 121 feet, and Parcel 2 and 3 to 60.5 feet (165 feet minimum), reduced lot depth of Parcel 1 to 133.6 feet and Parcel 2 and 3 to 116.9 feet (170 feet minimum), and allow a 25-foot front yard setback for Parcel 2 and 3 (35 feet minimum).			
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**Finding 1:** *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.*

**Finding 2:** *Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	AL-20 (Limited Agricultural, 20-acre minimum parcel size)  Front Yard: 35 feet Side Yard: 20 feet Rear Yard: 20 feet	Front Yard: 25 feet Side Yard: 5 feet Rear Yard: No change	N
Parking	One parking space per dwelling	No change	Y
Lot Coverage	No requirement	No change	Y
Space Between Buildings	No requirement	No change	Y
Wall Requirements	No requirement unless pool is present	No change	Y
Septic Replacement Area	100% replacement	No change	Y
Water Well Separation	Septic Tank: 50 feet Disposal Field: 50 feet Seepage Pit: 100 feet	No change	Y

## **Reviewing Agency/Department Comments Regarding Finding 1 and 2:**

Development Engineering Section of the Department of Public Works and Planning: According to FEMA FIRM Panel 1590H, the subject property is found to be under shaded Flood Zone X. The shaded flood zone refers to areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depth of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood. For property within shaded Flood Zone X, any future/proposed building plan must be elevated above the existing ground to at least a minimum of twelve (12) inches and/or the finished floor elevation must be elevated above the crown of the adjacent street. Furthermore, any future/proposed associated electrical equipment/electrical system component (e.g. service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the shaded Flood Zone X must be elevated above the finished flood elevation. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. All sides of the future/proposed building shall be sloped 2% for a distance of 5 feet to provide positive drainage away from the building.

The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. Written clearance from FMFCD is required for any future work.

The subject property is within the City of Fresno Sphere of Influence (SOI). Any future off-site improvements and driveway placement relative to the property line should be consulted with the City regarding their requirements.

Any existing or future access driveway should be set back a minimum of 10 feet from the property line.

Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.

A 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing White Avenue and Belmont Avenue.

Any future work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.

A grading permit or voucher is required for any future grading associated with this application.

Mapping Section of the Department of Public Works and Planning: The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act, and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Surveyor or Registered Civil Engineer authorized to practice land surveying in accordance with the Profession Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to expiration of said Tentative Parcel Map may void the Parcel Map Application.

City of Fresno: The City of Fresno's driveway approach policy states that vehicles are not allowed to back out onto a major street. Belmont Avenue is considered a major arterial street. The City of Fresno will require for any single-family residence fronting Belmont Avenue would require either a circular drive or a hammer-head driveway. **This shall be included as a Condition of Approval.**

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to the Finding 1 or 2 were expressed by reviewing Agencies or Departments.

### **Finding 1 Analysis:**

In support of Finding 1, the Applicant states that the all parcels proximate to the subject site are smaller than the required 20-acre minimum lot size of the underlying AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District. The Applicant also states that the AL-20 zoned area was intended for office and commercial uses, but that the existing uses are residential in nature and not for office or commercial use. Due to the existing residential character or the neighborhood, the underlying agricultural zoning would be impractical for this property due to its size and conflict with adjacent residential uses. Under the City of Fresno General Plan, the subject property is designated for Medium Density Residential. The AL-20 setback standards are atypical of the subject neighborhood.

Pursuant to Finding 1, an extraordinary or exceptional circumstance must be present on the property which do not apply generally to other property in the vicinity having the identical zoning classification. Review of the subject parcel and aerial images of the site indicate that there are no exceptional circumstances connected to the physical conditions of the site. Development of the site for residential use can still occur as a by-right use. Additionally, the established setbacks of the zone district still allows the majority of the existing parcel to be developed. Therefore, staff believes that Finding 1 cannot be made.

### **Finding 2 Analysis:**

The Applicant in their support of Finding 2 indicates that issuance of the Variance would not grant a special privilege as the proposed parcels will be consistent in size with the surrounding neighborhood and consistent with the City of Fresno's General Plan which designates the subject property for Medium Density Residential. Consideration of the project sites location within the city Sphere of Influence as the site is located within the city limits of the City of Fresno. The proposed setbacks are closer in line to City of Fresno development standards of a residential parcel under a compatible zone district when considering the City of Fresno General Plan Land-Use Designation.

In order to make Finding 2, the Variance should be necessary to preserve a substantial property right possessed by other property owners in the vicinity having an identical zoning classification. There are ten (10) parcels in the vicinity of the project site that are zoned AL-20 (Limited Agricultural, 20-acre minimum parcel size) and are similar or smaller in size when compared with the subject parcel. The proposed parcel split would still be close in size to the existing AL-20 zoned parcels. All AL-20 zoned parcels except for the subject parcel are developed with a single-family residence. The proposed setback reduction would allow development of the proposed parcels for residential use. When considering the project sites location within a residential neighborhood within the City of Fresno and the existing configuration of identical zoned parcels, the Variance would preserve the Applicant's right to develop a parcel for

residential use. Therefore, staff believes Finding 2 can be made.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Finding 1 and 2 Conclusion:**

A consideration in addressing Variance applications is whether there are alternatives available that would avoid the need for the Variance. Alternatives include the rezoning of the property to a residential zone district or annexation of the property to the City of Fresno where development standards would accommodate their proposal without the need for a Variance. There are substantial financial and time obligations associated with a rezone or annexation which may deter pursuance of these options in comparison to the Variance.

Based on the analysis above, Staff was unable to identify an exceptional or extraordinary circumstance, and therefore cannot make Finding 1.

In consideration of the project sites location within an urban residential area and presence of properties under like identical zoning classification that would be similar in size to the project proposal, Staff believes that the Variance would preserve a substantial property and is able to make Finding 2.

***Finding 3:*** *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	0.39 acres	Single-Family Residence	R-1 (nb)	Approximately 75 feet
South	0.36 acres	Single-Family Residence	R-1-B (nb)	Approximately 110 feet
East	0.14 acres	Single-Family Residence	R-1 (nb)	Approximately 3 feet
	0.42 acres	Single-Family Residence	AL-20	
West	0.69 acres	Single-Family Residence	AL-20	Approximately 13 feet

**Reviewing Agency/Department Comments:**

Department of Public Health, Environmental Health Division: Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the Regional Water Quality Control Board (RWQCB).

Construction permits for the proposed development should be subject to assurance that the Bakman Water District community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water.

The future construction projects have the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance.

As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

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.

Fresno Metropolitan Flood Control District: No on-site retention of storm water runoff required provided the developer can verify to the County of Fresno that runoff can be safely conveyed to the Master Plan inlet(s).

Drainage from the site shall be directed to White Avenue and/or Belmont Avenue.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to Finding 3 were expressed by reviewing Agencies or Departments.

**Finding 3 Analysis:**

In support of Finding 3, the Applicant states that the project would not have a detrimental impact on surrounding properties. All parcels would have frontage along public right-of-way and is located within an urban area where community water and sewer services are already present. Development standards would be followed should the proposed parcels be improved and would meet applicable standards of the City and County of Fresno. Proposed residential development would have a positive influence on the neighborhood and would be an infill development.

Review of the proposal indicates that the proposed parcels and reduced setback standards would allow for residential development of the subject site. As noted, the subject parcel and surrounding area is located within the City of Fresno where community services are already established and could connect to the parcels should development occur. No expressed concerns from reviewing agencies and departments were conveyed to staff during the review of the project. Therefore, staff believes that the project would not be detrimental to the public welfare or injurious to property and improvement in the vicinity.

**Recommended Conditions of Approval:**

*None*

**Finding 3 Conclusion:**

Based on the analysis above, Staff does not believe that the granting of the Variance will be materially detrimental to the public welfare or injurious to property and improvement in the vicinity of the site. Finding 3 can be made.

**Finding 4:** *The granting of such a Variance will not be contrary to the objectives of the General Plan.*



**Reviewing Agency Comments:**

Policy Planning Section of the Department of Public Works and Planning: The Roosevelt Community Plan designates the subject parcel as Office Commercial. The Policy Planning Section did not identify any conflicts with the project and the General Plan or Roosevelt Community Plan.

The above comments provided by reviewing Agencies and Departments will be included as project notes unless stated otherwise. No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Finding 4 Analysis:**

The subject parcel is located within the boundaries of the Roosevelt Community Plan and is designated for Office Commercial. There were no policies of the Roosevelt Community Plan or Fresno County General Plan that were identified as being in conflict with the project.

**Recommended Conditions of Approval:**

*None*

**Finding 4 Conclusion:**

As there are no conflicts of the project with the Fresno County General Plan and Roosevelt Community Plan, Finding 4 can be made.

**PUBLIC COMMENT:**

*Thirteen letters of support were submitted to the County of Fresno by the Applicant. The letters have been attached as Exhibit 8.*

**SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, staff was able to make the required Findings 2, 3, and 4, but unable to make the required Finding 1 for granting the Variance Application. Staff therefore recommends denial of Variance Application No. 4113.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Finding 1 cannot be made in that there are no extraordinary circumstances and move to deny Variance Application No. 4113; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Alternative Motion** (Approval Action)

- Move to determine the required Findings can be made (state basis for making findings) and move to approve Variance Application No. 4113, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and

- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

TK:jp

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EXHIBIT 1  
**Variance Application No. 4113**  
**Conditions of Approval and Project Notes**

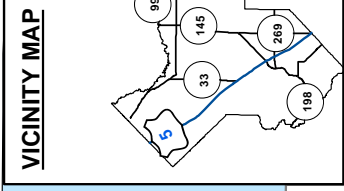
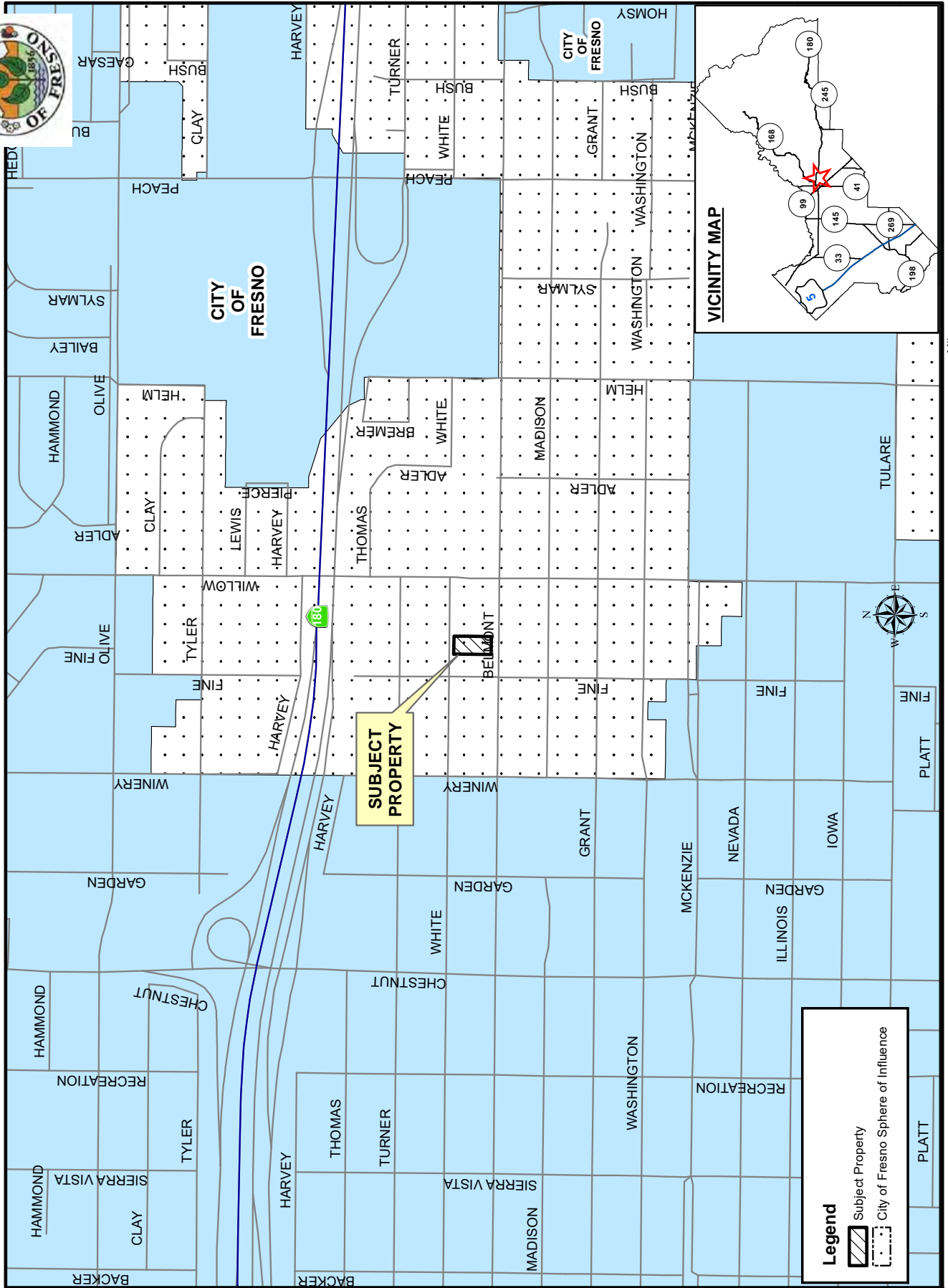
<b>Conditions of Approval</b>	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the mapping procedure to split the existing 0.69-acre parcel into four approximately 7,589 square-foot parcels.
2.	Prior to building permits for parcels that have frontage along Belmont Avenue, driveways shall be designed with a circular or hammerhead style driveway that conforms with the City of Fresno's driveway approach policy that states that vehicles are not allowed to back out onto a major street (Belmont Avenue) and be approved by the County of Fresno.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	<p>The Development Engineering Section of the Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> <li>A. According to FEMA FIRM Panel 1590H, the subject property is found to be under shaded Flood Zone X. The shaded flood zone refers to areas of 0.2% annual change flood, areas of 1% annual chance flood with average depth of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood. For property within shaded Flood Zone X, any future/proposed building plan must be elevated above the existing ground to at least a minimum of twelve (12) inches and/or the finished floor elevation must be elevated above the crown of the adjacent street. Furthermore, any future/proposed associated electrical equipment/electrical system component (e.g. service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the shaded Flood Zone X must be elevated above the finished flood elevation. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. All sides of the future/proposed building shall be sloped 2% for a distance of 5 feet to provide positive drainage away from the building.</li> <li>B. The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. Written clearance from FMFCD is required for any future work.</li> <li>C. The subject property is within the City of Fresno Sphere of Influence (SOI). Any future off-site improvements and driveway placement relative to the property line should be consulted with the City regarding their requirements.</li> <li>D. Any existing or future access driveway should be set back a minimum of 10 feet from the property line.</li> <li>E. Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.</li> <li>F. A 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing White Avenue and Belmont Avenue.</li> </ul>

Notes	
	<p>G. Any future work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</p> <p>H. A grading permit or voucher is required for any future grading associated with this application.</p>
2.	<p>The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act, and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Survey or Registered Civil Engineer authorized to practice land surveying in accordance with the Profession Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to expiration of said Tentative Parcel Map may void the Parcel Map Application.</p>
3.	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <p>A. Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the Regional Water Quality Control Board (RWQCB).</p> <p>B. Construction permits for the proposed development should be subject to assurance that the Bakman Water District community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water.</p> <p>C. The future construction projects have the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance.</p> <p>D. As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.</p> <p>E. 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.</p>
4.	<p>The Fresno Metropolitan Flood Control District provide the following comments:</p> <p>A. No on-site retention of storm water runoff is required provided the developer can verify to the County of Fresno that runoff can be safely conveyed to the Master Plan inlet(s).</p> <p>B. Drainage from the site shall be directed to White Avenue and/or Belmont Avenue.</p>

# LOCATION MAP

VA 4113



**Legend**



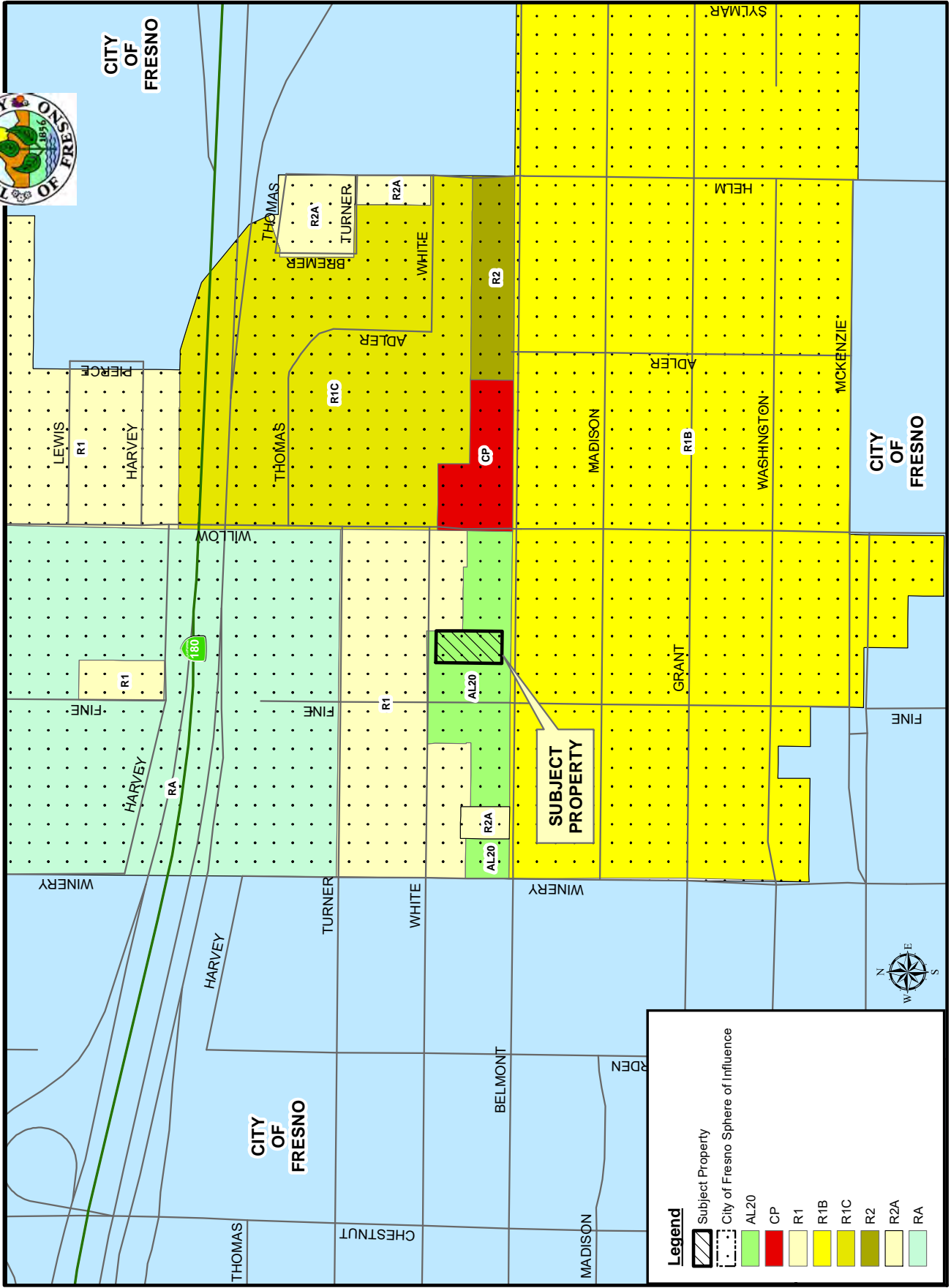
-  Subject Property
-  City of Fresno Sphere of Influence



EXHIBIT 3

# EXISTING ZONING MAP

VA 4113  
STR 31-13/21



**Legend**

- Subject Property
- City of Fresno Sphere of Influence
  - AL20
  - CP
  - R1
  - R1B
  - R1C
  - R2
  - R2A
  - RA





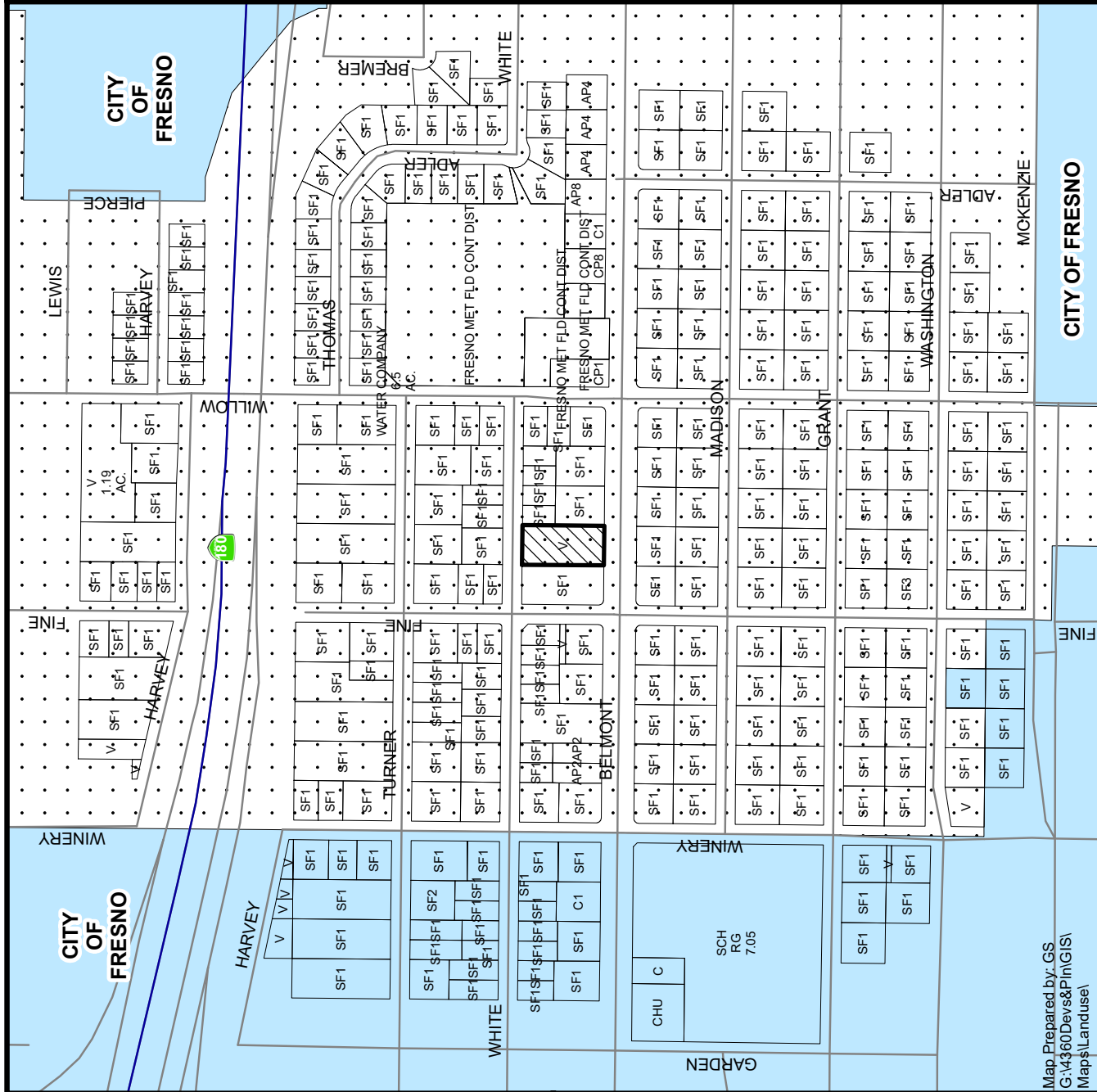




EXHIBIT 4

# EXISTING LAND USE MAP

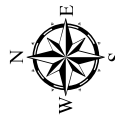
VA 4113



LEGEND	
[Symbol]	APT - APARTMENT
[Symbol]	C - COMMERCIAL
[Symbol]	CH - COMMERCIAL
[Symbol]	CHU - CHURCH
[Symbol]	CP# - OFFICE COMM./PROF
[Symbol]	RG - RESIDENTIAL GROUP FACIL
[Symbol]	SCH - SCHOOL
[Symbol]	SF# - SINGLE FAMILY RESIDENCE
[Symbol]	V - VACANT

## Legend

- [Hatched Box] Subject Property
- [Dashed Box] City of Fresno Sphere of Influence



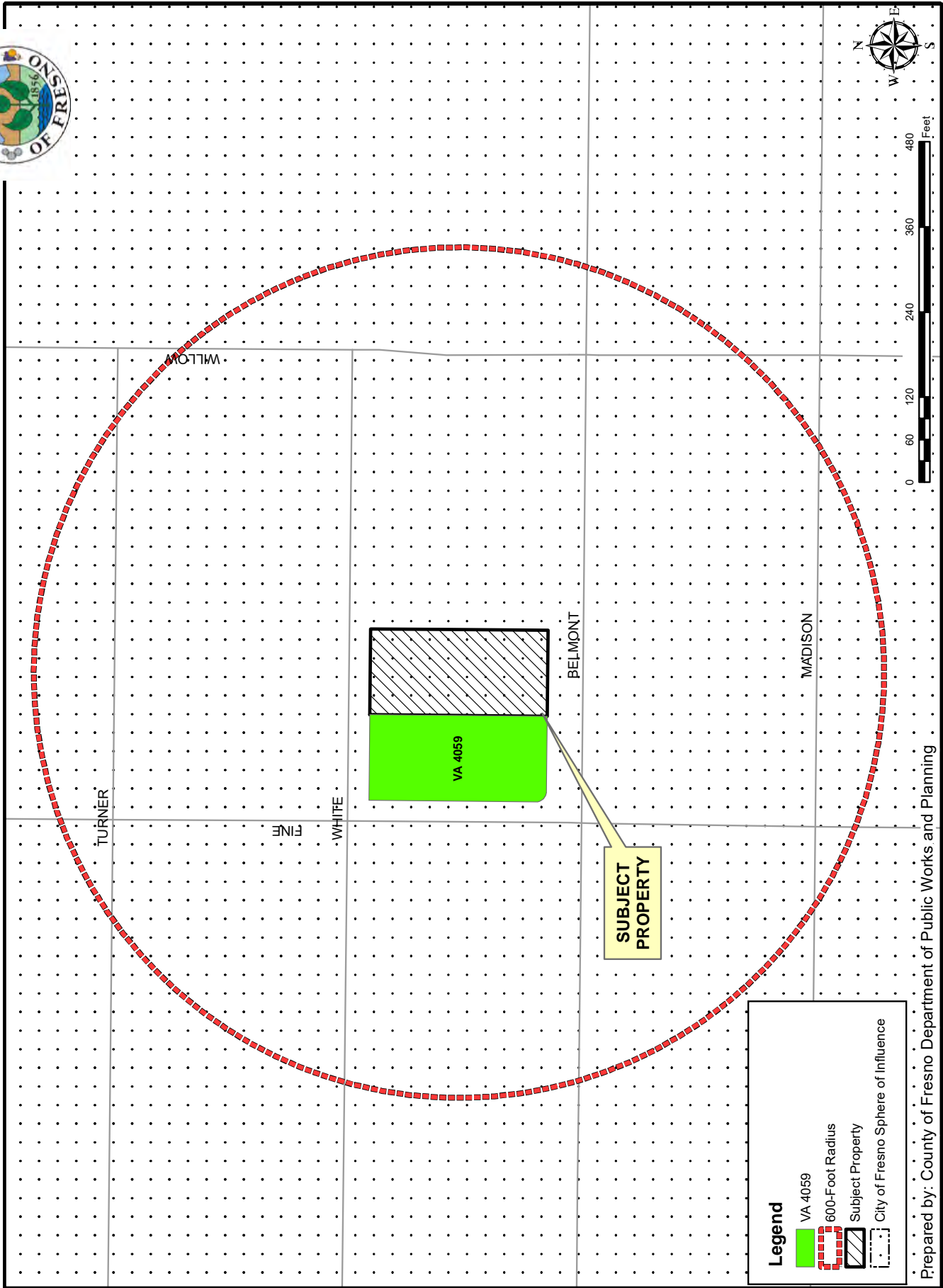
Department of Public Works and Planning  
Development Services Division





EXHIBIT 5  
APPROVED VARIANCES IN A 600-FOOT RADIUS

VA 4113



SUBJECT  
PROPERTY

**Legend**

- VA 4059
- 600-Foot Radius
- Subject Property
- City of Fresno Sphere of Influence

Prepared by: County of Fresno Department of Public Works and Planning



EXHIBIT 6

# Francisco Andraca Variance Site Plan

**PROJECT DATA**  
APN: 456-184-07  
WATER: BAKMAN WATER DISTRICT  
SOLID WASTE: PRIVATE HAULER  
GAS: PG&E  
OWNER: FRANCISCO ANDRACA



EXHIBIT 6

RECEIVED  
COUNTY OF FRESNO  
JUL 20 2021

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

45618407

Show search results for 45618...

# ANDRACA FRESNO COUNTY VARIANCE

**PROJECT DATA**  
 APN: 456-184-07  
 WATER: COMMUNITY  
 WASTE: COMMUNITY  
 GAS: PG&E  
 OWNER: Francisco Andraca

**NOTE:** County rear setback is 20 ft., same as proposed

Proposed Setbacks

County Setbacks

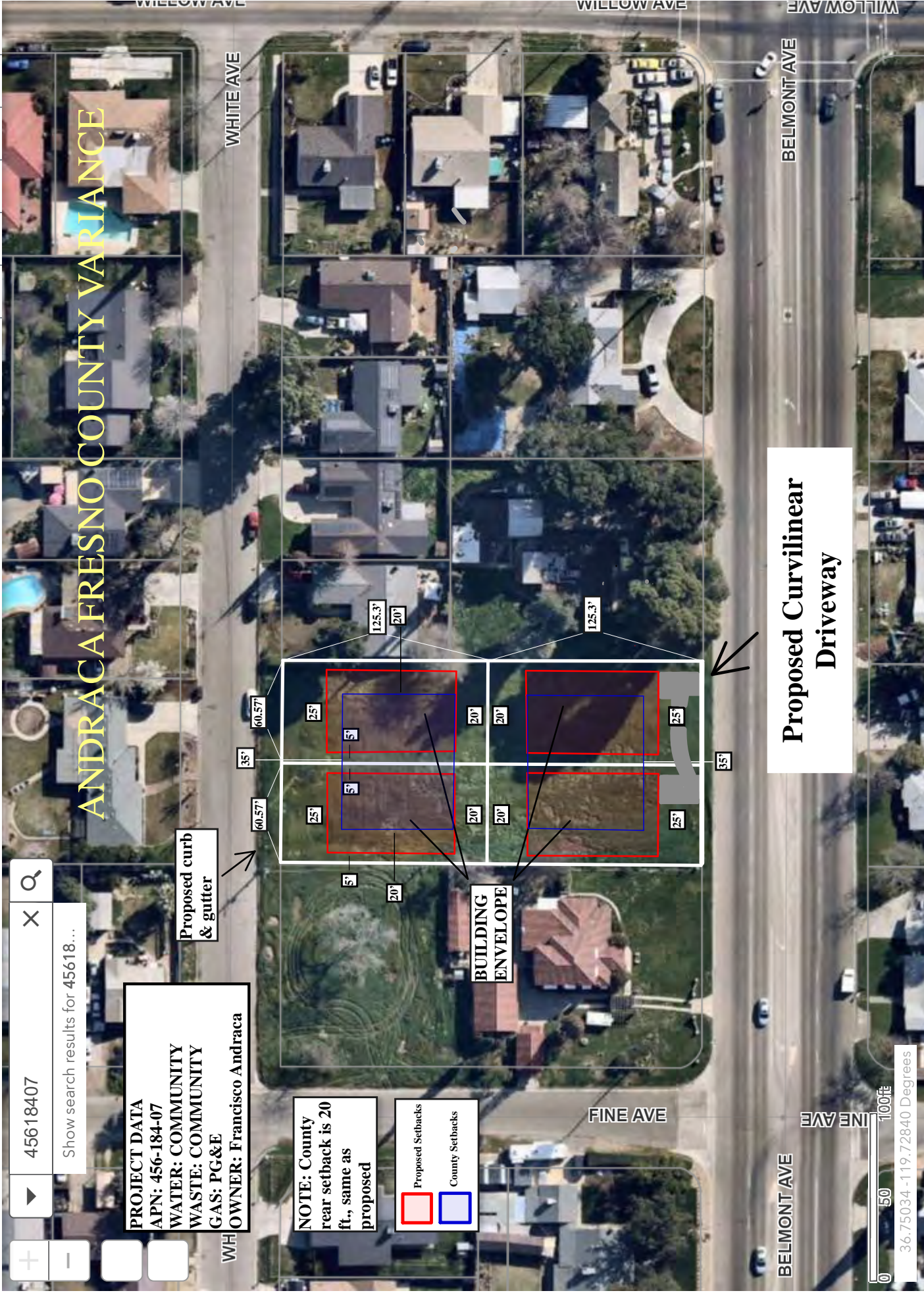
Proposed curb & gutter

BUILDING ENVELOPE

Proposed Curvilinear Driveway

0 50 100ft

36.75034 - 119.72840 Degrees



**VARIANCE FINDINGS**

**Mr. Andraca Francisco**

**July 20, 2021**

**Revised December 21, 2021**

**Owner:**

Mr. Andraca Francisco  
4870 E. Tulare Ave.  
Fresno, Ca.  
93727

**Applicant:**

Same as above

**Representative:**

Dirk Poeschel Land Development Services, Inc.  
923 Van Ness Ave., Suite 200  
Fresno, CA 93721  
559-445-0374

**Property Location:**

The project site is located on the north side of E. Belmont Ave., generally on the northeast corner of its intersection with N. Fine Ave. approximately 800+/- ft. east of the city limits of the City of Fresno.

**APN:**

APN-456-184-07

**Existing Zone Designation:**

AL-20 (Fresno County land use designation)

**Existing General Plan Land Use Designation:**

Office Commercial

**Request:**

Grant a Variance to allow the creation of four 7,589+/-sq. ft. parcels from an existing 0.69+/- acre (30,056 sq. ft.) parcel in the AL-20 Zone.

**Background:**

The site is zoned AL-20 Limited Agriculture, 20-acre minimum. The AL District is intended *to reserve and hold certain lands for future urban use by permitting limited agriculture and by regulating those more intensive agricultural uses which, by their nature, may be injurious to non-agricultural uses in the vicinity or inconsistent with the express purpose of reservation for future urban use.*

The subject property is within the City of Fresno’s Sphere of Influence. The subject application was referred to the City of Fresno for annexation with Fresno declining annexation. The project was then allowed to be processed by Fresno County subject to various adopted plans and policies. The subject property is designated in the City of Fresno’s general plan for *medium density residential* uses.

**Finding 1:**

***Does the strict application of the Zoning Ordinance deprive this property of privileges enjoyed by other properties in the vicinity and in an identical zoning district due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings?***

The location of the existing single-family residence forward on the lot can accommodate the two proposed parcels that are consistent with the surrounding neighborhood in size, shape, and depth. Please see the attached map depicting existing similar sized lots in the neighborhood also in the AL-20 zone. The project is located on a 0.69+/- acre (30,056 sq. ft.) parcel among other smaller, larger, and similar-sized parcels.

All parcels proximate to the subject site are smaller than the required 20-acre minimum lot size for the AL-20 zone. To the west of the subject site, 4948 and 4944 E. White Ave. which are also within the AL-20 zone are 7,000 and 7,050 sq. ft. respectively. Variance No. 4059 approved in January of 2021 allowed the creation of two 7,075 sq. ft. parcels immediately west of the subject property.

The stated basis for the AL-20 zone is to protect this area for office commercial uses. The office commercial configuration exists in an irregularly shaped rectangle along the frontage of E. Belmont Ave. between Winery and Willow Avenues and proceed north for two parcels wide along the N. Fine Avenue frontage two parcels deep. Please see the attached map of the contemplated office and commercial land use.

All proximate neighborhood uses are residential not office or commercial. Therefore, the Variance is necessary to preserve the applicant’s ability to comply with the existing residential character of the neighborhood.

A review of the allowed uses in the AL-20 Zone clearly indicates the focus of new uses are agriculturally based. Such agricultural uses would be impractical on this property due to its size and conflict with adjacent residential uses.



It is noted other Variances have been granted in the vicinity of the subject property.

The project site is an infill property, located in an existing residential neighborhood and is not located on a predominant street. Fine Ave. has no north or south connectivity as it terminates at State Route 180. These unique site characteristics eliminate viable office commercial uses on the property.

No annexations are occurring due to the disagreement between the city and the county regarding tax sharing. Further, the City of Fresno considers the site designated for *medium density residential* uses. The City of Fresno RS-4 and RS-5 zones would be consistent with the proposed land revision. The Planner also confirmed that proposed parcels width, depth, etc. are consistent with the City of Fresno designation for the property of *medium density residential* in either the RS-4 or RS-5 zone.

The applicant has a right to develop his property consistent with its neighborhood character, proximate density of other single-family homes in the AL-20 zone proximate to the subject property.

The AL-20 zone requires a 35 ft. front yard, a 20 ft. side yard and a 35 ft. corner lot side yard with rear yard requirements are 20 ft. for the interior lot and 35ft. for the corner lot. The AL-20 standards are *atypical* of the subject neighborhood. Due to the parcel's size, shape, existing improvements, utilizing the AL-20 zone development standards would provide inadequate area for the proposed residences or the county planned office commercial use of the property placing an unfair and unnecessary economic burden on the applicant to develop the lot.

**Finding 2:**

***Would this variance grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located?***

The proposed Variance will not grant a special privilege because the proposed parcels are consistent in size with the surrounding neighborhood. Further, the proposed parcels are designated for the medium density residential uses in the City of Fresno's adopted General Plan. the County General Plan contemplates these parcels developing in the City of Fresno as the subject property is within the City of Fresno's Sphere of Influence as is the surrounding neighborhood.

The subject property is approximately 800+/- ft. east of the Fresno City limits. The Sphere of Influence is a formal plan agreed to by the city and county that the city should control development. The City of Fresno and County of Fresno both agreed the property should be in the city which is the very reason the project is within the city's Sphere of Influence. Eventually the property will be annexed into the city.

Various policies support this type of infill development. The applicant has the right to develop his property consistent with those policies and subject to city standards. As stated previously, a Supervising Fresno City Planner confirmed that the proposed parcels width, depth, etc. were consistent with the City of Fresno designation for the property of *medium density residential* in

either the RS-4 or RS-5 zone. The RS-4 zone is the *least* intense out of the two compatible city zones and was chosen by the applicant to assure development compatibility.

As described above, the AL-20 zone requires a 35 ft. front yard, a 20 ft. side yard and a 35 ft. corner lot side yard. Rear yard requirements are 20 ft. for the interior lot and 35 ft. for the corner lot. The AL-20 standards are atypical of the site's neighborhood and would not allow adequate area for the proposed residences or the county planned office commercial use of the property therefore, placing an unfair and unnecessary economic burden on the applicant to develop the lot.

The proposed setbacks for the subject property are consistent with and greater than the City of Fresno RS-4 zone requirements. Please see the comparison matrix of development standards below:

	<b>RS-4</b>	<b>Proposed</b>	<b>County</b>
<b>Front</b>	<b>13 ft.</b>	<b>25 ft.</b>	<b>35 ft.</b>
<b>Rear</b>	<b>10 ft.</b>	<b>20 ft.</b>	<b>20 ft.</b>
<b>Interior Side</b>	<b>6 ft./4 ft.</b>	<b>5 ft.</b>	<b>20 ft.</b>

**Finding 3:**

*If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?*

Granting the proposed Variance will not be detrimental to surrounding properties for various reasons. The site will be improved with one single-family residence, garage, carport, arbor, and shed given that the variance is approved. However, note that the subject parcel is currently an existing vacant lot with no specific use. The property has frontage on E. Belmont Ave. which is a public road of adequate width and pavement to serve the proposed home sites. Two of the proposed parcels will also have frontage, including their driveways on E. White Ave., consistent with the existing development patterns. East White Ave. is a public road of adequate width and pavement.

No variations in setback development standards are required from city standards. The subject site will be served by community water services and sewer. A *will serve* letter from Bakeman Water District has been provided to the applicant. Therefore, no adverse impacts to groundwater will occur.

The site is also served by the Fresno Metropolitan Flood Control District; therefore, erosion and flooding issues will not occur. The applicant will install curb and gutter around all 4 parcels.

The four proposed lots will allow the construction of new homes of greater value than most of the surrounding homes. This investment represents a positive influence on this neighborhood.

Developing infill sites eliminates the need to expand the City of Fresno's Sphere of Influence. A variety of advantages to developing infill sites are further discussed in Finding 4.

The requirement of sidewalks to be constructed for the subject property is inappropriate as none of the surrounding properties are equipped with sidewalk. The applicant will construct curb and gutter around the three parcels consistent with the surrounding neighborhood improvements.

**Finding 4:**

***If granted, would the requested variance be in conflict with established general and specific plans and policies of the county?***

The project is within the Sphere of Influence of the City of Fresno that plans the site to be developed to *medium density residential* uses. Over the past decades, the city and county has relied on the *Joint Resolution on Metropolitan Planning* to direct urbanization to the city consistent with the city's plan for a given area. A summary of the *Joint Resolution on Metropolitan Planning* is provided below.

The RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF FRESNO AND THE CITY OF FRESNO, regarding the Joint Resolution on Metropolitan Planning. ARTICLE IV, entitled DEVELOPMENT of that memorandum, states: *the parties expressly find that the provisions of this article relating to boundaries, development standards and zoning requirements...B, Are necessary to ensure that development within the city sphere of influence occurs in a manner that reflects the city's concurrence and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere.*

ARTICLE IV section D, 4.1 of said memorandum establishes various conditions by which the County may approve discretionary permits within the city's Sphere of Influence. As specified, the project must be referred to the city and the city must agree to annex the property. Should the city decline annexation which occurred in this matter, the county may process the application for development permits consistent with the *most recently adopted city* general plan or community plan and consistent with the County's general plan policies provided that:

- a. That the development is *orderly and does not result in the premature conversion of agricultural lands; and,*
- b. That the COUNTY shall require compliance with all applicable development standards specified in CITY plans and codes as the Effective Date of this Restated MOU and charge fees to the developer reflecting the increased administrative and implementing costs, if any, where such costs are due to CITY standards that are more stringent than the COUNTY's.
- c. Based on conversations with City of Fresno Planning staff confirmed that the City of Fresno does *not* utilize the community plans to determine land-use. Said community plans have "*not been updated for many years*".

According to Section 1504-B-4 of the City of Fresno General plan, "*In the event of a conflict between the general plan and any applicable operative plan, the General Plan shall control.*" Please see attached Section 1504-B-4 of said ordinance.

As for consistency with the County General Plan, a major goal of the county plan is to direct intensive urban development to the cities. On Page 9 entitled *Urban Centered Growth*

*...directing most new growth to the incorporated cities or Goal LU-A-1 and shall direct urban growth away from valuable agricultural lands to cities unincorporated communities in areas planned for such development where public facilities and infrastructure are available.*

The property is in an urbanized area and will have no effect on agricultural productivity. The proposition that the property is a viable farming unit and that an increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels is not based on the area's development pattern. Review of the macro neighborhood indicates no farming is occurring proximate to the property. Obvious economic and practical considerations create this reality.

The project must be considered *infill* as it is surrounded by urban development. *Infill* development is supported by the city and the county for a variety of reasons such as lower urban service delivery costs and substantial environmental and community health benefits. These infill advantages are substantial according to the Environmental Protection Agency Study entitled *INVESTING IN INFILL DEVELOPMENT* published by the office of Sustainable Communities, Smart Growth Program that stated, "Finally, cities eager to reap the environmental, economic, and social benefits of infill development are changing regulations and policies to encourage and facilitate it".

Fresno County Farm Bureau and others coauthored the *Landscape of Choice* and determined infill:

- Reduced consumption and conversion of agricultural and natural land to urban uses.
- Lowered housing costs as a result of greater efficiency in the utilization of infrastructure.
- Improved feasibility of regional transit systems such as light rail.
- Stronger sense of community and neighborhood.
- Revitalized urban centers and retention of infrastructure investments in the urban core.
- Improved delivery of public services and emergency response; and
- Attracted new businesses due to improved quality of life.

The project is not an office commercial site. The project site is within an existing residential neighborhood. Fine Ave. is a local street of residences and does not have the visibility or connectivity required for a successful office commercial use. Therefore, imposing the county's plan for office commercial uses on the subject site is not viable and would be in conflict with the surrounding residential neighborhood.

The proposed use is consistent with the character of the neighborhood and should be evaluated in light of the fact that the AL-20 Zone held this property for urbanization. The proposal implements the city and county's vision for the property. The infill nature of the proposal is

consistent with many city, county, and regional planning goals and has many private and public benefits.

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**COUNCILMEMBER NELSON ESPARZA**

October 5, 2021

Supervisor Sal Quintero  
Fresno County Board of Supervisors  
2281 Tulare Street, Room 301  
Fresno, CA 93721

SUBJECT: Francisco Andraca Variance No. 4113

Dear Mr. Sal Quintero:

Reference is made to Variance No. 4113 proposed by Mr. Francisco Andraca to create four, 7,589+/- sq. ft. parcels from an existing 0.69+/- acre (30,056 sq. ft.) parcel in the AL-20 Zone at the north side of E. Belmont Ave., generally on the northeast corner of its intersection with N. Fine Ave. The subject property is approximately 800 feet away from my Fresno City Council District No. 7 boundary and also within the City of Fresno's Sphere of Influence.

The county general plan designates the Andraca property and 12 other parcels immediately near it for office commercial uses that would be incompatible with the surrounding single family residential neighborhood character. The subject project is not an office commercial site as it is within an existing residential neighborhood. In addition, Fine Ave. is a local street of residences and does not have the visibility or connectivity required for a successful office commercial use. Imposing the county's plan for office commercial uses on the subject site is not viable and would be in conflict with the surrounding residential neighborhood.

Mr. Andraca's proposal of creating four lots will allow the construction of new homes and aligns with the City of Fresno's goal to increase infill development.

Thank you for the opportunity to comment on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Nelson Esparza".

Nelson Esparza,  
City of Fresno  
Council Vice President, District 7

Date 9/27/21

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

LAURENCIO VILLA

  
\_\_\_\_\_



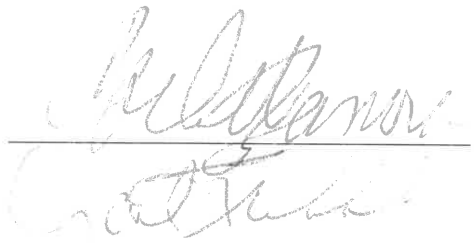
Date 9/29/2001

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

  
\_\_\_\_\_  
Francisco Andraca

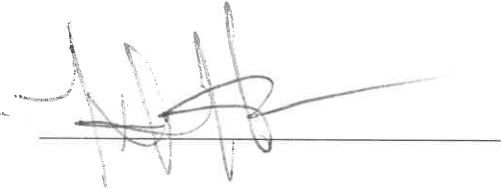
Date 9-29-21

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

A handwritten signature in black ink, appearing to be "Sal Quintero", written over a horizontal line.

Date 9/29/21

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

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Date 9/29/21

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

A handwritten signature in black ink, appearing to read "Francisco Andraca", is written over a horizontal line.

Date 9-29-2021

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,



Date 10/01/21

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

Angel Khounkeo

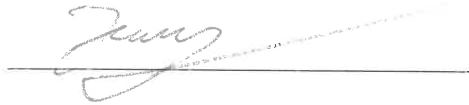
Date 10-01/21

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Francisco Andraca", is written over a horizontal line.

Date 10/1 2021

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

A handwritten signature in black ink, appearing to be "Sal Quintero", written over a horizontal line.



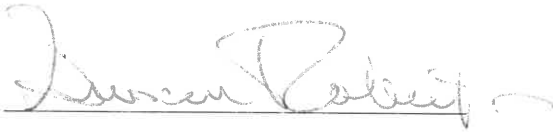
Date 10/11/2021

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Duncan Roberts", written in black ink on a white background. The signature is positioned below the word "Sincerely," and is underlined.

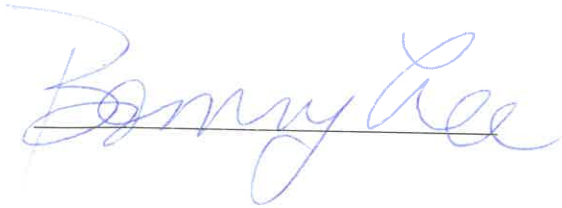
Date 10-1-21

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

A handwritten signature in blue ink that reads "Bony Lee". The signature is written in a cursive style and is positioned above a horizontal line.

Date

10-1-2021

Mr. Sal Quintero, Fresno County Supervisor

SUBJECT: Francisco Andraca Variance No. 4113

This letter is in support of the Variance proposed by Mr. Francisco Andraca to create four new parcels on Fine and Belmont Avenues. We welcome the investment in our neighborhood and are sure the new homes will be a positive attribute to our area.

Sincerely,

