



County of Fresno

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

September 4, 2018

TFS Investments
1411 L Street, Suite M
Fresno CA 93721

Dear Applicant:

Subject: Resolution No. 12731 - Variance Application No. 4045

On August 9, 2018, 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.

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

Sincerely,

Danielle Crider, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: August 9, 2018
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12731 - VARIANCE APPLICATION NO. 4045

APPLICANT/
OWNER:

TFS Investments

REQUEST:

Allow the creation of an 8.70-acre parcel and a 1.15-acre parcel from existing 4.83-acre and 4.77-acre parcels in the R-R (Rural Residential, 2-acre minimum parcel size) Zone District and waive the public road frontage required for the proposed 1.15-acre parcel (165 feet required).

LOCATION:

The project site is located on the north side of Belmont Avenue approximately 830 feet west of its intersection with De Wolf Avenue, approximately 0.7 miles east of the nearest city limits of the City of Fresno (7730 and 7780 E. Belmont Avenue) (SUP. DIST. 5) (APN 310-143-34, -35).

PLANNING COMMISSION ACTION:

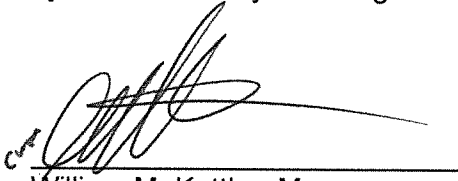
At its hearing of August 9, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Vallis to approve Variance No. 4045, subject to the Conditions listed in Exhibit B, after determining that the Variance Findings could be made. Findings 1 and 2 could be made based on the proximity to unique landforms to the property and that the property is fully developed. Finding 4 could be made because the proposal is not contrary to, nor does it impact, the General Plan because one lot is increasing in area. The Commission added an additional condition requiring that a covenant be recorded by the property owner restricting residential development to one residence on the 1.15-acre parcel.

This motion passed on the following vote:

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

EXHIBIT A

Variance Application No. 4045

Staff: The Fresno County Planning Commission considered the Staff Report dated August 9, 2018, and heard a summary presentation by staff.

Applicant: The Applicant and representative did not concur with the Staff Report recommendation. They described the project and offered the following information to clarify the intended use:

- The existing Belmont Nursery is located on the majority of both of the subject parcels, and currently leases the land from the property owners.
- This Variance would allow the Belmont Nursery to be located on one parcel.
- We will be able to keep and properly permit the sales and operations buildings that have been built across an existing property line.
- The 1.15-acre parcel will be accessible via a proposed 30-foot easement on the western side of the subject parcel.
- I am willing to restrict future residential development on the 1.15-acre parcel to one single residence.

Others: Two individuals spoke in favor of the application.

- The purpose of this Variance is to consolidate the necessary facilities for the Belmont Nursery onto a single parcel under a single owner to ensure the longevity of the business.
- I have grown up in the area, have always wanted to live in the house on the proposed 1.15-acre parcel, and intend to purchase the residence.

No individuals spoke in opposition to the application.

Correspondence: One letter of opposition to the application was presented to the Planning Commission expressing concerns about groundwater contamination and sewage disposal.

DTC:ksn

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**Variance Application No. 4045
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.	Permits must be acquired from the Zoning Section of the Fresno County Department of Public Works and Planning for unpermitted structures in Belmont Nursery within 90 days of the effective date of approval of this Variance and prior to the final approval of the subsequent mapping action to authorize the proposed parcelization.
3.	Prior to final mapping approval, the Applicant must have the portion of parcels 310-143-34 and 310-143-35 that is under the Fancher Canal mapped, and they shall grant an exclusive easement on this portion of these parcels to the Fresno Irrigation District.
4.	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 1.15-acre parcel.

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.	In the case of this application, it appears the parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain fields 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.
2.	Septic system density will be limited to one system per two acres. Any new development of less than two acres or secondary dwelling on less than four acres will require a nitrogen-loading analysis by a qualified professional, demonstrating to the Department that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to RWQCB for their concurrence and input. Supplemental treatment systems for nitrogen reduction will be referred to RWQCB for permitting.