



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 October 12, 2017

**SUBJECT:** Variance Application No. 4029

Allow the creation of four 1.97-acre parcels and one 1.96-acre remainder parcel from two contiguous parcels totaling 9.84 acres (gross) in the RR (Rural Residential, two-acre minimum parcel size) Zone District and waive the public road frontage requirement for the parcels.

**LOCATION:** The subject property is located on the west side of N. Marion Avenue approximately 970 feet north of its intersection with E. Nees Avenue, adjacent to the city limits of the City of Clovis (8239 N. Marion Avenue, Clovis, CA) (SUP. DIST. 5) (APN 560-052-08 & 09).

**OWNER/  
APPLICANT:** Charles Johanson

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

**RECOMMENDATION:**

- Deny Variance Application No. 4029; 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. Proposed Parcel Configuration (Site Plan)
6. Approved Variances within One Mile Radius
7. Applicant's Statement of Variance Findings
8. Public Correspondence

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Rural Residential within County-adopted Clovis Community Plan	No change
Zoning	R-R (Rural Residential, two-acre minimum parcel size)	No change
Parcel Size	2.48 acres 7.07 acres (9.84 acres gross)	Parcel 1: 1.97 acres Parcel 2: 1.97 acres Parcel 3: 1.97 acres Parcel 4: 1.97 acres Parcel 5: 1.96 acres (Remainder Parcel)
Project Site	<ul style="list-style-type: none"> <li>• 2,183 square-foot single-family residence with a 859 square-foot garage on a 2.48-acre parcel</li> <li>• Orchard; 7.07-acre parcel</li> </ul>	Parcel 1: 1.97 acres Parcel 2: 1.97 acres Parcel 3: 1.97 acres Parcel 4: 1.97 acres Parcel 5: 1.96 acres (Remainder Parcel)
Structural Improvements	<ul style="list-style-type: none"> <li>• 2,183 square-foot single-family residence with a 859 square-foot garage on a 2.48-acre parcel</li> </ul>	No change to the single-family residence on a 1.96-acre remainder parcel
Nearest Residence	115 feet north	No change
Surrounding Development	Single-family residences, orchards	No change
Operational Features	N/A	N/A

Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential	N/A
Lighting	Residential	No change
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 15061(b)(3) 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 175 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Variance may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F 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:**

County Records indicate that prior to March 8, 1977, the subject 2.48-acre and 7.07-acre parcels (9.84 acres gross) were zoned A-1 (Agricultural District; 100,000 square feet minimum parcel size required). Amendment Application (AA) No. 2898 approved on March 8, 1977 (Ord. No. 490-A-1615) rezoned the parcels from the A-1 Zone District to an RR (Rural Residential, two-acre minimum parcel size). The current zoning on the parcels is RR. The 2.48-acre parcel is developed with a single-family residence and the 7.07-acre parcel is planted in orchard. Both parcels gain access from Marion Avenue (public road) and meet the lot size and public road frontage requirements of the RR Zone District. The subject proposal would allow the creation of four 1.97-acre parcels (minimum two-acre required) without public road frontage (minimum 165 feet required) and one 1.96-acre remainder parcel with public road frontage from the subject parcels. An 18-foot-wide private road with a gated entrance will provide access to the proposed parcels off Marion Avenue.

The subject parcels are located in a County Island within the Sphere of Influence (SOI) of the City of Clovis. The City of Clovis does not require the parcels to be annexed with the City at this time. City sewer and water services are currently unavailable to serve the parcels.

In addition to the subject application, there have been seven variance applications pertaining to lot size and road frontage requirements filed within a one-mile radius of the subject properties (Exhibit 6). Although there is a history of variance requests within proximity of the subject property, each variance request is considered on its own merit, based upon physical circumstances. The following table provides a brief summary of other variance (VA) applications and final actions.

<b>Application/Request</b>	<b>Staff Recommendation</b>	<b>Final Action</b>	<b>Date</b>
VA No. 2953 – Allow the creation of a two-acre parcel without public road frontage from a 23.9-acre parcel in the RR Zone District.	Denial	Approved by Planning Commission	November 19, 1985
VA No. 3005 – Allow the creation of a two-acre parcel and a 1.43-acre parcel from a 3.43-acre parcel in the RR Zone District.	Denial	Approved by Planning Commission	June 12, 1986
VA No. 2987 - Allow the creation of a 10.2-acre parcel with 60 feet of public road frontage from a 22.6-acre parcel in the RR Zone District.	Denial	Approved by Planning Commission	March 27, 1986
VA No. 3018 – Allow the creation of a 2.5-acre parcel without public road frontage in the RR Zone District.	Denial	Approved by Planning Commission	September 24, 1987
VA No. 3293 – Allow the creation of two two-acre parcels without public road frontage in the RR Zone District.	Approval	Approved by Planning Commission  Approved by the Board	December 20, 1990  February 26, 1991
VA No. 3368 – Allow the creation of a two-acre parcel and a 5.74-acre parcel with no public road frontage in the RR Zone District.	Denial	Approved by the Planning Commission	May 19, 1992
VA No. 3379 – Allow the creation of a two-acre parcel and a 6.43-acre parcel from a 8.43-acre parcel with the smaller parcel having 60 feet of public road frontage in the RR Zone District.	Approval	Approved by the Planning Commission	October 22, 1992



**ANALYSIS/DISCUSSION:**

*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; and*

*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	Front: 35 feet Side: 20 feet Rear: 20 feet	Remainder parcel with an existing Single-Family Residence  Front (east property line): 130 feet Side (north property line): 44 feet Side (south property line): 190 feet Rear (west property line): 64 feet	Yes
Parking	No requirements for residential development	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	N/A	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change	Yes

**Reviewing Agencies/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: R-R Zone Districts require a minimum parcel size of two acres with public road frontage no less than 165

feet. A Variance is required to allow the proposed 1.97-acre parcels without public road frontage.

**Analysis:**

In support of Finding 1, the Applicant's findings state that the length to width ratio of the subject parcels is disproportionate to other parcels in the area, thus requiring the road easement width to be reduced and a private road easement to be proposed. Parcel areas would be designated as gross or inclusive of private road easement to meet the two-acre parcel size requirement. The Applicant regards the lot length and width ratio as extraordinary conditions that justify the creation of lots with less than the two-acre minimum lot size.

In support of Finding 2, the Applicant's findings state that the subject parcel is one of a few remaining parcels to be divided into two-acre parcels within the City of Clovis Sphere of Influence. The Applicant considers an infill project with reduced width and extended length necessitates the need for a variance to deviate from current RR Zone District development standards.

In order to make Findings 1 and 2, an extraordinary circumstance relating to the property that does not apply to other properties in the same zone classification and the preservation of a substantial property right must be demonstrated.

The subject proposal entails the creation of four 1.97-acre parcels without public road frontage and a 1.96-acre parcel with public road frontage from two contiguous parcels totaling 9.84 acres (gross). The parcels are to be served by an 18-foot-wide private road with a security gate off Marion Avenue.

Staff notes that the Applicant has cited length to width ratio of the parcels as an important feature of the site, but has not provided information indicating shape of topography or other unusual exceptional circumstances in relation to the subject parcels. The parcels are regular in shape without any unusual features. Upon analyzing the site aerial photos, the proposed parcelization, and comments from reviewing agencies, staff was unable to identify any unique physical circumstances (e.g., elevation change, rock outcroppings, wetlands) that create significant hardships for the Applicant, apply to the subject parcels, and do not apply to other properties in the area. Therefore, the Applicant's justification (Exhibit 7) for the creation of two-acre parcels due to the parcel's length to width ratio and served by a private road is not unique. This scenario also applies to other parcels in the area having identical physical characteristics and zoning classification. Three parcels immediately to the north of the proposal have the same length to width ratio and public road frontage as the subject parcels. Therefore, the physical characteristics of the subject parcels as described by the Applicant do not merit the requested parcel configuration proposed by the Variance request, and as such, do not support Finding 1.

With regard to Finding No. 2, all other parcels near the proposal that match in size, shape and zoning to the subject parcels are not necessarily required to be subdivided as infill lots with a Variance for parcel size and road frontage. However, if they were, staff believes a well-thought-out subdivision of land could allow minimum two-acre parcels with public road frontage. As such, the subject proposal does not give validity to the loss of substantial property right to support meeting Finding 2. Denial of this Variance request would not necessarily deprive the Applicant of any right enjoyed by other property owners in the RR Zone District since all property owners in said District are subject to the same development standards.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. Staff believes that one option would be to create a fewer number of parcels provided with a public road. From careful review of the proposed parcelization, it appears that the project site could accommodate fewer than four two-acre parcels with 165-foot public road frontage on a 60-foot-wide public road.

Based on the above analysis and considering the lack of an exceptional physical circumstance warranting the proposed parcel configuration and loss of a substantial property right, staff believes Findings 1 and 2 cannot be made.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Findings 1 and 2 cannot be made.

*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	2.4 acres 4.81 acres	Single-Family Residence Vacant	RR RR	98 feet
East	2 acres	Single-Family Residences	RC-40	255 feet
South	2 acres	Single-Family Residences	AL-20	250 feet
West	4.32 acres	Vacant	R-1 in the City of Clovis	N/A

**Reviewing Agencies/Department Comments:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: Marion Road is a County-maintained road with an existing 30-foot right-of-way west of the centerline along parcel frontage, per Plat Book. According to U.S.G.S. Quad Maps, existing natural drainage channels are located near the westerly line of the parcel identified by APN 560-052-09.

Fresno County Department of Public Health, Environmental Health Division: Building permit records indicate the existing septic system was installed in 1973. The Applicant should consider having the existing septic tank pumped, and have the tank and leach 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(s).

Fresno Irrigation District (FID): FID's active Little Teague No. 415 Pipeline runs southerly and traverses the west side of the property. The Applicant shall grant FID a 20-foot-wide exclusive

easement for the portion of the pipeline traversing the subject property. Any improvements built within FID's easement, and all private facilities that encroach into FID's easement, shall require FID's review and approval. The easement shall be shown on the Parcel Map for the project and any grading and drainage plan shall require FID's review and approval.

Fresno Metropolitan Flood Control District (FMFCD): The County shall require a temporary on-site storm water storage facility to be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. The drainage and grading plan shall be reviewed and approved by FMFCD prior to approval by the County. A storm water drainage easement a minimum of 15 feet wide shall be provided on the property.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: An access easement for a private road shall be improved as a minimum to the County's A-15 improvement standard (minimum paved width of 18 feet and 3-foot graded shoulders on each side, with minimum paved surfacing consisting of at least 0.2 foot of asphalt concrete) and be maintained to condition determined by the users of the road. A road maintenance entity shall be established during the parcel map process and road improvement plans shall be submitted to the County for review and approval prior to construction.

Fresno County Fire Protection District: Future development on the property shall require annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District and be subject to the requirements of the current Fire and Building Codes when a building permit or certificate of occupancy is sought.

Zoning Section of the Fresno County Department of Public Works and Planning: The existing residence on the property shall meet the building setback requirement of the RR Zone district.

The aforementioned requirements have been included as Project Notes.

City of Clovis Fire and Engineering Departments: The City development standards shall apply to the following: preparation of final parcel map, dedication of right-of-way and street improvements, sewer and water services, grading and drainage, irrigation and landscaping, and fire suppression.

Design Division, Building and Safety Section, and Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: No comments.

### **Analysis:**

In support of Finding 3, the Applicant's Findings state that deviation from the development standards will have no effect on the public welfare or be injurious to property and improvements in the vicinity.

The subject parcels are located in a rural residential area comprised of developed parcels generally two acres in size, with one residence, and larger up to 9.56-acre parcels in agricultural use. The subject 2.48-acre parcel contains a single-family residence and the subject 7.07-acre parcel is planted in orchard.

With regard to Finding 3, if approved, the granting of this Variance request will allow the creation of four 1.97-acre parcels without public road frontage and one 1.96-acre remainder parcel with an existing single-family residence from two contiguous parcels totaling 9.84 acres (gross). An 18-foot-wide gated private access road will serve the parcels.

Each of the proposed parcels will be improved with a single-family residence and related improvements. There are numerous parcels to the south and east of Marion Avenue that are similar in size (two-acre) to the proposed parcels (1.96 acres to 1.97 acres). Approval of this Variance in itself may not have a significant impact on the existing residential characteristics of neighborhood; however, it may establish a precedent for owners of similar parcels to seek variance approval to develop substandard parcels without public road frontage. The zoning ordinance requires all lots created in the RR Zone District to have frontage on a public maintained road. This standard ensures that roads serving properties are adequately constructed and maintained.

The subject parcels are located in a County Island within the Sphere of Influence (SOI) of the City of Clovis. The City of Clovis review of the proposal did not require the parcels to be annexed with the City at this time, but noted several City development standards that should apply to the project: the preparation of final parcel map, dedication of road right-of-way and street improvements, sewer and water services, grading and drainage, irrigation and landscaping, and fire suppression. The subject proposal is to allow the creation of four substandard parcels (less than two acres in size) without public road frontage. Given no development is proposed, staff finds no nexus between the City's comments and the subject Variance request.

Regarding the availability of City of Clovis sewer and water services, a sewer main is not available in the Marion Avenue frontage of the remainder parcel to be subject to mandatory sewer connection as mandated by the Fresno County Municipal Code. Likewise, there are no public water lines in close proximity to the subject parcels. According to the State Water Resources Control Board, Division of Drinking Water, the proposed parcelization does not constitute a public water system, and the Local Agency Formation Commission (LAFCo) notes that sewer and water services are not available to the parcels until LAFCo receives a request for such services.

Per the Fresno County Department of Public Health, Environmental Health Division, each parcel can meet the mandatory setback requirements for individual water wells and individual septic systems. The Water and Natural Resources Division of the Fresno County Department of Public Works and Planning expressed no concerns regarding sustainability of groundwater for the future development, as the subject proposal is not located in a designated water-short area of Fresno County.

Based on the above analysis that future residential development on the parcels will match with the surrounding residential developments and could be served by on-site sewage disposal systems and water wells until the parcels connect with the City of Clovis public sewer and water system, the proposal would not be materially detrimental to the properties and improvements in the area. Finding 3 can be made.

**Recommended Conditions of Approval:**

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

**Conclusion:**

Finding 3 can be made.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p>General Plan Policy LU-G.1: The County acknowledges that the cities have primary responsibility for planning within their LAFCo-adopted spheres of influence and are responsible for urban development and the provision of urban services within their spheres of influence.</p>	<p>The subject parcels are located in a County Island within the Sphere of Influence (SOI) of the City of Clovis. The City reviewed the proposal and did not require the property to be annexed with the City at this time, but noted several City site development standards that should apply to the project. Since the subject proposal entails the creation of four substandard parcels without public road frontage, staff was unable to establish a nexus between the City’s comments on the project and the subject Variance request.</p>

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

**Analysis:**

In support of Finding 4, the Applicant states that the granting of this Variance will not change the density or objectives of Fresno County or the City of Clovis General Plan.

The subject property is designated Rural Residential in the Fresno County General Plan. The Rural Residential policies state that the minimum net lot size for a parcel shall be two acres. Approval of this Variance will allow four 1.97-acre parcels and one 1.96-acre parcel. The proposal is inconsistent with the General Plan policies.

The rural residential policies of the General Plan do not specifically address requirements for public road frontage. According to the Transportation Element of the General Plan, the roads that are proposed to be gated are not classified. The primary function of these local roads is to provide subdivision residents access to homes. An 18-foot-wide private road proposed by this application will primarily be serving the proposed parcels and is not considered essential to the circulation in the surrounding area.

Based on the above analysis, the parcels do not meet the minimum two-acres required for new parcels in the RR Zone District. The proposal is not consistent with the General Plan policies.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 cannot be made.

**PUBLIC COMMENT:**

Staff received two letters of support from property owners near the subject proposal expressing no concerns with the proposal and being supportive of the parcel subdivision. Staff also received two letters of opposition stating that the project will set a precedent for other parcels in the area to be divided less than two acres in size.

**CONCLUSION:**

Staff believes the required Findings 1, 2 and 4 for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance Application No. 4029.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance Application No. 4029; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 4029; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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## Variance Application (VA) No. 4029 Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan approved by the Planning Commission.
2.	The proposed private road shall meet the vehicular needs of the users and shall also provide for grading and erosion control to prevent sedimentation or damage to off-site property arising out of its improvement or use. It will be the duty of the Registered Civil Engineer to attest to compliance with this condition; said statement to fully describe all grading work required by the Civil Engineer to be effective at the time of recordation of the Parcel Map.
3.	The properties shall connect to the City of Clovis public sewer system when the sewer main is available in the Marion Avenue frontage of the remainder parcel.
4.	The properties shall connect to the City of Clovis public water and sewer systems upon annexation with the City of Clovis, and the services being available to the property. Connection to the City systems would require the Applicant to construct necessary infrastructure for sewer and water connections as mandated by the City.
Conditions of Approval reference recommended 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.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
2.	The approval of this project will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a maximum one-year extension of time.
3.	Building permit records indicate the existing septic system was installed in 1973. The Applicant should consider having the existing septic tank pumped, and have the tank and leach 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(s).
4.	The existing septic system and domestic well shall be located on the same parcel as the single-family residence.
5.	To address project impact on Fresno Irrigation District (FID) active Little Teague No. 415 pipeline that runs southerly and traverses the west side of the property, FID requires the following: <ul style="list-style-type: none"> <li>• The Applicant shall grant FID a 20-foot-wide exclusive easement for the portion of the pipeline traversing the subject property.</li> <li>• Any improvements built within the FID easement, shall require FID's review and approval.</li> <li>• The easement shall be shown on the Parcel Map for the project and any grading and drainage plan shall require FID's review and approval.</li> </ul>



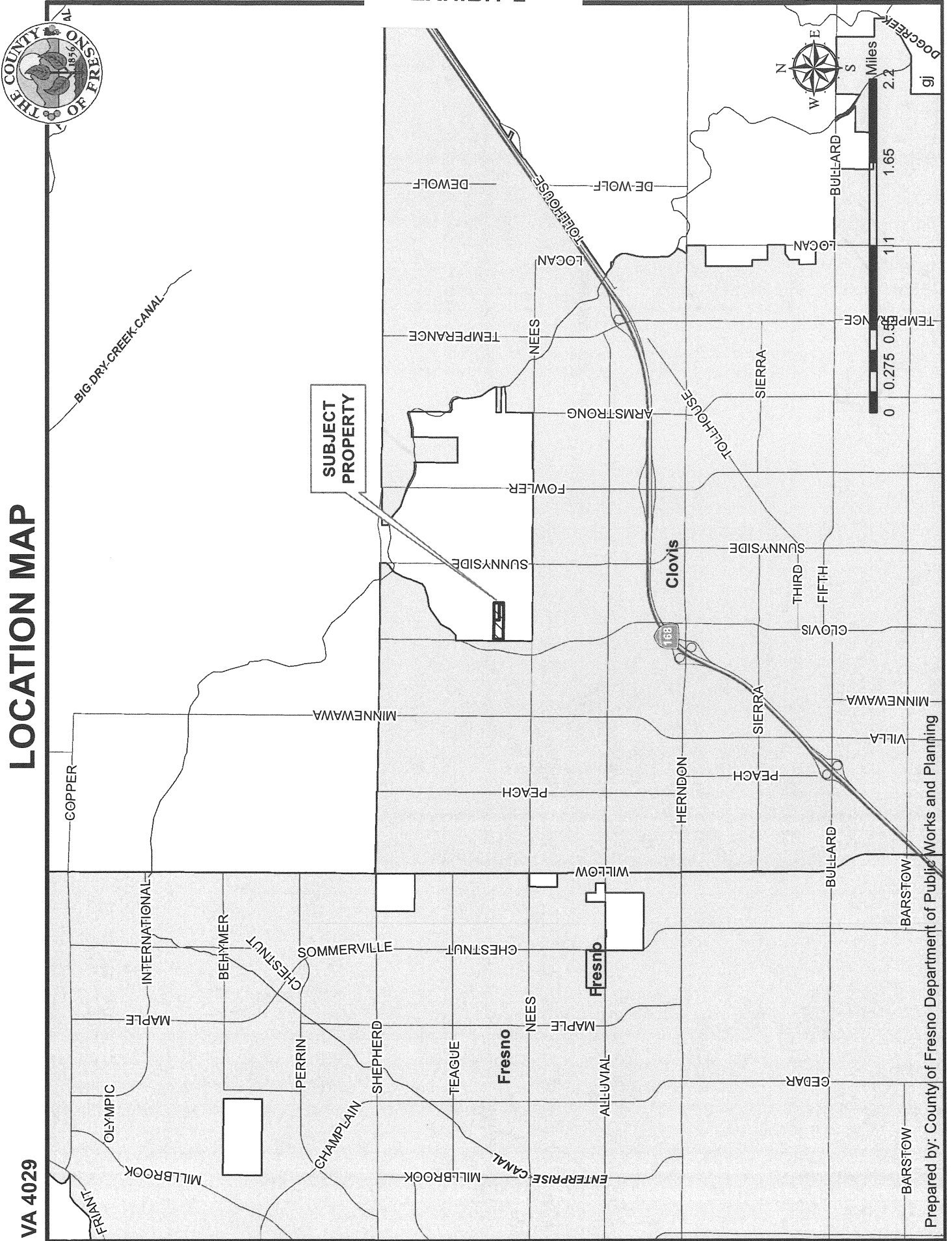
**Notes**

6.	<p>To reduce project impact on Fresno Metropolitan Flood Control District (FMFCD) facilities, the District requires the following:</p> <ul style="list-style-type: none"> <li>• The County shall require a temporary on-site storm water storage facility to be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street.</li> <li>• Drainage and grading plan shall be reviewed and approved by FMFCD prior to approval by the County.</li> <li>• A 15-foot-wide minimum storm drainage easement shall be provided on the property.</li> </ul>
7.	<p>For the construction of a private road on the property, the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning requires the following:</p> <ul style="list-style-type: none"> <li>• Access easements for a private road shall be improved as a minimum to the County's A-15 improvement standard (minimum paved width of 18-foot and 3-foot graded shoulders on each side, with minimum paved surfacing consisting of at least 0.2 foot of asphalt concrete).</li> <li>• The private road shall be maintained to condition determined by the users of the road.</li> <li>• A maintenance entity shall be established during the parcel map process and road improvement plans shall be submitted to the County for review and approval prior to construction.</li> </ul>
8.	<p>Future development on the property shall be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought and annexation to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District.</p>

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# LOCATION MAP

## EXHIBIT 2



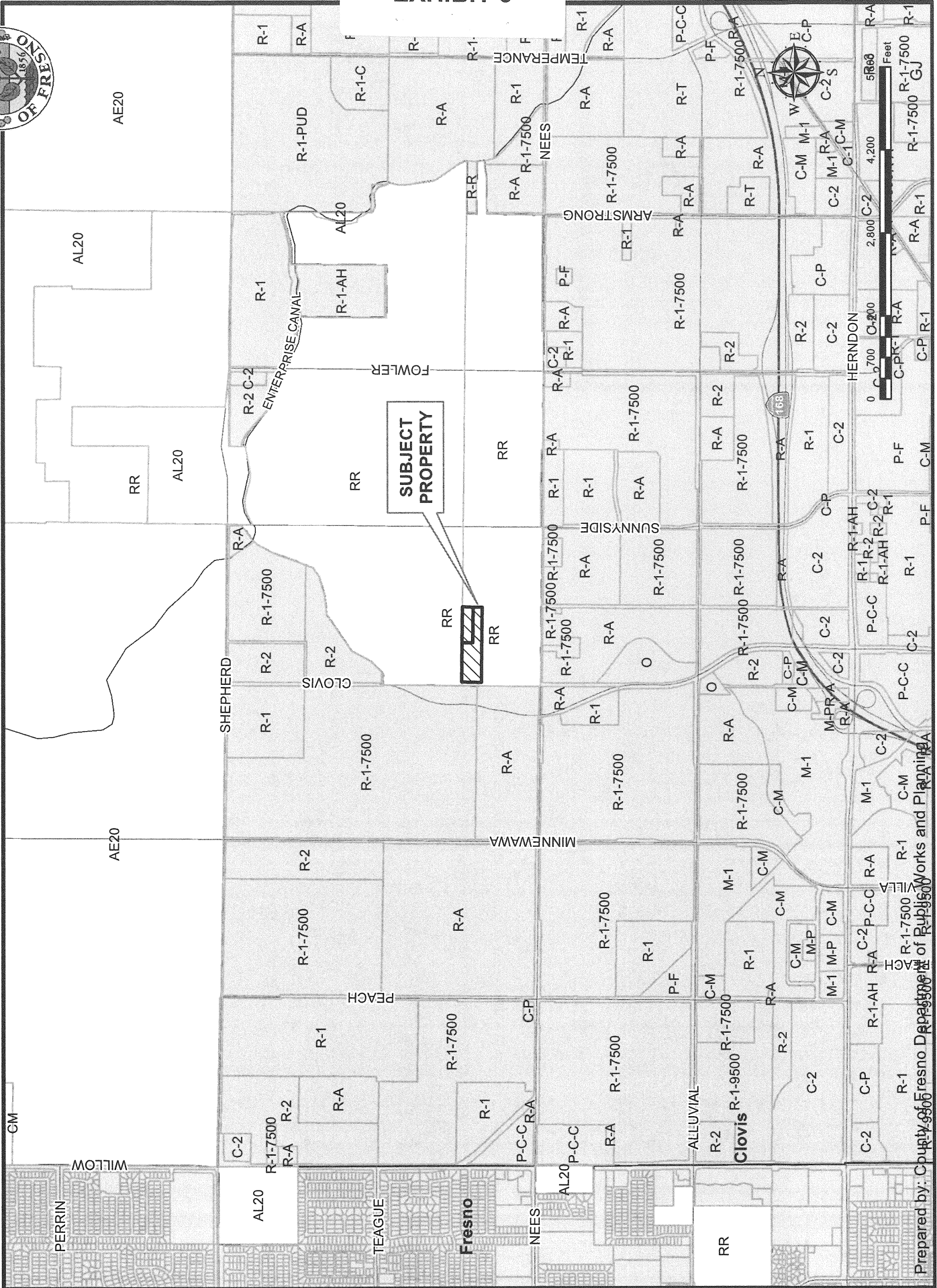
VA 4029

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

# EXISTING ZONING MAP



## EXHIBIT 3





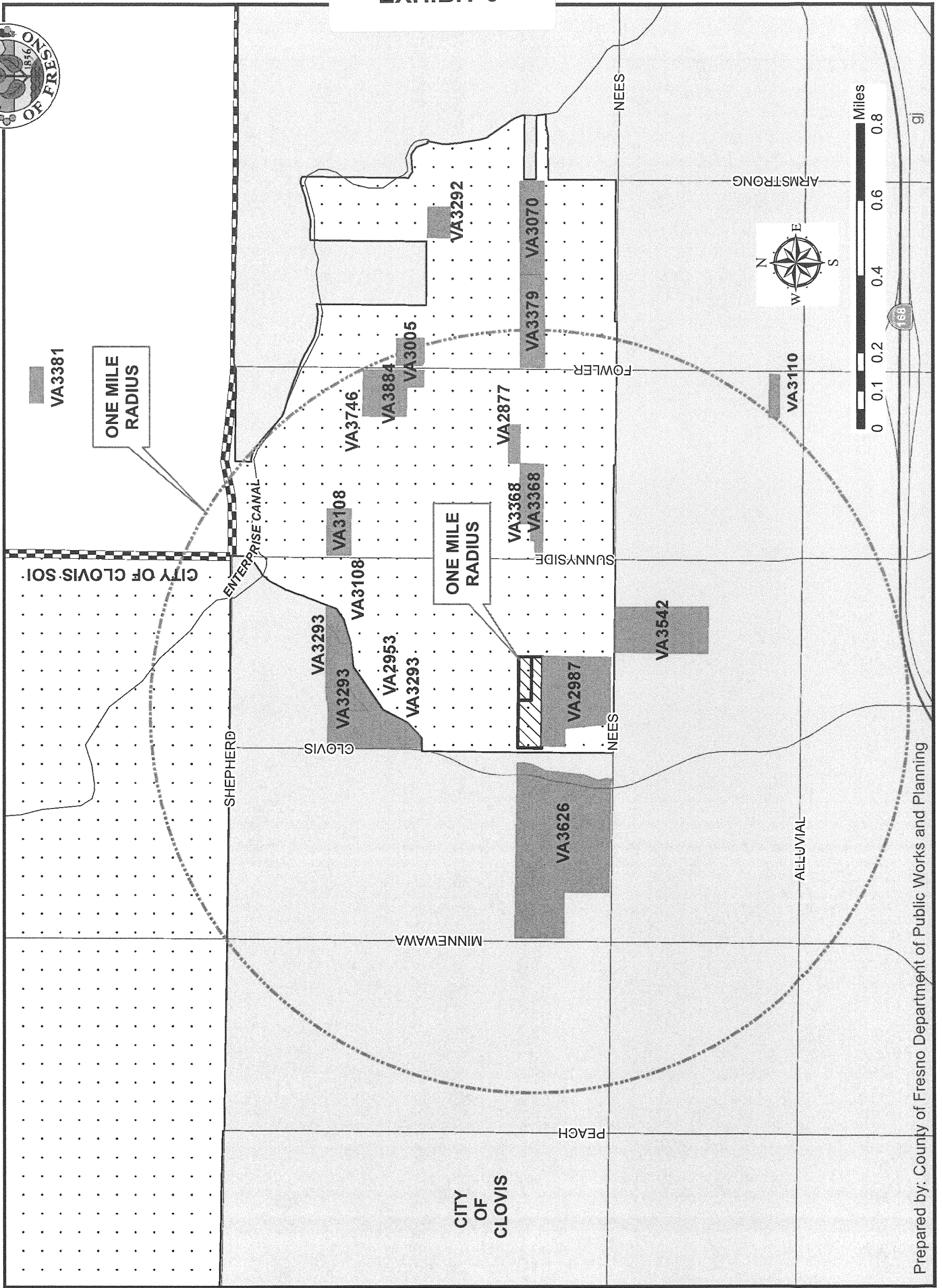




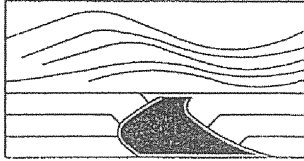
# APPROVED VARIANCES WITHIN A ONE MILE RADIUS



## EXHIBIT 6



## EXHIBIT 7



DALE G. MELL & ASSOCIATES

ENGINEERING & SURVEYING SERVICES

2090 N. WINERY AVENUE · FRESNO, CALIFORNIA 93703 · PH (559) 292-4046 · FAX (559) 251-9220

### Supplemental Application Findings for Variance

1. **Exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other property in the vicinity having the identical zoning classification as follows:**

Length to width ratio is disproportionate to other parcels in the area. Therefore requiring the road easement width to be reduced and a private road easement to be proposed with parcel areas to be designed as gross or inclusive of private road easement to meet the 2 acre parcel requirements.

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.**

This parcel is one of a few remaining to be divided into 2 acre parcels; within the City of Clovis sphere of influence. Therefore I consider a infill project with reduced width and extended length which necessitates the need to fill a variance from current RR Zone District development standards.

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.**

Deviation from the development standards will have no effect on the public welfare or injurious to property and improvements in the vicinity.

4. **The granting of this variance will not be contrary to the objectives of the General Plan.**

Granting of the variance will not change the density or objectives of Fresno Counties or the City of Clovis General Plan.

VA 4029

RECEIVED  
COUNTY OF FRESNO

MAY 22 2017

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

## EXHIBIT 8

June 15, 2017

County Department of Public Works and Planning  
Development Services 2220 Tulare St., Sixth Floor  
Fresno CA 93721

Attn: Mr. Roy Jimenez Jr.

RE: Tentative Parcel Map Application No. 8165

Dear Mr. Jimenez,

I am writing on behalf of myself and my wife Lee Anne Briscoe. We live at 8359 No. Marion, Clovis California 93619.

We would like to comment on Tentative Parcel Map Application No. 8165 filed by Charles Johanson. As residents of Dry Creek Preserve, and living also on the west side of North Marion, we feel that Variance Application No. 4029 should be rejected.

The size of the property in question, if redefined, would easily meet the minimum parcel size of 2 acres on parcels 1-4, and leave the un-subdivided remainder parcel fronting No. Marion at 2.07 acres (Vesting Tentative Parcel Map submitted shows the property as  $4 \times 1.97 + 2.19$  acres = 10.07 acres). It appears that even though Mr. Johanson originally indicated to Lee Anne Briscoe that he purchased the property with no intention to sub-divide, he now seems to be pushing the envelope, planning to not only sub-divide, but trying to seek a variance from the R-R required 2 acre minimum defined parcel size and road frontage requirements for his own gain.

Approval of Variance Application #4029 would significantly affect our property and other properties in the neighborhood. If granted, we feel this variance sets a precedent for the next (s) to ask for parcel sizes of 1, 1-1/2, 1-3/4 or any size smaller than the requirement of a 2 acre minimum parcel size. We bought in this area because it is located in an R-R Zone District, and has desired and defined requirements for anyone wanting to sub-divide their property. Mr. Johanson owns 10.07 acres and could easily meet the R-R Zone District defined 2 acre minimum parcel size. Therefore we feel his variance application #4029 should be rejected on this request in its self as there is no need for the variance.

The request to waive the public road frontage requirements would affect others on the street unless access was to be public or Mr. Johanson would be required to meet defined County Road access requirements including maintenance for his proposed road private.

We request that a public hearing be held for the reasons stated above. We have talked to others on the street who share our concerns.

Sincerely,

James A & Lee Anne Briscoe

8359 No Marion Ave Clovis 93619

559-448-6464



June 15, 2017

To: Fresno County Department of Public Works and Planning  
Development Services 2220 Tulare St. Sixth Fl  
Fresno CA 93721

Re: Tentative Parcel Map Application No. 8165  
Filed by Charles Johanson

Attn: Mr. Roy Jimenez Jr.

Dear Mr. Jimenez,

My letter is in response to the letter we received regarding Charles Johanson, requesting to waive the minimum parcel size and public road frontage requirements.

My wife Angie Borrego and I live at 8134 N. Marion across the street from the proposed site to be improved and in the Dry Creek Preserve. We oppose the request to waive the minimum requirement, since the parcel is 10 acres and would easily accommodate the current requirement of 2.00+ acres. We do not want others seeking similar waivers down to 1.90, 1.85, 1.55 acres. Where do you draw the line?

Also, we are not clear on what the implications would be of the public road frontage requirements.

We are requesting a public hearing be held to better discuss the proposed changes. There are other neighbors that have also expressed interest in a public hearing and oppose the request.

Thank you for your assistance,

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José Borrego  
8134 N. Marion  
Clovis CA 93617  
559-375-4006

June 20, 2017

Fresno County Department of Public Works and Planning  
Development Services 2220 Tulare Street 6<sup>th</sup> Floor  
Fresno, CA 93721

RECEIVED  
JUN 29 2017

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

Attn: Mr Ejaz Ahmad

Re: Variance and Tentative Parcel Map Application #8165

Dear Mr. Ahmad,

This letter is my acknowledgement of the proposed development on 8239 N Marion Ave by Mr. Charles Johanson. I am currently a Dry Creek Preserve resident and neighbor to the proposed parcel map break up location. I am in support of the development and understand the request to create (4) new parcels each at 1.97 acres (Application #4029) which is below the current R-R Zone requirement. That will require a variance to be granted by the County planning committee.

Additionally, I am aware that these lots will not have the required road frontage as deemed by the R-R Zone district. It is my understanding this will be a private road that is to be maintained by the created parcel owners in which it serves.

Please accept this letter as my position to support this development. Thank you in advance for your consideration.

Sincerely,

Phil & Cathy Rose

Address:

8121 N. Marion  
Clarks 93619

Phone:

559-298-8257

June 20, 2017

RECEIVED  
JUN 27 2017

Fresno County Department of Public Works and Planning  
Development Services 2220 Tulare Street 6<sup>th</sup> Floor  
Fresno, CA 93721

FRESNO COUNTY  
DEPT. OF  
PUBLIC WORKS & PLANNING

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Re: Variance and Tentative Parcel Map Application #8165

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Please accept this letter as my position to support this development. Thank you in advance for your consideration.

Sincerely,

Patrick Ginn

Address:

8089 N. MARION  
CLOVIS, CAL 93619

Phone:

(559) 298-2596

CEU (559) 281-2960