



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 October 12, 2017

**SUBJECT:** Variance Application No. 4033

Allow the creation of an approximately 1.72-acre parcel and an approximately 2.50-acre parcel from an existing 4.22-acre parcel, and allow reduced lot width, road frontage (165 feet minimum required for width and road frontage), and a waiver of the required 4 to 1 lot depth to width ratio, for the proposed 2.5-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the south side of East Olive Avenue between North Armstrong Avenue and North Temperance Avenue, approximately 1,700 feet northeast of the nearest city limits of the City of Fresno (6811 East Olive Avenue) (SUP. DIST. 5) (APN 310-180-14).

**OWNER:** Michael Van Groningen/Sarah Van Groningen  
**APPLICANT:** Michael Van Groningen

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Deny Variance Application No. 4033; 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. Site Plans and Detail Drawings
6. Applicant’s Submitted Findings
7. Approved Variances Map

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District	No change
Parcel Size	4.22 acres	An approximate 1.72-acre parcel and an approximate 2.50-acre parcel
Project Site	APN 310-180-14 (Lot 2 Block 4 of the Temperance Colony)	No change
Structural Improvements	An existing approximately 2,200 square-foot single-family residence and an existing approximately 500 square-foot detached accessory structure	None
Nearest Residence	North: Approximately 185 feet South: Approximately 1,000 feet East: Approximately 115 feet West: Approximately 60 feet	No change
Surrounding Development	North: Residential East: Residential South: Residential West: Residential	No change

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

**ENVIRONMENTAL ANALYSIS:**

It has been determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15061(b)(3), and 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 94 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 (VA) may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 877 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 as part of the Temperance Colony Subdivision on December 13, 1880 as 20-acre parcels. The subject parcel was later subdivided by Parcel Map No. 1125 on January 15, 1973, and Parcel Map 1724 on January 4, 1974. The subject parcel was then rezoned from an A-2 (General Agricultural, 100,000 square-foot minimum parcel size) Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District on March 1, 1977 as part of Board-approved Amendment Application No. 2898 which was a broad scale rezoning.

This Variance request proposes to allow the creation of a 1.72-acre lot (proposed Parcel 1) and a 2.5-acre lot (proposed Parcel 2) from the existing 4.22-acre subject parcel and allow reduced lot width and road frontage (25 feet where a minimum of 165 feet is required), and a waiver of the required 4 to 1 width to depth ratio for the 2.5-acre parcel (proposed Parcel 2).

More recently, there have been at least eight other variances approved within one mile of the subject property that allowed for the creation of substandard lots; of those approved variances, three are located in the Rural Residential Zone District, with the other five being located in the AE-20 Zone District; the approved Variances are detailed in the following table.

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
VA No. 2786: Allow the creation of three parcels with a depth to width ratio greater than 4 to1 and allow a reduced lot width and frontage in the Rural Residential Zone District	July 28, 1983	Approval	Approved by Planning Commission

VA No. 2923: Allow the creation of a five-acre and an eight-acre lot with the eight-acre lot to exceed the 4 to 1 depth to width ratio in the AE-20 Zone District	July 11, 1985	Approval	Approved by Planning Commission
VA No. 2930: Allow the creation of two 2.30-acre parcels from an existing 4.61-acre parcel in the AE-20 Zone District	July 25, 1985	Approval	Approved by Planning Commission
VA No. 3098: Allow the creation of two one-acre parcels from an existing 2.02-acre parcel in the Rural Residential Zone District	September 24, 1987	Approval	Approved by Planning Commission
VA No. 3181: Allow the creation of two 2.5-acre parcels from an existing five-acre parcel in the AE-20 Zone District	January 5, 1989	Approval	Approved by Planning Commission
VA No. 3271: Allow the creation of three parcels with one being 1.61-acres and 110 feet wide in the Rural Residential Zone District	May 7, 1991	Approval	Approved by Board of Supervisors on appeal from the Planning Commission
VA No. 3767: Allow the creation of a 2.07-acre and a 3.09-acre lot from an existing 5.15-acre lot in the AE-20 Zone District	September 11, 2003	Denial	Approved by Planning Commission
VA No. 3833: Allow the creation of a 1.35 and a 2.70-acre lot from an existing 4.05-acre lot in the AE-20 Zone District	February 16, 2006	Denial	Approved by Planning Commission

**DISCUSSION:**

*Findings 1 and 2: 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*

*Such variance is necessary for the preservation 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	AE-20 Zone District Front: 35 feet Side: 20 feet Rear: 20 feet	Parcel 1 (1.72 acres) No change	Yes
		Parcel 2 (2.50 acres) No change	Yes
Parking	Two parking spaces covered or uncovered	No change	Yes
Lot Coverage	No requirements	No change	Yes
Space Between Buildings	No requirements	No change	Yes
Wall Requirements	No requirements	No change	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit/cesspool: 150 feet	No change	N/A

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: With the destruction of an abandoned water well, the proposed parcels can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Well Standards Ordinance and California Plumbing Code.

The following shall be included as a condition of approval:

Prior to recordation of the Parcel Map to create the two proposed parcels, the abandoned water well located between the existing single-family residence and swimming pool shall be properly destroyed under permit and inspection by the Fresno County Department of Public Health, Environmental Health Division. Please contact the Water Surveillance Program at (559) 600-3357 for more information.

It is understood that the property owner is investigating (digging to locate the water well) to determine if it has already been properly destroyed; confirmation of the destruction is required.

An inspection of the location by the Environmental Health Division is required.

The following shall be included as a project note:

Building permit records indicate that the two existing septic systems are connected to the residence, and both systems were installed prior to 1975. It is recommended that the Applicant/owner consider having the existing septic tanks pumped and inspected, and the 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 the need for possible repairs, additions, or require the proper destruction of the system.

Development Engineering Section of the Fresno County Department of Public Works and Planning: East Olive Avenue is classified as a Collector road with an existing 25-foot right-of-way south of the centerline along the parcel frontage, per the Plat Book. The minimum width for a Collector road right-way south of the centerline is 40 feet. East Olive Avenue is a County-maintained road and records indicate that this section of East Olive Avenue, from North Armstrong Avenue to North Temperance Avenue, has an Average Daily Traffic count of 3,100, a paved width of 23.4 feet, a structural section of .25 feet AC, and is in poor condition.

Typically, any access driveway should be set back a minimum of ten feet from the property line, and if not already present, ten-foot by ten-foot corner cutoffs should be improved for sight distance purposes at the driveway(s) accessing East Olive Avenue.

According to FEMA, FIRM Panel No. 1595H, the subject parcel is not prone to flooding from the 100-year one-percent-chance storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject parcel.

The project is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone District BQ. FMFCD should be consulted for their requirements. Any additional runoff generated by development cannot be drained across property lines.

Typically, if the subject property is within a city Sphere of Influence, in this case the City of Fresno, the city should be consulted regarding their requirements for any future off-site improvements and driveway placement relative to the property line.

Fresno Metropolitan Flood Control District: Any drainage and grading plan shall be reviewed and approved by FMFCD prior to approval by the County.

Design Division of the Fresno County Department of Public Works and Planning: No comments.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The Applicant is proposing a lot split to create a "flag lot" with minimal road frontage for the subject parcel, located on the south side of East Olive Avenue, between North Armstrong Avenue and North Temperance Avenue.

East Olive Avenue is classified as a Collector road in the County General Plan, requiring an ultimate right-of-way of 84 feet, 42 feet each side of the centerline. Currently, there is a 50-foot right-of-way for Olive Avenue, 25 feet on each side of the centerline. If this Variance Application is approved, an additional right-of-way of 17 feet south of the centerline should be dedicated to the County as part of the parcel map process.

Setbacks for any new structures should be based upon the ultimate right of way line of 42 feet on either side of the section line. Any construction of a new driveway within the County right-of-way will require an encroachment permit from the Road Maintenance and Operations Division.

**Analysis:**

In support of Findings 1 and 2, the Applicant states that all of the properties fronting the south side of Olive Avenue between North Armstrong and North Temperance Avenue are less than 1.99 acres and as such have no need of a Variance. Staff does not agree that lot size in itself creates the need for a Variance. Land use maps do indicate that the majority of the parcels in the vicinity are smaller than the subject parcel, however there are at least five other parcels in the immediate vicinity that are comparable in size or larger than the subject parcel.

The Applicant also states in support of Finding 1, that the City of Fresno General Plan calls for low-density residential development (1-3.5 dwelling units per acre) in this area. Because the subject parcel is located within the City of Fresno Sphere of Influence, this application was routed to the City of Fresno for comments. The City did not indicate in its comments any existing plans for annexation of the area around the subject parcel, nor did the City express concerns with the creation of the proposed lots; only that the newly-created lots connect to City services for the provision of water at such time as any new development takes place.

Additionally, in support of Finding 1, the Applicant states that because the subject parcel is currently substandard in size for the AE-20 Zone District, it is not large enough to accommodate a commercially-viable farming operation, and that the granting of the Variance request would not have a detrimental effect on any existing agricultural operations on surrounding parcels. Staff, agrees that the proposed parcel division would not have an adverse effect on surrounding farming operations due to the fact that most of the surrounding area, with a few exceptions, has already been residentially developed, and there is minimal agricultural activity. This fact more appropriately applies to and supports Finding 3.

According to Policy LU-A.6 of the County General Plan, parcels less than the minimum 20 acres for agriculturally-designated Zone Districts are considered less economically-viable farming units; however, this policy does not preclude smaller parcels from being viable farming units. Records indicate that the subject parcel was rezoned from A-2 (General Agricultural, 100,000 square-foot minimum parcel size) to the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District in March of 1977. However, as most of the other parcels in the vicinity are smaller in size than the minimum acreage required for the AE-20 Zone District, and have been developed with single-family residences, the subject parcels substandard size does not, in staff's opinion, create an exceptional circumstance for the subject property that is not shared by other properties in the vicinity.

The primary purpose of the minimum parcel size is to maintain integrity and intent of the particular zone district, in this case AE-20. The intent of the agriculturally-designated areas is to maintain the agricultural production capacity of the area and to reduce the conversion of the land to incompatible and/or non-agricultural uses as much as possible.

In support of Finding 2, the Applicant states that the Variance request is necessary to allow the same opportunity granted to other properties in the vicinity. How the surrounding parcels came to be their current size varies from parcel to parcel, however as noted above, most were created with a different zoning designation and later rezoned to the current AE-20 Zone District designation.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. The Applicant’s stated intention with this Variance request is to create a separate parcel for the construction of a new residence, with the smaller remainder parcel to be utilized for future conveyance or other purposes. As stated in the Applicant’s findings, a Directors Review and Approval Application which does not require approval of the Planning Commission would, if approved by the Director, allow for the construction of a second residence; however with this exception, there are no other alternatives to this Variance request that would allow for the parcel creation.

With regard to Finding 2, the approval of a variance request is intended to correct the deficit of a property right of the Applicant. The Applicant proposes to create two substandard lots from an existing substandard (legal non-conforming) lot. According to the Applicant’s findings, the property right at issue is the Applicant’s ability to develop the property with an additional residence behind the existing residence. Staff recognizes that the ability to develop ones property is a substantial property right, however that right is not at issue in this case, as the property owner’s ability to develop the property is not infringed upon simply by virtue of the size of the parcel, or the existence of the residence. The ability to construct a second residence is not allowed “by right” in this zone district and would require additional land use approval; therefore, staff does not concur that a substantial property right is at issue in this case.

Based on the above analysis, staff does not believe that there are exceptional circumstances and conditions applicable to the subject property that do not generally apply to other properties in the vicinity. Although there are examples of lot divisions to create substandard lot sizes in the vicinity, there are many other neighboring properties which comply with the minimum lot size restriction for the AE Zone District. Additionally, staff also does not concur that a substantial property right is at issue, which would require a variance to be preserved.

**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 the 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	1.17 acres	Single-Family Residential	AE-20	Approximately 185 feet
South	4.55 acres	Single-Family Residential	AE-20	Approximately 1,000 feet
East	1.62 acres 3.78 acres	Single-Family Residential Single-Family Residential	AE-20 AE-20	Approximately 115 feet
West	1.00 acre 1.91 acres	Single-Family Residential Single-Family Residential	AE-20 AE-20	Approximately 60 feet



**Reviewing Agency/Department Comments:**

Fresno County Fire Protection District: No requirements at this time.

No other comments specific to land use compatibility were expressed by any reviewing agencies or departments.

**Analysis:**

In support of Finding 3, the Applicant states that the granting of the Variance would allow for the construction of a new home on the larger of the two proposed parcels and would not have a detrimental effect on surrounding properties. The Applicant also states that should the Variance be approved, the resultant Parcel No. 2 would still be larger than most other parcels in the vicinity. According to property records, most of the parcels in the immediate vicinity of the subject parcel are less than three acres. Additionally, permit records indicate that there are other properties in the vicinity that have been allowed to be divided into substandard size parcels. Those variances have been listed in the table on pages three and four of this Staff Report.

This Variance is requesting to allow a parcel division with a subsequent mapping procedure to create two substandard parcels from an existing legal non-conforming parcel (see table on page 5 of this Staff Report). Based on this information, staff does not believe that the proposal will have an adverse effect upon surrounding properties.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 3 can be made.

*Finding 4: That the proposed development is consistent with the General Plan.*

<b>Relevant Policy:</b>	<b>Consistency/ Considerations:</b>
General Plan Policy LU-A.6: The County shall maintain 20 acres as the minimum permitted parcel size in areas designated Agriculture; the County may require parcel sizes larger than 20 acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.	The subject property is designated Agriculture in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). Approval of this Variance request would allow the creation of two parcels with less than 20 acres. However, as the existing parcel at 4.22 acres is already substandard, and a legal non-conforming lot, staff does not believe that the further subdividing of the parcel would be in conflict with this policy.

<p>General Plan Policy LU-A.7: The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</p>	<p>The 4.22-acre subject parcel is currently a legal non-conforming lot and not being farmed. Most of the surrounding parcels (with a few exceptions) are developed with single-family residences and are not engaged in agricultural operations.</p>
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**Reviewing Agency Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: Any unpermitted structures that exceed 120 square feet including the swimming pool shall be addressed with permits and inspections. Additionally, the proposed 2.5-acre parcel (Parcel 2) exceeds the maximum 4 to 1 lot depth to width ratio allowed, per 820.5.B of the County Zoning Ordinance.

Policy Planning Section of the Fresno County Department of Public Works and Planning: No comments.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The subject parcel is not located in a low-water area, however, a will-serve letter from the City of Fresno may be required for any new development of the proposed parcels.

The City of Fresno, Development and Resource Management Department: Because a legal parcel is proposed, any additional development will be required to connect to City water service.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Analysis:**

In support of Finding 4, the Applicant states that the property is within the City of Fresno Sphere of Influence and within the Urban Growth Boundary, and that few of the surrounding parcels are able to commercially farm due to their small size. Additionally, the Applicant states that many surrounding agricultural parcels have been developed and annexed by the City, and that the parcel is surrounded by Rural Residential-zoned areas.

The Fresno County General Plan Policy LU-G.1 states that 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. In this case the subject parcel is designated low-density residential in the City General Plan.

The subject property is designated Agriculture in both the McLane Community Plan and the Fresno County General Plan. General Plan Policy LU-A.6 and LU-A.7 referenced in the above table specifically address minimum permitted lot size within the Agricultural Zone Districts. Additionally, Policy LU-A.7 states: evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.

The subject parcel is bounded on the east by the Southeast Rural Residential area per General Plan Figure LU-1d and the city limits of the City of Fresno approximately one-third mile to the southwest, and is within the City's urban growth boundary. However, staff is currently not aware of plans for annexation of the area around the subject parcel by the City, therefore the zoning designation remains Exclusive Agricultural until such time as annexation takes place.

Based on the above analysis, the proposal to allow the creation of a 1.72-acre and a 2.5-acre parcel from an existing 4.22-acre parcel is inconsistent with the County General Plan. Staff is unable to make finding four.

**Recommended Conditions of Approval:**

*None.*

**Conclusion:**

Finding 4 cannot be made.

**PUBLIC COMMENT:**

*None.*

**CONCLUSION:**

Based on the factors cited in the analysis, and due to the inability to make Findings 1, 2 and 4, staff believes that the required Findings for granting the Variance cannot be made and therefore recommends denial of Variance Application No. 4033.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance Application No. 4033; 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 the Findings), and move to approve Variance Application No. 4033, 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.

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

See attached Exhibit 1.

JS:ksn

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**Variance Application No. 4033  
Conditions of Approval and Project Notes**

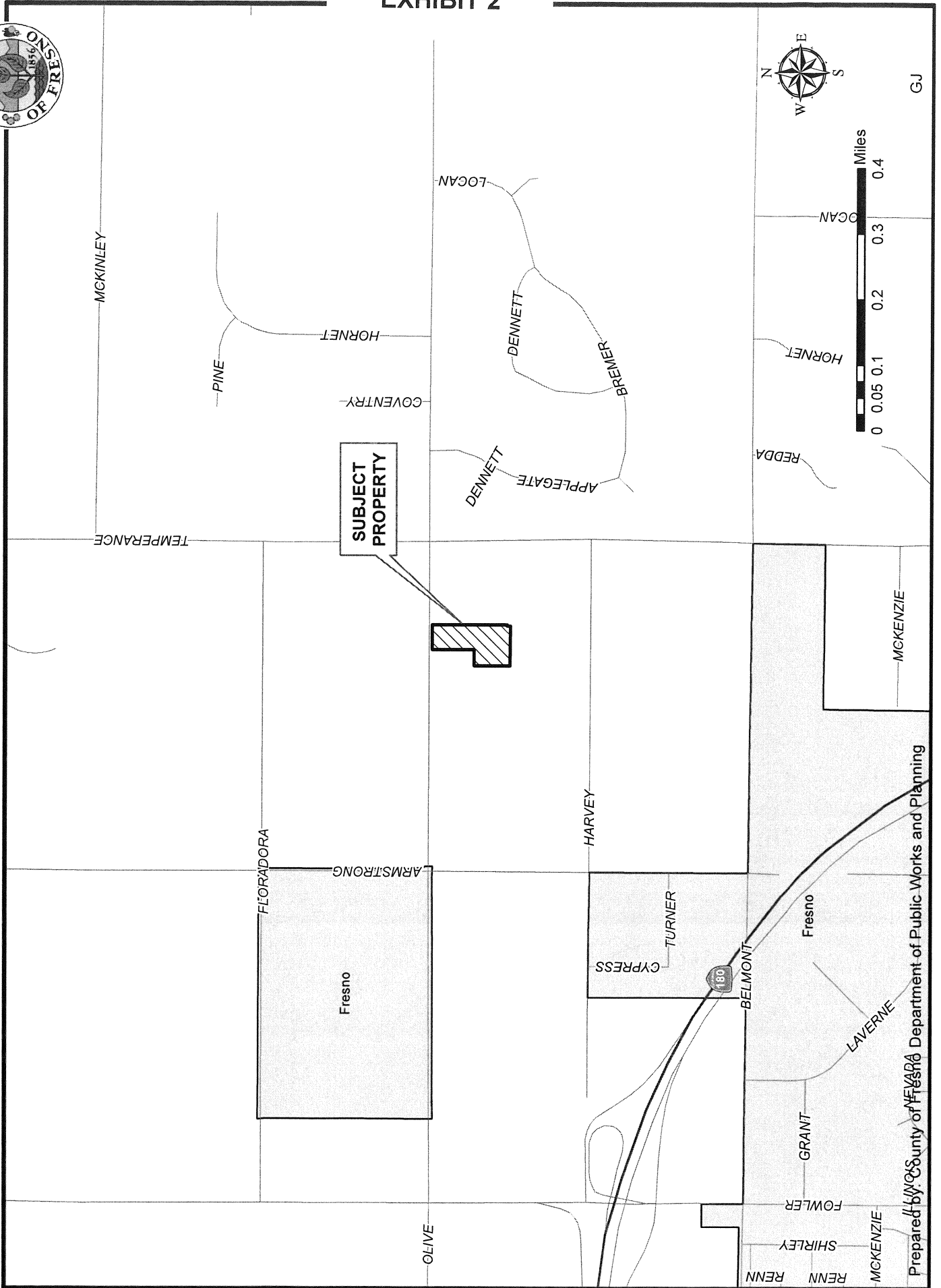
<b>Conditions of Approval</b>	
1.	Development shall be in substantial compliance with the site plan, floor plan and elevations, as approved by the Planning Commission.
2.	Prior to recordation of the Parcel Map to create the two proposed parcels, the abandoned water well located between the existing single-family residence and swimming pool shall be properly destroyed under permit and inspection by the Fresno County Department of Public Health, Environmental Health Division. Please contact the Water Surveillance Program at (559) 600-3357 for more information. It is understood that the property owner is investigating (digging to locate the water well) to determine if it has already been properly destroyed; confirmation of the destruction is required. An inspection of the location by the Environmental Health Division is required.
3.	Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: East Olive Avenue is classified as a collector road in the County General Plan, requiring an ultimate right-of-way of 84 feet, 42 feet each side of the centerline. Currently there is a 50-foot right-of-way for Olive Avenue, 25 feet on each side of the centerline.  If this Variance Application is approved, the Applicant shall irrevocably offer to the County an additional right-of-way of 17 feet south of the centerline of East Olive Avenue as part of the parcel map process.
Conditions of Approval reference recommended Conditions for the project.	
<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.	Setbacks for any improvements shall be based the ultimate right-of-way of 84 feet for East Olive Avenue. For any proposed improvements within the County right-of-way, an encroachment permit shall be required from the Road Maintenance and Operations Division.
2.	Building permit records indicate that the two existing septic systems are connected to the residence, and both systems were installed prior to 1975. It is recommended that the Applicant/owner consider having the existing septic tanks pumped and inspected, and the 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 the need for possible repairs, additions, or require the proper destruction of the system.
3.	Typically, any access driveway should be set back a minimum of ten feet from the property line, and if not already present, ten-foot by ten-foot corner cutoffs should be improved for sight distance purposes at the driveway(s) accessing East Olive Avenue.



# EXHIBIT 2

## LOCATION MAP

VA 4033



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

VA 4033  
STR 34 - 13/21

# EXISTING ZONING MAP

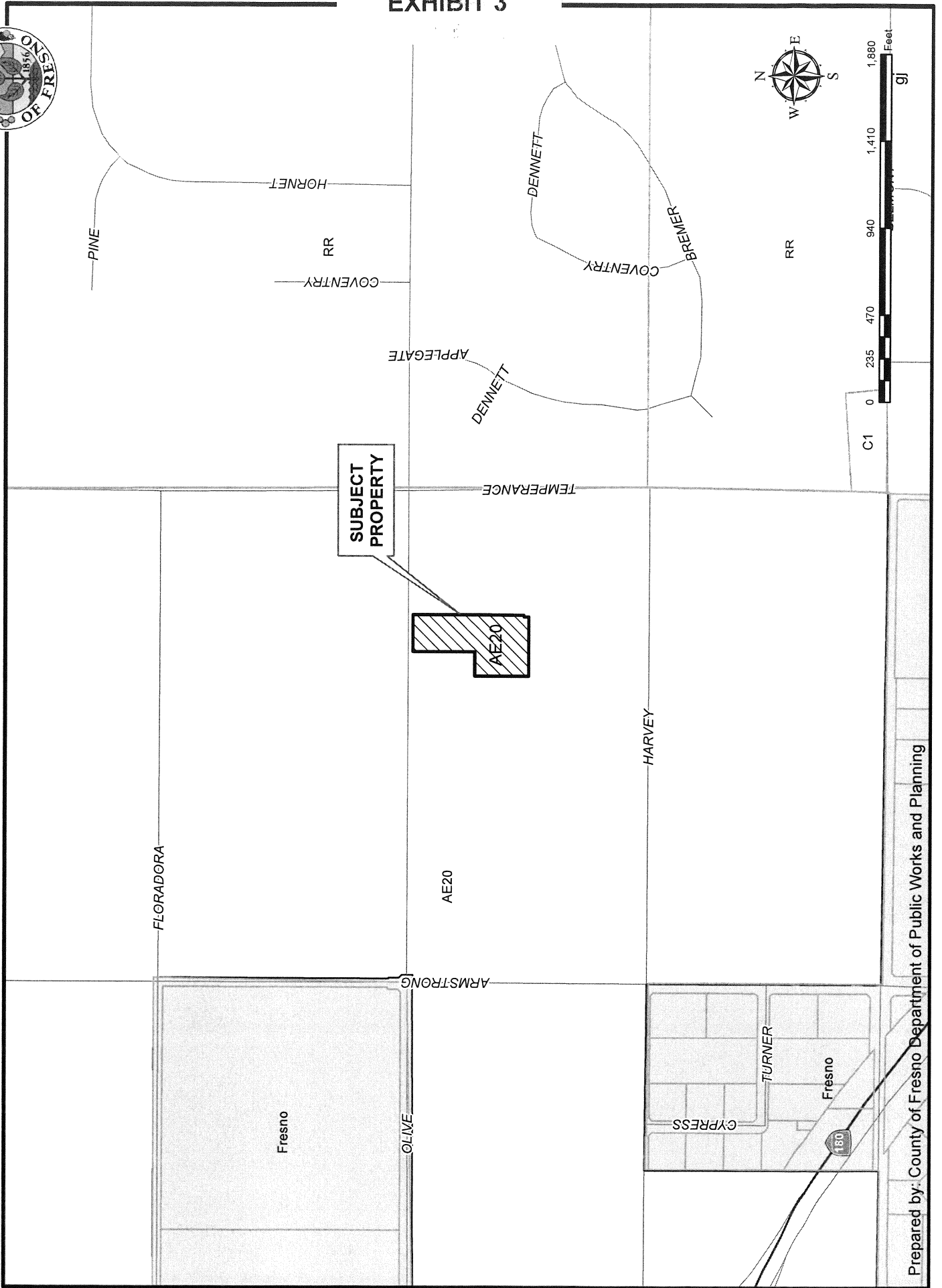


EXHIBIT 3



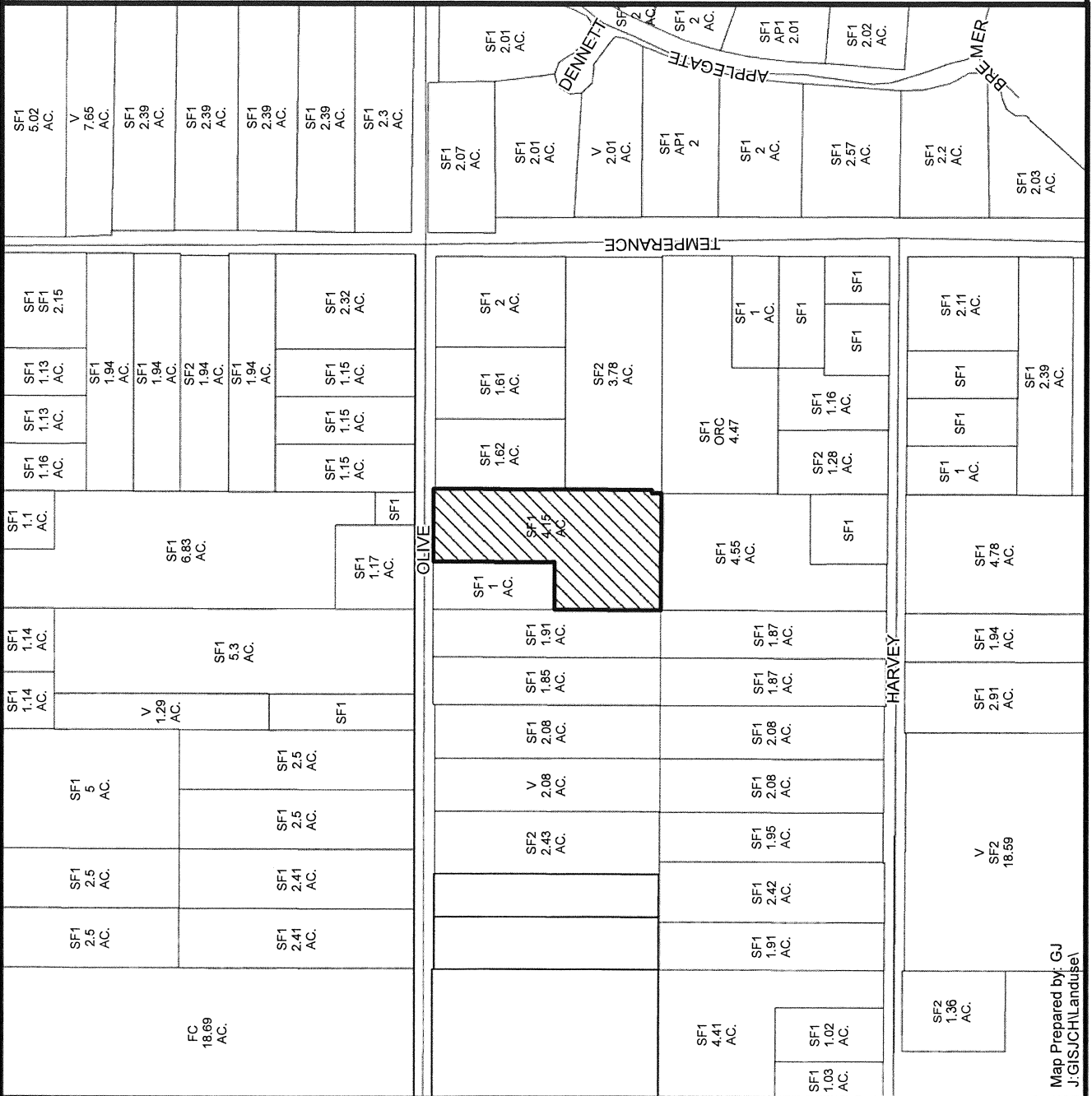
# EXISTING LAND USE MAP

VA 4033

LEGEND	
[Hatched Box]	AP1 - APARTMENT
[Dotted Box]	ORC - ORCHARD
[Solid Box]	SF# - SINGLE FAMILY RESIDENCE
[White Box]	V - VACANT
[White Box]	FC - FIELD CROP

## LEGEND:

- [Hatched Box] Subject Property
- [Dotted Box] Ag Contract Land



Department of Public Works and Planning  
Development Services Division

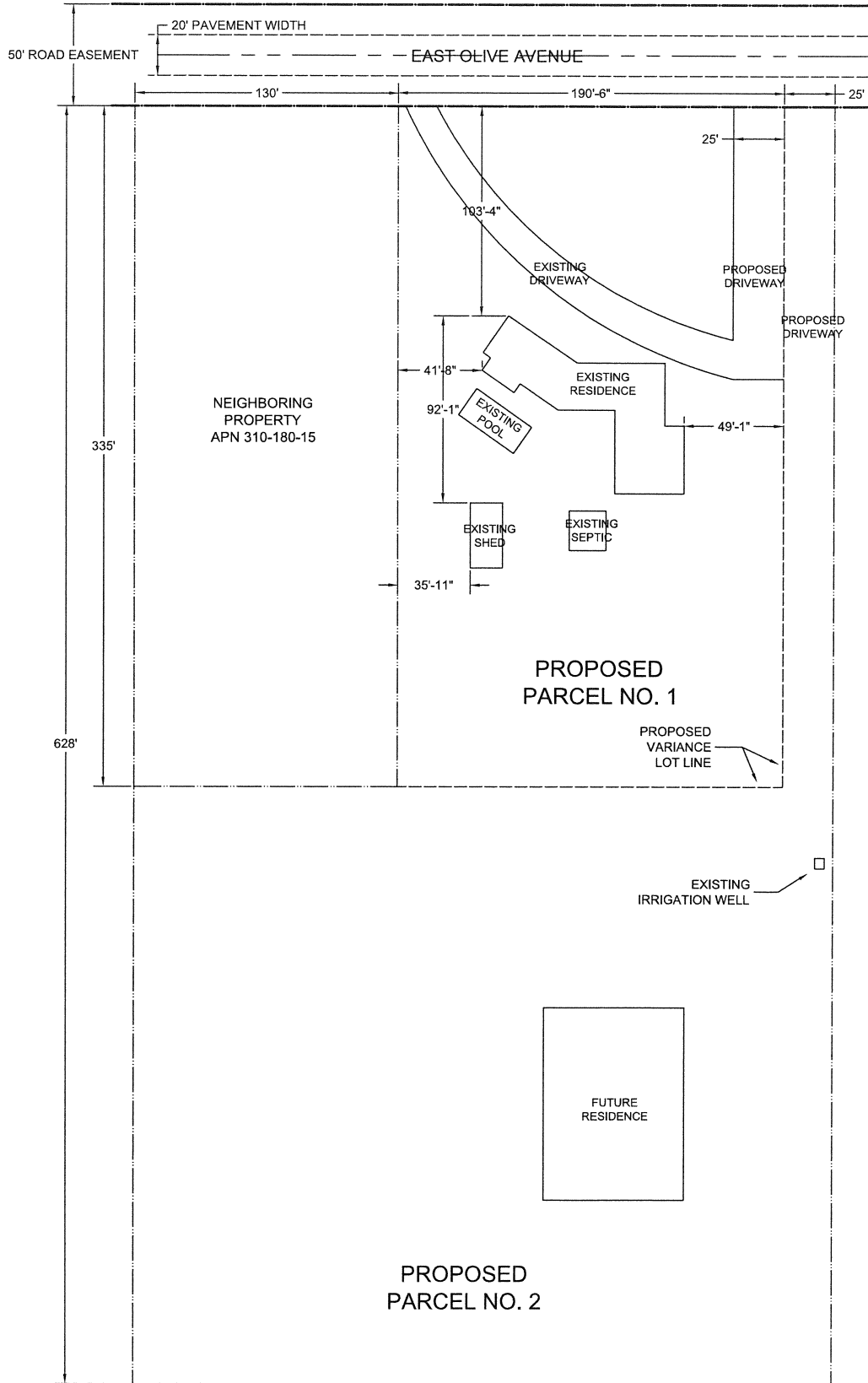
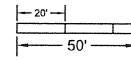
Map Prepared by: GJ  
J.GISJCH(LandUse)



# EXHIBIT 5

## 6811 EAST OLIVE AVENUE PROPOSED SITE PLAN

SCALE  
1" = 50'



NEIGHBORING  
PROPERTY  
APN 310-180-15

PROPOSED  
PARCEL NO. 1

PROPOSED  
VARIANCE  
LOT LINE

EXISTING  
IRRIGATION WELL

FUTURE  
RESIDENCE

PROPOSED  
PARCEL NO. 2

# EXHIBIT 6

## VARIANCE APPLICATION & FINDINGS

Michael Van Groningen  
6811 East Olive Avenue  
Fresno, CA 93727

### **BACKGROUND AND PURPOSE**

My wife Sarah and I purchased the subject property (APN 310-180-14) in September 2015. We were attracted by the lot size as it is much larger than most of the surrounding parcels. We always dreamed of building our own custom house behind the existing 1950's ranch house. In researching our options to accomplish our goal, it seems that we can either apply for a Director's Review and Approval for permission to construct a second residence on one parcel or apply for a VA and split the large parcel into two smaller parcels. The latter option allows the existing ranch house to be on a separate parcel from the new house, which is ideal for allowing it to be bought and sold independently of the new custom home. This option requires a VA submission since the property is in the AE-20 Zone District (Exclusive Agricultural, 20-acre minimum parcel size) and will not meet the minimum 165ft of road frontage.

### **REQUEST**

We request the Planning Commission to grant a variance to allow the creation of a 1.72-acre parcel with the existing house and a 2.50-acre parcel behind the front parcel intended as a site for a new custom home. The back parcel would include a 25' wide strip of property on the east side for street access to Olive Avenue.

### **FINDINGS AND RATIONAL FOR ACCEPTNACE OF THE VARIANCE**

1. Exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification:
  - a. All properties accessing Olive Avenue that are located South of Olive Avenue range in size from 1.00Ac. to 1.99Ac., with exception of the subject property (4.22Ac.) and Temperance-Kutner Elementary School (9.97Ac.). Therefore, all of the surrounding properties have no need for a variance in that they are all less than half the size of the subject property.
  - b. In reviewing the City of Fresno 2025 General Plan, the subject property is designated for low density residential (1-3.5 Dwelling Units per acre). The City of Fresno already provides domestic water to the area and since the property will develop to urban densities, this variance is consistent with the General Plan.
  - c. In reviewing the County of Fresno Zoning Ordinance Code, "the 'AE' District is intended to be an exclusive district for agriculture and an integral part of the agricultural operation. This district is intended to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses which by their nature would be injurious to the physical and economic well-being of the agricultural district." The existing parcel size is not large enough to farm commercially and is not currently

used for agricultural uses aside from a few citrus trees grown for homeowner use. Granting the variance would not affect the current use of the property nor affect surrounding properties from carrying out their existing uses and/or operations.

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:
  - a. This variance is necessary for the applicant in that it allows the same opportunity for the other surrounding properties. As previously mentioned, all properties on the south side of Olive Avenue range from 1.00Ac. to 1.99Ac.
  - b. In reviewing Parcel Maps 310-18 and 310-22, there are only a few parcels larger than the subject property – most of which include either a secondary home or accessory living quarters. There is only one parcel (APN 310-220-30) currently used for commercial agricultural operations. Two items to note about this particular parcel – 1) it is smaller than 20Ac. (18.69Ac.) and 2) it is currently on the market for sale. Based on the listing description, price, and timing, it will likely be purchased by a housing developer and annexed to the City of Fresno as the one of the next housing tracts moving east toward the subject property.
3. The granting of the 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:
  - a. The granting of the variance will simply allow the existing parcel to be split and allow for a new home to be built behind the existing home. It would not affect any other property owner in the vicinity, especially considering that the new parcel would still be larger than most other parcels in the area.
4. The granting of such variance will not be contrary to the objectives of the Fresno County General Plan:
  - a. The property is zoned for exclusive agricultural but is currently in the sphere of influence to be urbanized. Very few of the surrounding parcels are able to commercially farm due to the small size of the parcels in the area. Most commercial agricultural operations need much more property in order to profitably farm. Over the last several years, many housing developers have continued to purchase long time agricultural property, annex the property to the City, and build new housing tracts. The growth continues to move toward the East.
  - b. This area is surrounded by R-R Rural Residential Zoning. It would be difficult for one to make a solid argument that creating two smaller parcels from the existing 4.22Ac. parcel would be contrary to the General Plan. Creating of the smaller parcels is consistent with other parcels in the area.

#### **CONCLUSIONS AND RATIONALE**

1. The property is already in the sphere of influent scheduled for urban densities.
2. All properties accessing Olive Avenue from the South range in size from 1.00Ac. to 1.99Ac. with exception of the subject property (4.22Ac.) and Temperance-Kutner Elementary School (9.97Ac.).

3. The property already has City of Fresno domestic water supply available.
4. The creation of the two smaller parcels is consistent with the General Plan and other existing properties in the area.
5. The creation of the two smaller parcels does not negatively impact any other property owners in the area nor does it negatively impact the intent of AE-20 Zoning District.

# APPROVED VARIANCES WITHIN A ONE MILE RADIUS



## EXHIBIT 7

