



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 7 October 20, 2016

SUBJECT: Variance Application No. 4011

Allow the creation of a 4.41-acre gross parcel (20 acres required) from an existing 43.57-acre gross parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the southwest corner of East Jensen Avenue and South De Wolf Avenue, approximately one mile southeast of the nearest city limits of the City of Fresno (7905 E. Jensen Avenue, Fresno) (SUP. DIST. 4) (APN 316-060-58).

OWNER/APPLICANT: Paula Ganimian
Keith Googooian

STAFF CONTACT: Christina Monfette, Planner
(559) 600-4245

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Deny Variance No. 4011; 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. Variances Map (1 mile)
6. Site Plan and Detail
7. Applicant's Findings
8. Public Comment

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	43.57 acres	Parcel A: 4.41 acres Parcel B: 39.16 acres
Project Site	43.57-acre parcel improved with grape vineyard, citrus trees, domestic well, and 3,400 square-foot home	Parcel A: citrus trees, domestic well, residence Parcel B: grape vineyard
Structural Improvements	See "Project Site" above	See "Project Site" above
Nearest Residence	315 feet north of residence	No change

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: *Review for Exemption* 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 19 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:

The subject parcel was rezoned from R-A (Single-Family Residential Agricultural) to AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) as part of County-initiated Amendment No. 2870, which was approved on August 31, 1976.

The Applicant-provided history of the parcel shows that ownership has been in the Applicant's family for 110 years, starting in 1906 when it was deeded to Garabad Googooian as an 80-acre parcel. Since that time, the parcel changed hands within the family several times and nearly half of the original acreage was sold to a local farmer in 1967, leaving the current 43.57-acre parcel. The current property owners were deeded the parcel in 1999. This request proposes to allow the creation of a homesite parcel, which would separate the residential uses and citrus trees from the existing grape vineyard.

Three Variances that relate to the creation of homesite parcels with substandard size have been approved within a mile of the subject property. Of these requests, only one Variance proposed to create a homesite smaller than the current request: Variance 2965.

Variance	Staff Recommendation	Final Action	Date
VA No. 2965: Create a homesite without public road frontage and without the minimum lot width (135 feet proposed where 165 feet are required for both frontage and width).	Approval	Approved by the Planning Commission	November 21, 1985
VA No. 3053: Create a 9.46- and a 15-acre parcel from an existing 24.46-acre parcel where the proposed 15-acre parcel will merge with an adjacent parcel to the north.	Denial	Approved by the Planning Commission	January 8, 1987
VA No. 3774: Allow creation a 9.6-acre parcel and a 10.4-acre parcel from a 20-acre parcel in the AE-20 (Exclusive-Agriculture, 20-acre minimum parcel size) Zone District and allow an existing permanent second residence to remain on the proposed 9.6-acre parcel.	Denial	Approved by the Planning Commission	February 5, 2004

While there is a history of Variance requests within proximity of the subject property, each Variance request must be considered on its own merit. The approval of other Variances in the vicinity of the subject property does not create a precedent for approval of this request.

ANALYSIS/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 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.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n):
Setbacks	<u>AE-20 Zone District:</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Parcel A (4.41 acres):</u> Front: 126 feet (house) Side: E: 58 feet (shed) W: 93 feet (house) Rear: 30 feet (shed) <u>Parcel B (43.57 acres):</u> No Development	<u>Parcel 1:</u> Yes <u>Parcel 2:</u> Yes
Parking	N/A	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 Regarding Site Adequacy:

Development Engineering Section of the Fresno County Department of Public Works and Planning: Jensen Avenue is a County-maintained road that is classified as an Expressway with an existing 76-foot right-of-way south of the section line along the parcel frontage, per Plat Book. The minimum width for an Expressway right-of-way south of the section line is 63 feet. Records indicate this section of Jensen Avenue, from Temperance Avenue to De Wolf Avenue, has an Average Daily Traffic (ADT) of 3,600, pavement width of 33.4 feet, a structural section of 0.60 feet asphalt concrete (AC)/0.67 feet aggregate base (AB), and is in excellent condition.

De Wolf Avenue is a County-maintained road that is classified as a Local with an existing 20-foot right-of-way west of the section line along the parcel frontage, per Plat Book. The minimum width for a Local road right-of-way west of the section line is 30 feet. Records indicate this section of De Wolf Avenue, from Jensen Avenue to North Avenue, has an ADT of 700, pavement width of 21 feet, a structural section of 0.28 feet road mix surfacing (RMS), and is in good condition.

Any work done within the 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. If not already present, ten-foot by ten-foot corner cutoffs should be improved for sight

distance purposes at the driveway exiting to De Wolf Avenue and thirty-foot by thirty-foot corner cutoffs should be improved for sight distance at the driveway exiting to Jensen Avenue.

Typically, in an expressway classification, if not already present, on-site turnarounds are required for vehicles leaving the site to enter the Expressway in a forward motion so that vehicles do not back onto the roadway. Direct access to an Expressway is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.

According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent or running through the parcel. According to FEMA, FIRM Panel 2135H, portions of the subject parcel are not subject to flooding from the 1%-chance storm. Any additional runoff generated by the proposed development of this site cannot be drained across property lines and must be retained or disposed of per County Standards. A grading permit or voucher may be required for any grading proposed with this application.

Fresno County Fire Protection District: If future development is sought, the project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project will also be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears each 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.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments. The following agencies reviewed the project and had "no comment": Building and Safety/Plan Check Sections of the Fresno County Department of Public Works and Planning (PW&P), Design Division (PW&P), Resources Division (PW&P), and the Water/Geology/Natural Resources Section (PW&P).

Analysis:

In support of Finding 1, the Applicant's findings state that other variances have been granted in the vicinity of the property and that the proposed Variance will allow the existing development pattern and intensity of the subject property to remain as it has for over 100 years. Additionally, the subject site has an extraordinarily wide frontage of 1,248 feet along De Wolf Avenue. A typical homesite would generally have 165 feet of road frontage that is used toward the calculation of gross homesite area. Calculations prepared by the project surveyor indicate that 1.08 acres of road frontage is included in the gross parcel area. The Applicant proposes no changes to site improvements.

In support of Finding 2, the Applicant's findings state that the Applicant has a right to be granted the same ability to use her property as others have under the same AE-20 zone district in the vicinity of the subject property. The Applicant's family has owned the parcel for over 100 years then placed the property into trust. The purpose of the Variance is to allow the owner to create a homesite for sale to her daughter. The continued agricultural use of the subject site will continue based on the property's historic designation for cultural use of the site and the Applicant's intent to continue the agricultural use of the property. No public policy or social good is enhanced by prohibiting the Applicant from creating a homesite parcel on land owned by her family for over 100 years.

In regard to the Applicant's findings, Staff would like to note that the approval of other variances in the area does not provide justification to approve the subject proposal. Every variance must be measured on its own merits against the ability to make the required Findings.

Staff does not concur with the Applicant's statement that the 1,248-foot frontage along De Wolf Avenue creates an exceptional circumstance on the parcel. The parcel is a corner lot and contains more than 1,000 feet of road frontage on both De Wolf Avenue and Jensen Avenue; however, this is not a unique circumstance. Many of the parcels in this area were created as 40-acre or 80-acre parcels, all of which have more than 1,000 feet of road frontage. All those parcels which are also corner lots, including the parcel on the northeast corner of this same intersection, are affected by additional road frontage and staff could not identify a property right associated with this road frontage that would be corrected by approval of this request.

When a parcel of less than five acres is created in the AE-20 Zone District, it is subject to the Lot Dimension requirements of the RR (Rural Residential) Zone District, which requires a minimum frontage of 165 feet. Parcel A is proposed with 480 feet of road frontage on Jensen Avenue and 400 feet of road frontage on De Wolf. This would meet the minimum requirements for road frontage.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant could choose to divide the land such that there were at least 20 gross acres on each parcel. This option would not accomplish the stated intent of the Applicant to separate the residential and agricultural uses on the property.

Another alternative is for the Applicant to apply for a 2.5-acre homesite parcel. Landowners in the AE-20 Zone District are permitted to create a homesite separate from their farming operation if they owned the parcel prior to the adoption of the Zone District, which for this parcel was on August 31, 1976. According to the history provided by the Applicant, this parcel was held by Louise Googooian, Paula Googooian, and Keith Googooian during that time; however, several factors disqualify the Applicant from obtaining a homesite by right. See additional discussion under "Finding Four: General Plan Consistency." Staff has determined that the break in ownership between 1992 and 1999 disqualifies the Applicant to pursue such a homesite by right; however, it appears that the Applicants were the owners of the parcel at the time that the AE-20 zoning was applied to this area. This technicality may provide a property right for the Applicant that is denied by the strict interpretation of the Zoning Ordinance. Staff would like to note that the provisions that allow the creation of a homesite parcel in this manner also limit the size of the parcel to 2.5 acres. There is no exceptional circumstance that would be corrected by allowing the creation of a 4.41-acre parcel in the AE-20 Zone District.

Therefore, staff is unable to make Findings 1 and 2.

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.*

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence*:
North	37.12 acres 13.79 acres	Orchard/Residential Vineyard	AE-20	315 feet
East	74.61 acres	Vineyard/Residential	AE-20	450 feet
South	35.93 acres	Vineyard	AE-20	None
West	34.2 acres	Orchard/Residential	AE-20	1,200 feet

*Measured from the existing residence

Reviewing Agencies/Department Comments:

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: Jensen Avenue is classified as an Expressway in the County General Plan, but is classified as a Super Arterial in the City of Fresno General Plan. Right-of-way widths are different for these two standards, with the County requiring 106 feet and the City requiring 12 feet, plus an additional 16 feet at intersections for a total of 140 feet. Currently there is 106 feet of right-of-way. If the application is approved, the Applicant should offer the additional right-of-way on the parcel map to accommodate the City’s General Plan designation across the homesite parcel.

De Wolf Avenue is classified as a Local in the County's General Plan, requiring an ultimate right-of-way of 60 feet. De Wolf generally has 40 feet of road right-of-way, except for a portion of the subject homesite parcel, where there is a 30-foot half right-of-way for 150 feet of the frontage. An additional 10 feet of road right-of-way shall be granted on the parcel map along the length of the homesite parcel where the 30-foot half right-of-way does not currently exist. A twenty-foot by twenty-foot corner cutoff should also be included in the right-of-way dedication.

The Applicant currently has a circular drive with two approaches on Jensen Avenue. No additional drive approaches shall be approved for this homesite parcel. If any improvements are constructed within the County road right-of-way, an encroachment permit is required from this Division.

Zoning Section of the Fresno County Department of Public Works and Planning: There are no permit records for the structure labeled as a shed on the site plan. Prior to recording any mapping application for the creation of the proposed parcels, the structure will need either to be permitted or removed.

Analysis:

In support of Finding 3, the Applicant’s Findings state that the granting of the Variance would not be detrimental to surrounding properties because the site is improved with a 3,400 square-foot home built in 1964. That home has frontage, including its driveway, on East Jensen

Avenue, which is a public road of adequate width and pavement to serve the proposed homesite.

In regard to Finding 3, Staff notes that the roads will be adequate to serve the subject parcel. There is no development or change in the uses of the land on the subject parcel. Approval of this Variance will allow an additional residence to be built by right on Parcel B, but staff does not believe that the increase in residential traffic will adversely impact neighboring parcels, and Finding 3 can be made.

Recommended Conditions of Approval:

None.

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.

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy LU-A.6: 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.</p>	<p>The subject property is designated Agriculture in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size). This application is requesting an exception from those Zoning Sections that support this policy.</p>
<p>General Plan Policy LU-A.7: 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 minimum parcel size for the subject parcel is 20 acres. Staff has determined that the creation of Parcel A is not consistent with this policy. See Analysis below.</p>
<p>General Plan Policy LU-A.9: The County may allow creation of homesite parcels smaller than the minimum parcel size required by Policy LU-A.6 if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</p> <p>a. The minimum lot size shall be sixty thousand (60,000) square feet of gross area, except that a</p>	<p>Parcel B will have more than 20 acres.</p> <p>The creation of Parcel A is not consistent with part "b" of this policy:</p> <ol style="list-style-type: none"> 1. The parcel is not being created as a financing parcel.

Relevant Policies:	Consistency/Considerations:
<p>lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal, but in no event shall the lot be less than one (1) gross acre; and</p> <p>b. One of the following conditions exists:</p> <ol style="list-style-type: none"> 1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or 2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or 3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes. <p>Each homesite created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</p>	<ol style="list-style-type: none"> 2. The parcel is not being created as a gift deed. See analysis under Finding 1. 3. The current owners were granted the property in 1999 and the parcel is greater than 2.5 acres, which exceeds the allowable homesite standards. See Analysis below.
<p>Policy PF-C.17 The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</p>	<p>The parcel is not in a low-water area, no reviewing agencies expressed concerns about the sustainability of water on the parcel, and no development is proposed.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: The subject parcel is not subject to a Williamson Act Contract.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: No water quantity issues. The subject parcel is not in a low-water area.

Analysis:

In support of Finding 4, the Applicant states that the purpose of the 20-acre minimum lot size is to prohibit the creation of parcels that cannot effectively produce an agricultural product. The proposed Variance seeks to memorialize the ownership wishes of the Applicant's family and

maintain the development pattern and intensity of the subject parcel that has historically existed over time. The proposed Variance will not adversely affect the agricultural production of the remaining acres, which remain a viable agriculture unit. Further, the proposed Variance will not reduce agricultural production or its intensity.

Additionally, General Plan Policy LU-A.7 directs that, among other things, the negative incremental and cumulative effects of substandard sized land divisions shall have on the agricultural community should be considered. The site improvements will not change as a result of the proposed Variance and it will not adversely affect surrounding properties in continued agricultural use. In addition, the agricultural use of the subject site would be typical of the other parcels in proximity.

Finally, General Plan Policy LU-A.13 directs that the County shall protect agricultural operations from conflicts with non-agriculture uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations. The size of the proposed homesite is related to the inclusion of existing oranges that have been on the subject site since 1964, which will act as a buffer to proximate agricultural operations.

Staff does not concur with the interpretations presented by the Applicant. Goal LU-A from the General Plan is "to promote the long-term conservation of productive and potentially-productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals." The above-mentioned policies support that goal and relate to this application.

If this Variance request were approved, Parcel A would be developed with only the house and citrus trees and Parcel B would be developed with the agricultural uses from the existing parcel. While it is not likely that the uses on these parcels would change, Parcel A would not be a viable economic farming unit. As discussed in the text of Policy LU-A.7, evidence that this parcel is not an economic unit is not sufficient basis to grant an exception. The removal of the home from the farming parcel encourages the removal of more land from the farming operation since future owners may need to remove some of the existing vineyard to make space for a home of their own, further reducing the viability of Parcel B.

In regard to General Plan Policy LU-A.9, staff has determined that subsection b.1 does not apply to this parcel because the Applicant is not intending to finance a new residence. Subsection b.2 does not apply because the Applicant has not indicated that the intended recipient of the homesite parcel will be involved with the farming operation on the remainder parcel.

Subsection b.3 requires that the owner have owned the property prior to adoption of the AE-20 Zone District. As discussed earlier, both Applicants were partial owners of the parcel during that time. However, because the property was owned by Martha Googooian Ensher from 1992 to 1999, the Applicants do not qualify for a homesite retention under this policy. Additionally, this request is not consistent with this policy because the Applicant's stated intention is that another family member will own the homesite and the proposed homesite is larger than the 2.5 acres permitted by Zoning Ordinance Section 816.5.A. The policy is intended to allow farmers to keep their legacy homes when they are unable to keep farming their land. In order to be consistent, the owners would need to have a continuous record of ownership, live on Parcel A, and intend to sell Parcel B to someone who intended to continue farming the vineyard.

In regard to General Plan Policy LU-A.13, staff notes that the intention of that policy is to protect non-agricultural uses from adjacent agricultural operations. Since there is no rezoning proposed

with this Variance request, such buffers are not required. However, the inclusion of those buffers does not make this proposal inconsistent with Policy LU-A.13.

Based on Staff's inability to find the creation of Parcel A consistent with the General Plan, Finding 4 cannot be made.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

Staff received six letters in support of the application (Exhibit 8).

CONCLUSION:

Staff believes the required Findings for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4011.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4011; 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 No. 4011, subject to the Conditions and Project Notes attached as 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.

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**Variance Application No. 4011
Conditions of Approval and Project Notes**

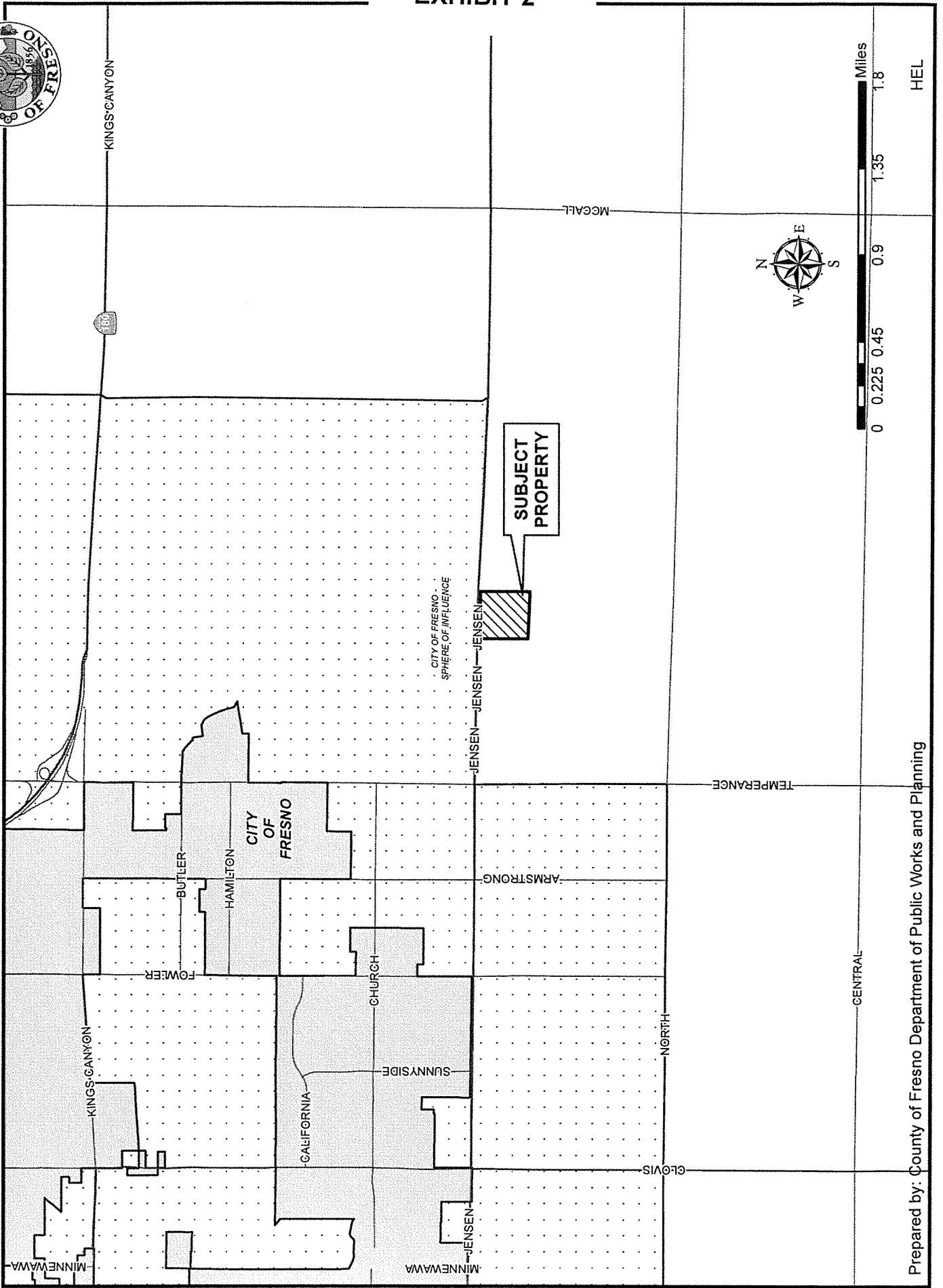
Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.
Conditions of Approval reference recommended Conditions for the project.	
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	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 a 4.41-gross acre parcel and a 43.57-gross acre parcel.
2.	Prior to recording the mapping application, the Applicant shall remove or obtain permits for the structure labeled as a "shed" on the site plan approved by the Planning Commission.
3.	Any work done within the 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.
4.	If not already present, ten-foot by ten-foot corner cutoffs should be improved for sight distance purposes at the driveway exiting to De Wolf Avenue.
5.	If not already present, thirty-foot by thirty-foot corner cutoffs should be improved for sight distance purposes at the driveway exiting to Jensen Avenue.
6.	No additional drive approaches shall be approved for this homesite parcel.
7.	If not already present, on-site turnarounds are required for vehicles leaving the site to enter the Expressway in a forward motion so that vehicles do not back onto the roadway. Direct access to an Expressway is usually limited to one common point. No new access points are allowed without prior approval, and any existing driveway shall be utilized.
8.	If future development is sought, the project shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project will also be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.
9.	A grading permit or voucher may be required for any grading proposed with this application.

LOCATION MAP

VA 4011



EXHIBIT 2



EXISTING ZONING MAP



EXHIBIT 3

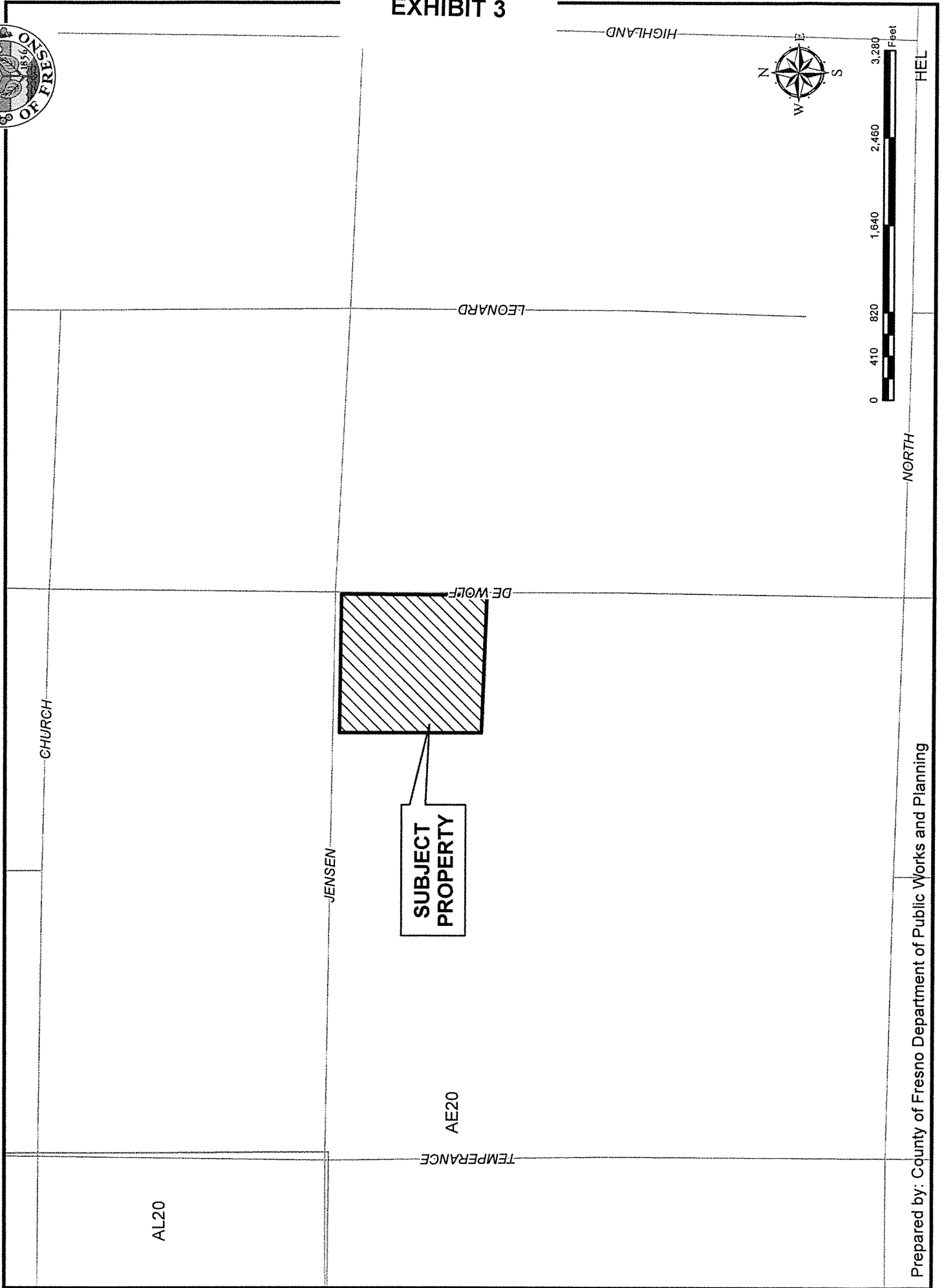




EXHIBIT 4

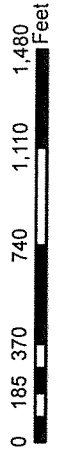
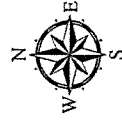
EXISTING LAND USE MAP

VA 4011

LEGEND	
[Stippled Pattern]	FC - FIELD CROP
[Horizontal Lines]	ORC - ORCHARD
[Vertical Lines]	SF# - SINGLE FAMILY RESIDENCE
[White]	V - VACANT
[Diagonal Lines]	VIN - VINEYARD

LEGEND:

- [Diagonal Lines] Subject Property
- [Stippled Pattern] Ag Contract Land



Department of Public Works and Planning
Development Services Division



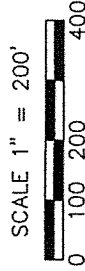
Map Prepared by: HEL
J-GISJCH(Landuse)

VARIANCE No. 4011 SITE PLAN

A PORTION OF THE EAST HALF OF THE
NORTHEAST QUARTER OF SECTION 23,
T. 14 S., R. 21 E., M.D.B. & M.
(APN 316-060-58)

RECEIVED
COUNTY OF FRESNO
OCT 08 2016

PREPARED FOR:
G & G FARMS
c/o PAULA GANIMIAN
14392 E. SHEPHERD AVENUE
CLOVIS, CA 93619
(559) 978-5726



NOTE

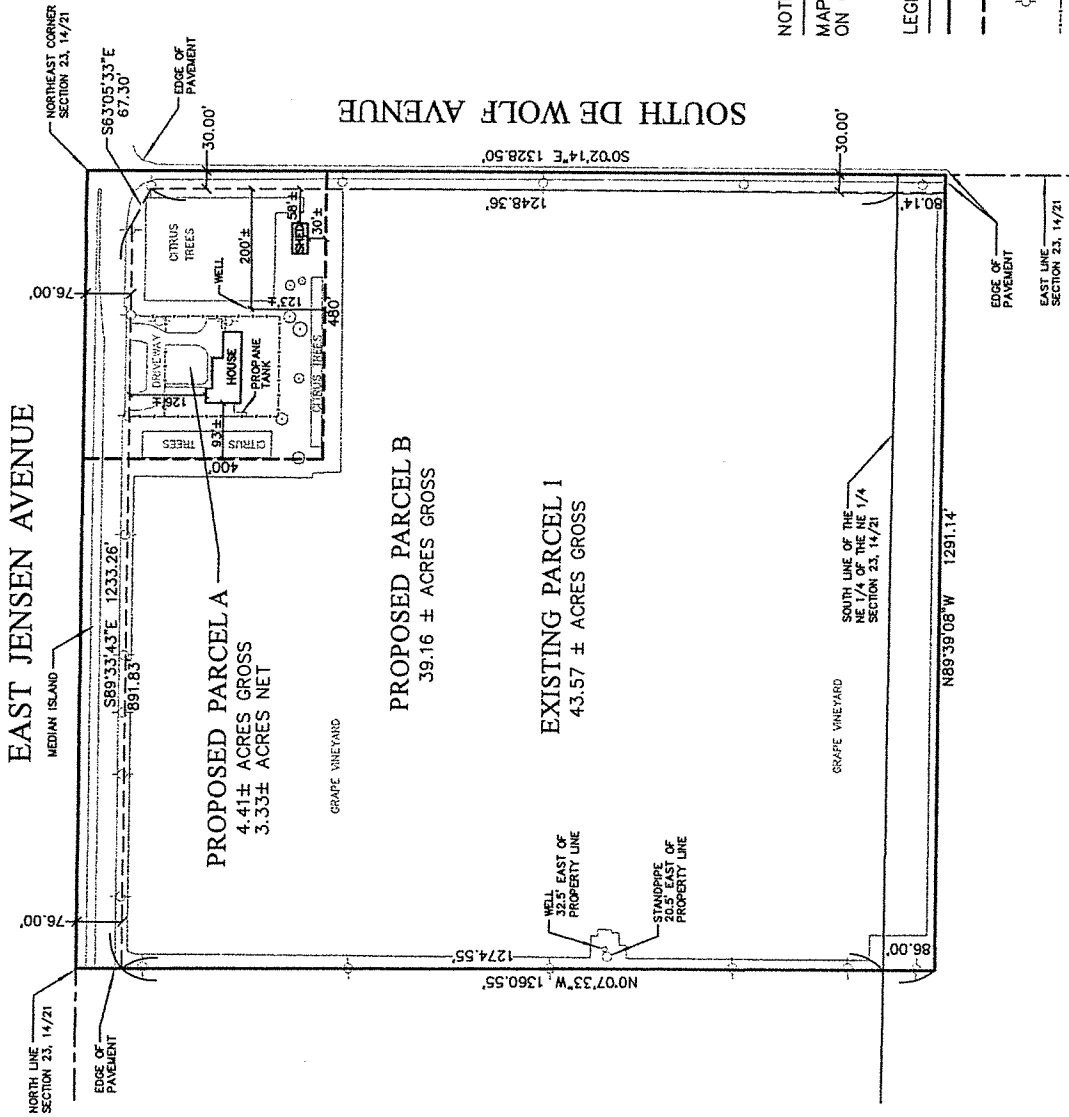
MAP PREPARED FROM A FIELD SURVEY
ON OCTOBER 1 & 5, 2015.

LEGEND

- EXISTING PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- ⊕ UTILITY POLE
- FENCE

PREPARED BY:
MCPHEETERS & ASSOCIATES
1486 TOLLHOUSE ROAD, SUITE 107
CLOVIS, CA 93611
(559) 299-9098
www.mcpheeters.com

JOB# 115160
FB 114-2
115160 VAR Rev#2.pdf



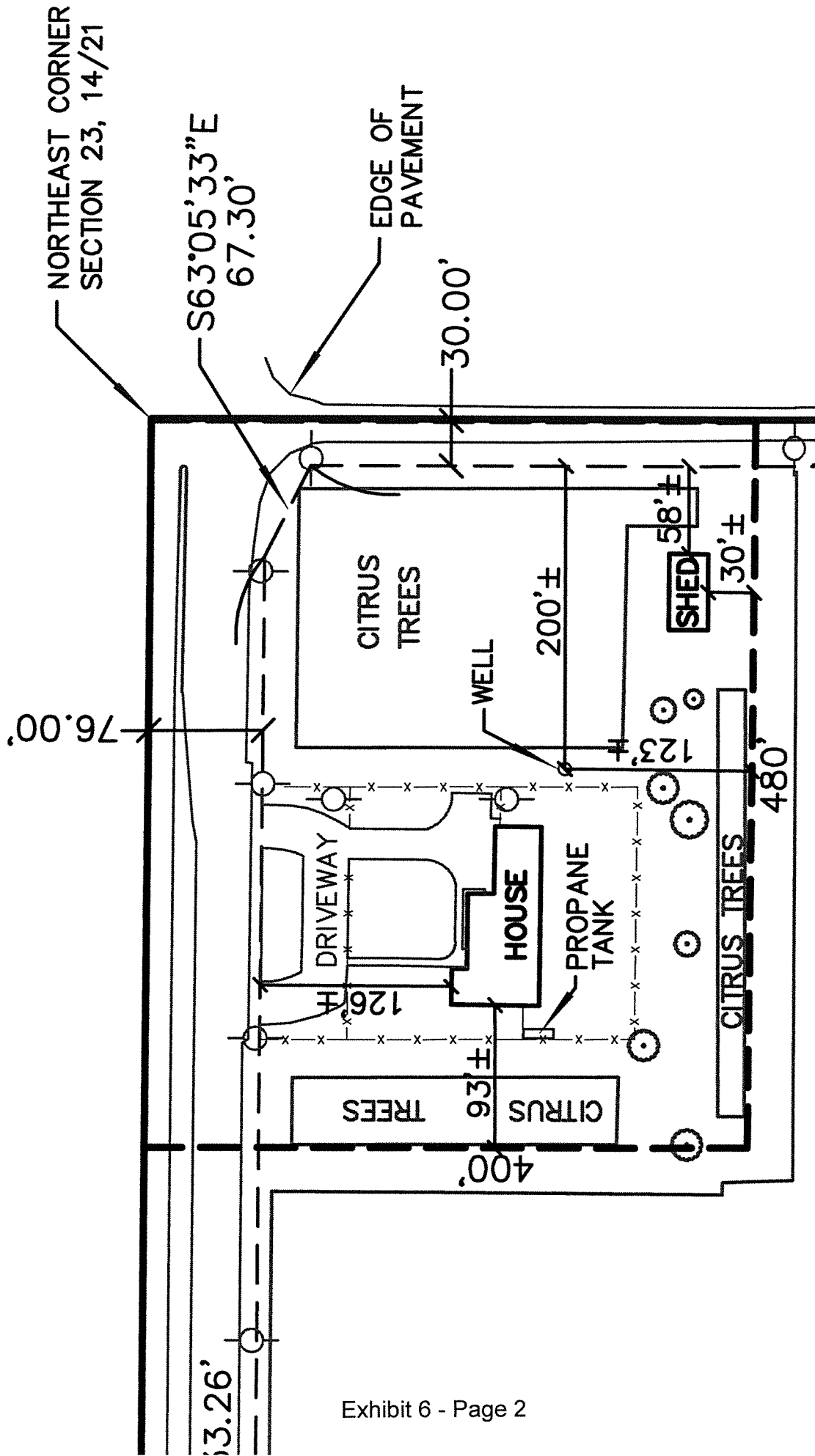


EXHIBIT 7

VARIANCE FINDINGS

Paula Ganimian & Keith Googooian

October 13, 2016

RECEIVED
COUNTY OF FRESNO

OCT 13 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Owner:

Paula Ganimian and Keith Googooian
14392 E. Shepherd Ave.
Clovis, CA. 93619

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 43.57 +/- gross acre parcel at 7905 E. Jensen Ave. The southeast corner of E. Jensen and S. De Wolf Avenues.

APN:

APN-316-060-56 ¹/₀₀

Existing Zone Designation:

AE-20

Existing General Plan Land Use Designation:

Agriculture

Request:

Grant a Variance to allow the creation of a 3.33 +/- acre *net* and 4.41 +/- acre *gross* home site from a 43.57 +/- gross acre parcel in the AE-20 Zone leaving a 39.16 +/- acre gross agricultural remainder.

Background:

Reference is made to the site plan of the subject property and its improvements prepared by Ms. Katrina Olsen of McPheeters & Associates of Clovis. The applicants for the proposed variance are Paula Ganimian and Keith Googooian (joint owners of the property). The purpose for the request of the variance is to sell the home site to the daughter of Paula Ganimian and niece of the Keith Googooian. The daughter and her husband have resided there since June 1999. The desire is to retain the oranges as part of the home site as a buffer to adjacent ag uses.

The original home was located closer to De Wolf Avenue. In 1964 the current home was built. It is approximately 3,400 square feet. When the home was built in 1964, the oranges were planted as a buffer for the home site. The house well currently waters the oranges. The property has been in the applicants' family since December 1906 when it was deeded to Garabed Googooian. Garabed Googooian was living on this property before he owned it as was the applicant's aunt Louise Googooian who was born in the original home on this property on May 26, 1906. Three other siblings were born here as well; Anne Googooian November 11, 1907, Martha Googooian August 3, 1910 and Thomas Googooian August 22, 1911. Garabed Googooian was the grandfather of the applicants.

This property has been in the applicant's family for almost 110 years.

- February of 1960 the property which was 80 acres at that time was deeded to Louise Googooian, Paula Louise Googooian and Keith Thomas Googooian.
- 1967, 38 acres of the original 80 were sold to Glen Nilmeier a local farmer.
- 1992 Louise Googooian willed the property to the applicant's Keith Googooian and Paula Ganimian. In 1992 the property was deeded to Martha Googooian Ensher.
- 1999 the property was deeded to Paula Ganimian and Keith Googooian as joint owners.

The subject property was transferred to the applicants via an inheritance *after* the period defined in the zoning ordinance when owners had a right to create home sites. The applicants manage the subject property under G & G Farms, a partnership.

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 project is located on a 40.31+/- net acre parcel among other smaller, larger and similar-sized parcels. Other home sites smaller than the required 20-acre minimum lot size exists in proximity to the subject site.

It is noted other variances have been granted in the vicinity of the subject property. The proposed Variance will allow the existing development pattern and intensity of the subject property to remain as it has for over 100 years.

According to the site plan prepared by McPheeters & Associates of Clovis, the subject site has an extraordinary wide frontage along E. Jensen Ave. of approximately 1,233 ft. In addition, the subject site has approximately 1,248 ft. of frontage along S. De Wolf Ave. A typical home site would generally have 165 ft. of road frontage that would be used towards the calculation of gross home site area. Calculations prepared by the project surveyor indicate that 1.08 acres of road frontage is included in the gross parcel area.

The applicant proposes no changes to site improvements. Therefore, granting of the proposed Variance will have no effect on the property's intensity of use, as the subject site has generally been developed in its current configuration for over 100 years.

Various home site configurations were evaluated but none created a configuration that was as practical and maintained the historic ranch structures on one parcel. Those configurations were discussed with county staff as the applicant attempted to assure compliance with all applicable development standards.

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 applicant has a right to be granted the same ability to use her property as others have under the same AE-20 zone district in the vicinity of the subject property. As stated above, the applicant's family has owned the parcel for over 100 years then placed the property into trust.

The purpose of the Variance is to allow the owner to create a home site for sale to her daughter. The continued agricultural use of the subject site will continue based on the property's historic designation cultural use of the site and the applicant's intent to continue the agricultural use of the property. No public policy or social good is enhanced by prohibiting the applicant from creating a home site parcel on land on land owned by her family for over 100 years.

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 is improved with a 3,400 sq. ft. home built in 1964. The existing home has frontage, including its driveway on E. Jensen Ave. which is a public road of adequate width and pavement to serve the proposed home site.

No variations in setback development standards are required. There is one on-site water well serving the home. The aforementioned well is located on the attached site plan. The well produces an adequate supply. Historically, there has been no issue with well production or septic tank leach field capability.

The exiting home site is well maintained and would not be in conflict with the continued agricultural operation of the remaining acreage of the property. The remaining 39.16 +/- acre net portion of the property will remain in agricultural use as it has historically occurred. No change in the agricultural use of the property, either in size or intensity would be affected by the proposed Variance.

Finding 4:

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

The purpose of the 20-acre minimum lot size is to prohibit the creation of parcels that cannot effectively produce an agricultural product. The proposed Variance simply seeks to memorialize the ownership wishes of the applicant's family and maintain the development pattern and intensity of the subject parcel that is historically existed over time.

The proposed Variance will not adversely affect the agricultural production of the remaining 39.16 +/- net acres which remains a viable agriculture unit. Further, the proposed Variance will not reduce agricultural production or its intensity.

General Plan Policy LU-A-7 directs that, among other things, consideration of *the negative incremental and cumulative effects* of substandard sized land divisions shall have on the agricultural community. The site improvements will not change as a result of the proposed variance not adversely affect surrounding properties continued agricultural use. In addition, the agricultural use of the subject site would be typical of the other parcels in proximity.

General Plan Policy LU-A-13 directs that the county shall protect agricultural operations from conflicts with non-agriculture uses by *requiring buffers between proposed nonagricultural uses and adjacent agricultural operations*. As mentioned above, the proposed home site size is related to the inclusion of existing oranges that have been on the subject site since 1964 which will act as a buffer to proximate agricultural operations.

EXHIBIT 8

RECEIVED
COUNTY OF FRESNO

OCT 13 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

October 14, 2016

To: Fresno County Planning Commission

SUBJECT: GANIMIAN Variance No. 4011

Dear Commissioners,

I am a neighbor to Paula Ganimian and have discussed her Variance proposal to allow a home site on the property the Ganimian family has owned for 100 years. I fully support the Ganimian Variance request because it not be detrimental to agriculture as the family would never do anything that would be adverse to agriculture. In fact, the purpose of the home site size is to protect the oranges Paula's family planted on the property in the early 1960's. Please support the Ganimian Variance. If you have any questions, please feel free to contact me at (559) 485-6191.

Sincerely,



Mark Melkonian

October 17, 2016

Dear Commissioner,

Re: Paula Googooian Ganimian and Keith Googooian variance
No. 4011 at 7905 East Jensen Avenue

I have reviewed the Ganimian-Googooian variance proposal at 7905 East Jensen to allow the home site to include the oranges surrounding the home site.

I am very much in favor of the above-mentioned parties being given a variance for said property at 7905 E. Jensen Avenue. This includes the home site plan plus orange trees surrounding the said site. This is very appealing to the area as you drive east on Jensen.

I have lived in the area for 60 year, and it's wonderful to see the home site staying in the family.

Sincerely,

A handwritten signature in cursive script that reads "Miriam Kaprielian".

Miriam Kaprielian
(559) 255-8257

October 11, 2016

To: Fresno County Planning Commission

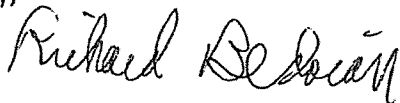
Subject: Paula Googooian Ganimian and Keith Googooian variance No. 4011 at 7905 East Jensen Avenue.

Dear Commissioner,

I have reviewed the Ganimian –Googooian variance proposal at 7905 East Jensen to allow the home site to include the oranges surrounding the home site. I support their variance request because it does not change the current usage of the property or have any detrimental effects on the agricultural usage of the property and neighborhood. My family has been neighbors with the Googooian family for over 80 years. After the last two daughters of the original owner, Garabed Googooian , passed away I was happy to hear that a family member wanted to live in the home and keep the family tradition going. Joy Ganimian Aller and her family now live in the home and are an asset to our neighborhood.

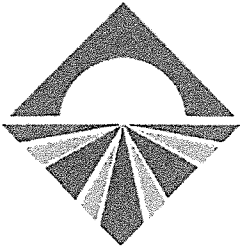
If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Richard Bedoian".

Richard Bedoian

264-7734



Sarabian Farms 2816 S. Leonard, Sanger, CA 93657

Phone (559) 493-2900

Fax (559) 493-2909

To: Fresno County Planning Commission

Subject: Paula Googooian Ganimian and Keith Googooian Variance No. 4011 at 7905 East Jensen Ave, Fresno, CA

For our entire lifetime, The Sarabian family has enjoyed one of the most harmonious neighbor relationships that one could imagine. Specifically, I am referring to the property located at 7905 East Jensen that was previously owned by Louise Googooian and Martha Ensher. These two ladies were just the most beautiful individuals one could be associated. Now, I am equally blessed to have Paula and her Brother Keith as neighbors-both equally kind and gracious persons.

It has come to my attention, that Paula and Keith are interested in seeking a zoning variance for the purpose of annexing a small portion of their existing 2.5 acre home site to include an additional +/- 1.5 acres of trees. Realizing these events must require approval from the county, the Sarabian Family wholeheartedly supports this notion. Our property is located due east of the parcel in question. I have raised our family here and still farm the land, so our roots go deep and the history is long.

In your consideration please note that the 1.5 acres that Paula and Keith are seeking to add to the parcel is not going to materially affect the remaining acreage on the 40 acre master parcel. So, I offer my support for allowance of the zoning variance that has been petitioned by Paula and Keith.

Sincerely,

Virginia Sarabian

Virginia Sarabian
2266 S. DeWolf Ave.
Sanger, CA 93657

October 25, 2016

To: Fresno County Planning Commission

Subject: Paula Googooian Ganimian and Keith Googooian variance No. 4011 at 7905 East Jensen Avenue.

Dear Commissioner,

I have reviewed the Ganimian-Googooian variance proposal at 7905 East Jensen to allow the home site to include the oranges surrounding the home site. I support their variance request because it does not change the current usage of the property or have any negative effect on the agricultural usage of the property and neighborhood. My family has been neighbors and friends with the Googooian family for over 80 years. My family and I recently built a house on property about ¼ mile away from the Googooian residence. As neighbors with Joy Ganimian-Aller and her family, we have no issues or concerns regarding the variance.

If you have any further questions, please do not hesitate to contact me at (559) 917-2807.

Sincerely,

A handwritten signature in cursive script that reads "Steven Bedoian".

Steven Bedoian

October 28, 2016

To: Fresno County Planning Commission

Re: Paula Googooian Ganimian and Keith Googooian
Variance No. 4011
Located at 7905 East Jensen Avenue, Fresno, California

Dear Commissioners:

As neighboring agricultural landowners in the vicinity of the above-referenced property, I have reviewed the variance proposal and can see there are no changes to the current usage of the property that would affect the agricultural operation or neighborhood.

I am an educator at Lone Star School and the current residents of the home, Joy Ganimian-Aller and Danny Aller, are parents of students that attend Lone Star. I have had the pleasure of teaching both of their children, and also know them personally as active members of the Lone Star Community and PTA.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheri Ueki". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Sheri Ueki
2544 S. Armstrong Avenue
Fresno, CA 93725
(559) 708-7855