



## Inter Office Memo

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DATE: November 10, 2016  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12606 - VARIANCE APPLICATION NO. 3996

APPLICANT: Miguel Torres

OWNER: Juan Samano

REQUEST: Recognize two 2.15-acre parcels from an existing 4.3-acre parcel with 132.6-foot and 151-foot lot width (minimum 165 feet required) in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the southeast corner of E. Harlan and S. Elm Avenues approximately 2.5 miles east of the nearest city limits of the City of Riverdale (91 E. Harlan Avenue) (SUP. DIST. 4) (APNs 055-350-22 & 23).

### PLANNING COMMISSION ACTION:

At its hearing of August 25, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A) including testimony from neighboring property owners.

A motion was made by Commissioner Mendes and seconded by Commissioner Pagel to provide additional time for the staff to work with the Applicant to resolve an ownership dispute among property owners for the subject application.

This motion passed on the following vote:

VOTING: Yes: Commissioners Mendes, Pagel, Borba, Eubanks, Woolf  
No: None  
Absent: Commissioner Abrahamian, Chatha, Egan, Lawson  
Abstain: None

RESOLUTION NO. 12606

At its hearing of November 10, 2016, the Commission considered the Addendum staff report including an application signed by all owners of the proposed parcels as well as signed letters citing no dispute about the legal ownership of the said parcels and acknowledging agreement with the subject proposal (summarized in Exhibit A). Based on review of the information provided and testimony provided by the Applicant, a motion was made by Commissioner Borba and seconded by Commissioner Chatha to adopt the Findings required for approval of a Variance as stated in the staff report, and approve Variance No. 3996, subject to the Condition listed in Exhibit B. This motion passed on the following vote:

This motion passed on the following vote:

|         |          |  |
|---------|----------|--|
| VOTING: | Yes:     | Commissioners Borba, Chatha, Abrahamian, Egan, Eubanks, Lawson, Mendes, Pagel, Woolf |
|         | No:      | None   |
|         | Absent:  | None   |
|         | Abstain: | None   |

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:



William M. Kettler, Manager  
Development Services Division

WMK:ksn  
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NOTE: 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 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 an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

Attachments

EXHIBIT A

Variance Application No. 3996

**Public Hearing dated August 25, 2016**

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 25, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff's recommendation, described the project and offered the following information to clarify the intended use:
- The owner purchased the proposed easterly parcel for construction of a single-family residence.
  - The parcel was purchased with the understanding that it is a separate legal parcel; the purchase went through a title company.
  - At the time of application for a building permit, the County informed the owner that the parcel was not a separate legal parcel and required a Variance for it to be recognized.
  - The owner has spent considerable time and effort to apply for this Variance.
  - The proposed easterly parcel will have direct access from the abutting street; the adjoining westerly parcel has more than one access from the abutting streets.
- Others: No other individuals presented information in support of the application.
- Two individuals presented information in opposition to the application, citing that the subject parcel is owned by their relatives and that they were unaware of the subject application until receiving a Notice of Public Hearing. Another individual expressed confusion on which parcels were subject to the proposal.
- Correspondence: No letters were presented to the Planning Commission in support of the application except chain of title information by the Applicant.
- No letters were presented to the Planning Commission in opposition to the application.

**Public Hearing dated November 10, 2016**

- Staff: The Fresno County Planning Commission considered the Addendum Staff Report dated November 10, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff's recommendation, described the project and offered the following information to clarify the intended use:

## RESOLUTION NO. 12606

- The subject application is filed in order to be allowed a single-family residence on the proposed easterly parcel.
- All owners of record we spoke with understand the subject proposal and have no objection to the application.

Others: One individual who owns the abutting westerly parcel requested confirmation of the project approval by the Commission.

No other individuals presented information in opposition to the application.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

EJ:ksn

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**Variance Application (VA) No. 3996  
Condition of Approval and Project Notes**

| Condition of Approval |  |
|-----------------------|--|
| 1.                    | Development shall be in accordance with the Site Plan (Exhibit 5) as approved by the Commission. |

Conditions of Approval reference 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 two 2.15-acre parcels. The Map shall comply with the requirements of Title 17.72.   |
| 2.   | Building permits are required for the existing house and carport on the property (Parcel A) if constructed after March 1, 1958.  |
| 3.   | <p>According to the Development Engineering Section of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• If not already present, a 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at the exiting driveway onto Harlan Avenue.</li> <li>• If not already present, a 10-foot by 10-foot corner cutoff shall be improved for sight distance purposes at the exiting driveway onto Elm Avenue.</li> <li>• A Grading Permit or Voucher is required for any grading proposed with this application.</li> <li>• Any additional runoff generated by the proposed development of the site cannot be drained across property lines and must be retained on site per County Standards.</li> </ul> |
| 4.   | <p>According to the Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning:</p> <ul style="list-style-type: none"> <li>• No more than two points of access to Harlan and Elm Avenues are allowed.</li> <li>• Prior to any improvements constructed for these access drives within the County road right-of-way, an encroachment permit is required.</li> </ul>  |
| 5.   | Per the Fresno County Department of Public Health, Environmental Health Division, no building permit records were available for the existing septic system. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system(s).   |



# County of Fresno

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

January 18, 2017

Miguel Torres  
4930 E. Yale Avenue #103  
Fresno CA 93727

Dear Applicant:

Subject: Resolution No. 12606 - Variance Application No. 3996

On November 10, 2016, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire one year from the date of approval unless the required mapping application to create the parcels is filed 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 an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance

If you have any questions regarding the information in this letter please contact me at [eahmad@co.fresno.ca.us](mailto:eahmad@co.fresno.ca.us) or 559-600-4204.

Sincerely,

Ejaz Ahmad, Planner  
Development Services Division

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Enclosure