



Inter Office Memo

DATE: August 11, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12587 - VARIANCE APPLICATION NO. 3986

APPLICANT/
OWNER: Rose Lopez

REQUEST: Allow the creation of a 4.16-acre parcel, a 1.93-acre parcel, and a 2.25-acre parcel from an existing 6.09-acre parcel and 2.25-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcels are located on the west side of Rainbow Route, approximately one-quarter mile east of the nearest city limits of the City of Sanger (1559 S. Rainbow Route) (Sup. Dist. 5) (APN 315-030-72; 315-030-71).

PLANNING COMMISSION ACTION:

At its hearing of August 11, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Eubanks to adopt the required Variance Findings, stating that Finding 2 could be made because the presence of numerous substandard-sized lots in the immediate area with identical zoning effectively amount to a substantial property right possessed by other property owners and Finding 4 could be made because the existing parcel is already substandard in size and not being farmed and thus would not create a General Plan issue, and approve Variance Application No. 3986, subject to the Conditions listed in Exhibit B.

EXHIBIT A

Variance Application No. 3986

Staff: The Fresno County Planning Commission considered the Staff Report dated August 11, 2016, and heard a summary presentation by staff. In response to questions from the Commission, staff provided the following additional information:

- Approval of the Variance would allow each parcel to be developed with one residence as a by-right use and a second residence through the Director Review and Approval process.
- If at some point in the future the subject property was annexed by the City of Sanger, it could potentially be re-designated for residential use.

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

- The subject property has been owned by the Applicant's family for many years, and both the 6.09-acre parcel and the 2.25-acre gift deed parcel are owned by the family.
- The Applicant intends to keep the existing development on the land the way it is and will not seek to further develop it.

Others: No other individuals presented information in support of or in opposition to the application.

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

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**Variance Application (VA) No. 3986
Condition of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan as approved by the 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 4.16-acre parcel, a 1.93-acre parcel, and a 2.25-acre parcel. The Map shall comply with the requirements of Title 17.72.
2.	If not already present, 30-foot by 30-foot corner cutoffs should be improved for site distance purposes at the exiting driveway onto Rainbow Route.
3.	Any work done within the right-of-way along Rainbow Route to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division.
4.	A Grading Permit or Voucher shall be required for any grading proposed with this application.
5.	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).

EXHIBIT B



County of Fresno

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

August 29, 2016

Rose Lopez
1559 S. Rainbow
Sanger CA 93657

Dear Applicant:

Subject: Resolution No. 12587 - Variance Application No. 3986

On August 11, 2016, the Fresno County Planning Commission approved your application 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 a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

If you have any questions regarding the information in this letter please contact me at dbrannick@co.fresno.ca.us or 559-600-4297.

Sincerely,

Daniel Brannick, Planner
Development Services Division

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Enclosure