



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 4 July 21, 2016

SUBJECT: Variance Application No. 3989

Allow the creation of two equal-sized parcels without public road frontage (minimum 165 feet required) from an existing 4.76-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the west side of N. Friant Road approximately 1,984 feet from its intersection with N. Willow Avenue (12449 N. Friant Road, Friant) (SUP. DIST. 2) (APN 579-050-12S).

OWNER: Lincoln Grantor Farms, LLC
APPLICANT: Jeffrey T. Roberts

STAFF CONTACT: Ejaz Ahmad, Planner
(559) 600-4204

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Deny Variance No. 3989; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Condition of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Proposed Parcel Configuration (Site Plan)
6. Approved Variances within one Mile Radius
7. Applicant's Statement of Variance Findings

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	4.76 acres (net)	Parcel A: 2.38 acres Parcel B: 2.38 acres
Project Site	4.76 acres (net)	Parcel A: 2.38 acres Parcel B: 2.38 acres
Structural Improvements	Single-family residence, shop, well, perimeter fencing	Parcel A: Single-family residence, shop, well Parcel B: Vacant
Nearest Residence	174 feet west of the proposal	Parcel A: No change Parcel B: N/A
Surrounding Development	Agriculture and Single-Family Residences	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential	No change

Criteria	Existing	Proposed
Lighting	Residential	No change
Hours of Operation	N/A	N/A

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 40 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 873-F are made by the Planning Commission.

The decision of the Planning Commission on a VA Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

The subject parcel is approximately 4.76 acres and was purchased by the current owner on September 9, 2015. County records indicate that the parcel was zoned A-1 (Agricultural District, 100,000 square-foot minimum parcel size) on June 8, 1960. The parcel was rezoned from the A-1 Zone District to an AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District on May 23, 1973 (Ord. No. 490-A-1413) with a Record of Survey completed and recorded with the County on July 8, 2010. The northerly portion of the parcel is improved with a single-family residence and the southerly portion is undeveloped. The property gains access from the west side of the parcel through a paved road (prescriptive easement). Access is also available to the property through Old Friant Road that dead-ends at the southern tip of the parcel.

The Applicant is requesting to split the subject parcel such that the proposed Parcel A with a single-family residence will become a 2.38-acre homesite parcel and the proposed Parcel B will become a 2.38-acre parcel without any improvements. The Applicant would keep Parcel A and may sell Parcel B with or without any improvements.

County records indicate that in addition to the subject application, seven (7) Variance Applications pertaining to lot size and public road frontage requirements were filed within a one-mile radius of the subject property (Exhibit 6). Although there is a history of variance requests within proximity of the subject property, each variance request is considered on its own merit, based on unique site conditions and circumstances. The following table provides a brief summary of the other Variance (VA) requests, staff recommendations, and final actions.

Application/Request:	Date of Action:	Staff Recommendation:	Final Action:
VA 3905: Allow the creation of a 3.12-acre parcel and a 3.12-acre parcel (min. 20-acre required) without public road frontage (min. 165 feet required) and a 3.41-acre parcel with 152 feet of public road frontage (min. 165 feet required) from a 9.64-acre parcel in the AE-20 Zone District	Planning Commission April 8, 2010	Denial	Approved
VA 3815: Allow the creation of 3.9, 4.5, 4.6 and five-acre parcels (min. 20 acres required) with three parcels without public road frontage (min. 165 feet required) from an 18.03-acre parcel in the AE-20 Zone District	Planning Commission October 12, 2006	Denial	Approved
VA 3618: Allow the creation of a 3.53-acre, 2.57-acre and a 2.62-acre parcel (min. 20 acres required) without public road frontage (min. 165 feet required) from a 8.72-acre parcel in the AE-20 Zone District	Planning Commission November 12, 1998	Approval or denial at the Commission's discretion	Approved
VA 3590: Allow the creation of a 2.5-acre parcel and a 5.10-acre parcel (min. 20 acres required) with the smaller parcel having no public road frontage (min. 165 feet required) from a 7.6-acre parcel in the AE-20 Zone District.	Planning Commission February 6, 1997	Approval or denial at the Commission's discretion	Approved
VA 3362: Allow the creation of a 2.01-acre parcel and a 10.05-acre parcel (min. 20 acres required) with the smaller parcel having no public road frontage (min. 165 feet required) from a 12.06-acre parcel in the AE-20 Zone District.	Planning Commission March 26, 1992 Board of Supervisors June 16, 1992	Denial	Denied Denied

VA 3285: Allow the creation of a 1.84-acre parcel and a 2.12-acre parcel (min. 20 acres required) without public road frontage (min. 165 feet required) from a 3.96-acre parcel in the AE-20 Zone District	Planning Commission September 20, 1990 Board of Supervisors June 16, 1992	Denial	Approved Denied
VA 3177: Allow the creation of a 3.48-acre parcel and a 11.97-acre parcel (min. 20-acres required) from an existing 15.45-acre parcel with the smaller parcel having no public road frontage (min. 165 feet required) from a 15.45-acre parcel in the AE-20 Zone District	Planning Commission January 19, 1989 Board of Supervisors April 24, 1988	Denial	Denied Approved

ANALYSIS/DISCUSSION:

Findings 1: *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*

Findings 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.*

	Current Standard:	Proposed Operation:	Is Standard Met (y/n):
Setbacks	Front: 35 feet Side: 20 feet Rear: 20 feet	Front (west): 100 feet Side (north): 55 feet Side (south): 68 feet Rear (east): 180 feet	Parcel A: Yes Parcel B: N/A
Parking	No requirement for residential development	No change	Parcel A: N/A Parcel B: N/A
Lot Coverage	No Requirement	N/A	N/A
Separation Between Buildings	No animal or fowl pen, coop, stable, barn, or corral shall be located within 40 feet of any dwelling or other	N/A	N/A

	Current Standard:	Proposed Operation:	Is Standard Met (y/n):
	building used for human habitation.		
Wall Requirements	Height of perimeter fence or wall shall be determined by the Board in relation to the danger or hazard involved (Section 855-H)	Parcel A: No change Parcel B: 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: 150 feet	No change	Yes

Reviewing Agencies/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: AE-20 Zone District requires a minimum parcel size of 20 acres and minimum 165 feet of public road frontage. A Variance Application is required to waive these requirements.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 1, the Applicant states that due to the size (4.76 acres) and location (near four-lane Friant Road expressway), the subject parcel is undesirable for large-scale agricultural uses. Furthermore, the existing large-scale residential population in the nearby Fresno Copper River Ranch Area can make farming on the property more difficult, if not impossible. The Applicant regards these as exceptional circumstances that do not generally apply to other AE-20-zoned properties in the vicinity of the proposal.

In support of Finding 2, the Applicant states that the subject property is situated among other properties with identical zoning ranging from 2.27 acres to 4.6 acres, developed with single-family homes, and has no agricultural uses. The granting of this Variance to allow the creation of two parcels would provide the owner with a property right that is currently enjoyed by many other property owners within the vicinity of the proposal.

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

According to the Applicant, the property owner's intention in subdividing the subject 4.76-acre parcel into two 2.38-acre parcels is to create a 2.38-acre homesite parcel (Parcel A) for residential use and sell the remainder 2.38-acres parcel (Parcel B) with or without any

improvements. Should this Variance be approved, a subsequent Parcel Map Application would be required to create two 2.38-acre parcels for sale, lease or financing.

With regard to Finding 1, the Applicant states that the parcel size and the parcel location near Friant Road and City of Fresno residential population make viable farming operations on the property undesirable. Staff reviewed the proposal, and upon analyzing the site aerial photo, the proposed parcelization (Site Plan) and comments from the reviewing agencies, was unable to identify any unique physical circumstances that apply to the subject parcel and do not apply to other properties in the area. The subject property and all other properties in the vicinity of Friant Road are identical in their characteristics. There is a 4.83-acre parcel directly to the west of the subject parcel with no public road frontage. Likewise, two other parcels (slightly over 5 acres in size) also to the west of the property have no public road frontage. These parcels do not meet parcel size requirement of the AE-20 Zone District and are located near existing large-scale residential development in the City of Fresno. Staff notes that there are no physical circumstances or constraints such as elevation changes, rock outcroppings, or wetlands that create significant hardships for the Applicant that are applicable to the property itself to justify the need for this Variance. The Applicant's justification (Exhibit 7) in reference to substandard-size parcels in the area near a major roadway and the possibility of farming on the property to be hindered by the area's residential growth is not a physical characteristics demonstrating circumstances which merit the requested parcel configuration proposed by the Variance request, and as such does not support meeting Finding 1.

With regard to Finding 2, the Applicant has cited other parcels in the area (ranging from 2.27 acres to 4.6 acres) similar in size to that proposed by the Applicant (2.38-acres). Staff notes that with the exception of seven parcels noted in the "Background Information" of this report and a few others created with public road frontage, all other substandard-sized parcels within a one-mile radius of the subject property were not created by Variances. Many of these parcels, however, were presumably created prior to May 23, 1973 when the area was zoned A-1 (Agricultural District). The previous A-1 Zone District allowed parcels as small as 6,000 square feet in June 8, 1960 (Ordinance No. 490) to 2.29 acres in November 19, 1968 (Ordinance No. 490.52). Staff believes, the proposal does not give validity to the loss of substantial property right to support meeting Finding 2, in that denial of this Variance request would not necessarily deprive the Applicant of any right enjoyed by other property owners in the AE-20 Zone District since all property owners in said District are subject to the same development standards.

In reference to the above discussion, the following facts should also be considered:

The project site is currently zoned AE-20 (Limited Agricultural, 20-acre minimum parcel size) in the County Ordinance. Sparsely located cultivated lands exist in the vicinity of the subject proposal. Parcels to the south, east, and west of the proposal are developed with single-family residences and range from 1.4 acres to 6.5 acres in size. Likewise, the parcels to the north and west are in farming operation and range from 7.8 acres to 40 acres in size. A Fresno Metropolitan Flood Control District (FMFCD) ponding basin is to the north of the property. The proposed 2.38-acre parcels are comparable in size and use to other parcels in the surrounding area.

This application also involves waiving of public road frontage requirements for the proposed 2.38-acre parcels per the development standards of the AE-20 Zone District which require a minimum 165 feet of public road frontage. The subject 4.76-acre parcel does not front a public road. The four-lane Friant Road (Expressway) runs along the southeasterly boundary of the subject parcel and does not provide direct access to the property. A prescriptive easement (paved road) along the west side of the parcel provides access to the property. The same

access will be used by the proposed parcels. Waiving of the public road frontage requirements for this proposal will not result in any changes to the current access to the property.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. Given the circumstances described by the Applicant in "Applicant's Findings" (Exhibit 7), there appears to be no other alternative that would meet the Applicant's desire to create two 2.38-acre parcels without public road frontage and meet the lot size required of the AE-20 Zone District.

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

Recommended Condition of Approval:

None

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:	20 acres	Single-Family Residence	AE-20	1,852 feet
South/East:	15.24 acres	Single-Family Residence	AE-20	645 feet
West:	4.83 & 2.35 acres	Single-Family Residences	AE-20	174 feet

Reviewing Agencies/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: If not already present, 30-foot by 30-foot corner cutoffs shall be improved for site distance purposes at the exiting driveway onto Friant Road. Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall require an encroachment permit from the Road Maintenance and Operations Division. A Grading Permit or Voucher shall be required for any grading proposed with this application. A parcel map shall be required for the project and shall comply with the requirements of Title 17.72 of the Fresno County Ordinance Code.

Fresno Metropolitan Flood Control District: The County shall require a temporary on-site storm water storage facility. Said facility should be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. The project shall pay drainage fees.

Fresno County Department of Public Health, Environmental Health Division: Building

permit records indicate the septic system was installed in 1979. If the existing sewage disposal does meet the required property line setbacks from the proposed property line, it shall be properly destroyed and replaced under permit and inspection by the Development Services Division. 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).

Mapping Section of the Fresno County Department of Public Works and Planning: 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 2.38-acre parcels. The Map shall comply with the requirements of Title 17.72.

Water/Geology/Natural Resources Section, Building and Safety Section, and Design Division of the Fresno County Department of Public Works and Planning; Fresno County Fire Protection District: No comments.

Analysis:

In support of Finding 3, the Applicant states that the granting of this Variance would not be materially detrimental to the public welfare or injurious to property or improvements in the immediate vicinity. The division pattern and proposed lot sizes will reflect the pattern of land division and development that already exists adjacent to and near the project site.

Staff notes that the subject parcel is located in an area of limited farming activities. Most parcels in the area are unfarmed and developed with single-family residences. No distinctive scenic vista or scenic resources exist in the vicinity of the proposal. If approved, no change to the existing improvements on the properties would result from this proposal. The proposed 2.38-acre homesite parcel (Parcel A) with the existing single-family residence will remain in residential use and the proposed 2.38-acre parcel (Parcel B) will remain as an undeveloped parcel.

Staff notes that granting of this Variance may result in the establishment of a single-family residence allowed by-right on Parcel B and one additional residence on Parcel A and Parcel B through Director Review and Approval. However, such uses are not incompatible with the existing residential use on farmland in the vicinity of the proposal. Considering the compatibility of the existing uses with the surrounding area and with the proposed parcel configuration and adherence to the Condition of Approval and mandatory Project Notes, the proposal would not be materially detrimental to the properties and improvements in the area. Finding 3 can be made.

Recommended Conditions of Approval:

See Condition of Approval and mandatory Project Notes attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

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

Relevant Policies:	Consistency/Considerations:
<p>Policy LU-A.6: The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policy LU-A.9.</p>	<p>The subject property is zoned AE-20, with a 20-acre minimum parcel size. The subject Variance request proposing to create two 2.38-acre parcels that are less than 20 acres in the AE-20 Zone District is inconsistent with this policy. The proposal does not qualify for an exception under Policy LU-A.9. The proposed parcels do not constitute a financing parcel or gift lot, nor were they owned by the property owner prior to the date the policies were implemented.</p>
<p>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>As noted above, the creation of two parcels less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.7. The proposal would set a precedent for parcelization of farmland into smaller size parcels which are economically less viable farming units and could potentially allow three more residences (one by-right and two through discretionary approvals) on the proposed parcels. Such increase in residential density in the area may conflict with normal agricultural practices on adjacent properties. Staff recommends denial of the subject Variance based on the inability to make Findings 1, 2, and 4.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: a determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source. If groundwater is proposed, a hydrological investigation may be required. If the land in question lies in an area of limited groundwater, a hydrologic investigation shall be required.</p>	<p>The project site is in a low-water area of Fresno County. The Water/Geology/ Natural Resources Section of the Fresno County Department of Public Works and Planning reviewed the proposal and expressed no water-related concerns for any existing or future improvements on the property. The proposal is consistent with this Policy</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. The Agriculture and Land Use

Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. Policies LU-A.6 and LU-A.7 state that the County shall generally deny requests to create parcels less than the minimum size specified in areas designated Agriculture. Policy PF-C.17 requires adequate water supply for the proposal.

Analysis:

In support of Finding 4, the Applicant states that the objectives of the General Plan would not be affected by this Variance. The subject parcel and surrounding land are currently unfarmed and would not likely to be farmed in the future, and therefore the proposed subdivision would be consistent and compatible with the area.

The subject property is designated Agriculture in the County General Plan and is zoned AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) in the County Ordinance. The subject proposal is inconsistent with General Plan Policies LU-A.6 and LU-A.7 which require a minimum parcel size of 20 acres as a means of encouraging continued agricultural production and minimizing the amount of land converted to non-agricultural uses. The subject proposal would allow the creation of two 2.38-acre parcels in the AE-20 Zone District. The proposal is consistent with General Plan Policy PF-C.17 for adequate and sustainable water supply for the use. The proposal is not in a water-short area and will not have significant impact on groundwater resources as expressed by the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning.

Recommended Conditions of Approval:

None

Conclusion:

Finding 4 cannot be made.

PUBLIC COMMENT:

None

CONCLUSION:

Staff believes the required Findings 1, 2, and 4 for granting the Variance cannot be made based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 3989.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 3989; 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. 3989; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Condition of Approval and Project Notes:

See attached Exhibit 1.

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**Variance Application (VA) No. 3989
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 recommended Conditions for the project.

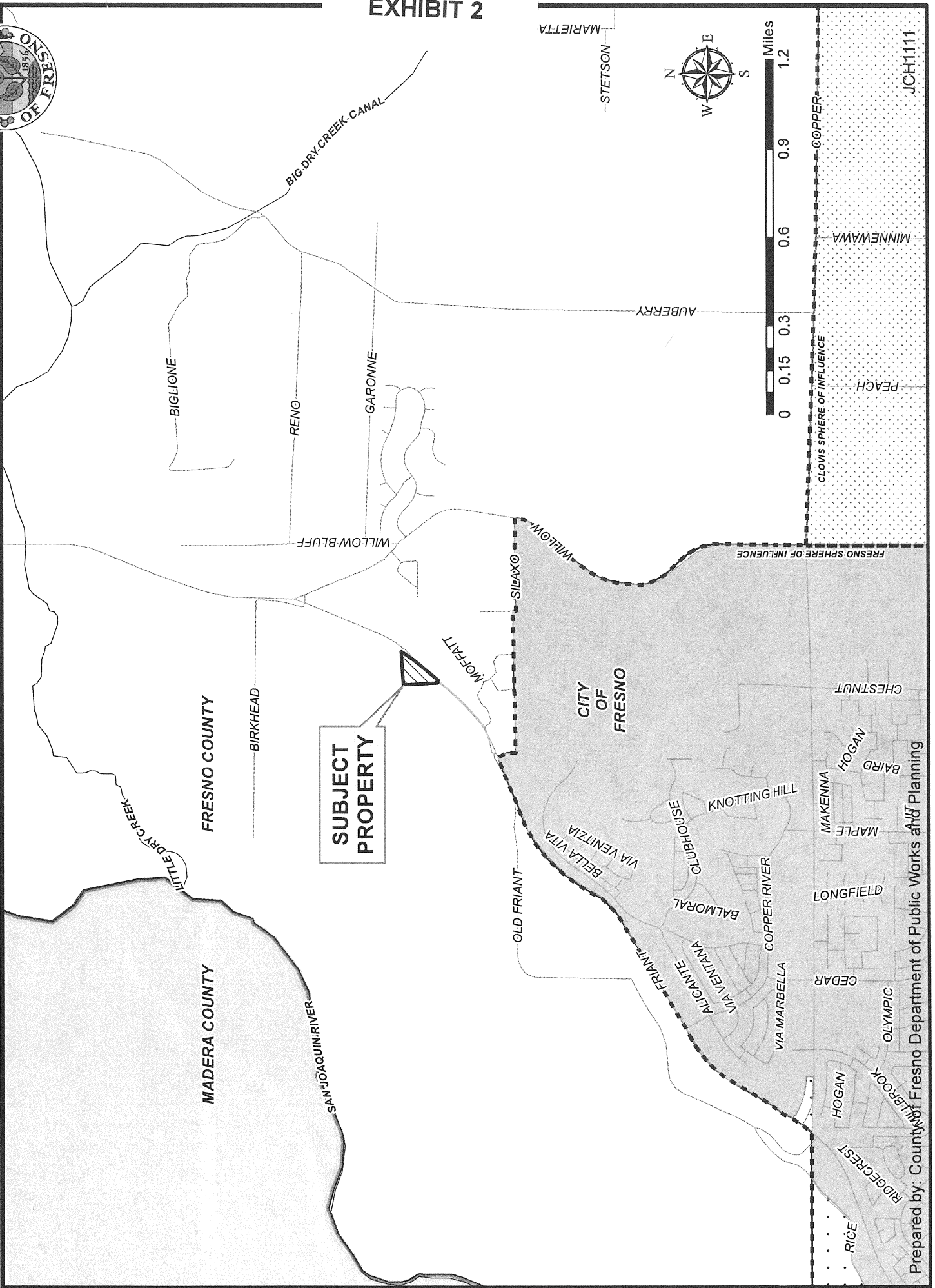
Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create two 2.38-acre parcels. 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 Friant Road.
3.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway shall 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.	According to the Fresno Metropolitan Flood Control District: <ul style="list-style-type: none"> • The County shall require a temporary on-site storm water storage facility. Said facility should be located and constructed so that once permanent FMFCD facilities become available, drainage can be directed to the street. • The project shall pay drainage fees.
6.	According to the Fresno County Department of Public Health, Environmental Health Division: <ul style="list-style-type: none"> • Building permit records indicate the septic system was installed in 1979. If the existing sewage disposal does meet the required property line setbacks from the proposed property line, it shall be properly destroyed and replaced under permit and inspection by the Development Services Division. • 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 1

LOCATION MAP



EXHIBIT 2



VA 3989
STR 1 - 12/20

EXISTING ZONING MAP

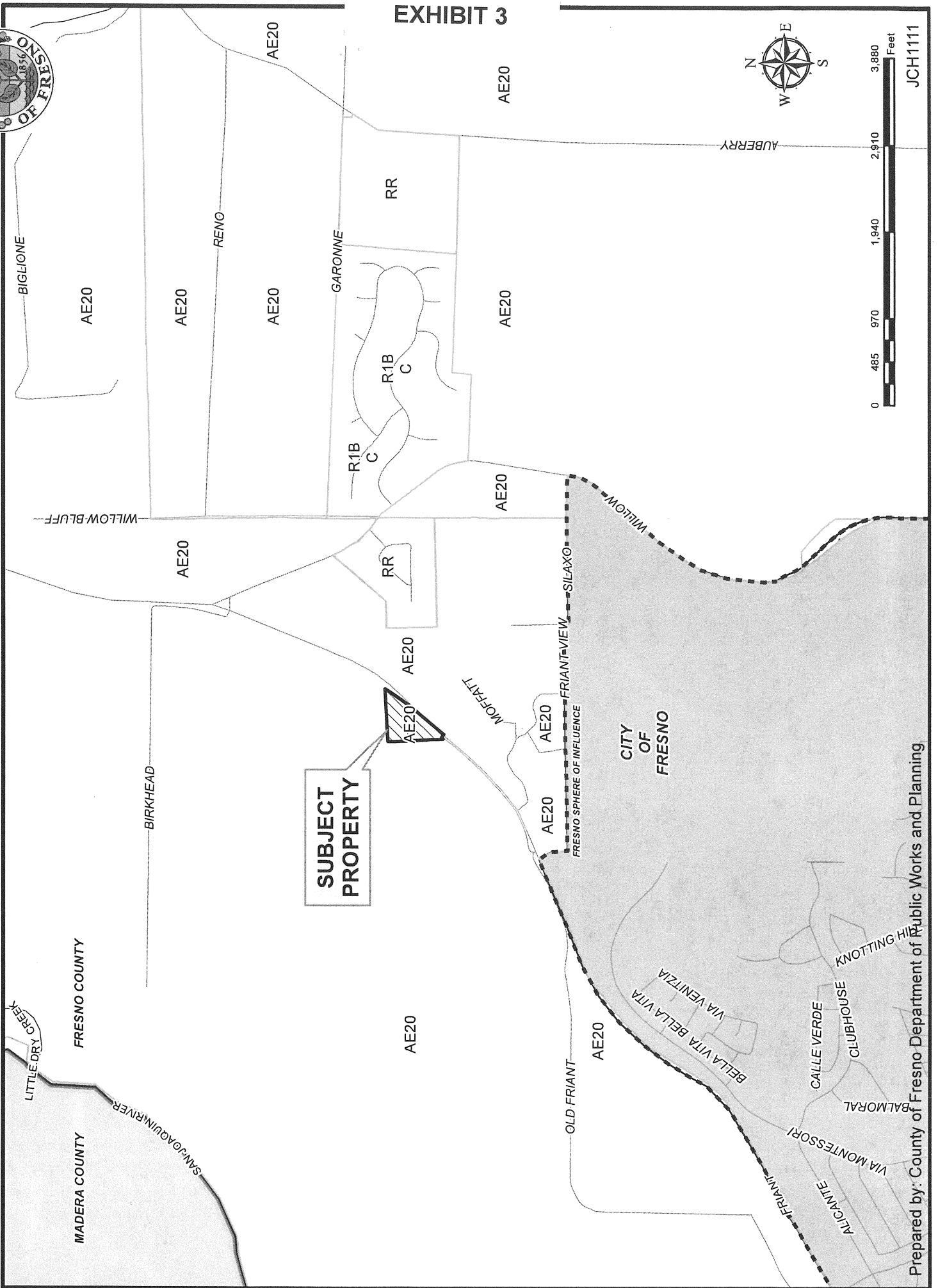
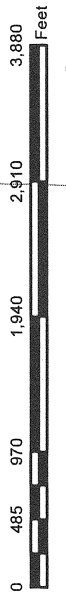


EXHIBIT 3



JCH1111

EXHIBIT 7

Proposed Project Description

12449 N. Friant Road

APN 579-050-12

(4.75 Acres)
AE-20

Property Description:

The Subject site is triangular in shape and is situated north and east of the Friant Road alignment, approximately ¼ mile north of the City of Fresno. This site is situated south of a ponding basin (Basin 'BZ) owned and operated by Fresno Metropolitan Flood Control District. This site is also near several other parcels less than 5 acres in size. The property is not in the Williamson Act and has been used as a home site, a substance abuse facility, and for periodic grazing in the past.

Proposed Project:

The applicant and owner, Lincoln Grantor Farms, LLC, are interested in dividing the 4.75 acre parcel into two parcels, each with over two acres. One of the parcels would include the house, the outbuildings, and all of the improvements. The other lot would be void of any improvements.

VA3989
RECEIVED
COUNTY OF FRESNO

JUL 05 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Jeffrey Roberts

VA3989
RECEIVED
COUNTY OF FRESNO

To: Jeffrey Roberts
Subject: Required Findings: 12449 Frint Road (APN 579-050-12S)

JUL 05 2016

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Background:

The owner/applicant is interested in dividing the subject 4.76 acre property into two parcels. The subject site is situated adjacent to Friant Road on the south (expressway), a Commercial Horse Boarding Stable to the west, and an existing Fresno Metropolitan Flood Control District Basin, 27.84 acres in size (Basin "DN") to the east. The site is "Non-Conforming" in terms of size and is somewhat irregularly shaped (triangle). The vehicular access is available from the private roadway on the west side of the site. The property is partially developed with a single story home and a separate shop/garage building. The balance of the site has been used in the past as pasture. All of the property improvements (buildings) are situated on the northern portion of the site and the entire site is fenced. There will soon be a large storm drain installed along the southerly property line that will carry storm water to basin "DN" from urban lands on the south side of Friant Road. The site is designated for Agriculture land uses by the Fresno County General Plan and is zoned AE-20 which is consistent with the land use designation. The subject site is not in the "Williamson Act".

Required Finding No. 1.:

The majority of the land in the vicinity of the site with AE-20 zoning is within the "Riverbottom" area and is used for agricultural purposes. The subject site is in the Riverbottom area but is one of several in the area that "front" onto Friant Road, a 4 lane expressway with a posted speed limit of 55 MPH. Virtually all of these properties that "front" onto Friant Road have a lot size less than the required 20 acre minimum. The subject site is currently "Non-Conforming" in terms of size and shape and will not be a good location for large scale agricultural uses. Additionally, the subject site is just north of land in the "Copper River Ranch" area of the City of Fresno. A large population base near farming operations can be problematic and this existing and future population could make farming of the site difficult if not impossible. Therefore, this site has some exceptional circumstances that do not generally apply to most of the land zoned AE-20 in the vicinity.

Required Finding No. 2:

The property is situated among many other properties (with identical zoning) that are developed with single family homes and no agricultural uses. Within one half mile of the site, on the north side of Friant Road, there are ten (10) parcels with lot sizes that range from 2.27 ac. to 4.60 ac. Additionally, on the south side of Friant Road, there are twelve (12) parcels developed as rural residential homesites. The granting of this requested Variance will allow for the division of this property into two parcels. The result would provide the owner/applicant with a property right that is currently enjoyed by many property owners within the vicinity of the subject site.

Required Finding No. 3:

The granting of this requested Variance will not be materially detrimental to the public welfare or injurious to property or improvement in the immediate vicinity. The division pattern and proposed lot sizes will reflect the pattern of land division and development that already exists adjacent to and nearby the subject site.

Required Finding No.4:

The granting of the Variance will not be contrary to the objectives of the General Plan. Since the subject site and adjacent sites are not used for agricultural purposes now and, it is unlikely that they will be developed for agriculture in the future, the proposed division would appear to be a use consistent and compatible with the area.