



Inter Office Memo

DATE: March 24, 2022
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12928 - VARIANCE APPLICATION NO. 4126

APPLICANT/
OWNER: Stacey Minter

REQUEST: Allow the creation of two one-half acre parcels from an existing one acre parcel each with 97 feet of width (minimum 130 feet required), and with five-foot side-yard setbacks for both parcels (minimum of 15 feet required), in the R-A (Residential Agricultural, 36,000 square-foot minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the north side of De Woody Avenue approximately 125 feet east of Veranda Avenue (APN: 057-070-17) (6718 De Woody Ave.) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of March 24, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Vice-Chair Hill to determine that the required Variance, Finding Nos. 1 and 2 could be made because there were exceptional circumstances and a substantial property right due to the considerable variation in the surrounding zoning and parcel sizes under the same zoning, and reduced development standards; and that Finding Nos. 3 and 4 could be made as recommended by staff in the Staff Report.

Based on the ability to make all four required findings, a motion was made to approve Variance No. 4126, subject to the Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Hill, Arabian, Chatha, Woolf, and Zante

 No: None

 Absent: Commissioners Carver, and Ewell

 Abstain: None

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

By:  _____
William M. Kettler, Manager
Development Services and Capital Projects Division

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NOTES:

Variance No. 4126 shall become void one year from the date of approval unless the required mapping application to create the parcels authorized by said Variance 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 of the Variance 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. In the case of a Variance for which a tentative map has been timely filed, expiration of said Variance shall be concurrent with the expiration date of the tentative map and may be extended in the same manner as said map.

EXHIBIT A

Variance Application No. 4126

- Staff: The Fresno County Planning Commission considered the Staff Report dated March 24, 2022, and heard a summary presentation by staff.
- Applicant : The Applicant's representative disagreed with the Staff's recommendation for the land use request. He described the project and offered the following information to clarify the intended use:
- A number of other parcels in the vicinity do not meet minimum standards, including setbacks and parcel size.
 - The proposed parcel division would result in parcels more similar to the R-1-AH Zone District.
 - The reason for the requested five-foot side-yard setback is that 5 feet is consistent with the R-1 Zone District.
 - The reason we did not elect to request a rezone is that it would be too difficult and costly for the Applicant.
 - The Owner/Applicant reached out to other property owners in the vicinity and was able to obtain signatures in support of this Variance.
 - There was also correspondence from the Laton Community Services District which did not have concerns with the 5-foot side yard setback
 - As to Findings 1 and 2, we feel that they are linked in consideration of our belief that the six parcels to the southwest under the same R-A Zone District do not meet the minimum standards; in regard to Finding 1, the varied zoning in the area creates an exceptional circumstance.
 - In our view, other parcels in the same Zone District have been allowed to develop with similarly reduced development standard.
- Others: The Owner/Applicant presented information in support of the application adding the following information:
- We are asking for the reduced side setback due to the design of the new residence being very wide and oriented such that the reduced side yard is necessary.
 - I purchased property about four years ago and discovered that remodeling the existing home would be expensive and architecturally challenging due the fact that it has been altered over the years.
 - We felt that dividing the parcel into two would make maintaining the property much easier for my family members.

One other individual spoke in support of the application adding the following information stating that the project will have a positive impact on the community because the property was previously blighted and has since been cleaned up.

Correspondence: Several items of correspondence were presented to the Planning Commission during the hearing in support of the Application including an email from the Laton Community Services District in support of the reduced setbacks, and a letter of support and signature pages from a number of property owners in the vicinity.

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**Variance Application (VA) No. 4126
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Division of the subject parcel shall be substantial conformance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	De Woody Avenue is classified as an arterial road in the County's General Plan, with a current right-of-way of 60 feet. The ultimate right-of-way for De Woody Avenue is 106 feet. Prior to approval of the final parcel map, an additional 23 feet of road right-of-way along the parcel frontage shall be dedicated to the County.

Conditions of Approval reference required 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.	The approval of this Variance will expire one year from the date of approval unless the parcels authorized by said Variance are not created within one (1) year after the granting of said Variance or an application for a tentative map is not filed within the one (1) year. However, in the case of a Variance for which a tentative or vesting map has been timely filed, expiration of said Variance shall be concurrent with the expiration date of the tentative or vesting map and may be extended in the same manner as said map.
2.	Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation established in Section 877-D.2 (one year), the Commission may grant an extension of time for a period not to exceed an additional one (1) year period. Application for such extension of time must be set forth in writing the reasons for the extension and must be filed with the Department of Public Works and Planning, Development Services and Capital Projects Division before the expiration of the Variance.
3.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance and other applicable State regulation. A Tentative Parcel Map Application shall be filed to create the two proposed parcels. The Map shall comply with the requirements of Title 17.72 of the Fresno County Ordinance Code. The Fresno County Parcel Map Ordinance (County Ordinance Code, Title 17- Divisions of Land) provides that "Property access improvements associated with the division of the subject property are subject to the provisions of the Fresno County Parcel Map Ordinance, including dedication, acquisition of access easement, roadway improvements, and roadway maintenance." These requirements will be satisfied through recordation of a parcel map to create the subject parcels, subsequent to the approval of the Variance. The Applicant(s) may apply for an exception request from the road standards through the parcel map process.
4.	The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the State Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map. Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final

Notes

	Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.
5.	Prior to site development, all survey monumentation; property corners, centerline monumentation, section corners, county benchmarks federal benchmarks and triangulation stations, etc. within the subject property shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
6.	An encroachment permit from the Fresno County Road Maintenance and Operations Division will be required for any work proposed within the County road right-of-way.