



Inter Office Memo

DATE: January 13, 2022
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12921 - VARIANCE APPLICATION NO. 4114

APPLICANT/
OWNER: Wade Obermann

REQUEST: Allow both a 15-foot front yard and street side yard setback where a minimum of 35 feet is required, to allow the construction of a 1,200 square-foot detached personal storage building on a 2.65-acre parcel in the R-R (Rural Residential, two-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of Acorn Road between Sugarloaf Road and Old Auberry Road and approximately one-half mile north of the unincorporated community of Meadow Lakes (APN 128-301-36) (41175 Acorn Road) (Sup. Dist. 5).

PLANNING COMMISSION ACTION:

At its hearing of January 13, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Vice Chair Hill and seconded by Commissioner Carver to determine that the required Variance Findings can be made, that Finding No. 2 can be made as the irregular shape and topography of the site and the existence of easements running along two sides of the property restricts the full use of the property, which constitutes an unrealized property right. The Commission concurred with Staff's ability to make Finding Nos. 1, 2, and 4 and moved to approve Variance No. 4114, subject to the Conditions of Approval listed in the attached Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Hill, Carver, Chatha, Ewell, and Zante
 No: Commissioner Woolf
 Absent: Commissioners Abrahamian, and Ede
 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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NOTE: 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.

Attachments

EXHIBIT A

Variance Application No. 4114

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 13, 2022 and heard a summary presentation by staff.
- Applicant: The Applicant disagreed with the Staff Report. He described the project and offered the following information to clarify the intended use:
- The parcel is irregularly shaped, and the only level area on the property to place a building is where we proposed to build it. Other parts of the property have greater slope and are not buildable.
 - The building is needed to store equipment out of the weather.
 - The neighboring property to the east has a storage building near the road as well.
 - We have not spoken to the neighboring owner to the east about our project.
- 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. 4114
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Variance No. 4114 shall become void if the construction of the garage authorized by said Variance has not commenced within one (1) year after the granting of said Variance or is not pursued diligently to completion, or there is a cessation in the occupancy or use of land or buildings authorized by such Variance for a period in excess of one (1) year. 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, the Commission may grant an extension of time for a period not to exceed an additional one (1) year period. Applications for such extension of time must set forth in writing the reasons for the extension and must be filed with the Development Services Division, Department of Public Works and Planning.

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.	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.
2.	A one-hour firewall shall be provided for all walls of the proposed detached garage, adjacent to reduced setback areas.
3.	Should a new sewage disposal system be proposed, it shall be installed under permit and inspection by the Department of Public Works and Planning, Building and Safety Section.
4.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
5.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.

EXHIBIT B