



## Inter Office Memo

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DATE: January 13, 2022  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12922 - VARIANCE APPLICATION NO. 4113

APPLICANT/  
OWNER: Francisco Andraca

REQUEST: Allow creation of four approximately 7,589 square-foot parcels from an existing 0.69-acre (30,056 square feet) parcel in the AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District with a reduced minimum lot width of 60.57 feet (165-foot minimum), a lot depth of 125.3 feet (170-foot minimum), a front yard setback of 25 feet (35-foot minimum), and a side yard setback of five feet (20-foot minimum).

LOCATION: The subject parcel is located at the north side of E. Belmont Avenue approximately 138 feet east of its intersection with N. Fine Avenue approximately 820 feet west of the nearest city limits of the City of Fresno (APN: 456-184-07) (Sup. Dist. 3).

### 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 Commissioner Ewell and seconded by Commissioner Woolf to determine that the required Variance Findings could be made stating that Finding No. 1 could be made based upon the unique nature of the property in that the City of Fresno land use designation for the property is for residential and the surrounding area is developed in residential uses, and that Finding Nos. 2, 3, and 4 could be made by staff stated in the Staff Report, and move to approve Variance Application No. 4113, subject to the Conditions listed in Exhibit B.

RESOLUTION # 12922

This motion passed on the following vote:

VOTING:      Yes:            Commissioners Ewell, Woolf, Carver, Chatha, Hill, and Zante  
                  No:            None  
                  Absent:        Commissioners Abrahamian, and Ede  
                  Abstain:       None

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

By:   
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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 the required mapping application to create the parcels are 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. 4113

Staff: The Fresno County Planning Commission considered the Staff Report dated January 13, 2022 and heard a summary presentation by staff.

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

- The project site is in a residential neighborhood with most homes being built in the 1940s, 1950s and later in the 1970s.
- Thirteen properties, including the subject property are identified in the 1983 Roosevelt Community Plan as Office Commercial.
- None of these properties have been developed as an office commercial site and are developed for residential use.
- A half-mile to the east, there are 200 acres of regional commercial.
- We have walked the neighborhood and have submitted 12 letters of support from residents of the neighborhood.
- Support of the application by the City of Fresno has been submitted via a letter from the City Council District Representative as the project intends to develop to City of Fresno standards.
- The proposed size of the parcels will be larger than two adjacent parcels having an identical zoning classification.
- The City of Fresno's General Plan designates this area for residential use.
- We could pre-zone the property with the City of Fresno but would wait an unknown period of time for annexation. Alternatively, we could propose a plan amendment with the County for office commercial, but this would be inconsistent with the existing residential neighborhood.
- None of the surrounding parcels zoned AL-20 meet the development standards of the AL-20 Zone District.
- The property owner lives in the area and has owned the property for 10 to 12 years.

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- Others: One individual spoke before the Planning Commission expressing concern regarding possible spacing between residences but also voiced support that the proposed residential uses are consistent with the neighborhood.
- Correspondence: No Late written correspondence was received after circulation of the staff report.

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EXHIBIT B  
**Variance Application No. 4113**  
**Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission to allow the mapping procedure to split the existing 0.69-acre parcel into four approximately 7,589 square-foot parcels.
2.	Prior to building permits for parcels that have frontage along Belmont Avenue, driveways shall be designed with a circular or hammerhead style driveway that conforms with the City of Fresno's driveway approach policy that states that vehicles are not allowed to back out onto a major street (Belmont Avenue) and be approved by the County of Fresno.

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.	<p>The Development Engineering Section of the Department of Public Works and Planning provide the following comments:</p> <ul style="list-style-type: none"> <li>A. According to FEMA FIRM Panel 1590H, the subject property is found to be under shaded Flood Zone X. The shaded flood zone refers to areas of 0.2% annual change flood, areas of 1% annual chance flood with average depth of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood. For property within shaded Flood Zone X, any future/proposed building plan must be elevated above the existing ground to at least a minimum of twelve (12) inches and/or the finished floor elevation must be elevated above the crown of the adjacent street. Furthermore, any future/proposed associated electrical equipment/electrical system component (e.g. service panels, meters, switches, outlets, electrical wiring, walk-in equipment cabinets, generators, bottom of the lowest edge of the solar array, pool-associated motors and water heater, receptacles, junction boxes, inverter, transformers, etc.) in the shaded Flood Zone X must be elevated above the finished flood elevation. All electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable. All sides of the future/proposed building shall be sloped 2% for a distance of 5 feet to provide positive drainage away from the building.</li> <li>B. The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Boundary and Drainage Zone. Written clearance from FMFCD is required for any future work.</li> <li>C. The subject property is within the City of Fresno Sphere of Influence (SOI). Any future off-site improvements and driveway placement relative to the property line should be consulted with the City regarding their requirements.</li> <li>D. Any existing or future access driveway should be set back a minimum of 10 feet from the property line.</li> <li>E. Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.</li> <li>F. A 10-foot by 10-foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing White Avenue and Belmont Avenue.</li> </ul>

EXHIBIT B

Notes	
	<p>G. Any future work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.</p> <p>H. A grading permit or voucher is required for any future grading associated with this application.</p>
2.	<p>The subdivision will require that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the 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 Survey or Registered Civil Engineer authorized to practice land surveying in accordance with the Profession Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final 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 expiration of said Tentative Parcel Map may void the Parcel Map Application.</p>
3.	<p>The Department of Public Health, Environmental Health Division provide the following comments:</p> <ul style="list-style-type: none"> <li>A. Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the Regional Water Quality Control Board (RWQCB).</li> <li>B. Construction permits for the proposed development should be subject to assurance that the Bakman Water District community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water.</li> <li>C. The future construction projects have the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno Noise Ordinance.</li> <li>D. 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.</li> <li>E. 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.</li> </ul>
4.	<p>The Fresno Metropolitan Flood Control District provide the following comments:</p> <ul style="list-style-type: none"> <li>A. No on-site retention of storm water runoff is required provided the developer can verify to the County of Fresno that runoff can be safely conveyed to the Master Plan inlet(s).</li> <li>B. Drainage from the site shall be directed to White Avenue and/or Belmont Avenue.</li> </ul>