



Inter Office Memo

DATE: April 28, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12935 - VARIANCE APPLICATION NO. 4134

APPLICANT: Elidia Olmos

OWNER: Vidalia Olmos

REQUEST: Allow a 21-foot setback front yard setback (35-feet required) in the AE-20 (Exclusive Agricultural, 20-acre minimum) to allow an addition to a single family residence to remain.

LOCATION: The subject parcel is located on the east side of S. Chestnut Avenue, 114 feet north of E. Clayton Ave., and approximately 2 miles south of the City of Fresno (APN: 340-170-10) (6649 S. Chestnut Ave.) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of April 28, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Vice-Chairman Hill to determine the required Findings could be made, stating that Finding No. 1 could be made as the living room addition to the home has been in place for 53 years. The removal of the addition would place the applicants in an economic hardship, thus creating an exceptional circumstance. Finding No. 2 could be made as it was determined the applicant purchased the home without knowledge of the violation. The applicant has demonstrated a good faith effort to rectify the circumstance for the preservation and enjoyment of their substantial property right. The Commission agreed with staff's ability to make Findings Nos. 3 and 4. Based on the ability to make all four required findings, a motion was made to approve Variance No. 4134, subject to the Conditions listed in Exhibit B.

This motion was passed on the following vote:


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

 No: None

 Absent: Commissioners Chatha and Ewell

 Abstain: None

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

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

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NOTES: 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. 4134

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 28, 2022 and heard a summary presentation by staff.
- Presenters: The applicant disagreed with the Staff's recommendation. They described and offered the following information to clarify the intended use:
- The living room addition has been in existence for over 50 years. Although the addition is not legal, the hardship of removing the addition would place the applicant in an economic hardship.
 - The applicant described that they want to rectify the circumstance for the preservation and enjoyment of their substantial property right.
- Others: No individuals presented information in support of or in opposition to the project.
- Correspondence: No other letters were presented to the Planning Commission in support of or in opposition to the application.

EXHIBIT B
Variance Application (VA) No. 4134
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development shall be in substantial compliance with the site plan, floor plan and elevations, as approved by the Planning Commission.

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.	Plans related to construction of the project shall be submitted to the Development Services Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.
2.	The requested variance is for a 21-foot front yard setback. Chestnut Avenue currently has 60 feet of road right-of-way and an ultimate right-of-way of 84 feet per the Fresno County General Plan. An additional 12 feet of road right-of-way should be dedicated along the parcel frontage to meet the ultimate right-of-way for Chestnut Avenue. With the dedication to the ultimate right of way, the setback will only be 9 feet.
3.	An approved Variance will allow the property owner to obtain building permits for the family room addition. If permits are not obtained, a violation will be issued for construction done without permits and inspections.

EXHIBIT B