



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 September 15, 2022

**SUBJECT:** Variance Application No. 4131

Allow the creation of a 4.8-acre and a 4.32-acre parcel, from a 9.12-acre parcel, and allow a lot width to depth ratio in excess of the 4 to 1 maximum ratio allowed, for the proposed 4.8-acre parcel, in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The subject parcel is located on the north side of E. Muscat Avenue, approximately 800 feet east of Locan Avenue, and approximately 1.8 miles southeast of the City of Fresno (APN: 331-040-92) (7664 E. Muscat Avenue) (Sup. Dist. 4).

**OWNER/  
APPLICANT:** Keith Collins

**STAFF CONTACT:** Jeremy Shaw, Planner  
(559) 600-4207

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Move to determine that the required findings cannot be made based on the analysis in the Staff Report, and deny Variance No. 4131; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Conditions of Approval and Project Notes
2. Location Map
3. Zoning Map
4. Land Use Map
5. Variances Map
6. Site Plan
7. Applicant's submitted Findings

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agriculture	No change
Zoning	AE-20	No change
Parcel Size	9.12 acres	Create a 4.8-acre and a 4.32-acre parcel
Project Site	See above	No change
Structural Improvements	Two single family dwelling units authorized by DRA 3541	One dwelling unit will be located on each resultant parcel
Nearest Residence	75 feet west	No change

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: *Review for Exemption*, the project is covered by the *Common-Sense Exemption*, that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity (proposed project) is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 23 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 877 are made by the Planning Commission.

Typical alternatives to a variance application are to either create a homesite parcel or rezone the property to a zone district that allows the project as proposed.

The potential for rezoning of this parcel to higher density Zone which allows smaller parcels would be problematic, as the underlying General Plan land use designation of Agriculture which is not consistent with higher densities.

The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes is not consistent with such zoning and the lotting and land use patterns in the area would not be consistent with a General Plan amendment to the area.

Homesite parcels are allowed per General Plan Policy LU-A.9. In place of a variance the property owners could create a Homesite parcel if one of the three conditions listed below exists. However, the applicants either do not fit the criteria or have elected not to utilize the provision.

- 1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or*
- 2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or*
- 3. The present owner owned the property prior to the date these policies were implemented [1958] and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.*

The decision of the Planning Commission on a Variance Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action. If approved, the variance will expire one year from the date of the Commission approval unless a mapping application is filed in accordance with the County Ordinance. When circumstances beyond the control of the applicant do not permit compliance with the time limit, the Commission may grant an extension not to exceed one additional year. Extension applications must be filed with the Department of Public Works and Planning before the expiration of the Variance.

## **BACKGROUND INFORMATION:**

The subject 9.12-acre parcel was created as Parcel 1 of Parcel Map No. 7938, authorized by the approval of Variance 3774 and DRA 3541 by the Planning Commission on February 5, 2004, which allowed the creation of a 9.6-acre and a 10.4-acre parcel from a 20-acre parcel; and allowed an existing second residence to remain on the 9.6-acre parcel. The current proposal, if approved would result in the division of a 9.12-acre parcel, into two similarly sized parcels, each containing one of the existing residences., and allow one of the proposed parcels to have a width to depth ratio in excess of the maximum of 4 to 1 allowed.

The subject parcel and surrounding area were rezoned from the R-A Zone District to the AE-20 Zone District with the approval of Amendment Application No. 2758 by the Board of Supervisors on December 3, 1974, as part of a County initiated broad scale rezoning effort to be consistent with the General Plan. The R-A District has a minimum parcel size of 36,000 square feet (0.83-acres) whereas the Exclusive Agricultural Zone District carries a minimum acreage of 20-acres.

According to available records there have been two previous Variances approved within one half-mile of the subject property for substandard sized lots, and one for no road frontage, which are detailed in the following table:

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
VA 2965 – Allow the creation of a home site parcel without public road frontage and 135 feet of width where a minimum of 165 feet are required, in the AE-20 Zone District.	November 21, 1985	Approval	Planning Commission Approved
VA 3681 – All the creation of a 2.0-acre and a 2.41-acre parcel from a 4.41-acre parcel in the AE-20 Zone District.	September 21, 2000	Denial	Planning Commission Approved
VA 3774 & DRA 3541– Allow the creation of a 9.6-acre and a 10.4-acre parcel from a 20-acre parcel; and allow an existing second residence to remain on the 9.6-acre parcel, in the AE-20 Zone District.	February 5, 2004	Denial	Planning Commission Approved

**ANALYSIS/DISCUSSION:**

**Finding 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.*

	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n):</b>
Setbacks	AE-20 Zone District  Front (southeast): 35 feet  Rear (west): 20 feet  Side east and west: 15 feet	<b>Parcel 1</b>  Front (south): 160 feet  Rear (north): 350 feet  Side east: 25 feet  Side west: 120 feet  <b>Parcel 2</b>  Front (south): 210 feet  Rear (north): 320 feet  Side east: 180 feet  Side west: 25 feet	Yes
Parking	For residential use: One parking space for every dwelling unit on the same lot with the main building which they serve and located to the rear of the required front yard, except for hillside lots.	No change	Yes
Lot Coverage	30 percent	No change	Yes
Separation Between Buildings	Accessory buildings: minimum 6 feet from the main building. Accessory buildings connected to the main building by a breezeway roof shall also maintain a 6-foot separation.	No change	N/A
Wall Requirements	Fences, hedges and walls, not greater than six (6)	No change	N/A

	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n):</b>
	feet in height, shall be permitted on or within all rear and side property lines on interior lots and on or to the rear of all front yard setback lines; No fence, hedge or wall over three (3) feet in height, shall be permitted in any required front yard, or in the required side yard on the street side of a reversed corner lot, except on parcels of five (5) acres or more.		

**Reviewing Agencies/Department Comments related to Finding 1:**

No comments were received relative to Finding 1.

**Finding 1 Analysis:**

In support of Finding 1, the Applicant's Findings state that the property is split by an open ditch, and because the ditch forms a natural boundary, the property was previously granted a variance to divide based on this topographical feature creating an impediment to farming; additionally, the existence of the open ditch, in contrast with an underground facility, continues to create an impediment to farming, and that other properties in the area have underground irrigation facilities. The Applicant's Findings also state that a zoning change occurred in the vicinity which allowed for smaller parcels sizes.

Staff was unable to identify any extraordinary circumstances, not self-imposed. Staff acknowledges that the open canal is a preexisting condition of the property. Further division of the property, based upon the existence of the canal along the northern edge of the property would not remedy an existing condition, but could increase the possibility of conflicts with agriculture from increased residential density; There is no record of an approved Amendment Application (rezoning) to a higher residentially zoned district in the vicinity of the subject parcel There was a broad scale rezoning in the area from the R-A to the AE-20 Zone District as discussed under the Background Information heading on Page 3. Most of the unincorporated area in the vicinity of the subject property is zoned Exclusive Agricultural. There is some industrially zoned land approximately 3 miles to the west, adjacent to State Route 99.

The application does not meet the criteria of an exceptional or extraordinary circumstances that does not apply generally to other property with the same zoning. All of the adjacent properties

are at or below the twenty-acre minimum parcel size and are subject to the same constraint and cannot be further divided into smaller parcels even. Granting this variance would be providing the applicant a special right not enjoyed by his neighbors with the same conditions.

**Recommended Conditions of Approval:** *None*

**Finding 1 Conclusion:**

Based on the analysis Finding 1 cannot be made. Staff was unable to identify any exceptional or extraordinary physical features or circumstances particular to the subject parcel warranting the granting of the variance.

**Finding 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.*

**Reviewing Agencies/Department Comments related to Finding 2:**

**Development Engineering Section, Development Services and Capital Projects Division:** According to FEMA, FIRM Panel 2135H and 2145H, the subject parcel is not subject to flooding from the 100-year storm. According to the U.S.G.S. Quad Map, Collins Canal is near the northern property line of the subject parcel. Any future improvements constructed within or near a canal should be coordinated with the owners of the canal or appropriate agency.

**Finding 2 Analysis:**

In support of Finding 2, the Applicant's Findings state that the ownership of the property for the past 32 years establishes a substantial property right that would be denied should the property not be allowed to divide with the approval of this Variance.

The length of time of ownership of property does establish a property right. All properties with the same zoning are subject to the same minimum standard for creation of new parcels. Staff was unable to identify an unrealized substantial property right that would be restored by the granting of this Variance request.

Variances can only be used to provide relief to preserve the "substantial property right" to be able to utilize a property for the intended use of the zoning. If regulations and unique physical attributes prohibit this property from realizing any reasonable use intended under the zoning, a Variance would be appropriate to preserve the "substantial property right" such as the ability to be able to build a home on the site; and staff and/or applicant was unable to identify any situation that would constrain the property and create a deficit of a property right enjoyed by other owners in the vicinity, under the same zoning.

Recommended Conditions of Approval: None

**Finding 2 Conclusion:**

Finding 2 cannot be made, as no deficit of a substantial property right enjoyed by others in the area with the same zoning was identified.

**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.*

<b>Surrounding Parcels</b>				
	Size:	Use:	Zoning:	Nearest Residence*:
North	10.57 acres	Field crops	AE-20	165 feet
South	20 acres	Orchard	AE-20	2,500 feet
East	20 acres	Orchard	AE-20	460 feet
West	10.57 acres	Field Crops	AE-20	20 feet

\*Distances are approximate and measured from the subject parcel boundaries using a web based aerial imagery application.

**Reviewing Agencies/Department Comments regarding detrimental effects on surrounding property:**

**Road Maintenance and Operations Division:**

Muscat Avenue is a County maintained road, classified as local road, with an existing 40 feet of right-of-way and an ultimate 60 feet of right-of-way, as per the Fresno County General Plan. An additional 10 feet of road right-of-way must be dedicated along the parcel frontage to meet the ultimate right-of-way.

Setbacks for any new construction must be based on the ultimate right-of-way for E. Muscat Avenue.

**Finding 3 Analysis:**

In support of Finding 3, the Applicant’s Findings state that the granting of the Variance would not create any physical changes to the property, and therefore no impacts would occur to surrounding property.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two separate legal non-conforming parcels has the potential to increase residential density in the area by allowing an additional single-family residence on each parcel through the Director Review and Approval process. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations in the area, the minimum acreage requirement of the AE20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.



**Recommended Conditions of Approval:** Prior to final map approval, the Applicant/subdivider shall record a document on the subject property incorporating the provisions of the County Right-of-to-Farm Notice (Ordinance Code Section 17.40.100).

*Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities.*

*Consistent with this policy, California Civil Code 3482.5 (right to farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been operation s of three years."*

**Finding 3 Conclusion:**

Finding 3 can be made, as the Variance, if approved, would not have any materially detrimental impacts on surrounding property.

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

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><b>General Plan Policy LU-A.6:</b>  <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11.</i></p>	<p>The proposed parcel division is not consistent with this Policy. There are exceptions allowed subject to certain criteria. In this instance, the application either did not meet the criteria or elected not to choose one of the available options for creating a substandard sized parcel.</p>
<p><b>General Plan Policy LU-A.7:</b>  <i>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.</i></p>	<p>The proposed parcel division is not consistent with Policy LU-A.7 as it would further divide an already substandard sized parcel.</p>
<p><b>General Plan Policy LU-A.14:</b>  <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of</i></p>	<p>In this case, productive agricultural land would not necessarily be converted,</p>

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<i>productive agriculture land and the mitigation be required were appropriate.</i>	rather it would be reallocated between the two subsequent parcels, with the majority of the undeveloped portion of the land to be located on proposed parcel 2
<b>General Plan Policy PF-C.17:</b> <i>The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation.</i>	This proposal was reviewed by the Water and Natural Resources Division which conducted a water supply evaluation and determined that the proposed parcel creation will not have a significant impact on the existing water levels in the area. Additionally, the subject parcel is not located in an area of the County designated as being water short.

**Reviewing Agencies/Department Comments regarding General Plan consistency:**

**Policy Planning Unit, Development Services and Capital Projects Division:**

Homesite Parcels in agricultural areas of the County would create incompatibility between residential use and farming and other uses that due to their nature would create dust, odor and vectors, and also require the application of pesticides and herbicides, where such impacts would be less significant in sparsely populated areas typical of agricultural parts of the County.

**Finding 4 Analysis:**

In support of Finding 4, the Applicant’s findings assert that the granting of this Variance is not contrary to the objectives of the General Plan. The applicants’ findings do not provide any justification supporting the finding that the proposed parcel division would be consistent with the objectives of the General Plan. The objectives of the General Plan where agriculture is concerned is to protect the agricultural community from encroachments from non-agricultural uses. The creation of additional residential parcels has the potential to create conflicts with surrounding agricultural operations

**Recommended Conditions of Approval:** *Prior to recordation of the final map, 10 feet of road right of way across the subject property frontage along E. Muscat Avenue shall be dedicated to the County of Fresno, in order to satisfy the ultimate right-of-way for E. Muscat, consistent with the General Plan.*

**Finding 4 Conclusion:**

Finding 4 cannot be made as the proposed Variance increases the potential for impacts of non-agricultural use by increasing the number of allowed residential units and is in conflict with General Plan Policies LU-A.6 and LU-A.7.

**PUBLIC COMMENT:** None.

**SUMMARY ANALYSIS / CONCLUSION:**

As discussed under Finding 2 above, a rezone of the parcel to a district which allows for smaller parcels would sometimes be the recommended course of action, however in this case, as the land use designation of the parcel is agriculture, and the surrounding land uses are primarily agriculture, it would not be consistent with the underlying zoning or designation to rezone the land to a nonagricultural use; furthermore, as there are no nearby residential zone districts in the vicinity of the subject parcel, rezoning just one parcel would be considered “spot zoning” which is undesirable, due to the potential for conflict with surrounding land uses.

The granting of the variance may be inconsistent with Government Code Section 65906 which prohibits granting of unqualified variances and states in part that variances “shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated”. In the case of this application, there is not an identifiable unique physical condition impacting the property, nor is there a substantial property rights being denied to pr, and the variance would be in conflict with the Policies of the County General Plan.

Based on the factors cited in the analysis above, Staff cannot make Findings 1, 2, and 4, necessary for granting the Variance.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine in accordance with the analysis in the staff report that the required Findings 1, 2, and 4 cannot be made, and move to deny Variance No. 4131; 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 each of the Findings) and move to approve Variance No. 4131, subject to the Conditions attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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EXHIBIT 1  
**Variance Application (VA) No. 4131**  
**Conditions of Approval and Project**

<b>Conditions of Approval</b>	
1.	Division of the subject parcel shall be substantial conformance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	<p>Prior to final map approval, the Applicant/subdivider shall record a document on the subject property incorporating the provisions of the County Right-of-to-Farm Notice (Ordinance Code Section 17.40.100).</p> <p><i>Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right to farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been operations of three years."</i></p>
3.	Prior to recordation of the final map, 10 feet of road right of way across the subject property frontage along E. Muscat Avenue shall be dedicated to the County of Fresno, in order to satisfy the ultimate right-of-way for E. Muscat, consistent with the General Plan.

Conditions of Approval reference recommended Conditions for the project.

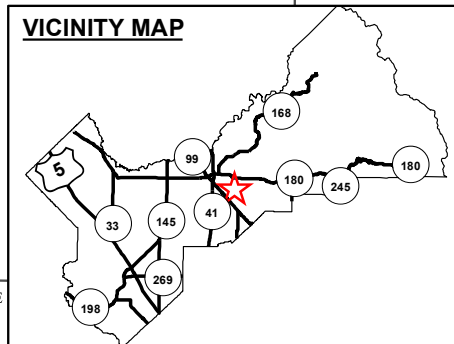
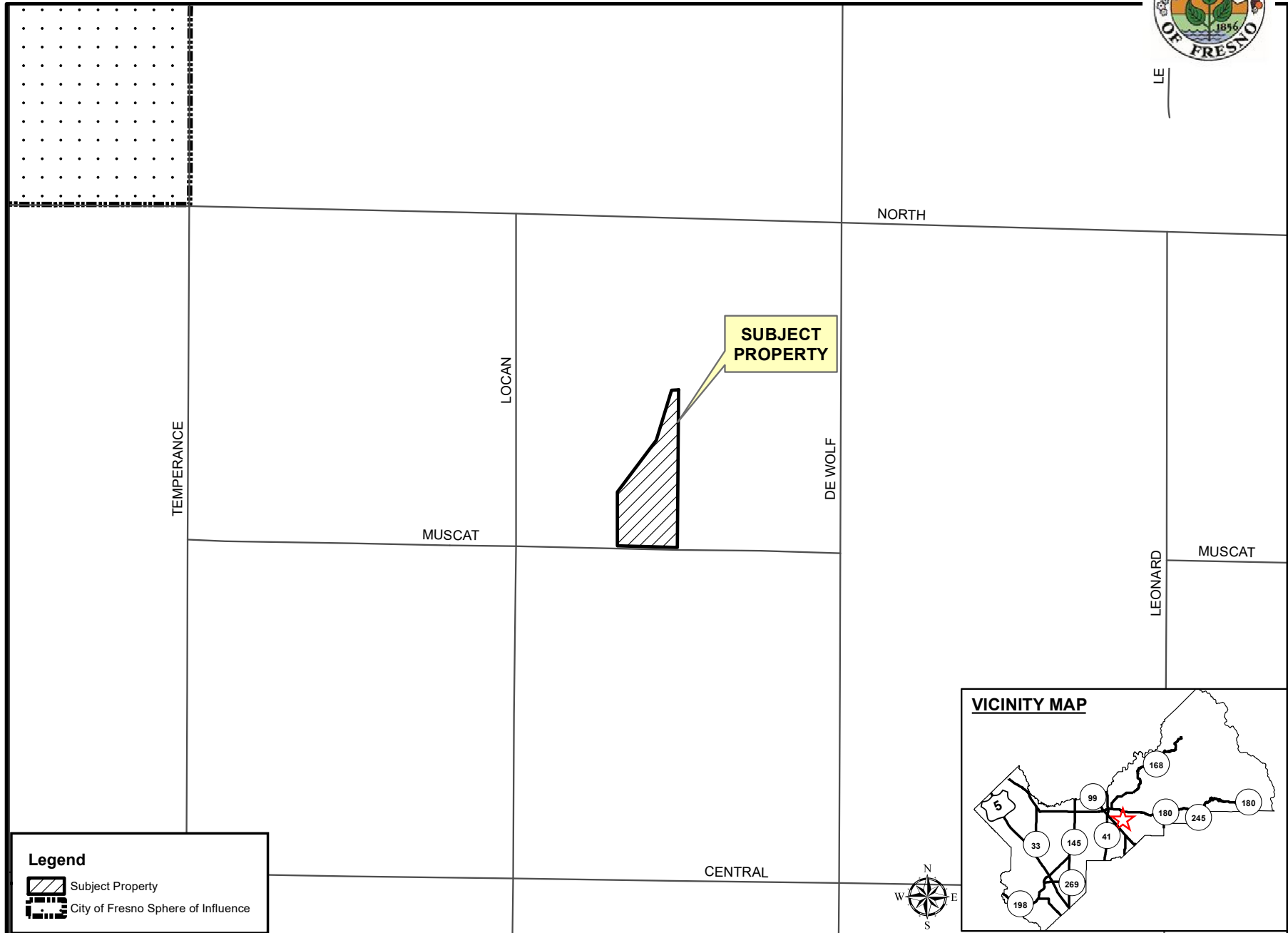
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	The approval of this Variance will expire one year from the date of approval unless the parcels authorized by said Variance are not 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.

EXHIBIT 1

Notes	
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 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.
7	Prior to approval of the final parcel map, any unpermitted structures must be permitted or removed. Plans, permits and inspections will be required.

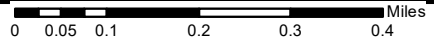
# LOCATION MAP

VA 4131



**Legend**

- Subject Property
- City of Fresno Sphere of Influence







VA 4131  
STR 26-14/21

# EXISTING ZONING MAP

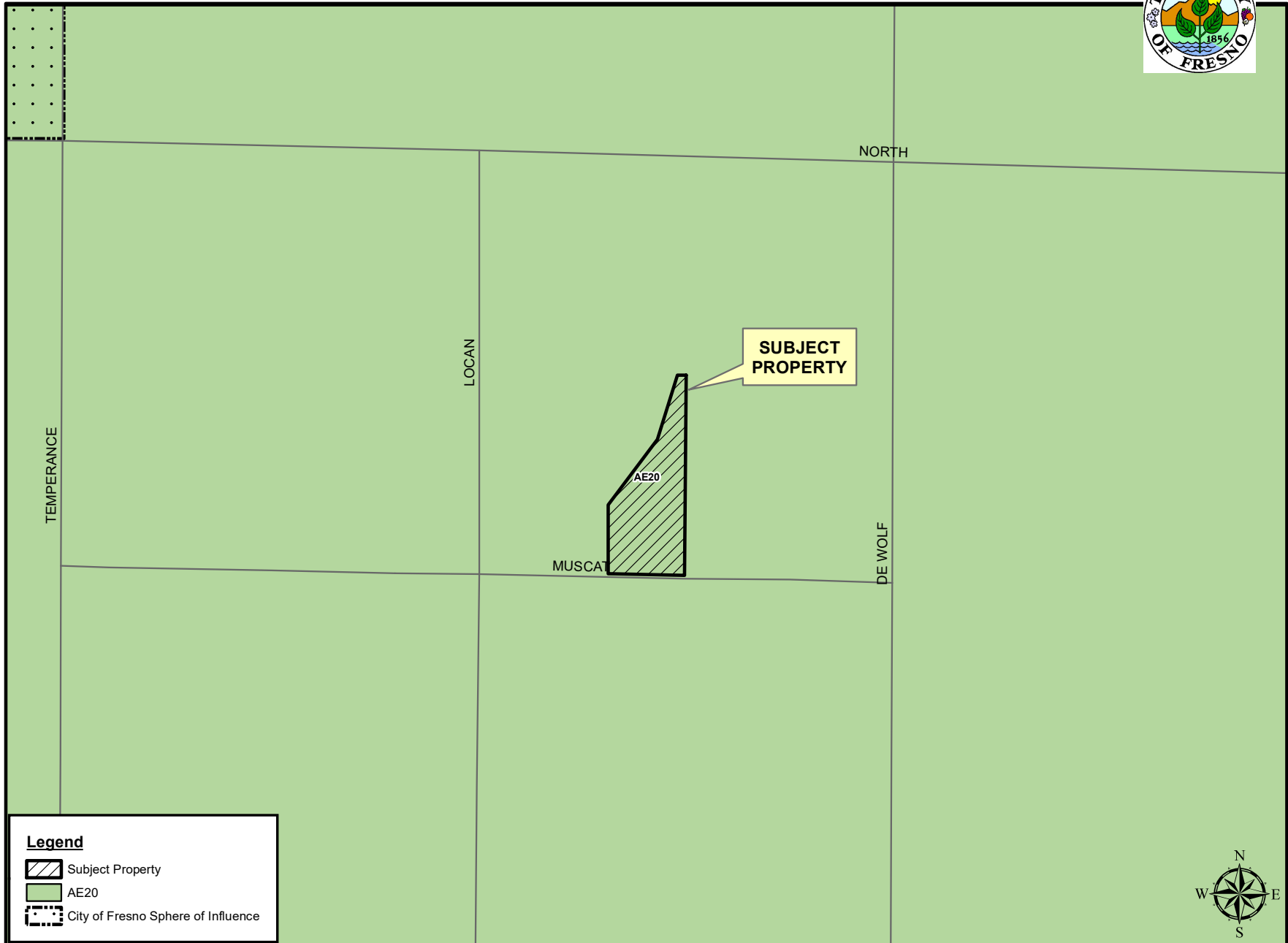


EXHIBIT 3



# EXISTING LAND USE MAP

VA 4131

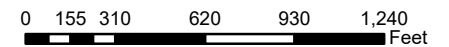
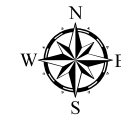


Map Prepared by: DM  
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Maps\Landuse\

LEGEND	
FC - FIELD CROP	
ORC - ORCHARD	
SF#- SINGLE FAMILY RESIDENCE	
VIN - VINEYARD	

### LEGEND:

-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning  
Development Services Division



VA 4131

# VA'S IN 1/2 MILE RADIUS

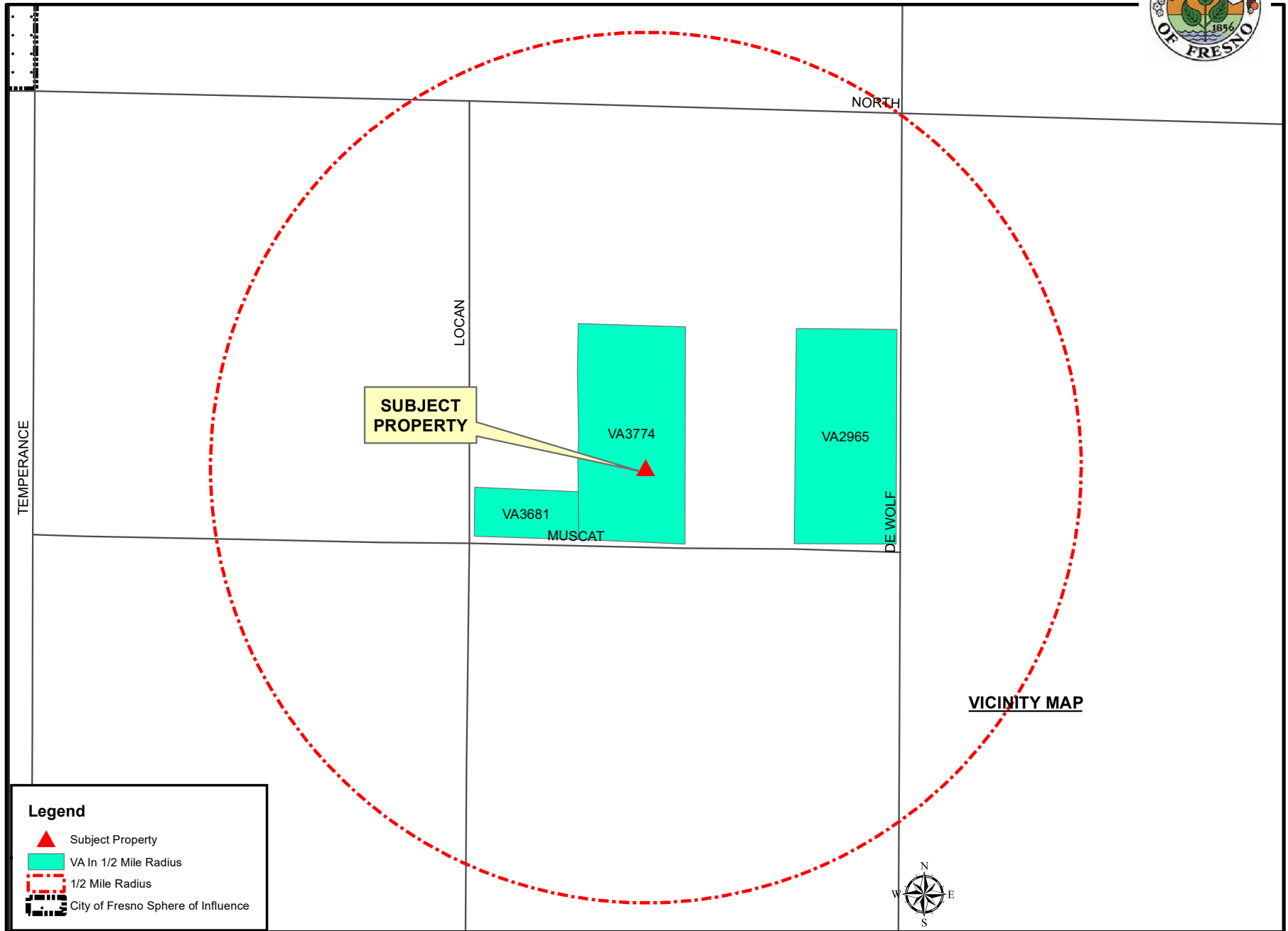













EXHIBIT 5



# Site Plan



## Legend

-  PROPOSED WELL LOCATION
-  SOLAR CARPORT  
22'x22'
-  BARN (22'x18')
-  EXISTING HOUSE LOCATION (7664)
-  EXISTING SHOP LOCATION
-  EXISTING STRUCTURE LOCATION  
(TO BE REMOVED)
-  EXISTING SEPTIC LOCATION
-  EXISTING WELL LOCATION
-  PROPOSED BOUNDARY LINE
-  EXISTING BOUNDARY LINE
-  LIMITS OF PRESCRIPTIVE EASEMENT

### Record Owner

Keith & Monica Collins  
7664 E. Muscat Ave.  
Fresno, CA 93725

9.12 TOTAL	
PARCEL 1	4.32
PARCEL 2	4.8

Note: Parcel 1 to be sold.  
Parcel 2 to be retained.

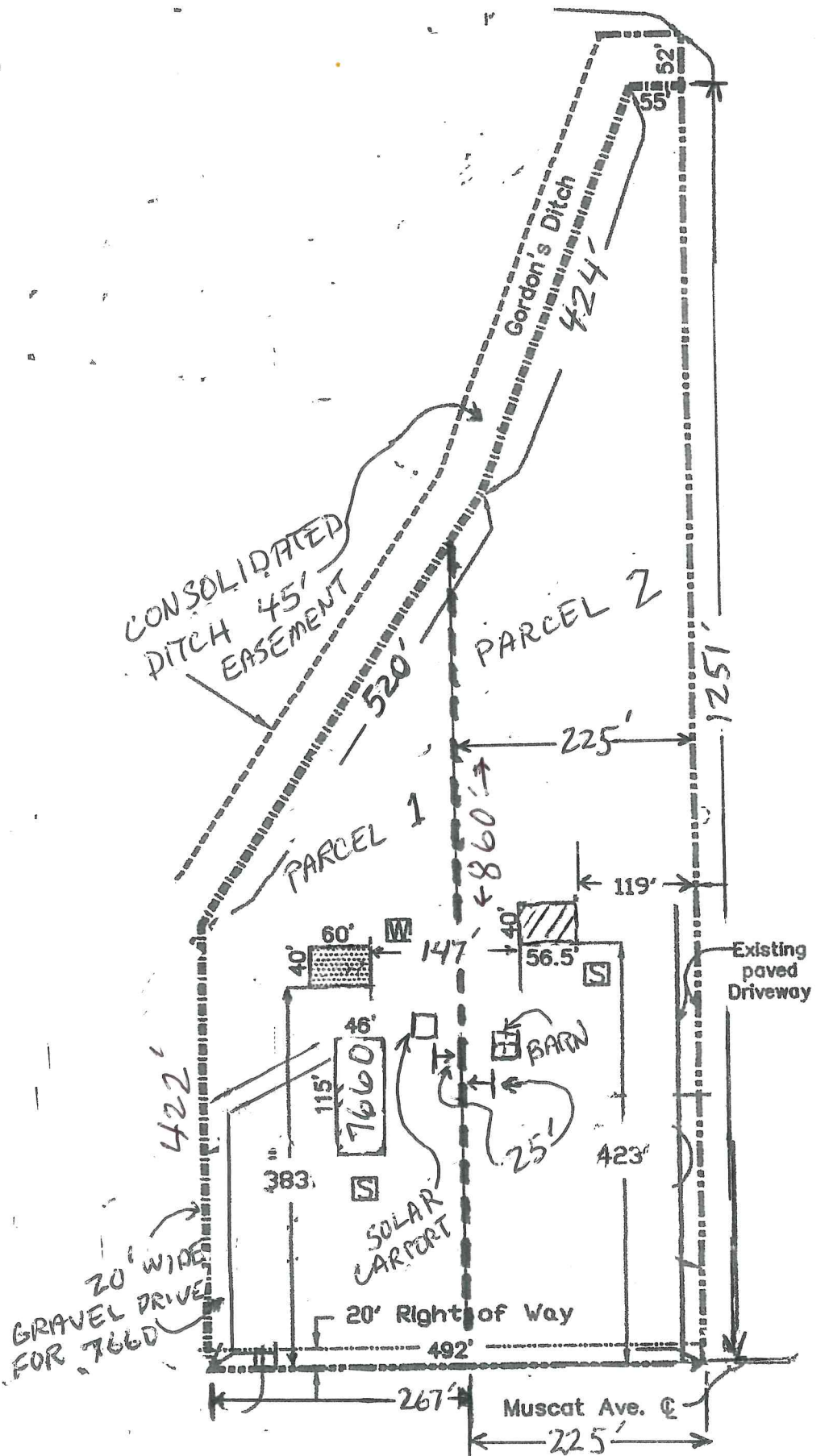


EXHIBIT 6

RECEIVED  
COUNTY OF FRESNO  
AUG 17 2022  
DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Date: 8-15-22

APN: 331-040-92  
THE E 1/2 OF THE SW 1/4 OF THE  
NE 1/4 OF SECTION 26, T.14S.,  
R.21E., MDB&M, COUNTY OF  
FRESNO, STATE OF CALIFORNIA.





November 22, 2021

Keith and Monica Collins  
7660 E Muscat Ave  
Fresno CA 93725

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification; Response: The exceptional circumstance is the property itself and the way it is split by the open ditch. All other properties in our vicinity have an underground ditch in the pipeline and are not divided by a raised ditch. Because this ditch forms a natural boundary we were given permission to split our property a few years ago. This division is also the main reason why this parcel was never farmed. There would be too much extra tractor work. Most properties in our area were once zoned AE-20, but a change was made in the zoning years ago to provide 2-4 acre parcels just west of our property along Locan Ave.
2. 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. Response: This variance is necessary for the preservation and enjoyment of my wife and I. We have lived on this property for 32 years. We love living on this peaceful road and still being close to town. This division would not affect other property owners in our vicinity.

3. The granting of the 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. Response: The granting of this variance will not be materially detrimental to the public welfare or injurious to the property due to 7664 has been in existence since 1989. People in the vicinity would not see any changes because the 7664 is independent with utilities and driveway along the east boundary.
4. The granting of such variance will not be contrary to the objectives of the Fresno County General Plan. Response: The granting of such variance will not harm the county general plan because 7664 has been in existence for 32 years. There are separate utilities with the exception of a well. Anyone in our vicinity would not see anything change. There will not be any change to Fresno County General Plans.