



Inter Office Memo

DATE: August 11, 2022
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12956 – VARIANCE APPLICATION NO. 4132

APPLICANT/
OWNER: Jamie Madrid

REQUEST: Allow the creation of a 2.53-acre from an existing 32.20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of E. Fantz Ave., 0.27-miles east of S. Newmark Ave. The parcel is approximately 0.32-miles northeast from the community of Sanger (APNs: 350-170-34 & 350-170-28s) (14293. E. Fantz Ave.) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

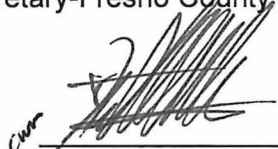
At its hearing of August 11, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Ewell to determine that Variance Finding Nos. 1 and 2 could be made as the shape of the parcel and location of the canal constitutes as an extraordinary circumstance and creating the parcel will allow for the right to utilize the property for its intended purpose. Finding No. 3 could be made, as described in the staff report. Finding No. 4 could be made as the intent behind the grant deed created in the 1960s was sufficient to allow for a parcel map to be created prior to the Parcel Map Act of 1972 and subsequent AE-20 zoning. In its ability to make all four of the required Variance Findings the Commission moved to approve Variance No. 4132 subject to the Conditions of Approval and Project Notes listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Woolf, Ewell, Abrahamian, Arabian, Carver, Chatha, Hill, and Zante
	No:	None
	Absent:	None
	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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NOTE: The approval of this project will expire one year from the date of approval unless a mapping application is filed in accordance with the requirements of the County 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. 4132

Staff: The Fresno County Planning Commission considered the Staff Report dated August 11, 2022 and heard a summary presentation by staff.

Applicant: The applicant disagreed with the Staff's recommendation. She stated the stated variance findings could be made and offered the following information to clarify the intended use:

- My daughter and myself inherited the parcel in 2020
- We live in in Los Angeles County and we have no experience nor desire to use the land for farming
- Proceeding via a Variance is the only method available in which to create a legally non-conforming lot for the purpose of selling.
- The canal running between both parcels of land provide a basis for granting an extraordinary circumstance as it creates undue burden to traverse both parcels of land
- Other parcels in the vicinity are also substandard in size

No other individuals who presented information in favor or in opposition to the application.

Correspondence: There were no letters in favor of nor in opposition to the proposal.

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EXHIBIT B

**Variance Application No. 4132
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the site plan as approved by the Planning Commission.
2.	The applicant shall dedicate 10 feet of additional road right-of-way across the parcel frontage on E. Fantz Avenue to comply with the General Plan.
3.	If the Well that Severs the (E) SFR is located on a different parcel, then a covenant and agreement regarding joint use of a domestic water well shall be required.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	If approved, 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.
2.	Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.
3.	Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared and 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.
4.	According to FEMA FIRM Panel 2170H, the parcel is not subject to flooding from the 100-year storm.
5.	According to the U.S.G.S. Quad Map, Highland Canal is near the southern property line of the subject parcel. Any future improvements constructed within or near a canal should be coordinated with the owners of the canal/ appropriate agency.
6.	Any existing or future access driveway should be set back a minimum of 10 feet from the property line

EXHIBIT B

Notes	
7.	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.
8.	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.
9.	A grading permit/voucher is required for any future grading with this application.
10.	If the variance is approved, a parcel map application will have to be filed with Fresno County to affect the property division.
11.	An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno.

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County of Fresno

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

October 11, 2022

Jamie Madrid
20955 Kittridge St #103
Canoga Park, CA 91303

Dear Mr. Madrid:

Subject: Resolution No. 12956 – VARIANCE APPLICATION NO. 4132

On August 11, 2022, the Fresno County Planning Commission approved your application to allow the creation of a 2.53-acre from an existing 32.20-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days, the Planning Commission's decision is final.

If you have any questions regarding the information in this letter, please contact me at eracusin@fresnocountyca.gov or (559) 600-4245.

Sincerely,

Elliot Racusin, Planner
Development Services Division

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Enclosure