



Inter Office Memo

DATE: July 21, 2022

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12953 – VARIANCE APPLICATION NO. 4129

APPLICANT: Dirk Poeschel

OWNER: Zahir Ahmad

REQUEST: Allow the creation of a 2.36-acre parcel and a 4.75-acre parcel from an existing 7.11-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the south side of E. Mountain Ave., between Highland Ave (State Road 43) and S. Thompson Ave., approximately 0.60-miles south from the City of Selma (APN: 393-101-35s) (13100 S. Highland Ave.) (Sup. Dist. 4).

PLANNING COMMISSION ACTION:

At its hearing of July 21, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).


A motion was made by Chairman Abrahamian and seconded by Commissioner Arabian to determine that the four required Variance Findings could be made indicating that for Finding Nos. 1 and 2 the surrounding area has a land use pattern of substandard-sized parcels similar to the parcel sizes proposed by the Applicant, which provides for a unique circumstance and substantial property right. Finding No. 3 could be made, as described in the staff report. Finding No. 4 could be made as the parcel is too small to be farmed and its subdivision will not adversely impact other agricultural lands.

Based on the ability to make all four of the required Variance Findings, a motion was made to approve Variance Application No. 4129 subject to the Conditions of Approval listed in Exhibit B.

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Arabian, Chatha, Ewell, Hill, and Zante
 No: None
 Absent: Commissioners Carver and Woolf
 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. 4129

Staff: The Fresno County Planning Commission considered the Staff Report dated July 21, 2022 and heard a summary presentation by staff.

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

- An unusual circumstance exists based on the existing parcel being surrounded by substandard parcels and the parcel is already substandard in size based upon what was permitted in the 1960's.
- The project will allow the parcel to conform to lot patterns consistent with the surrounding properties. This constitutes a substantial property right as properties in the vicinity with the same zoning classification also are substandard in size.
- The use on proposed Parcel "A" has been operating on the subject 7.11-acre property since July 1, 2004, providing residential care to elderly residents (Unclassified Conditional Use Permit Application No. 3372 approved January 10th, 2013).
- A failed well and lack of surface irrigation prevent the land from being used for farming purposes.
- The existing private road bisecting the site will serve the southern parcel

Others: The property owner stated the neighborhood has transitioned away from agricultural to more residential land uses in part due lack of irrigation water. The parcel will be used for financing purposes.

No individuals presented information in opposition to the application.

Correspondence: The applicant presented nine (9) letters of support, one of which included a letter of support from the City of Selma to the Planning Commission. There were no letters in opposition to the proposal.

EXHIBIT B

Variance Application (VA) No. 4129
 Conditions of Approval and Project Notes

Conditions of Approval	
1.	Division of the subject parcels shall be in accordance with the site plan (Exhibit 6) as approved by the Planning Commission.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the three proposed parcels. The Map shall comply with the requirements of Title 17.72.
2.	The approval of this Variance will expire one year from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	Prior to destruction of agricultural wells, a sample of the uppermost fluid in the well column shall be checked for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil shall be removed from the well prior to placement of fill material for destruction. The oily water removed from the well must be handled in accordance with federal, state, and local government requirements.
4.	Should any underground storage tank(s) be found during development, the Applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division.
5.	A Grading Permit or Voucher shall be required for any grading that has been done without a permit and any grading associated with future development of the existing and proposed parcel(s).
6.	Any additional runoff generated by development of the proposed parcels cannot be drained across property lines and must be retained or disposed of per County standards.
7.	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.
8.	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.
9.	Any structures on the subject property for which there are no available permit records will require the submission of plans and the issuance of permits, or removal, unless verification of construction prior to March 1958 is provided.

EXHIBIT B

Notes

10.	The subject parcels are located within the boundaries of Fresno Metropolitan Flood Control District Drainage Area AK. Prior to approval of the Final Parcel Map, any required drainage fees must be resolved through (FMFCD).
11.	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.
12.	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.
13.	Any new development of less than two acres or secondary dwelling may require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Any new sewage disposal systems that are proposed, shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
14.	At such time the applicant or property owner(s) decides to construct a new water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.
15.	According to FEMA FIRM Panel 2650H, the parcel is not subject to flooding from the 100-year storm.
16.	Any existing or future access driveway should be set back a minimum of 10 feet from the property line.
17.	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.
18.	Any future work done within the Caltrans state highway right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit/Clearance from Caltrans.

EXHIBIT B Page 2



County of Fresno

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

October 10, 2022

Dirk Poeschel
923 Van Ness Ave. Suite 200
Fresno, CA 93721

Dear Mr. Poeschel:

Subject: RESOLUTION NO. 12953 – VARIANCE APPLICATION NO. 4129

On July 21, 2022, the Fresno County Planning Commission approved your application to allow for the creation of a 2.36-acre parcel and a 4.75-acre parcel from an existing 7.11-acre parcel within 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

ER:jp

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Enclosure