



County of Fresno

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

November 7, 2022

Keith Collins
7664 E. Muscat
Fresno, CA 93725

Dear Applicant:

Subject: Resolution No. 12962 - Variance Application No. 4131

On September, 2022, the Fresno County Planning Commission approved your application with Conditions. A copy of the Planning Commission Resolution is enclosed.

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

The approval of this project will expire one year from the date of approval unless the required mapping application to create the parcels is 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.

If you have any questions regarding the information in this letter, please contact me at jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

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Enclosure



Inter Office Memo

DATE: September 15, 2022
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12962 - VARIANCE APPLICATION NO. 4131

APPLICANT/
OWNER: Keith Collins

REQUEST: Allow the creation of a 4.8-acre and a 4.32-acre parcel, from an existing 9.12-acre parcel, and allow a lot width to depth ratio in excess of the four to one maximum ratio allowed, for the proposed 4.8-acre parcel, within 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).

PLANNING COMMISSION ACTION:

At its hearing of September 15, 2022, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Chatha to determine that the four required Variance Findings could be made and moved to approve Variance Application No. 4131 subject to the conditions listed in attached Exhibit B. The Commission, in its motion to approve stated that Finding No. 1 could be made as there are exceptional circumstances in the parcel's configuration and the existence of smaller parcels in the vicinity; that Finding No. 2 could be made given the length of time the applicants have owned and resided on the property, a substantial property right would be realized if the owners could remain in the residence on a smaller parcel given the stated difficulty in maintaining the property in its presently larger configuration, and that the prospect of the owners having to move would create an undue hardship; that Finding No. 4 could be made the intent of the property division is consistent with General Plan objectives in that no change in its use as pasture land will occur as a result of the proposed division.

RESOLUTION NO. 12962

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Chatha, Arabian, 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 M. Kettler, Manager
Development Services and Capital Projects Division

Notes: 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.

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EXHIBIT A

Variance Application No. 4131

Staff: The Fresno County Planning Commission considered the Staff Report dated September 15, 2022, and heard a summary presentation by staff.

Applicant: The Applicants disagreed with the Staff's recommendation. They described the project and offered the following information to clarify the intended use:

- There are currently two residences on the property, a renter is currently living in the other dwelling.
- We would like to divide the property so that we might retain it to reside there and have a smaller lot to maintain.
- Due to age related health issues, we have difficulty maintaining such a large property, and as such we would like to remain living there with a smaller maintenance requirement.
- We would have to drill another water well to supply our residence, should the property division be allowed.

Others: No other individuals presented information in support of or in opposition to the application.

Correspondence: No additional correspondence was presented at the Planning Commission Hearing in support of or in opposition to the application.

EXHIBIT B

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

EXHIBIT B

Conditions of Approval	
1.	Division of the subject parcel shall be substantial conformance with the site plan (Exhibit 6) as approved by the Planning Commission.
2.	Prior to final map approval, the Applicant/subdivider shall record a document on the subject property incorporating the provisions of the County Right-of-Farm Notice (Ordinance Code Section 17.40.100). <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>
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 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.	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.

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.