



# Board Agenda Item 5

DATE: May 26, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Variance Application No. 4075 - Appeal of Denial (Applicant/Appellant: Vang Xiong)

RECOMMENDED ACTION(S):

**Consider appeal of the Planning Commission's denial of Variance Application No. 4075 proposing to allow waiver of the minimum lot size requirement and the maximum lot depth to width ratio to allow the creation of four, 4.87-acre (net) parcels (20-acre minimum required) with a lot depth to width ratio of approximately 8:1 (4:1 maximum allowed) from an existing 19.48-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.**

**The subject parcel is located on the east side of N. Garfield Avenue approximately one-quarter mile north of its intersection with W. McKinley Avenue and approximately 0.6 miles south of the nearest city limits of the City of Fresno (2264 and 2252 N. Garfield Avenue) (APN 312-330-19).**

This item comes before your Board on appeal of the Planning Commission's March 12, 2020 denial of the subject application (7 to 1, with one Commissioner absent). Staff notes that the Zoning Ordinance requires your Board to determine, independent from the decision of the Planning Commission, whether the application should be approved, approved with stated conditions, or denied. A copy of the Planning Commission's action is included as Attachment A. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If your Board is able to make the required findings for granting Variance Application (VA) No. 4075, a motion to uphold the appeal and overturn the Planning Commission's decision, stating the basis for making the findings would be appropriate.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Pursuant to the County's Master Schedule of Fees, the Applicant/Owner has paid \$6,673 in land use processing fees to the County for the processing of the Variance Request. The Appellant, on behalf of the Applicant/Owner, paid \$508 in fees to appeal the Planning Commission's denial.

DISCUSSION:

The Applicant/Appellant is requesting this variance to waive the minimum lot size requirement and the maximum lot depth to width ratio to allow the creation of four, 4.87-acre (net) parcels (20-acre minimum required) with a lot depth to width ratio of approximately 8:1 (4:1 maximum allowed) from an existing 19.48-acre (net) parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

The Planning Commission Staff Report (Attachment B) dated March 12, 2020, includes background information about the proposal and a history of variances approved within the vicinity.

In order for your Board to approve VA No. 4075, the following findings must be made:

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.
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.
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.
4. The granting of such a Variance will not be contrary to the objectives of the General Plan.

At its March 12, 2020 hearing, the Planning Commission considered the Department staff report, presentation, testimony from the Applicant/Appellant and co-owners, and four letters of opposition (Attachment C) stating concerns with dividing farmland, abandoned vehicles, and noting that the property was poorly maintained. It should be noted that staff, in its recommendation to the Commission, was unable to make all four required findings to recommend approval of VA No. 4075. After the Planning Commission considered public testimony and correspondence, a motion was made to deny the application based on the inability to make the required findings consistent with the staff report.

An appeal of the Planning Commission's denial was filed by the Applicant/Appellant on March 25, 2020. In his appeal, the Applicant/Appellant stated that the Commission should have been able to make the required findings because the group of four owners are having family disagreements, which has been a barrier to property maintenance. If the properties were under separate ownership, according to the Appellant, this issue would be resolved.

If your Board is able to make the required findings for granting approval of VA No. 4075, a motion to uphold the appeal and approve the variance would be appropriate stating in your motion to approve the manner in which the four required findings can be made, subject to the recommended Conditions of Approval (Attachment D) and any additional conditions your Board determines appropriate.

If your Board is unable to make the required findings for granting VA No. 4075, a motion to deny the appeal and deny the variance would be appropriate.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - D

CAO ANALYST:

Debbie Paolinelli