

ATTACHMENT A

612118  
Item # 14

Subject: Appeal of Variance Application NO. 4039

06/06/2018

To the Board of Supervisors,



By reading the agenda for June 12 , 2018 meeting I noticed that only appealing the condition nr. 2 of the variance was mentioned, while in fact as stated on my previous letter I am appealing also condition number 3 of this variance. Please see the last sentence of my letter dated April 23 , 2018.

I am willing to join the CSA, but since I am already paying into the CSA trough my tax bill , I am not willing to pay an application fee of 4, 242.00, an engineer's report , and a \$5000.00 deposit to cover the cost of Resources Special Districts. These are the fees that me and the other 2 neighbors were quoted to join the CSA .

It makes no sense that we are not in the CSA , but we pay in the CSA with the reason that we receive a special benefit from the maintenance of East Reno Ave, while in the 21 years since CSA 35 AJ was created there has not been any major roadwork completed as part of the of a CSA project on Reno Road.

Please see attached correspondence that I received from Special Districts section within the Department of Public Works and Planning that verifies the above statements.

So please add to the agenda the modification of the condition # 3 of the variance to remove the exorbitant fees to join the CSA35 AJ. And be recognized that my property is part of CSA 35 AJ since I have been paying into CSA as everybody else.

Sincerely,

Iulia Vorobchevici

*Iulia Vorobchevici*

RECEIVED

AI # 15  
May 1, 2018

APR 25 2018

04/23/2018

Subject: Appeal of Variance Application NO. 4039

To the Board of Supervisors,

CLERK. BOARD OF SUPERVISORS

My name is Iulia Vorobchevici and I am the owner of the property located at 12789 Auberry Road ,in Clovis ,California, 93619. My cell number is : (559)916-4289.

I'm writing to appeal the conditions of the Variance Application 4039 to subdivide my 10-acre parcel into two five-acre parcels. The Variance was approved by the planning commission on February 15, 2018.

Condition number 2 of the variance requires improvement of East Reno Road from my property to Auberry Road which is approximately 0.4 mile. I strongly believe this condition is unfair and unreasonable. There have been fourteen variances approved on Reno road without the condition of improving this section of road. We are talking about an expensive project. The surface is approximately 26,800 square feet. At an average of \$3.00 per square foot of asphalt the total cost will be around \$80,400.

There are more than 26 properties on East Reno Road that will benefit from this road improvement. It would be fair that all that benefit from this improvement would contribute.

Condition number 3 of the variance requires me to provide for maintenance of this 0.4-mile section by myself. This condition is also unfair as there are more than 26 properties that are accessed by this section of road ( see attached map ). My property tax bill shows that I have paid for the last 3 years to the CSA 35, zone AJ the amount of aprox. \$383.76 per year. I can provide a copy to the Board of these Tax Bills. The county claims I am not in the CSA and I must pay an engineer report to amend the map for annexation of my property and pay an application fee of \$4,200. This is a contradiction that I'm paying the same as the other CSA members, but the property is not in the CSA.

I do not understand why I am expected to pay for such an expensive project as building a road. If I was a member of the CSA since its inception in 1997, my total payments would have been approximately \$7,600. Now I am faced with an \$80,000 project. I'm not rich and I am not a big developer . This is the only property that I own. My husband passed away a year ago and I am by myself with two kids. I want to split the lot to be able to pay my debt.

I can't afford to build a road, and if this condition is on my variance I will not be able to split my property. I do not think that any neighbors have anything to object about my intention to split because most properties in the area are around 5 acres and everybody likes that size of a lot.

I have no problem with paying my share to improve or maintain the road to the CSA.

I want it to be recognized that my property is part of the CSA since I've been paying into the CSA through my property tax bill, without having to pay an expensive application fee and engineer's report.

So, I am asking the Board to remove conditions # 2 and # 3 from this Variance.

Sincerely,

Iulia Vorobchevici

*Iulia Vorobchevici*

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Re: CSA 35AJ - Reno Road Information (4)

People

On Mar 4, 2018, at 8:07 PM, "vorodds@sbcglobal.net" <vorodds@sbcglobal.net> wrote:

Hello Daniel , thank you for all this information . Can you please email me something about when was the CSA 35 AJ created ? Thank you , iulia

Sent from my iPhone

On Mar 2, 2018, at 3:12 PM, Vang, Daniel <danielvang@co.fresno.ca.us> wrote:

Good afternoon,

As requested by you, below is some brief information for you regarding Reno Road. Meng Moua is the Staff Analyst that oversees your road zone. As mentioned to you over the phone, Tim and Deanna Leary have lived in that area for quite some time and reside within the CSA. They have a lot of knowledge regarding the CSA and can answer a lot of the questions regarding their experience working with Special Districts staff.

6/17/97 – Formation of CSA 35AJ and Prop 218 Process to levy assessment in accordance with the Engineer Report – Board Agenda Item attached along with Engineer Report

3/25/08 – Annexation No. 1 to CSA 35AJ and Prop 218 Process – [Click here for link to items](#)

4/24/08 – Notice sent to new members of CSA 35AJ – Attached, this will help provide you a summary of the CSA leading up to this date

5/19/15 – Board Agenda Item for new assessments – [Click here for link to items](#)

Note that there has not been any major roadwork completed as part of a CSA project on Reno Road. If you have any questions, please let us know. Thank you

**Daniel Vang**

Principal Staff Analyst  
Public Works & Planning – County of Fresno  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721  
(559) 600-4319  
[danielvang@co.fresno.ca.us](mailto:danielvang@co.fresno.ca.us)

**How is Resources-Special Districts Administration doing?**

Please take a couple of minutes to complete our [Customer Service Survey](#).

<AJ-Agen-6-17-97.pdf>

<AJ-Engr-Report Formation.pdf>

<35AJ-1-Notice-4-24-08.pdf>

Reply Reply to All Forward More

vorodds@sbcglobal.net Sent from my iPhone Begin forwarded mes

Mar 14 at 2:36 PM

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Inbox (153)

CSA (5)

People

Matt Ratzlaff Hi Guys, My 2 neighbors and I have had recent discussic Mar 22 at 2:12 PM

Matt Ratzlaff Can you guys each call Daniel Vang or Sebastian and as Mar 26 at 11:21 AM

Vang, Daniel <danielvang@co.fresno.ca.us> Apr 3 at 10:45 AM

To 'matzlaff@gmail.com'
CC Nick Farid, Iulia Vorobchevici, Artal, Sebastian, Donniyer, John, Moua, Meng

Good morning Matt,

I apologize for the delay with the response to your questions. The properties in question are not currently within the boundaries of CSA 35AJ. Although the properties are not within the boundaries of CSA 35AJ, an assessment was levied on the properties because they each receive a special benefit from the maintenance of East Reno Avenue. The assessment was levied in accordance with the requirements of Proposition 218, California Constitution Article XIID, Section 4, so it is proper. In regards to your last question, the County places conditions on variances and other requested land uses to ensure that services are provided, and continue to be provided appropriately, in the unincorporated areas of Fresno.

Should you have any further questions or concerns, please let us know. Thank you.

Daniel Vang

Principal Staff Analyst
Public Works & Planning - County of Fresno
2220 Tulare Street, 6th Floor
Fresno, CA 93721
(559) 600-4319
danielvang@fresnocountyca.gov

How is Resources-Special Districts Administration doing?
Please take a couple of minutes to complete our Customer Service Survey.

Show original message

Reply Reply to All Forward More

Matt Ratzlaff thank you Daniel Apr 4 at 9:29 AM

Matt Ratzlaff are you both still willing to pursue this it means paying Apr 4 at 9:29 AM

Click to reply all

Send

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Fwd: CSA (6)

Matt Ratzlaff this is what we would need to join the CSA, which all Feb 20 at 5:05 PM

vorodds@sbcglobal.net Hi Matt, Do you know what CSA is? Is it a Feb 20 at 9:24 PM

Matt Ratzlaff <matzlaff@gmail.com> Feb 21 at 8:46 AM

To: Iulia Vorobshevici

the attachment is just the biz card for the Meng guy i don't know who he is. I don't know what a CSA is either. I think Sebastian is the only one who knows

----- Forwarded message -----

From: Donmyer, John <jdonmyer@co.fresno.ca.us> Date: Tue, Feb 20, 2018 at 4:52 PM Subject: RE: CSA To: "matzlaff@gmail.com" <matzlaff@gmail.com> Cc: "Artal, Sebastian" <sartal@co.fresno.ca.us>, "Vang, Daniel" <danielvang@co.fresno.ca.us>, "Moua, Meng" <mmoua@co.fresno.ca.us>

Matt,

The following items are required to start the process of annexation into CSA 35.

- Formal written request for the annexation of property into CSA 35.
- Pay the Master Schedule Fees for \$4,242.00.
- Provide an Engineer's Report, Legal description of the boundary of the territory to be annexed, and a boundary map of the proposed zone of benefit.
- Reimbursement agreement with County to cover the costs for Resources Special Districts required work with a \$5,000.00 deposit. (see attachment for Special District Contact below)



If you have, any questions or concerns please feel free to contact me directly.

Best regards,

John D. Donmyer Senior Engineering Technician Department of Public Works and Planning - Design Division Ph: (559) 600-4526 Address: 2220 Tulare Street, 7th Floor Fresno, CA. 93721

Fresno County Department of Public Works and Planning is conducting a Customer Service Survey. Please take a few minutes to complete our survey at the following link. Your feedback is greatly appreciated. Super Short Customer Service Survey

From: Matt Ratzlaff [mailto:matzlaff@gmail.com] Sent: Tuesday, February 20, 2018 3:32 PM To: Artal, Sebastian <sartal@co.fresno.ca.us>; Donmyer, John





## Inter Office Memo

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**ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS, SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES.**

DATE: February 15, 2018  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12694 - VARIANCE APPLICATION NO. 4039

APPLICANT/  
OWNER:

Iulia Vorobchevici

REQUEST: Allow the creation of two five-acre parcels from an existing 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the south side of East Reno Avenue approximately 700 feet west of Auberry Road, and approximately one mile northeast of the nearest city limits of the City of Fresno (12789 Auberry Road) (SUP. DIST. 5) (APN 580-010-24).

### PLANNING COMMISSION ACTION:

At its hearing of February 15, 2018, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Woolf to determine the required findings could be made, stating that with regard to Findings 1 and 2 the property is unique in size compared to surrounding other properties in that it is too small to be economically viable farmland, and approval of the Variance preserves a property right associated with this property size in that other 5-acre properties have been permitted in the area, and with regard to Finding 4, although the area is designated agriculture in the General Plan, the current level of development is not consistent with that designation, and recommend approval of Variance Application No. 4039, subject to the Conditions listed in Exhibit B.



EXHIBIT A

Variance Application No. 4039

Staff: The Fresno County Planning Commission considered the Staff Report dated February 15, 2018, and heard a summary presentation by staff.

Applicant: The Applicant's representative did not concur with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:

- The map presented here does not accurately depict the existing residential density of the area.
- We believe the findings can be made; the proposal is consistent with surrounding development; and similar parcel sizes have been previously granted to other property owners.
- Regarding Finding 4, the proposal is consistent with the General Plan due to the fact that smaller parcel sizes are not economically viable farming units.

Others: Staff clarified a road improvement condition of approval, by stating:

- The condition is written so that the property owner would have to improve the road from their property frontage to Auberry Road across the entire width of the road; but there are two additional applicants who have undertaken similar variance processes on which the same condition for road improvement was placed.
- The paved width of the road is currently approximately 20 to 24 feet in width and is in complete disrepair.

No additional speakers spoke in favor or in opposition to the request.

Correspondence: One letter was presented to the Planning Commission in opposition to the application.

EXHIBIT B

**Variance Application (VA) No. 4039  
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan (Exhibit 6) as approved by the Commission.
2.	<p>Prior to approval of the mapping application associated with approval of this Variance, the Applicant shall provide certification to the Department of Public Works and Planning that East Reno Avenue has been improved to not less than the A-15 County Road Improvement Standard across the frontages of proposed Parcel 1 and Parcel 2 to Auberry Road.</p> <p>NOTE: Procedures for development to the A-15 County Improvement Standard are referenced in the mandatory notes below.</p>
3.	<p>Prior to approval of the mapping application associated with approval of this Variance, the Developer shall have provided for the maintenance of the segment of East Reno Avenue extending across the frontages of proposed Parcel 1 and proposed Parcel 2 to Auberry Road by a County Service Area or other method acceptable to the Director of the Fresno County Department of Public Works &amp; Planning.</p> <p>NOTE: Procedures for initiating annexation are referenced in the mandatory notes described below.</p>

Conditions of Approval reference required Conditions for the project.

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
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 two proposed five-acre parcels. The Map shall comply with the requirements of Title 17.72.
2.	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 substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	Any work done within the 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.
4.	If not already present, a ten-foot by ten-foot corner cutoff should be improved for sight distance purposes at any existing or proposed driveway accessing East Reno Avenue.
5.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal. Storm water runoff due to this development shall be retained on the property being developed in accordance with Fresno County standards. Ponds in excess of 18" in depth shall be fenced.

**Notes**

6.	As the subject parcel is located in an area defined as being water-short, any future development on the proposed parcels will require that a well yield certification be performed and approved prior to the issuance of Building Permits.
7.	Building permit records indicate the existing septic system for 12789 Auberry Road (Primary Residence) was installed in November 2014. It is recommended that the Applicant consider having the existing septic tanks pumped, and have the tanks and drain fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the systems.
8.	The subject property is located within the California Department of Forestry "State Responsibility Area" (SRA) boundary and therefore, is subject to standards relating to building setbacks, driveway construction, gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. Any future development shall be in accordance with the applicable SRA Fire Safe Regulations.
9.	To pursue annexation to County Service Area (CSA) 35, Zone AJ, applicable fees and an engineer's report will be required. For more information, contact the Resources Division of the Department of Public Works and Planning at (559) 600-4259.
10.	To meet the A-15 County Improvement Standard, improvement plans must be submitted for review and approval by the Department of Public Works and Planning, Road Maintenance & Operations Division, along with a letter from the Developer's engineer confirming that construction engineering and surveying will be provided to permit construction, in accordance with the approved plan. It also requires payment of an Inspection (Grading Permit) Fee and that the construction is inspected by the County.

JS:ksn

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EXHIBIT "C"

*ATTACHMENT  
TO  
AGENDA ITEM*

FISCAL IMPACT STATEMENT

Variance Application No. 4039

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Variance Application:	\$ 6,049.00 <sup>1</sup>
Health Department Review:	365.00 <sup>2</sup>
Preliminary Environmental Review:	259.00 <sup>3</sup>
Agricultural Commissioner Review:	<u>34.00<sup>4</sup></u>
<b>Total Fees Collected</b>	<b>\$ <u>6,673.00</u></b>

<sup>1</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report.
<sup>2</sup> Review of proposal by the Department of Public Health, Environmental Health Division to provide comments.
<sup>3</sup> Review proposal to provide appropriate California Environmental Quality Act (CEQA) Exemption and include documentation for project file.
<sup>4</sup> Review of proposal by the Department Agriculture to provide comments.



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 February 15, 2018

**SUBJECT:** Variance Application No. 4039

Allow the creation of two five-acre parcels from an existing 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

**LOCATION:** The project site is located on the south side of East Reno Avenue approximately 700 feet west of Auberry Road, and approximately one mile northeast of the nearest city limits of the City of Fresno (12789 Auberry Road) (SUP. DIST. 5) (APN 580-010-24).

**OWNER/  
APPLICANT:** Iulia Vorobchevici

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

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Deny Variance No. 4039; 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. Existing Zoning Map
4. Existing Land Use Map
5. Map of Variances Approved within one mile
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 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	10 acres	Parcel 1: 5.0 acres Parcel 2: 5.0 acres
Project Site	10.00-acre parcel improved with two residences, two wells, and two septic systems	Each parcel will retain one residence, one well, and one septic system
Structural Improvements	An approximately 6,700 square-foot primary residence and an approximately 1,243 square-foot secondary residence	Proposed Parcel 1 will contain the larger primary residence and Proposed Parcel 2 will contain the smaller secondary residence
Nearest Residence	Approximately 75 feet east of the 1,243 square-foot secondary residence	No change

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: *Review for Exemption* that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

**PUBLIC NOTICE:**

Notices were sent to 39 property owners within 1,320 feet of the subject parcel and an additional 18 property owners in the vicinity, 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 873-F are made by the Planning Commission.

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.

**BACKGROUND INFORMATION:**

The subject parcel was originally created as Lot No. 4, in Block 2 of the Redwood Park Subdivision, Record of Survey, recorded in June 17, 1909. The subject parcel was historically a ten-acre parcel, and zoned A-1 (Agricultural), as was the surrounding area. The Board of Supervisors established the A-1 Zoning on June 8, 1960. On March 8, 1977, the Board of Supervisors approved County-initiated Amendment Application No. 2898, which rezoned this area to the current AE-20 (Exclusive Agricultural) Zone District.

The subject parcel is improved with a 6,700 square-foot single-family residence, permitted in October 2013, and a 1,243 square-foot secondary residence, permitted in November 1997. There was a pre-existing dwelling on the property, however the original 1,008 square-foot structure, for which no permit records were available, was lost to fire in 1997.

This Variance request proposes to divide the existing ten-acre parcel into two five-acre parcels. If approved, each newly-created 5-acre parcel will contain one of the existing residences, with the larger primary residence to occupy proposed Parcel 1 and the existing second residence to occupy proposed Parcel 2. The Applicants Findings indicate that should the Variance be approved, the smaller residence on proposed Parcel 2 will ultimately be demolished and replaced with a new larger residence.

Prior to submittal of the current Variance Application (VA No. 4039), the permitting process was started in 2013 for the existing 6,700 square-foot primary dwelling, with the understanding that the 1,243 square-foot secondary dwelling would require authorization via submittal and approval of a Director Review and Approval Application (DRA), conversion to an allowable use, or removal, prior to issuance of permits. The Applicants elected to submit a DRA application, and subsequently began the pre-application process. Through a miscommunication between the property owners, the contractor and the County, permits were issued for the new primary dwelling on August 3, 2015; however, the DRA application was never submitted.

The current Variance request, submitted on September 9, 2017, proposes to divide the 10-acre parcel into two five-acre parcels, each containing one of the existing dwellings. If this Variance is approved, no further action will be required for the second residence. However, in the event the Variance is denied by the Planning Commission or on appeal to the Board of Supervisors, the Applicant will be required to submit a Director Review and Approval application to allow the second residence to remain, remove it, or convert it to an allowable use, under permit and inspection by the Fresno County Department of Public Works and Planning. If one of these conditions is not satisfied within 30 days of the Planning Commission or Board of Supervisors action on Variance Application No. 4039, a Notice of Violation may be issued by the Code Enforcement Section of the Department of Public Works and Planning.

Nineteen variance requests have been processed within one mile of the subject property for the creation of substandard-size parcels. Of those, 14 were approved and 5 were denied. Those 19 variances are detailed in the table below:

<b>Application/Request</b>	<b>Staff Recommendation</b>	<b>Final Action</b>	<b>Date of Action</b>
VA No. 3413 - Allow a Property Line Adjustment between a 38.50-acre parcel and 5.19-acre parcel resulting in the reduction of an existing 5.19-acre parcel to 4 acres.	Approval	PC Approved	May 20, 1993

VA No. 3482 - Allow the creation of two 5-acre parcels from an existing 10-acre parcel in the AE-20 Zone District.	Denial	PC Approved	March 16, 1995
VA No. 3483 - Allow the creation of three 5.20-acre parcels and a 10.06-acre parcel (20 acres required) from a 25.66-acre parcel of land in the AE-20 Zone District.	Denial	PC Denied  BOS Approved	March 16, 1995  April 18, 1995
VA No. 3556 - Allow the creation of two 5.0-acre parcels, a 5.1-acre parcel and a 5.2-acre parcel (20-acre minimum required) from a 20.30-acre parcel.	Denial	PC Approved	April 3, 1997
VA No.3579* - Allow the creation of a 2.74-acre parcel and a 2.43-acre parcel, both without public road frontage, from an existing 5.17-acre parcel in the AE-20 Zone District.	Denial	PC Approved  Approval expired	July 10, 1997
VA No. 3590 - Allow creation of a 2.50-acre and a 5.10-acre parcel with the smaller parcel having no public road frontage (20 acres and 165 feet required) from an existing 7.60-acre parcel of land in the AE-20 Zone District.	Denial	PC Approved	November 6, 1997
VA No.3596 - Allow a property line adjustment between two 10-acre parcels, resulting in a 6.50-acre parcel and a 13.5-acre parcel, in the AE-20 Zone District.	Deferred to Planning Commission	PC Approved	October 16, 1997
VA No. 3618 - Allow creation of a 3.53-acre parcel, a 2.57-acre parcel, and a 2.62-acre parcel (20 acres required), each parcel having no public road frontage (165 feet required).	Deferred to Planning Commission	PC Denied  BOS Denied	November 12, 1998  December 15, 1998
VA No. 3666 - Allow creation of a 2.5-acre homesite parcel without public road frontage (165 feet minimum required) from an existing 10.45-acre parcel of land in the AE-20 Zone District.	Approval	PC Approved	April 6, 2000

VA No. 3693 - Allow creation of two 2-acre parcels from a 4-acre parcel in the AE-20 Zone District.	Denial	PC Denied	August 22, 2002
VA No. 3771** - Allow creation of a 3.11-acre parcel and a 1.74-acre parcel from a 4.85-acre parcel in the AE-20 Zone District and allow the 1.74-acre parcel without road frontage.	Denial	PC Denied	April 22, 2004
VA No. 3773 - Allow creation of two 2-acre parcels from a 4-acre parcel in the AE-20 Zone District.	Denial	PC Denied	March 4, 2004
VA No. 3815 - Allow the creation of four parcels, 3.9, 4.5, 4.6, and 5 acres in size (minimum 20 acres required), allowing three parcels without public road frontage (minimum 165 feet required) from an existing 18.03-acre parcel in the AE-20 Zone District.	Denial	PC Approved	October 12, 2006
VA No. 3882 - Allow creation of a 5.88-acre parcel and a 6.29-acre parcel (minimum 20 acres required) from a 12.17-acre parcel in the AE-20 Zone District.	Denial	PC Denied	September 18, 2008
VA No. 3895 - Allow the creation of two parcels, each approximately 2 acres in size (minimum 20-acres required) from an existing 4.00-acre parcel in the AE-20 Zone District.	Denial	PC Approved	July 16, 2009
VA No. 3932 - Allow creation of an approximately 3.4-acre parcel and two approximately 4.9-acre parcels from an existing 13.09-acre parcel.	Denial	PC Approved	December 12, 2013
VA No. 3952 - Allow the creation of two approximately 5-acre parcels from an existing 9.81-acre parcel, in the AE-20 Zone District	Denial	PC Approved	January 9, 2014
VA No. 4012* - Allow the creation of a 2.74-acre parcel and a 2.43-acre parcel, both without public road frontage, and a lot depth-to-width ratio greater than four-to-one, from	Denial	PC Approved	October 20, 2016

an existing 5.17-acre parcel in the AE-20 Zone District.			
VA No.4025** - Allow the creation of a 2.3-acre parcel and a 2.55-acre parcel from an existing 4.85-acre parcel in the AE-20 Zone District.	Denial	PC Denied BOS Approved	August 10, 2017 October 17, 2017

\*Indicates that the two Variance Applications affect the same parcel.  
 \*\*Indicates that the two Variance Applications affect the same parcel.

**ANALYSIS/DISCUSSION:**

*Findings 1 and 2:* 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; and

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.

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n):</b>
Setbacks	<u>AE-20 Zone District:</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>Proposed Parcel 1 (5+/- acres):</u> Primary Residence Front: 80 feet Side (east): 60 feet Side (west): 155 feet (approx.) Rear: 235 feet (approx.)  <u>Proposed Parcel 2 (5+/- acres):</u> Secondary residence Front: 100 feet Side (east): 30 feet Side (west): 225 feet (approx.) Rear: 425 feet (approx.)	<u>Parcel 1:</u> Yes  <u>Parcel 2:</u> Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	6 feet	No change	Yes
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	No change	Yes

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n):</b>
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	No change	Yes

**Reviewing Agencies/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears each parcel can accommodate the sewage disposal systems and expansion areas, meeting the mandatory setback requirements as established in the California Plumbing Code and California Well Standards Ordinance.

Building permit records indicate that an existing septic system for 12789 Auberry Road was installed in November 2014, however, no building permit records were available for the second septic system. It is recommended that the Applicant consider having both of the existing septic tanks pumped, and have the tanks and drain fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the systems.

Development Engineering Section of the Fresno County Department of Public Works and Planning: East Reno Avenue is a 40-foot-wide private road and is maintained through County Service Area (CSA) 35, Zone AJ. Typically, any access driveway should be set back a minimum of ten feet from the property line. If not already present, ten-foot by ten-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto East Reno Avenue.

According to FEMA, FIRM Panel No.1040H, the parcel is not subject to flooding from the one-percent-chance (100-year) storm. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject property.

Typically, If the subject parcel is located within the State Responsibility Area (SRA) boundary, any future development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.

A grading permit or voucher may be required for any grading that has been done without a permit and any grading proposed with this application.

If the Variance is approved, a parcel map application will have to be filed with Fresno County in order to effect the property division. Development Engineering has no objection to this Variance Application.

No other comments specific to Findings 1 and 2 were expressed by reviewing Agencies or Departments.

## **Analysis:**

In support of Finding 1, the Applicant's findings describe that the subject parcel and surrounding parcels have consisted of various sizes ranging from 7 acres to 40 acres since their original creation as part of the Redwood Park Subdivision. Staff acknowledges that there is variation in parcel size and that the majority have been divided into smaller parcels with Planning Commission or Board of Supervisors approval since their creation. This Variance request for a parcel division will allow the creation of two separate legal parcels, each containing a single-family residence and a domestic water well and septic system, which would allow them to function independently of each other, and be sold or otherwise conveyed if the property owner chooses.

In support of Finding 2, the Applicant's findings state that this request is consistent with such right granted to other property owners in the vicinity, some of which have had variances approved, allowing the division of their property into smaller parcels. The Applicant's findings also state that the soil type underlying the subject property and surrounding area is not ideal for agricultural uses.

The subject parcel is located approximately 700 feet west of Auberry Road, on the south side East Reno Avenue, which has direct access to Auberry Road. The subject parcel has been improved with two single-family dwellings. If this Variance request is approved, the resultant parcels will each contain one of the existing residences, and each with its own well and septic system.

According to Fresno County Assessor's map Book 580, Page 1, updated June 21, 2016, the area on the south side of Reno is comprised of parcels between 2.3 acres and 40 acres, which have been similarly improved with single-family dwellings. The property abutting the subject parcel on the west is approximately 9.70-acres and the two properties abutting the subject parcel on the east side are 4.85-acres and 4.61-acres respectively. There are three parcels directly across East Reno Avenue to the north of the subject parcel. Those three parcels consist of 5.06-acres, 4.95-acres, and 4.63-acres. Of the nine parcels which have frontage on the south side of Reno Avenue, four of those are less than five acres in size. Those parcels on the north side of Reno Avenue across from the subject parcel are mostly five acres +/- in size and are similarly improved with single-family dwellings. Of the 15 parcels that have frontage on the north side of Reno Avenue across from the subject parcel, 13 are between 4.61 and 5.62 acres, and the remaining two are 18.90 acres and 7.60 acres, respectively. Additionally, there is one 2.47-acre parcel, on the northern boundary of the 18.90-acre parcel, without road frontage. Staff notes that there are at least seven parcels on the east side of Auberry Road and within a quarter-mile or less from the subject parcel which are smaller than five-acres.

While staff acknowledges that other property owners in the vicinity have been granted variances allowing the creation of parcels that were less than the minimum 20-acres required, the approval of those other variances should not be considered the fulfillment of a property right, but rather each request should be considered on its own merits. At 10 acres, the subject parcel is consistent in size with other parcels in the vicinity and there are no physical characteristics particular to the property that are exceptional or extraordinary. Additionally, the inability of the property owner to create a parcel or parcels less than the minimum 20-acres required in this zone district does not itself constitute an infringement of a substantial property right. Other property owners in the Vicinity are subject to the same requirements and restrictions with respect to the creation of a substandard size lot.

The minimum parcel size that may be created in the AE-20 Zone District is 20 acres. A property owner may not create parcels with less than the 20-acre minimum parcel size if he or she does not qualify under the conditions listed in Section 816.5, or unless the substandard-size parcel is approved through the Variance process. The existing residential use of the parcel does not exempt the property owner from the 20-acre minimum established to protect productive farming units.

The Applicant’s stated desire to create two five-acre “estate” homesites does not constitute an exceptional circumstance and is not consistent with the agricultural zoning designation. Further, staff does not consider the presence of other parcels similar in size to those proposed with this Variance to be an extraordinary physical characteristic demonstrating a circumstance which merits the requested Variance.

A consideration in addressing variance applications is whether there are alternatives available that would avoid the need for the Variance. In this case, the Applicant does not have any options for splitting the existing parcel without the approval of a Variance under the current zoning. Based on the Applicant’s intention to create two parcels that are approximately equal in size and with each containing one single-family residence, staff does not believe that there is a substantial property right at issue which would warrant the granting of the Variance.

Staff was unable to identify any unique or exceptional circumstances on the property and could not identify an impacted property right of the Applicant. Findings 1 and 2 cannot be made.

**Recommended Conditions of Approval:**

*See recommended Conditions of Approval attached as Exhibit 1.*

**Conclusion:**

Findings 1 and 2 cannot be made.

*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	5.06 acres 4.95 acres 4.63 acres	Single-Family Residence Vacant Vacant	AE-20	Approximately 275 feet
South	5.17 acres 4.73 acres	Single-Family Residence Single-Family Residence	AE-20	Approximately 75 feet Approximately 160 feet
East	4.85 acres 3.86 acres	Single-Family Residence Vacant	AE-20	Approximately 450 feet
West	10 acres	Single-Family Residence	AE-20	Approximately 750 feet

\*Measured from the existing property lines

### **Reviewing Agencies/Department Comments:**

Development Engineering Section of the Fresno County Department of Public Works and Planning: According to FEMA FIRM Panel 1040H, the parcel is not subject to flooding from the 100-year storm. The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) boundary. Typically, FMFCD should be consulted for their requirements, and any additional runoff generated by future development cannot be drained across property lines.

The subject site is located within an SRA (State Responsibility Area) boundary and any future development shall be in accordance with the applicable SRA Fire Safe Regulations.

Fresno County Fire Protection District: No fire requirements at this time.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: East Reno Avenue is not a County-maintained road. Maintenance of the road is provided through County Service Area (CSA) 35, Zone AJ. If the requested Variance is approved, a parcel map shall be filed to facilitate the proposed parcel division.

East Reno Avenue shall be developed to the County's A-15 road standard for a paved width of 20 feet. The engineer of record shall certify that the road has been built to that standard or design improvements to bring the road into compliance with County standards.

### **Analysis:**

In support of Finding 3, the Applicant's Findings state that the granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity. Because the two residences and infrastructure are existing, and future development plans entail replacing the smaller secondary residence with a new, larger structure, any additional impacts to the area would be minimal.

In regard to Finding 3, staff concurs with the Applicant's assessment that the Variance would not be detrimental to surrounding properties. There is no change in land use proposed as part of this application. It is the intention of the Applicant, if this Variance is approved, to remove one of the existing residences and replace it with a new, larger single-family residence. Staff concurs that there will be no additional impact to surrounding properties, provided the newly-created parcels meet water supply requirements according to General Plan Policy PF-C.17 pertaining to areas identified as water-short, and the Applicant obtains a well yield test certification prior to the issuance of building permits for any proposed development.

Staff believes that there will be no adverse impacts on neighboring properties. Finding 3 can be made.

### **Recommended Conditions of Approval:**

*See recommended conditions, attached as Exhibit 1*

### **Conclusion:**

Finding 3 can be made.

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>General Plan Policy LU-A.6: 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. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</p>	<p>The Applicant is requesting a Variance from the 20-acre minimum parcel size requirement and does not qualify under Policies LU-A.9, LU-A.10, and LU-A.11. See Analysis below.</p>
<p>General Plan Policy LU-A.7: 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.</p>	<p>The minimum parcel size for the subject parcel is 20 acres. The creation of both parcels is inconsistent with this policy. See Analysis below.</p>
<p>General Plan Policy PF-C.17: The County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following:</p> <ul style="list-style-type: none"> <li>a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrologic investigation shall be required.</li> <li>b. A determination of the impact that use of the proposed water supply will have on other water users in Fresno County. If use of surface water is proposed, its use must not have a significant negative impact on agriculture or other water users within Fresno County. If use of groundwater is proposed, a hydrologic investigation may be required. If the lands in question lie in an area of limited groundwater, a</li> </ul>	<p>Review by the Water and Natural Resources Division has determined that, as the subject parcel is in an area defined as being water-short, any future development on the proposed parcels will require that a well yield certification be performed and approved prior to the issuance of Building Permits.</p>

Relevant Policies:	Consistency/Considerations:
<p>hydrologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.</p> <p>c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts or significant economic hardship to surrounding water users.</p>	
<p>General Plan Policy PF-D.6: The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>	<p>Review by the Fresno County Department of Public Health, Environmental Health Division has determined that the soils of the parcels are adequate to support individual on-site sewage disposal systems.</p>

**Reviewing Agencies/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: The Agriculture and Land Use Element of the General Plan maintains 20 acres as the minimum parcel size in areas designated for Agriculture. Policies LU-A.6 and LU-A.7 state that the County shall generally deny requests to create parcels less than the minimum size specified by the acreage designation in agricultural areas. Those policies are detailed in the table above. The subject parcel is not subject to a Williamson Act Contract.

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The proposed application is located within an area defined as being water-short. If this Variance request is approved, future requirements for any development on the subject parcel shall include that a well yield certification test be performed and approved prior to the issuance of building permits.

**Analysis:**

In support of Finding 4, the Applicant states that although the granting of this Variance could be considered inconsistent with the General Plan regarding creation of substandard-size parcels, it is consistent with the creation of “estate”-size lots that has taken place in the vicinity, and due to the fact that there are no currently-existing agricultural operations in the vicinity, as stated under Finding 2, the land would only be considered suitable for grazing were the parcels of sufficient size to support grazing. Review of the Fresno County 2014 Farmlands Map does support the assertion that the soil type in the area is consistent with grazing land, and staff is not aware of a minimum parcel size required to support livestock grazing.

Staff does not concur with the Applicant's statement that the project is consistent the purpose and objective of the General Plan. Goal LU-A is "to promote the long-term conservation of productive and potentially-productive agricultural lands and to accommodate agricultural-support services and agriculturally-related activities that support the viability of agriculture and further the County's economic development goals." However, staff acknowledges that the subject parcel is considered legal nonconforming because it was already substandard in size when it was rezoned to its present designation of AE-20. Additionally, staff recognizes that much of the surrounding area has been dedicated to residential uses consistent with the smaller parcel sizes, and that any agricultural uses in the vicinity are very limited or non-existent.

Policy LU-A.6 identifies the minimum parcel size for parcels which are designated for Agriculture, such as the subject parcel, and also identifies those policies which provide for exceptions from that requirement (Policies LU-A.9 through LU-A.12).

Policy LU-A.7 restricts the creation of parcels with less than the required acreage for the zone district. Specifically, it states that evidence that the parcel is already not an economic farming unit is not a basis for granting an exception. This parcel has already been improved with two residences, and review of publicly available, historic aerial imagery dating from 1998 to present suggests that it has not been used for agricultural purposes recently.

The subject parcel is not restricted under a Williamson Act Contract. The parcel does not qualify for a Williamson Act Contract due to its size.

Finding 4 cannot be made.

**Recommended Conditions of Approval:**

*See recommended conditions, attached as Exhibit 1*

**Conclusion:**

Finding 4 cannot be made.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Staff believes the required Findings for granting the Variance cannot be made, based on the factors cited in the analysis. Staff therefore recommends denial of Variance No. 4039.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine the required Findings cannot be made and move to deny Variance No. 4039; 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 the findings) and move to approve Variance No. 4039, subject to the Conditions and Project Notes 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.

JS:ksn

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**Variance Application (VA) No. 4039  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development shall be in accordance with the Site Plan (Exhibit 6) as approved by the Commission.
2.	<p>Prior to approval of the mapping application associated with approval of this Variance, the Applicant shall provide certification to the Department of Public Works and Planning that East Reno Avenue has been improved to not less than the A-15 County Road Improvement Standard across the frontages of proposed Parcel 1 and Parcel 2 to Auberry Road.</p> <p>NOTE: Procedures for development to the A-15 County Improvement Standard are referenced in the mandatory notes below.</p>
3.	<p>Prior to approval of the mapping application associated with approval of this Variance, the Developer shall have provided for the maintenance of the segment of East Reno Avenue extending across the frontages of proposed Parcel 1 and proposed Parcel 2 to Auberry Road by a County Service Area or other method acceptable to the Director of the Fresno County Department of Public Works &amp; Planning.</p> <p>NOTE: Procedures for initiating annexation are referenced in the mandatory notes described below.</p>

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.	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 two proposed five-acre parcels. The Map shall comply with the requirements of Title 17.72.
2.	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 substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance.
3.	Any work done within the 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.
4.	If not already present, a ten-foot by ten-foot corner cutoff should be improved for sight distance purposes at any existing or proposed driveway accessing East Reno Avenue.
5.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal. Storm water runoff due to this development shall be retained on the property being developed in accordance with Fresno County standards. Ponds in excess of 18" in depth shall be fenced.

**EXHIBIT 1**

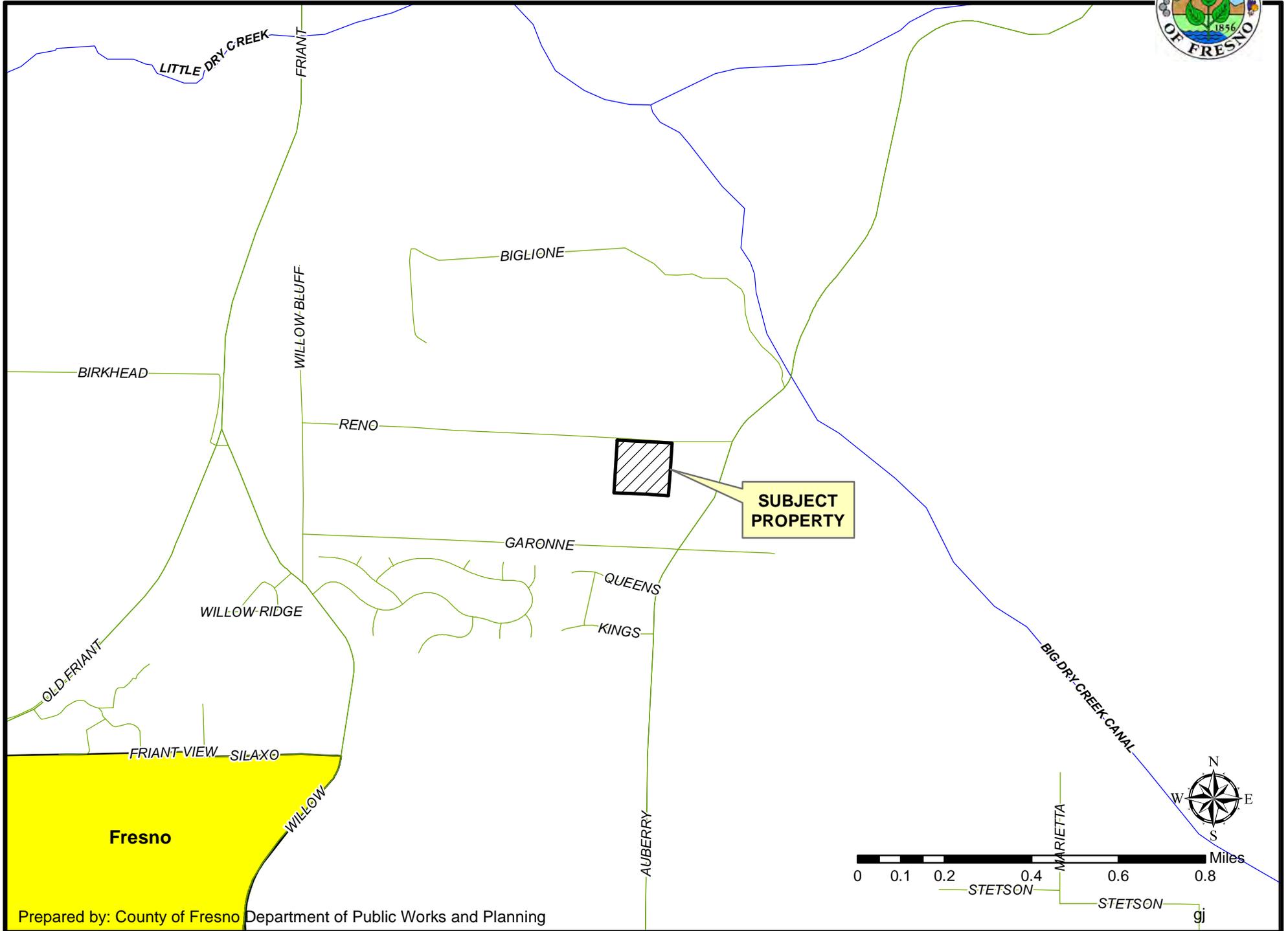
**Notes**

6.	As the subject parcel is located in an area defined as being water-short, any future development on the proposed parcels will require that a well yield certification be performed and approved prior to the issuance of Building Permits.
7.	Building permit records indicate the existing septic system for 12789 Auberry Road (Primary Residence) was installed in November 2014. It is recommended that the Applicant consider having the existing septic tanks pumped, and have the tanks and drain fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the systems.
8.	The subject property is located within the California Department of Forestry "State Responsibility Area" (SRA) boundary and therefore, is subject to standards relating to building setbacks, driveway construction, gating, display of street address, disposal of flammable vegetation, water supply facilities for fire protection, and roofing materials. Any future development shall be in accordance with the applicable SRA Fire Safe Regulations.
9.	To pursue annexation to County Service Area (CSA) 35, Zone AJ, applicable fees and an engineer's report will be required. For more information, contact the Resources Division of the Department of Public Works and Planning at (559) 600-4259.
10.	To meet the A-15 County Improvement Standard, improvement plans must be submitted for review and approval by the Department of Public Works and Planning, Road Maintenance & Operations Division, along with a letter from the Developer's engineer confirming that construction engineering and surveying will be provided to permit construction, in accordance with the approved plan. It also requires payment of an Inspection (Grading Permit) Fee and that the construction is inspected by the County.

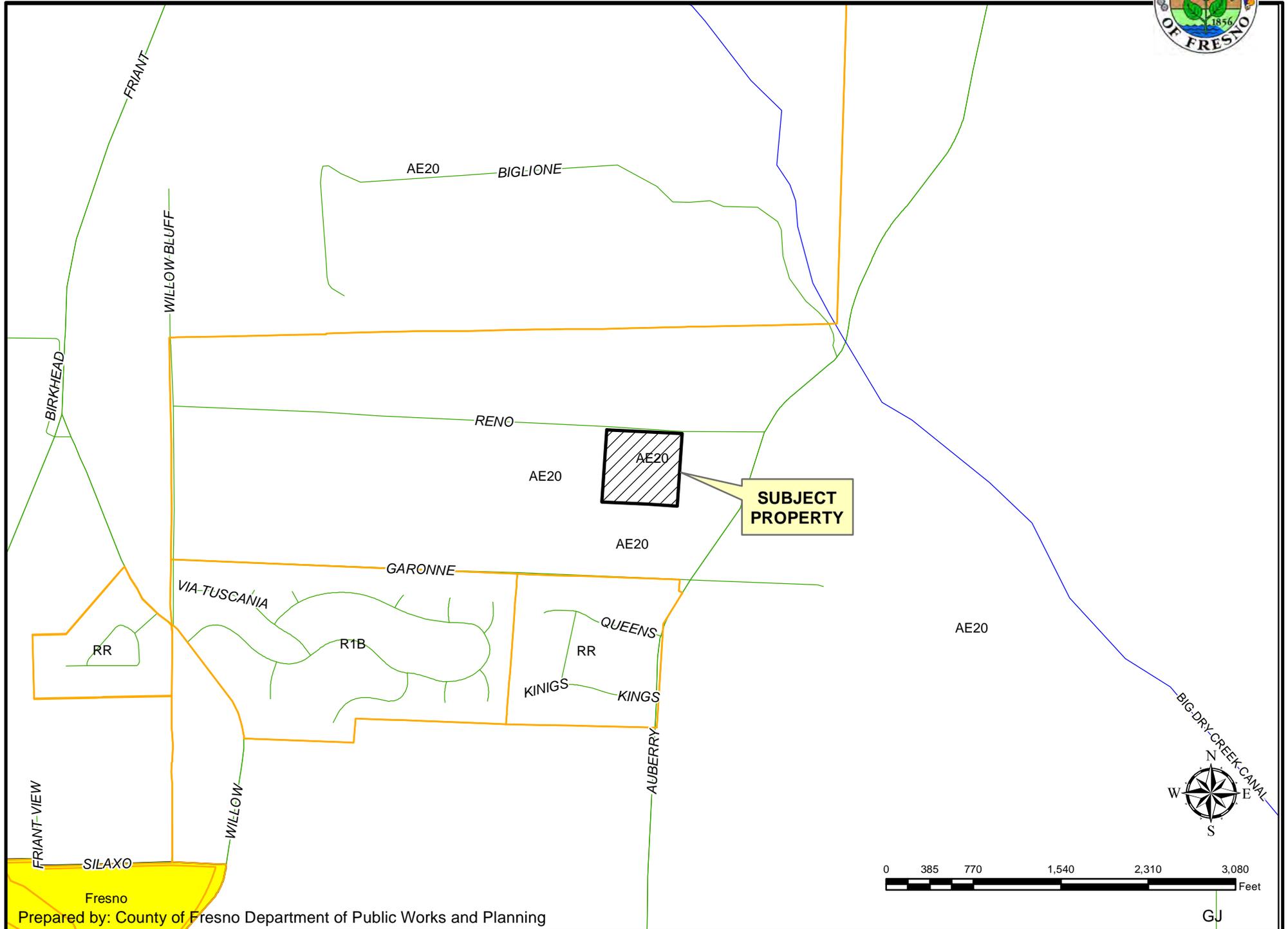
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G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4000-4099\4039\SR\VA4039 Conditions & PN (Ex 1).docx

# LOCATION MAP

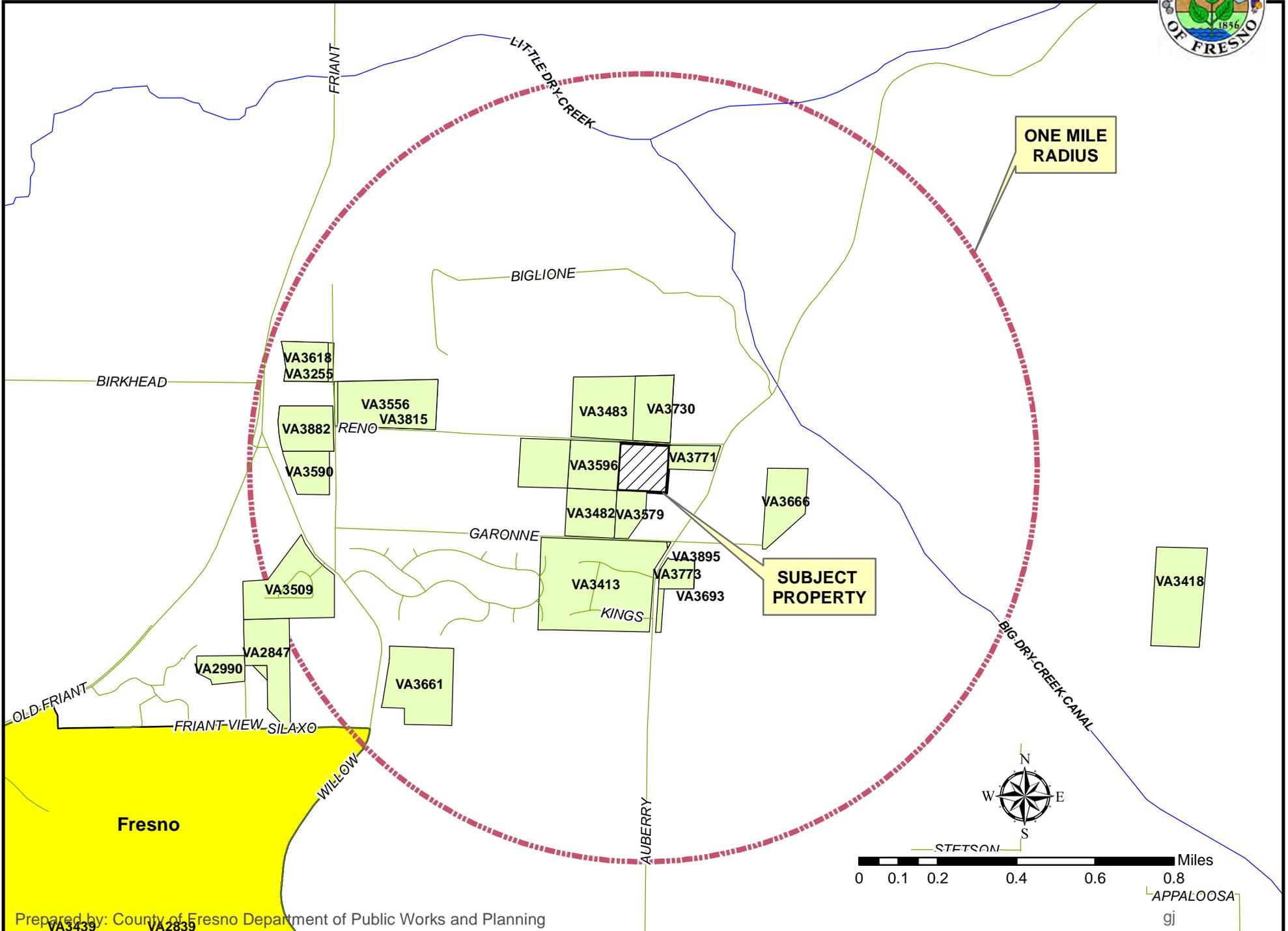


# EXISTING ZONING MAP





# APPROVED VARIANCES WITHIN A ONE MILE RADIUS



PLOTTED BY: DALE G. MELL - 1/24/2018 9:13:53 PM V:\PROJECTS\2017\PROJECTS\17-086\DWGS\17-086EX01.DWG

PARCEL MAP NO. 7644

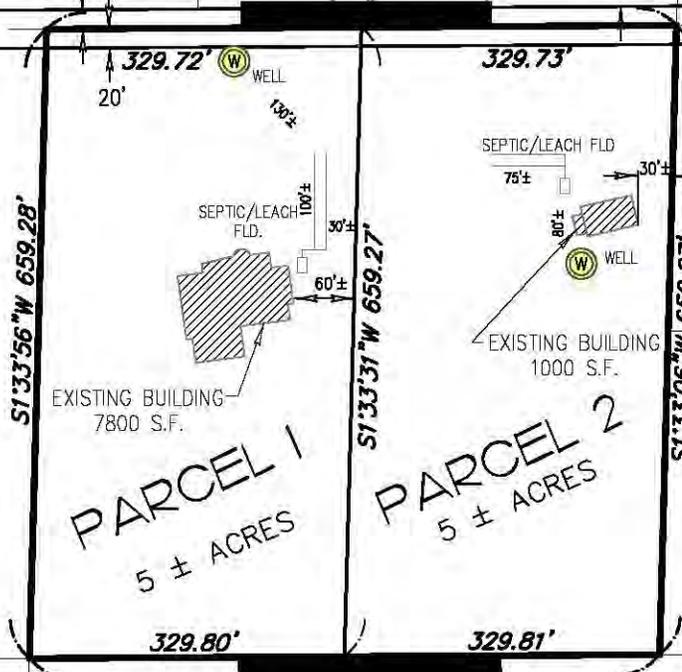
APN: 580-010-09  
5.06 AC.

APN: 580-010-10  
9.81 AC.

APN: 580-010-08  
18.90 AC.

EAST RENO AVENUE

APN: 580-010-22  
9.70 AC.



40' DEDICATION PER REDWOOD  
PARK-R.S. BOOK 5, PAGE 4

APN: 580-010-25  
4.85 AC.

APN: 580-010-26  
4.61 AC.

APN: 580-010-27  
4.78 AC.

APN: 580-010-23  
10 AC.

APN: 580-010-30  
5.17 AC.

PARCEL MAP NO. 3354

APN: 580-010-28  
2.30 AC.

APN: 580-010-29  
2.30 AC.

AUBERRY ROAD

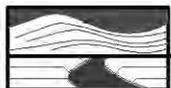
LEGEND

REFERENCE DATA PER RECORD OF SURVEY BOOK  
5, PAGE 4, FRESNO COUNTY RECORDS.

SCALE: 1" = 200'



PREPARED BY:



**DALE G. MELL  
& ASSOCIATES**

ENGINEERING & SURVEYING SERVICES  
2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703  
(559) 292-4046 \* FAX 251-9220 \* EMAIL: STAFF@DALEMELL.COM

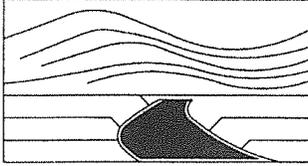
VARIANCE DIAGRAM  
FOR  
IULIA VOROBCHEVIC

12789 AUBERRY ROAD  
CLOVIS, CA 93619

BY: G. MITTEL - 01/24/18

DMA CADFILE: 17-086EX01

FB#



# DALE G. MELL & ASSOCIATES

## ENGINEERING & SURVEYING SERVICES

2090 N. WINERY AVENUE · FRESNO, CALIFORNIA 93703 · PH (559) 292-4046 · FAX (559) 251-9220

### Findings Variance

#### 1.) Exceptional or extraordinary circumstances or conditions:

One of several original 10 ac. Parcel created in 1909 by the filing of the Redwood Park subdivision creating lots ranging in size from 7 to 40 acres, the majority of which have been before the commission for further division into parcels reducing in size from 2.3 acres to 5 acres.

There are two residence and two wells existing on the property each functioning independent of the other.

#### 2.) Enjoyment of property right enjoyed by others in the vicinity:

The applicant is requesting the right and enjoyment previously granted to the local community to dividing their small zoned properties into 5 acre estate home sites.

The soils are not considered optional for farming and only marginal for seasonal grazing if more acreage was available.

#### 3.) Granting of this minor variance will not be detrimental to the public welfare or injurious to property:

The grading of this variance will not be detrimental to the public welfare of injurious to property and improvements in the vicinity, two residences and infrastructure is existing, the older and smaller residence will ultimately be removed and a larger will be built, additional impact if any would be minimal.

#4 It could be argued that this land, division and residential estate use is not consistent with and therefore contrary to the objectives of the general plan Ag zone, but this variance requested is consistent with the established local community objectives creating estate size resubdivided lots resizing in size from 2 ac to 7 acres.

Agriculture no longer exist in the area and large estate same lots have now defined the local objectives.

*Ark Properties*

---

February 12, 2018

Fresno County Planning Commission  
c/o: Jeremy Shaw  
2220 Tulare Street, Suite 600  
Fresno, Ca 93721

Re: Variance Application No. 4039- February 15, 2018 Commission Hearing

Dear Commission Members:

My name is Rodney Kellogg and I own a 20.19-acre parcel (300320065) just to the north of Reno Road. Over the past year or so I have received numerous variance notices pertaining to the splitting of parcels along Reno Road. Unfortunately, I have been unable to attend any of the commission meetings as my business requires my presence during the workday.

As you are aware the area that Variance Application No. 4039 is located; is considered by the County of Fresno to be a water short area but for some reason the County is continuing to allow property owners to split AE20 zoned parcels all the way down to as low as 3 acres. These authorized variances ultimately put a greater demand on the limited ground water. Property owners like myself, who have spent hundreds of thousands of dollars to improve the land for the purpose that it is zoned for, agricultural operations, now face the reality that our investments may become a total loss. I'm concerned this will negatively impact my pistachio orchard and my neighbors.

I strongly urge the Commission to take my concerns in consideration before acting on Variance Application No. 4039 and I strongly urge the county not to allow any variance that can affect my water supply.

Sincerely,

  
Rodney Kellogg

1879 E. Fir Ave, Suite #101, Fresno, CA 93720 (559)322-6060

RECEIVED  
COUNTY OF FRESNO

FEB 13 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

February 12, 2018

Fresno County Planning Commission  
c/o: Jeremy Shaw  
2220 Tulare Street, Suite 600  
Fresno, Ca 93721

Re: Variance Application No. 4039- February 15, 2018 Commission Hearing

Dear Commission Members:

My name is Rodney Kellogg and I own a 20.19-acre parcel (30032006S) just to the north of Reno Road. Over the past year or so I have received numerous variance notices pertaining to the splitting of parcels along Reno Road. Unfortunately, I have been unable to attend any of the commission meetings as my business requires my presence during the workday.

As you are aware the area that Variance Application No. 4039 is located; is considered by the County of Fresno to be a water short area but for some reason the County is continuing to allow property owners to spilt AE20 zoned parcels all the way down to as low as 3 acres. These authorized variances ultimately put a greater demand on the limited ground water. Property owners like myself, who have spent hundreds of thousands of dollars to improve the land for the purpose that it is zoned for, agricultural operations, now face the reality that our investments may become a total loss. I'm concerned this will negatively impact my pistachio orchard and my neighbors.

I strongly urge the Commission to take my concerns in consideration before acting on Variance Application No. 4039 and I strongly urge the county not to allow any variance that can affect my water supply.

Sincerely,

Rodney Kellogg

AI # 15  
May 1, 2018RECEIVED  
APR 25 2018 04/23/2018

Subject: Appeal of Variance Application NO. 4039

To the Board of Supervisors,

CLERK. BOARD OF SUPERVISORS

My name is Iulia Vorobchevici and I am the owner of the property located at 12789 Auberry Road ,in Clovis ,California, 93619. My cell number is : (559)916-4289.

I'm writing to appeal the conditions of the Variance Application 4039 to subdivide my 10-acre parcel into two five-acre parcels. The Variance was approved by the planning commission on February 15, 2018.

Condition number 2 of the variance requires improvement of East Reno Road from my property to Auberry Road which is approximately 0.4 mile. I strongly believe this condition is unfair and unreasonable. There have been fourteen variances approved on Reno road without the condition of improving this section of road. We are talking about an expensive project. The surface is approximately 26,800 square feet. At an average of \$3.00 per square foot of asphalt the total cost will be around \$80,400.

There are more than 26 properties on East Reno Road that will benefit from this road improvement. It would be fair that all that benefit from this improvement would contribute.

Condition number 3 of the variance requires me to provide for maintenance of this 0.4-mile section by myself. This condition is also unfair as there are more than 26 properties that are accessed by this section of road ( see attached map ).My property tax bill shows that I have paid for the last 3 years to the CSA 35, zone AJ the amount of aprox.\$383.76 per year. I can provide a copy to the Board of these Tax Bills. The county claims I am not in the CSA and I must pay an engineer report to amend the map for annexation of my property and pay an application fee of \$4,200. This is a contradiction that I'm paying the same as the other CSA members, but the property is not in the CSA.

I do not understand why I am expected to pay for such an expensive project as building a road. If I was a member of the CSA since its inception in 1997, my total payments would have been approximately \$7,600. Now I am faced with an \$80,000 project. I'm not rich and I am not a big developer . This is the only property that I own. My husband passed away a year ago and I am by myself with two kids. I want to split the lot to be able to pay my debt.

I can't afford to build a road, and if this condition is on my variance I will not be able to split my property. I do not think that any neighbors have anything to object about my intention to split because most properties in the area are around 5 acres and everybody likes that size of a lot.

I have no problem with paying my share to improve or maintain the road to the CSA.

I want it to be recognized that my property is part of the CSA since I've been paying into the CSA through my property tax bill, without having to pay an expensive application fee and engineer's report.

So, I am asking the Board to remove conditions # 2 and # 3 from this Variance.

Sincerely,

Iulia Vorobchevici





**OSCAR J. GARCIA, CPA**  
**Make Check Payable To:**  
**FRESNO COUNTY TAX COLLECTOR**  
 2281 TULARE ST. - HALL OF RECORDS - ROOM 105  
 P.O. BOX 1192, FRESNO, CALIFORNIA 93715-1192  
 PHONE (559) 600-3482 • www.co.fresno.ca.us

**2017-18**  
**FRESNO COUNTY**  
**SECURED PROPERTY**  
**TAX BILL**  
**FISCAL YEAR JULY 1, 2017 thru**  
**JUNE 30, 2018**

**NOTICE TO PROPERTY OWNERS**

**A MORTGAGE COMPANY**  
**REQUESTED YOUR TAX BILL**

7/1/2017 thru 6/30/2018

PARCEL NUMBER	LOCATION	TAX RATE AREA
580-010-24	12789 AUBERRY RD CLOVIS 5688 12789 AUBERRY ROAD	076-019

75 81 \*\*\*\*\*AUTO\*\*SCH 5-DIGIT 93619  
 39635 1 AV 0.373



**VOROBCEVICI IULIA S**  
 12789 AUBERRY RD  
 CLOVIS, CA 93619-9674



Your tax bill was requested by and mailed to a lending institution, which indicates your taxes may be paid through an impound account. Please contact your lender if you have any questions regarding your impound account or do not know if you have one.

If your impound account has been terminated or the lender does not forward payment, you are responsible for payment of the taxes and penalties. Penalties will not be waived if the lender fails to pay the taxes timely.

TAXES		
1ST INSTALLMENT	2ND INSTALLMENT	TOTAL TAX
9,159.21	9,159.21	18,318.42

FULL VALUE			
LAND	IMPROVEMENTS	PERSONAL PROPERTY	EXEMPTION
318,311	1,197,577		
NET TAXABLE VALUE	PERSONAL PROPERTY ACCT.	PEST CONTROL VALUE	
1,515,888			

IMPORTANT MESSAGES

TAX PAYMENT IS DISTRIBUTED AS SHOWN BELOW			
SPECIAL ASSESSMENTS	VALUE BASE	RATE/\$100	AMOUNT
FRESNO COUNTYWIDE TAX	1	1.000000	15,158.88
STATE CC 2012 REF	1	.002580	39.10
CLOVIS 2012 SER B	1	.007752	117.50
CLOVIS USD 17 REF	1	.013346	202.30
CLOVIS USD 2012 D	1	.018402	278.94
CLOVIS USD 16 REF	1	.012060	182.80
CLOVIS USD 01A	1	.027072	410.38
CLOVIS USD 01B	1	.011720	177.66
CLOVIS USD 2012 RE	1	.042126	638.58
CLOVIS USD 2012 A	1	.011036	167.28
CLOVIS USD 2012 C	1	.011836	179.42
ST COLL 02 S 09A	1	.000452	6.84
ST COLL 02 S 09B	1	.000514	7.78
STATE CCC 15 REF	1	.004056	61.48
ST COLL 2016 GO A	1	.018332	277.88
TOTAL RATE		1.181284	
CSA 35AJ ROAD MTNC	6		383.76
MET FLOOD ASSMT	6		27.84
TOTAL TAX			18,318.42

**IF YOU CHOOSE TO PAY THE TAX**  
**(DUE DATES ARE ON THE BACK**  
**PLEASE WRITE YOUR PARCEL**  
**NUMBER ON YOUR CHECK OF**  
**CONTACT OUR OFFICE FOR A**  
**DUPLICATE TAX BILL.**

THIS COURTESY NOTICE IS FOR  
 YOUR RECORDS.



PARCEL NUMBER  
580-010-24

**2016-17**  
**FRESNO COUNTY**  
**SECURED PROPERTY**  
**TAX BILL**  
FISCAL YEAR JULY 1, 2016 thru  
JUNE 30, 2017  
7/1/2016 thru 6/30/2017

**NOTICE TO PROPERTY OWNERS**

**A MORTGAGE COMPANY**  
**REQUESTED YOUR TAX BILL**

**Make Check Payable To:**  
**FRESNO COUNTY TAX COLLECTOR**  
2281 TULARE ST. - HALL OF RECORDS - ROOM 105  
P.O. BOX 1192, FRESNO, CALIFORNIA 93715-1192  
PHONE (559) 600-3482 • www.co.fresno.ca.us

64 70 \*\*\*\*\*AUTO\*\*SCH 5-DIGIT 93619  
33108 1 AV 0.376  
VOROBCEVICI CRISTIN & IULIA  
1252 N TIMMY AVE  
CLOVIS, CA 93619-4849



Your tax bill was requested by and mailed to a lending institution, which indicates your taxes may be paid through an impound account. Please contact your lender if you have any questions regarding your impound account or do not know if you have one.

If your impound account has been terminated or the lender does not forward payment, you are responsible for payment of the taxes and penalties. Penalties will not be waived if the lender fails to pay the taxes timely.

TAXES		
1ST INSTALLMENT	2ND INSTALLMENT	TOTAL TAX
8,840.26	8,840.26	17,680.52

FULL VALUE			
LAND	IMPROVEMENTS	PERSONAL PROPERTY	EXEMPTION
312,070	1,174,096		
NET TAXABLE VALUE	PERSONAL PROPERTY ACCT.	PEST CONTROL VALUE	
1,486,166			

LOCATION	TAX RATE AREA
12789 AUBERRY RD CLOVIS 5688	0354812273 076-019

IMPORTANT MESSAGES

TAX PAYMENT IS DISTRIBUTED AS SHOWN BELOW

SPECIAL ASSESSMENTS	VALUE BASE	RATE/\$100	AMOUNT
FRESNO COUNTYWIDE TAX	1	1.000000	14,861.66
STATE CC 2012 REF	1	.002562	38.06
CLOVIS 2012 SER B	1	.008264	122.80
CLOVIS USD 2012 D	1	.021004	312.14
CLOVIS USD 16 REF	1	.012028	178.74
CLOVIS UNIF 2004	1	.045130	670.70
CLOVIS USD 01A	1	.027522	409.02
CLOVIS USD 01B	1	.012406	184.36
CLOVIS USD 2012 RE	1	.003252	48.32
CLOVIS USD 2012 A	1	.012618	187.52
CLOVIS USD 2012 C	1	.013126	195.06
ST COL 2002 2007A	1	.001724	25.62
ST COLL 02 S 09A	1	.000482	7.16
ST COLL 02 S 09B	1	.000540	8.02
STATE CCC 15 REF	1	.003172	47.14
TOTAL RATE		1.163830	
CSA 35AJ ROAD MTNC	6		372.58
NET FLOOD ASSMT	6		11.62
TOTAL TAX			17,680.52

**IF YOU CHOOSE TO PAY THE TAXES (DUE DATES ARE ON THE BACK), PLEASE WRITE YOUR PARCEL NUMBER ON YOUR CHECK OR CONTACT OUR OFFICE FOR A DUPLICATE TAX BILL.**

THIS COURTESY NOTICE IS FOR YOUR RECORDS.



PARCEL NUMBER  
580-010-24

**2015-16**  
**FRESNO COUNTY**  
**SECURED PROPERTY**  
**TAX BILL**  
FISCAL YEAR JULY 1, 2015 thru  
JUNE 30, 2016  
7/1/2015 thru 6/30/2016

**Make Check Payable To:**  
**VICKI CROW, C.P.A.**  
AUDITOR - CONTROLLER/TREASURER - TAX COLLECTOR  
2281 TULARE ST. - HALL OF RECORDS - ROOM 105  
P.O. BOX 1192, FRESNO, CALIFORNIA 93715-1192  
PHONE (559) 600-3482 • www.co.fresno.ca.us

ASSESSED TO:



B173.10.SEC.1011.S11  
VOROBICHEVICI CRISTIN & IULIA  
1252 N TIMMY  
CLOVIS CA 93619

TAXES		
1ST INSTALLMENT	2ND INSTALLMENT	TOTAL TAX
2,785.26	2,785.26	5,570.52

FULL VALUE			
LAND	IMPROVEMENTS	PERSONAL PROPERTY	EXEMPTION
307,383	139,346		
NET TAXABLE VALUE	PERSONAL PROPERTY ACCT.	PEST CONTROL VALUE	
446,729			

LOCATION	TAX RATE AREA
12789 AUBERRY RD CLOVIS	076-019

IMPORTANT MESSAGES

TAX PAYMENT IS DISTRIBUTED AS SHOWN BELOW			
SPECIAL ASSESSMENTS	VALUE BASE	RATE/\$100	AMOUNT
FRESNO COUNTYWIDE TAX	1	1.000000	4,467.28
STATE CC 2012 REF	1	.002534	11.32
CLOVIS 2012 SER B	1	.008568	38.26
CLOVIS USD 2012 D	1	.029732	132.82
CLOVIS UNIF 2004	1	.044606	199.26
CLOVIS 2004 B	1	.008520	38.06
CLOVIS USD 01A	1	.027084	120.98
CLOVIS USD 01B	1	.012854	57.42
CLOVIS USD 2012 RE	1	.003456	15.42
CLOVIS USD 2012 A	1	.010596	47.32
CLOVIS USD 2012 C	1	.009934	44.36
ST COL 2002 2007A	1	.000108	.48
ST COLL 02 S 09A	1	.000448	2.00
ST COLL 02 S 09B	1	.000834	3.72
STATE CCC 15 REF	1	.004140	18.48
TOTAL RATE		1.163414	
CSA 35AJ ROAD MTNC	6		361.72
NET FLOOD ASSMT	6		11.62
TOTAL TAX			5,570.52

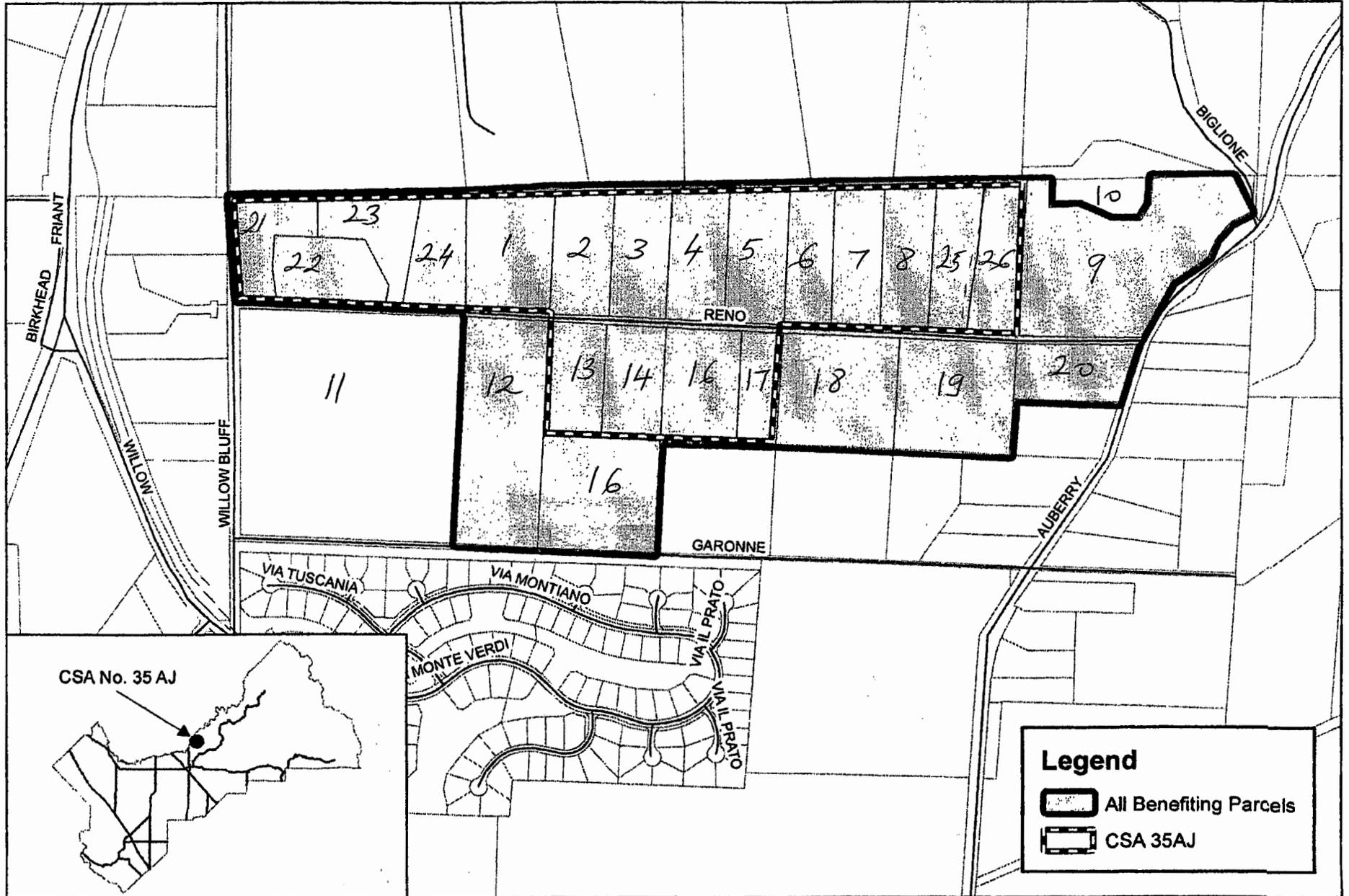


**CSA 35, Zone "AJ"**  
Public Works and Planning

Exhibit A



0 245 490 980 Feet



AI # 15  
May 1, 2018

April 24, 2018

Fresno County Planning Commission  
c/o Mr. Bernard Jimenez - Division Manager  
Fresno County Development Services  
2220 Tulare St., 8<sup>th</sup> Floor  
Fresno, CA 93721

SUBJECT: Variance Application # 4039

Dear Mr. Jimenez,

This letter is written in regards to Variance Application # 4039 to be discussed on May 1<sup>st</sup>, 2018.

My wife & I own parcel 580-010-145 (40 acres) and 580-010-15 (14.02 acres) on the south side of Reno Road proximate to the subject property. We are in support of the proposal to divide the subject site into five acre minimum lot sized parcels on this AE-20 zoned property.

In our opinion, agricultural use of the property between Willow Bluff Rd and Auberry Rd (east & west) and between Reno RD and Garonne Rd (north & south) is no longer economically feasible or even possible. It is of our understanding that 5-acre parcels are consistent with the consensus of property owners within the area.

We appreciate the opportunity to comment on this matter.

Sincerely,



John & Pam Lamborn  
7296 N. Gentry Ave.  
Fresno, CA 93711

AI#15  
5/1/18

**Craft, Lisa**

---

**From:** Tim Leary <Tim@pro-screen.com>  
**Sent:** Thursday, April 26, 2018 12:04 PM  
**To:** Magsig, Nathan; Mollring, Marianne  
**Cc:** Moua, Meng; Rod Avadikian; Stephen Krikorian; 4jpickett@sbcglobal.net; Dave Archer; Darlene Pedersen; Don Snyder; Vivian And Carlos Paz; SHAWN SHIRALIAN; albonak2004@yahoo.com; Roger Bonakdar; arakheradpir@hotmail.com; Deanna Leary; Michael Slater  
**Subject:** Reno Road Residents/Variance Application No 4039

Dear Nathan and Marianne,

I am writing on behalf of the majority of home owners that reside on Reno Rd. My intent of this letter is to bring to your attention the frustration we feel when it comes to our relationship with the County of Fresno. We have been doing our best to work with the county on our issues and have worked within the guidelines the County has set. Supervisor Magsig met with all of us about six weeks ago at Clovis Community College and we had a very productive meeting. Our community has been trying to protect our neighborhood from properties being subdivided to parcels less than 5 acres and at that meeting it was agreed by everyone that the rezoning of our area was going to be zoned of minimum lot sizes of 5 acres, with the exception of the variances that had already been granted. As a stipulation of getting these variances those property owners were required to improve Reno road to county standards.

Simultaneously, the property owners of the 31 lots surrounding Reno Rd. have worked together and our attorney to update our covenants to reflect the agreements we have made with the County and each other. Our final meeting was last night and we are moving forward with those covenants as approved by the majority of the neighbors. This has been a two year process and we thought last night was the conclusion of this process and that we were in sync with our County representatives. So opening my e-mail this morning and seeing that someone else is trying to skirt the issue of doing their part to improve Reno Rd. while asking for a subdivision variance is very frustrating. This issue should not even be heard. This issue was dealt with in our meeting with Supervisor Magsig. We as individuals do not have time to come fight these fights every time someone tries to get special consideration. We rely on the our representatives and County staff to help us with these issues. We own business, we have jobs, and we are parents. We understand this variance maintains our minimum lot size of 5 acres but they should be required to repair the road within their variance. Our road is literally falling apart and we need your help in making sure these applicants do what is required. If these we don't force it we will have a road that is being improved in a patchwork fashion.

Please know that if 20 people from our neighborhood are not at the County Board of Supervisors meeting Tuesday in person to protest, it's because we can't all leave our businesses, jobs and children again and hoping you will please represent us in this meeting. Also, I have included a large group of these neighbors on this e-mail because we were not given time to once again have people all meet at my house to sign another letter.

Sincerely

Tim Leary and the residents of Reno Rd.

  
PRINT • SIGNS • GRAPHICS  
**Tim Leary**  
President  
tim@pro-screen.com  
Phone: 559.255.8079  
cell: 559.289.9432

**Craft, Lisa**

---

**From:** David Archer <darcher@targetconstructors.com>  
**Sent:** Thursday, April 26, 2018 1:53 PM  
**To:** Tim Leary  
**Cc:** Magsig, Nathan; Mollring, Marianne; Moua, Meng; Rod Avadikian; Stephen Krikorian; 4jpickett@sbcglobal.net; Darlene Pedersen; Don Snyder; Vivian And Carlos Paz; SHAWN SHIRALIAN; albonak2004@yahoo.com; Roger Bonakdar; arakheradpir@hotmail.com; Deanna Leary; Michael Slater  
**Subject:** Re: Reno Road Residents/Variance Application No 4039

Well said Tim. Barb and I are in 100% agreement with your email. Also, so impressed with the great turn out last night. Thanks for all your hard work.

Sent from my iPhone

On Apr 26, 2018, at 12:04 PM, Tim Leary <[Tim@pro-screen.com](mailto:Tim@pro-screen.com)> wrote:

Dear Nathan and Marianne,

I am writing on behalf of the majority of home owners that reside on Reno Rd. My intent of this letter is to bring to your attention the frustration we feel when it comes to our relationship with the County of Fresno. We have been doing our best to work with the county on our issues and have worked within the guidelines the County has set. Supervisor Magsig met with all of us about six weeks ago at Clovis Community College and we had a very productive meeting. Our community has been trying to protect our neighborhood from properties being subdivided to parcels less than 5 acres and at that meeting it was agreed by everyone that the rezoning of our area was going to be zoned of minimum lot sizes of 5 acres, with the exception of the variances that had already been granted. As a stipulation of getting these variances those property owners were required to improve Reno road to county standards.

Simultaneously, the property owners of the 31 lots surrounding Reno Rd. have worked together and our attorney to update our covenants to reflect the agreements we have made with the County and each other. Our final meeting was last night and we are moving forward with those covenants as approved by the majority of the neighbors. This has been a two year process and we thought last night was the conclusion of this process and that we were in sync with our County representatives. So opening my e-mail this morning and seeing that someone else is trying to skirt the issue of doing their part to improve Reno Rd. while asking for a subdivision variance is very frustrating. This issue should not even be heard. This issue was dealt with in our meeting with Supervisor Magsig. We as individuals do not have time to come fight these fights every time someone tries to get special consideration. We rely on the our representatives and County staff to help us with these issues. We own business, we have jobs, and we are parents. We understand this variance maintains our minimum lot size of 5 acres but they should be required to repair the road within their variance. Our road is literally falling apart and we need your help in making sure these applicants do what is required. If these we don't force it we will have a road that is being improved in a patchwork fashion.

Please know that if 20 people from our neighborhood are not at the County Board of Supervisors meeting Tuesday in person to protest, it's because we can't all leave our businesses, jobs and children again and hoping you will please represent us in this meeting. Also, I have included a large group of these neighbors on this e-mail because we were not given time to once again have people all meet at my house to sign another letter.

**Craft, Lisa**

---

**From:** S. S. Krikorian <drk@firsthealthmedical.com>  
**Sent:** Thursday, April 26, 2018 2:53 PM  
**To:** Tim Leary; Magsig, Nathan; Mollring, Marianne  
**Cc:** Moua, Meng; Rod Avadikian; 4jpickett@sbcglobal.net; Dave Archer; Darlene Pedersen; Don Snyder; Vivian And Carlos Paz; SHAWN SHIRALIAN; albonak2004@yahoo.com; Roger Bonakdar; arakheradpir@hotmail.com; Deanna Leary; Michael Slater  
**Subject:** RE: Reno Road Residents/Variance Application No 4039

Well done/written Tim. We completely agree. Don't let our lack of attendance make you think we don't care. Health has been an issue. Thank you all for carrying the torch.  
 stephen

S. S. Krikorian, DC, Q.M.E.  
 CFO  
 First Health Medical Center of Fresno, Inc.  
 7161 N. Howard Street  
 Suite 100  
 Fresno, CA 93720-2981  
 Office: (559) 227-CARE (2273)  
 FAX: (559) 435-3462  
[www.FirstHealthMedical.com](http://www.FirstHealthMedical.com)

Mystique Medical Spa & Wellness Center, Inc.  
 Suite 101  
 (559) 447-LASER  
[www.MystiqueMedicalSpa.com](http://www.MystiqueMedicalSpa.com)

**"No friend ever served me, and no enemy ever wronged me, whom I have not repaid in full".**  
 Lucius Cornelius Sulla Felix, (c. 138 BC – 78 BC), Roman General and Dictator.

---

**From:** Tim Leary <Tim@pro-screen.com>  
**Sent:** Thursday, April 26, 2018 12:04 PM  
**To:** nmagsig@co.fresno.ca.us; mmollring@co.fresno.ca.us  
**Cc:** Moua, Meng <mmoua@co.fresno.ca.us>; Rod Avadikian <rod@fashionfurnitureco.com>; Stephen Krikorian <drk@firsthealthmedical.com>; 4jpickett@sbcglobal.net; Dave Archer <darcher@targetconstructors.com>; Darlene Pedersen <darpedersen@gmail.com>; Don Snyder <donorthodontics@aol.com>; Vivian And Carlos Paz <vivian@pazderm.com>; SHAWN SHIRALIAN <E-ZTRIP@msn.com>; albonak2004@yahoo.com; Roger Bonakdar <rogerb@BonakdarLawFirm.com>; arakheradpir@hotmail.com; Deanna Leary <deannaleary@sbcglobal.net>; Michael Slater <m Slater@powellslater.com>  
**Subject:** Reno Road Residents/Variance Application No 4039

Dear Nathan and Marianne,

**Craft, Lisa**

**From:** 4jpickett@sbcglobal.net  
**Sent:** Thursday, April 26, 2018 3:07 PM  
**To:** 'Tim Leary'; Magsig, Nathan; Mollring, Marianne  
**Cc:** Moua, Meng; 'Rod Avadikian'; 'Stephen Krikorian'; 'Dave Archer'; 'Darlene Pedersen'; 'Don Snyder'; 'Vivian And Carlos Paz'; 'SHAWN SHIRALIAN'; albonak2004@yahoo.com; 'Roger Bonakdar'; arakheradpir@hotmail.com; 'Deanna Leary'; 'Michael Slater'; matzlaff@gmail.com  
**Subject:** RE: Reno Road Residents/Variance Application No 4039

Well said Tim. After reading the applicants appeal letter, she has identified two issues with the conditions of approval. She is appealing Conditions #2 & #3. Condition #2 requires Reno Rd be brought to County standards from Auberry to the west side of the subject property. The precedent for road improvements has already been established with Variance Applications VA3596 and VA3771 to require the A-15 standard. I don't think you can justify enforcing this on one owner and not another. I believe the road should be improved as a condition of the split because of the additional use it will have once sold (as per the applicant's appeal letter, she indicates she intends to sell the property to pay debt). Condition #3 requires the properties to join the CSA, which she is currently contributing to. As I understand her appeal, she is stating she would be required to maintain .4 miles of road as her sole responsibility. I believe the CSA was established to do this. I would welcome her to the CSA and appreciate the contributions already made. I don't know the requirements for joining the CSA but I was asked to add another property a couple years ago and it required a vote by the neighbors. If a vote were circulated again, I would support it this time, as well as the inclusion of properties associated with variance's VA 3596 and VA 3771. They are contributing to the CSA and I believe they should be have the same rights as the others paying into the CSA. I hope the County does the right thing on this one.

Joe Pickett

---

**From:** Tim Leary <Tim@pro-screen.com>  
**Sent:** Thursday, April 26, 2018 12:04 PM  
**To:** nmagsig@co.fresno.ca.us; mmollring@co.fresno.ca.us  
**Cc:** Moua, Meng <mmoua@co.fresno.ca.us>; Rod Avadikian <rod@fashionfurnitureco.com>; Stephen Krikorian <drk@firsthealthmedical.com>; 4jpickett@sbcglobal.net; Dave Archer <darcher@targetconstructors.com>; Darlene Pedersen <darpedersen@gmail.com>; Don Snyder <donorthodontics@aol.com>; Vivian And Carlos Paz <vivian@pazderm.com>; SHAWN SHIRALIAN <E-ZTRIP@msn.com>; albonak2004@yahoo.com; Roger Bonakdar <rogerb@BonakdarLawFirm.com>; arakheradpir@hotmail.com; Deanna Leary <deannaleary@sbcglobal.net>; Michael Slater <m Slater@powellslater.com>  
**Subject:** Reno Road Residents/Variance Application No 4039

Dear Nathan and Marianne,

I am writing on behalf of the majority of home owners that reside on Reno Rd. My intent of this letter is to bring to your attention the frustration we feel when it comes to our relationship with the County of Fresno. We have been doing our best to work with the county on our issues and have worked within the guidelines the County has set. Supervisor Magsig met with all of us about six weeks ago at Clovis Community College and we had a very productive meeting. Our community has been trying to protect our neighborhood from properties being subdivided to parcels less than 5 acres and at that meeting it was agreed by everyone that the rezoning of our area was going to be zoned of minimum lot sizes of 5 acres, with the exception of the variances that had already been granted. As a stipulation of getting these variances those property owners were required to improve Reno road to county standards.

## Mollring, Marianne

---

**From:** Colette Kruck <colettekruck@hotmail.com>  
**Sent:** Monday, April 30, 2018 3:24 PM  
**To:** Mollring, Marianne; Magsig, Nathan  
**Cc:** Moua, Meng; 4jpickett@sbcglobal.net; Deanna Leary; deanna tim leary; Michael Slater; Ardy Kheradpir  
**Subject:** Re: CSA 35AJ - Variance Appeal

To the board members,

I am one of the residents on Reno Road. Myself and most all of the neighbors are extremely frustrated that lots are being split as the condition of the road is deteriorating dramatically. We urgently request that the appeal will be rejected and that the condition to improve Reno Road will be met by all those residents splitting their lot size. We only heard about it Thursday night. Not many of us have the ability to clear our schedules for half a day to attend the morning session on Tuesday. Please know however that we strongly oppose this appeal.

Respectfully,

Colette Kruck & Ardavan Kheradpir  
Residents on Reno Rd

On Apr 26, 2018, at 9:49 AM, Tim Leary <[Tim@pro-screen.com](mailto:Tim@pro-screen.com)> wrote:

Thank you Meng. I have alerted as many residents as I can. Is staff going to recommend against this? It is late notice and I don't know how many residents I can get there but need to know if your team is trying to stop this from happening?

Please advise.

Tim



Tim Leary

President

[tim@pro-screen.com](mailto:tim@pro-screen.com)

Phone: 559.255.8079

cell: 559.289.9432

Fax: 559.255.8179

Lic. #1025288

[www.pro-screen.com](http://www.pro-screen.com)

Get Social With Us...



---

**From:** "Moua, Meng" <[mmoua@co.fresno.ca.us](mailto:mmoua@co.fresno.ca.us)>

**Date:** Thursday, April 26, 2018 at 9:03 AM

**To:** "Moua, Meng" <[mmoua@co.fresno.ca.us](mailto:mmoua@co.fresno.ca.us)>

**Subject:** CSA 35AJ - Variance Appeal

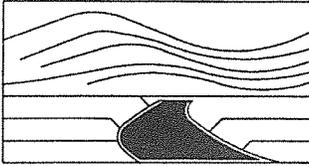
Good Morning All,

Just a FYI, on Tuesday May 1, 2018, the owner of 12789 Auberry Road is going to the Board of Supervisor to appeal the condition of approval for her variance. One of the condition is to repair Reno Rd from her property line to Auberry under

A-15 standard. My recommendation is for you to show up and voice your opinion to the Board. Please see the attached link for more detail. Thank you.

<https://fresnocounty.legistar.com/LegislationDetail.aspx?ID=3487030&GUID=6702A0D5-8476-4B1E-8F6E-780B6F5677B4&Options=&Search=>

Meng Moua  
Staff Analyst  
Public Works & Planning – County of Fresno  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno CA 93721  
559-600-4482  
[mmoua@co.fresno.ca.us](mailto:mmoua@co.fresno.ca.us)



# DALE G. MELL & ASSOCIATES

## ENGINEERING & SURVEYING SERVICES

2090 N. WINERY AVENUE · FRESNO, CALIFORNIA 93703 · PH (559) 292-4046 · FAX (559) 251-9220

March 12, 2018

RECEIVED  
COUNTY OF FRESNO

MAY 10 2018

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

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COUNTY OF FRESNO

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DEPARTMENT OF PUBLIC WORKS AND PLANNING  
Maintenance & Operations Division

Mr. Frank Daniele  
Fresno County  
Public Works, Road & Maintenance  
2200 Tulare Ave.  
Fresno, California

Re: Reno Road, A-15 Standard Construction per County Variance 4039 for Ms. Vorobchevici.

Dear Mr. Daniele,

On February 26<sup>th</sup> and March 2<sup>nd</sup> I personally performed site inspections on that section of Reno Road west of and connecting with Auberry Road in the County of Fresno. The sum of the inspections are as follows:

Per the topographic survey developed by Lore Engineering, Inc., as dated 5/17/17:

1. Sta. 1+29, Entrance onto Reno Road from Auberry Road.
2. Sta. 4+10, Cluster Mailboxes for the residents currently populating Reno Road.
3. Sta. 1+29 to Sta. 8+15 is a consistently decent road surface, very few potholes all very shallow. General Condition; Good. Width varied from 18-24 feet.
4. Sta. 8+15 to Sta. 19+17, Road is alligatored on the surface, is uniform in nature with very minimal signs of sub surface cracking or rupture. Some potholing does occur in this area with a minimal detriment to the overall usage of the road. The depth of the potholes remains fairly shallow through this area of the road. Paved road width varies between 19 & 20 feet, with the shoulder areas consistent at less than 5% slope away. Shoulder width varies between 3 & 8 feet.
5. Two low areas, Sta. 15+00 being piped under the road to the South and Sta. 17+75 relying on surface flows to the South side of the road (pipe size was significantly buried, estimated to be 8" diam.). Both of these areas are outside of our client's scope of any mapping responsibility

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Recommendation:

Per the definition of the A-15 Standard, Reno Road is well within the definition of this Standard for Rural Road use. Many parts of Reno Road are nearly a half of a century old and are, in whole, in better condition than many public roads being managed with much more money. Due to an extraordinary surface soil, nearly hard pan in nature, the wear and tear of Reno Road has been outstanding. There doesn't appear to be any substantial "nexus" for the replacement of the road as requested. Could there be some spot work performed to smooth out the ride of the road, sure, but maintenance is a different conversation than reconstruction.

Please contact me in the event you may have any questions.

Sincerely,



Larry A. Braun P.E.  
Dale Mell & Assoc.