



Board Agenda Item 5

DATE: August 23, 2022

TO: Board of Supervisors

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

SUBJECT: Variance Application No. 4127 (Appellant: Bill Sikes), Applicant/Owner: Richard and Luzminda Piel

RECOMMENDED ACTION(S):

Consider appeal of the Planning Commission's denial of Variance Application No. 4127 proposing to allow the creation of a 3.3-acre parcel from an existing 18.95-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

The subject parcel is located on the east side of N. McCall Avenue, 700-feet south of E. Manning Avenue, 0.7-miles north of the nearest city limits of the City of Selma (APN: 358-021-12) (9240 S. McCall Avenue).

This item comes before your Board on appeal of the Planning Commission's unanimous denial of the subject application (7 to 0, with one Commissioner absent and one Commission vacancy) at its May 19, 2022 hearing. The Zoning Ordinance requires your Board to determine, independent from the decision of the Planning Commission, whether the application should be approved, approved with stated conditions, or denied. A copy of the Planning Commission's action is included as Attachment A. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

If your Board is able to make the required Findings for granting Variance Application (VA) No. 4127, a motion to uphold the appeal and overturn the Planning Commission's decision, stating the basis for making the Findings, would be appropriate.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Pursuant to the County's Master Schedule of Fees, the Applicant/Owner has paid \$6,460 in land use processing fees to the County for the processing of the Variance Request. The Appellant, on behalf of the Applicant/Owner, paid \$508 in fees to appeal the Planning Commission's denial.

DISCUSSION:

The proposal is to allow the creation of a 3.3-acre parcel and a 15.65-acre parcel from an existing 18.95-acre parcel within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

The Planning Commission Staff Report (Attachment B) dated May 19, 2022, includes background

information about the proposal and a history of variances approved within the vicinity.

In order for your Board to approve VA No. 4127, the following findings must be made:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and*
2. *Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.*
3. *The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.*
4. *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

At its May 19, 2022 hearing, the Planning Commission considered the staff report, staff's presentation, and testimony from the Applicant/Owner's representative. The property owners' representative asserted the continued upkeep of the land placed an undue burden on the property owners. The representative also stated that the property owners' desired to create a parcel similar in size to the surrounding properties, many of which are one-acre and two-acre parcels. It should be noted that staff, in its recommendation to the Commission, was unable to make all four required findings to recommend approval of the VA No. 4127. After the Planning Commission considered the public testimony, a motion was made to deny the application based on the inability to make the required Findings.

An appeal of the Planning Commission's denial was filed by the Appellant on behalf of the property owners on June 3, 2022. The appeal document (Attachment C) details the manner in which the Applicant/Owner believes the required findings could be made.

If your Board is able to make the required Findings for granting approval of VA No. 4127, a motion to uphold the appeal and approve the variance would be appropriate (stating in its motion the manner in which the four required Findings can be made) subject to the recommended Conditions of Approval (Attachment D).

If your Board is unable to make the required Findings for granting VA No. 4127, a motion to deny the appeal and deny the variance would be appropriate.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - D

CAO ANALYST:

Salvador Espino