



## 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: August 14, 2025

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13101 – VARIANCE NO. 4174 AND DIRECTORS REVIEW AND APPROVAL NO. 4780

APPLICANT: Omar Maravilla

OWNER: Luis Jacinto Contreras

REQUEST: Allow the creation of a two acre parcel and an eight acre parcel) from an existing substandard 10-acre parcel in the AE-20 (Exclusive Agri-cultural, 20-acre minimum parcel size) Zone District; and a Director's Review and Approval (DRA) 4780 to run concurrently to allow two existing residences to remain on the proposed eight acre parcel.

LOCATION: The subject parcel is located on the east side of Orange Ave., 0.25-miles south from the intersection with east Adams Ave., approximately 2.77-miles South from the City limits of the City of Fresno. (APN: 335-080-16) (ADDRESS: 7254 S. Orange Ave) (Sup. Dist. 1).

**PLANNING COMMISSION ACTION:**

At its hearing of August 14, 2025, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Chairman Abrahamian and seconded by Commissioner Arabian to deny Variance No. 4174 and Directors Review and Approval No. 4780 based on the analysis of the inability to make the required findings as stated in the Staff report to the Commission and directed the Secretary to prepare a Resolution documenting the Commission's action.



EXHIBIT A

Variance Application No. 4174 and  
Directors Review and Approval No. 4780

Staff: The Fresno County Planning Commission considered the Staff Report dated August 14, 2025 and heard a summary presentation by staff.

Applicant: The owner and the owner’s representative disagreed with Staff’s recommendation and stated that the Variance Findings could be made and offered the following information:

- In support of Finding No. 1, as family members are currently occupying both the main home and secondary home on the property, there is no other option to be able to keep all the members of the family on the property and this constitutes an extraordinary circumstance.
- In support of Finding No. 2, the owner should have the right to keep the family together and remain in their homes and farm. Allowing the variance would allow another home to be built on the proposed two acre parcel enabling the family to stay together.
- In support of Finding No. 4, approval of the application would allow the family to stay in their home, with no net loss of farmland or reduction in agricultural production as the purpose of this application is for one of the family members actively involved in the farming operation to live on-site.

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

Correspondence: No written correspondence was received in support of or in opposition to the proposal.

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EXHIBIT "B"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Variance Application No. 4174  
Director's Review and Approval No. 4780

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

Variance Application with Concurrent DRA Application:	\$ 7,251.25 <sup>1</sup>
Ag Commissioner Review:	\$ 34.00 <sup>2</sup>
Health Department Review:	\$ 365.00 <sup>3</sup>
Pre-Application Credit:	\$ -247.00 <sup>4</sup>
<b>Total Fees Collected</b>	<b><u>\$ 7,678.02</u></b>

<p><sup>1</sup> Review and research, engaging with reviewing departments and multiple agencies, staff's analysis, Staff Report and Board Agenda Item preparation, public hearings before County Planning Commission and County Board of Supervisors.</p>
<p><sup>2</sup> Includes project routing, coordination with reviewing agencies, preparation and incorporation of analysis into Staff Report</p>
<p><sup>3</sup> Review of proposal and associated environmental documents by the Department of Public Health, Environmental Health Division and Agricultural Commissioners Review.</p>



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 August 14, 2025

**SUBJECT:** Variance No. 4174, Director Review and Approval No. 4780

Allow the creation of a 2-acre parcel and an 8-acre parcel) from an existing substandard 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District; and a Director's Review and Approval (DRA) 4780 to run concurrently to allow two existing residences to remain on the proposed 8-acre parcel.

**LOCATION:** The subject parcel is located on the east side of Orange Ave., 0.25-miles south from the intersection with east Adams Ave., approximately 2.77-miles South from the City limits of the City of Fresno. (APN: 335-080-16) (ADDRESS: 7254 S. Orange Ave) (Sup. Dist. 1).

**OWNERS:** Luis Jacinto Contreras

**APPLICANT:** Omar Maravilla

**STAFF CONTACT:** Alyce Alvarez, Planner  
(559) 600-9669

Tawanda Mtunga, Principal Planner  
(559) 600-4256

**RECOMMENDATION:**

- Deny Variance No. 4174 and Director Review and Approval No. 4780 based on the analysis of the required findings in the Staff Report; 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. Variances within one mile of subject parcel
6. Site Plan
7. Applicant's Variance 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) Zone District	No change
Parcel Size	10-acres	Parcel 1: 2 acres Parcel 2: 8 acres
Project Site	See description under parcel size.	See proposed Parcel Sizes above.
Structural Improvements	None	Parcel 1: construct a single-family residence  Parcel 2: None; The existing Single family residence and Mobile home to remain.
Nearest Residence	150-feet south of the parcel	No change

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

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15305(a) of the California Environmental Quality Act (CEQA) guidelines: Minor Alterations in Land Use Limitations, 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 43 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PUBLIC COMMENT:**

No public comment was received as of the date of preparation of this report.

**PROCEDURAL CONSIDERATIONS:**

**VARIANCE:**

A Variance Application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Article 5, Chapter 860.5.068 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.

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 they do not qualify under the conditions listed in Chapter 822.3.080.

Rezoning, this parcel to a higher density zone, which permits smaller parcels, would present challenges, as the existing General Plan Land Use Designation of Agriculture does not accommodate increased density residential Zoning.

**DIRECTOR REVIEW AND APPROVAL:**

Pursuant to the Zoning Ordinance, Section 846.5, a Director Review and Approval (DRA) Application may be approved only if four Findings specified within the ordinance are made by the Planning Commission.

**BACKGROUND INFORMATION:**

The property is designated as Agriculture within the General Plan and is surrounded by land designated for Agriculture.

Every variance application is considered on its own merit, based on unique site conditions and circumstances. The approval of other variances in the vicinity of this project does not create a precedent for approval. There were no records of similar variances related to substandard sized parcels considered within one-half mile of the subject parcel. The substandard parcels in the area were established using alternative mapping methods.

The Variance Application and a DRA Application are necessary as the proposal entails deviation from property development standards as well as placing two existing homes on the proposed 8-acre parcel.

<b>Variance No. 4174:</b>
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**Finding 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.**

**Finding 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.**

	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n):</b>
Setbacks	<u>AE-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>AE-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, excepting those used to house animals which must be located a minimum of 40 feet from any human-occupied building.	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	N/A	N/A
Water Well Separation	Building sewer/septic tank: 50 feet Disposal field: 100 feet Seepage pit/cesspool: 150 feet	Any existing or proposed water wells will be required to meet minimum setbacks (separation) from proposed septic systems.	Yes

**Reviewing Agency/Department Comments related to Finding 1 and Finding 2:**

No comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Finding 1 and 2 Analysis:**

In support of Finding 1 and 2, the applicant, states that the owners are now elderly and unable to keep up with the family farm. By allowing the Variance, this will allow another home to be built on the proposed 2-acre parcel so that the applicant can manage the farm more efficiently as well as take care of his parents. Additionally, the immediate area has like-sized parcels ranging from 5 to 10-acres, and allowing this Variance would allow the owner to a property right enjoyed by others.

In response to Finding 1, the applicant fails to provide justification for exceptional or extraordinary circumstances unique to the subject property. The application does not meet the criteria of an exceptional or extraordinary circumstances that does not apply generally to other property with the same zoning. All of the adjacent properties are subject to the same constraint

and cannot be further divided into smaller parcels. The limited number of smaller parcels in the surrounding area, were established using an alternative mapping method mentioned, which include the homesite provision and other authorized provisions in place at the time of their establishment.

Property owners in the vicinity of this Variance Application with an identical Zoning classification, do not have the ability to divide their property to substandard parcels. The AE-20 Zone District sets the minimum lot size for parcels at 20-acres. As the property is currently substandard in size, approval of the application would make the proposed parcels more substandard than what is existing and allowed.

In response to Finding 2, the desire to want to build another home on the proposed 2-acre parcel, when two exist on the current parcel is a personal circumstance, not preserving a substantial property right of the applicant. If the unique circumstance of the property precluded a property being able to be used for the uses allowed under the zoning ordinance, then a finding that a variance is necessary for the preservation and enjoyment of a substantial property right would be warranted.

In this instance the property has been able to be utilized for its allowed purposes including agriculture uses, the development of a home by right, and a second residence allowed via a Director Review and Approval application. Their substantial property right to use the property for the uses listed in the Ordinance are not inhibited and a variance is not necessary to protect those rights.

**Recommended Conditions of Approval:**

None.

**Finding 1 and Finding 2 Conclusion:**

Staff cannot recommend making Findings 1 and 2 as there are no extraordinary features or circumstances relating specifically to the property that could not apply to other properties with the same zone district. Additionally, based on the above analysis the property development standards does not, in this circumstance, create a situation where it creates a loss of a substantial property right of the applicant, which right is possessed by other property owners under like conditions.

**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.***

**Surrounding Parcels**

	Size (acres):	Use:	Zoning:	Nearest Residence:
North:	20	Single Family Residence, crops	AE-20	350 feet
South:	10	Single Family Residence, crops	AE-20	140 feet
East:	19.35	Single Family Residence, crops	AE-20	1,068 feet
West:	19.55	Single Family Residence, crops	AE-20	200 feet

**Reviewing Agency/Department Comments:**

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The Water and Natural Resources Division has reviewed the attached applications and determined the proposal will have a less than significant impact on the existing water levels in the area. In addition, the subject parcel is not located within an area of the county defined as being a water short area.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Finding 3 Analysis:**

In support of Finding 3, the applicant’s Findings states the granting of the Variance will not have a negative impact on the surrounding area of their property as a majority will be left for agricultural purposes (grape vines). Additionally, the proposed 2-acres will be used to build a new home for the owner’s son and keep as many row crops as possible, which will assist in the maintenance of both the farm and family.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two legal non-conforming parcels has the potential to increase residential density in the area by allowing a primary residence and a 2nd residence through a Director Review and Approval on the proposed 2-acre parcel. Cumulatively, this and other such increases in residential density has the potential to conflict with adjacent agricultural operations.

The minimum acreage requirement of the AE-20 Zone District is intended to arrest this parcellation pattern and limit the potential conflicts between residential and agricultural activities. However, the limited scale of this individual request by itself may not be a significant material detriment to properties in the vicinity. Staff also notes that surrounding parcels are restricted from dividing into more than one parcel unless the division is in accordance with the Fresno County Zoning Ordinance and the California Subdivision Map Act.

**Recommended Conditions of Approval:**

None

**Finding 3 Conclusion:**

Staff can recommend making Finding 3, based on the above information and with adherence to the Conditions of Approval and requirements included as project notes the proposal will not have adverse effects upon surrounding properties.

**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>
<i>General Plan Goal LU-A: 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.</i>	<b>Inconsistent:</b> Substandard parcels that are created for residential purposes will likely interfere with agricultural operations on surrounding parcels that are designated and zoned for production of food and fiber and may potentially result in removal of adjacent or neighboring lands from agricultural use. Moreover, it may set a precedent for other

Relevant Policies:	Consistency/Considerations:
	landowners to create similar residential parcels in the area, which will compound the incompatibility between the agricultural and residential use of lands located in an area of the County designated and used for agricultural operations.
<p><b>General Plan Policy LU-A.6:</b> <i>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 and LU-A.10. The County may require parcels sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</i></p>	<p><b>Inconsistent:</b> The proposed parcel creation is not consistent with this Policy. There are exceptions allowed subject to certain criteria. In this instance, the application either did not meet the criteria or elected not to choose one of the available options for creating a substandard parcel.</p>
<p><b>General Plan Policy LU-A.7:</b> <i>The 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.</i></p>	<p><b>Inconsistent:</b> The proposed parcel division is not consistent with Policy LU-A.7 as it would create two substandard sized parcels.</p> <p>The creation of parcels less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.7 and set a precedent for parcellation of farmland into smaller parcels which are economically less viable farming units and could potentially allow additional single-family residences on the proposed parcels.</p>
<p><b>General Plan Policy LU-A.14:</b> <i>The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.</i></p>	<p><b>Consistent:</b> In this case, productive agricultural land would not necessarily be converted, rather it would be allocated between the two subsequent parcels, with the majority of land to be located on the remainder 16.19-acre parcel.</p>
<p><b>General Plan Policy PF-C.16:</b>  <i>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:</i></p> <p>a. <i>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</i></p>	<p><b>Consistent:</b> The Water and Natural Resources Division reviewed the project proposal and determined that the project site is not located in a water short area, and has determined that there is adequate ground water in the area and that the project would not significantly impact the ground water levels in the area.</p>

Relevant Policies:	Consistency/Considerations:
<p><i>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 hydrogeologic 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 hydrogeologic investigation shall be required.</i></p> <p><i>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 hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic 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.</i></p> <p><i>c. A determination of the impact that use of 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.</i></p>	

**Reviewing Agency Comments:**

Policy Planning Section of the Development Services Division:

**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, 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.

**Policy LU-A.7:** The 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.

Regarding Policies LU-A.6 and LU-A.7, approval of VA Application No. 4174 would result in the creation of two substandard parcels. The proposed variance application will result in creation of substandard parcels in an area of the County that is designated as Agricultural and zoned AE-20 (Exclusive Agricultural 20-acre minimum parcel size). Therefore, the proposed Variance application is not consistent with General Plan Policies LU-A.6 and LU-A.7.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Finding 4 Analysis:**

In support of Finding 4, the applicant states the variance would not be contrary to the objectives of the General Plan as both proposed parcels will be used for agricultural purposes and no increase in water use would occur if application granted.

While the existing use and parcel is consistent with the General Plan, as described in the table above, the proposed variance would allow creation of parcels that conflict with several General Plan Policies. The property is designated Agriculture within the General Plan. In addition, the existing parcel is located in the AE-20 Zone District. The intent behind the Agricultural Designation and the AE-20 Zone District is to prevent creation of parcels less than the required 20-acre minimum parcel size.

**Finding 4 Conclusion:**

Staff cannot recommend making Finding 4 as the proposed development is inconsistent with the General Plan Policies as stated above.

**DIRECTOR REVIEW AND APPROVAL No. 4780:**

**Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood.**

**Reviewing Agencies/Department Comments Regarding Site Adequacy:**

No comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

**Recommended Conditions of Approval:**

None.

**Finding 1 Analysis & Conclusion:**

Staff can recommend making Finding 1 with the adherence to the requirements included as mandatory Project Notes staff believes that proposed parcels are adequate in size and shape to accommodate the proposed use.

**Finding 2:** **The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

		Existing Conditions	Proposed Operation
Private Road	No	N/A	N/A
Public Road Frontage	Yes	Orange Avenue	No change
Direct Access to Public Road	Yes	Orange Avenue	No change
Road Classification		Orange Avenue: Local Road	No change
Road Width		Orange Avenue: 60 feet	No change
Road Surface		Paved	No change
Road Improvements		None	None

**Reviewing Agencies/Department Comments:**

Road Maintenance and Operations Section of the Fresno County Department of Public Works and Planning: Orange Avenue is a county-maintained road classified as a local road with an existing 60’ total road right-of-way, 30’ fronting the subject parcel. Ultimate right-of-way is 60’ per the Fresno County General Plan. Any setbacks for new construction must be based on the ultimate road right-of-way for Orange Avenue. Drive approaches within the County right-of-way shall not be Portland cement concrete; asphalt concrete is allowed. The proposed driveway approaches along Orange Avenue shall not disrupt existing roadway drainage plans. Drive approach width may be constructed up to a maximum width of 28’, per Fresno County Improvement Standard D-2. An encroachment permit is needed from the Road Maintenance and Operations Division for any work done within the road right-of-way of County of Fresno.

**Finding 2 Analysis & Conclusion:**

Staff can recommend making Finding 2 based on Staff’s determination and with the adherence to the aforementioned requirements included as Project Notes that the streets are adequate to accommodate the proposed use.

**Finding 3:** **The proposed use will not be detrimental to the character of the development in the immediate neighborhood or the public health, safety, and general welfare;**

**Reviewing Agencies/Department Comments:**

None.

**Building Sizes:**

Size of Existing Primary House	Existing Mobile Home:
1,914 square feet	1,000 square feet

**Surrounding Properties:**

	Size (acres):	Use:	Zoning:	Nearest Residence:
North:	20	Single Family Residence, crops	AE-20	350 feet
South:	10	Single Family Residence, crops	AE-20	140 feet
East:	19.35	Single Family Residence, crops	AE-20	1,068 feet
West:	19.55	Single Family Residence, crops	AE-20	200 feet

**Approximate distances to nearest neighboring residences (in feet)**

	Primary Residence	Secondary Residence (Mobile Home)
North	645 feet	765 feet
East	1,875 feet	1,815 feet
South	700 feet	645 feet
West	885 feet	900 feet
There are approximately 80 feet between the primary and existing Secondary Residence.		

**Finding 3 Analysis & Conclusion:**

According to site and aerial photographs, the subject property is in an area of agricultural land use. Pictures of the existing primary residence and existing secondary mobile home show that the two units are complementary and compatible with surrounding land uses. No concerns were expressed by any reviewing agency.

Staff can recommend making Finding 3 with the adherence to the requirements included as Conditions of Approval and mandatory Project Notes, staff believes that the proposal will not have an adverse effect upon surrounding properties.

**Finding 4:** **The proposed development is consistent with the General Plan.**

Relevant Policies:	Consistency/Considerations:
<b>Policy LU-H.4</b> – <i>The County shall allow second dwellings, not to be sold as a separate unit, subject to a discretionary permit in areas designated for low, medium, and medium high density residential use, rural residential use, and agricultural or</i>	Both residential units are located on land that is designated Agricultural in the Fresno County General Plan.

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<p><i>rangeland use. The second dwelling shall be clearly subordinate in size to the primary dwelling.</i></p>	<p>The primary residence is 1,914 square feet and the secondary residence is 1,000 square feet.</p>
<p><b>Policy PF-C.16</b> – <i>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:</i></p> <ul style="list-style-type: none"> <li data-bbox="289 499 1011 863">a. <i>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 hydrogeologic 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 hydrogeologic investigation shall be required.</i></li> <li data-bbox="289 863 1011 1331">b. <i>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 hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic 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.</i></li> <li data-bbox="289 1331 1011 1598">c. <i>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.</i></li> </ul>	<p>The subject property is not located in a low-water area. The parcels are adequate to support both residences. Additionally, the Water and Natural Resources Division reviewed the project proposal and determined that the project site is not located in a water short area, and that the project would not significantly impact the ground water levels in the area.</p>

**Reviewing Agencies/Department Comments:**

Water and Natural Resources Division of the Fresno County Department of Public Works and Planning: The Water and Natural Resources Division has reviewed the attached applications and determined the proposal will have a less than significant impact on the existing water levels in the area. In addition, the subject parcel is not located within an area of the county defined as being a water short area.

**Finding 4 Recommended Conditions of Approval:**

None

**Finding 4 Analysis & Conclusion:**

Staff can recommend making Finding 3 as the proposed allowance is consistent with the General Plan.

**DRA No. 4780 CONCLUSION:**

As the requested Variance is not recommended for approval, and the approval of DRA No. 4780 is contingent upon the Variance, Staff cannot recommend approval of the DRA at this time.

However, should Variance No. 4174 be approved, the analysis outlined above demonstrates that all necessary findings for the DRA can be satisfied, and Staff would then recommend approval of DRA No. 4780.

**SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, Staff cannot recommend making required Findings 1, 2, & 4 necessary to grant the Variance. The request is based on the applicant’s desire to build a third home on the property, where two homes currently exist. There are no exceptional or extraordinary circumstances or conditions applicable to the property that would justify the Variance. Additionally, the Variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners with the same zoning in the vicinity, and it conflicts with the General Plan objectives.

The Findings for granting the Director Review and Approval Application cannot be made without the Variance being approved.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made based on the information in the Staff Report and move to approve Variance No. 4174 and DRA No. 4780, subject to the Conditions and Project Notes attached as Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Alternative Motion** (Approval Action)

- Move to determine the required Findings can be made (stating the basis for making the findings) and move to Approve Variance No. 4174 and DRA No. 4780; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

**Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

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**Variance No. 4174, Director Review and Approval No. 4780  
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	The second dwelling until shall not exceed 2,000 square feet in size.

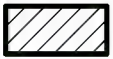
Conditions of Approval reference recommended Conditions for the project.

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.	Prior to finalization of the map, a covenant running with the land between the County and the owner shall be recorded requiring that one of the dwelling units shall be occupied by the property owners or another owner of record.
2.	<p><b>Environmental Health Division</b></p> <ul style="list-style-type: none"> <li>• It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has 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 system</li> <li>• Any new sewage disposal system proposal shall be installed under permit and inspection by the Department of Public Works and Planning Building and Safety Section. Contact Department of Public Works and Planning at (559) 600-4540 for more information. It is the responsibility of the property owner, the property buyer, the engineer, and/or the sewage disposal system contractor to confirm required setbacks, separations, and other special requirements or conditions which may affect the placement, location, and construction of the sewage disposal system.</li> <li>• At such time the applicant or property owner(s) decides to construct a water well, the water well contractor selected by the applicant will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Community Health, Environmental Health Division. Please be advised that only those persons with a valid C-57 contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 600-3357.</li> <li>• If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.</li> <li>• As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.</li> <li>• If any abandoned underground storage tank(s) are found within the project area, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.</li> </ul>

**Notes**

3.	<p><b>Development Engineering</b></p> <ul style="list-style-type: none"><li>• The end of curbed/taper edge of any existing or future proposed access driveway approach should be set back a minimum of 5' from the property line.</li><li>• Any existing or future proposed entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site, and shall not swing outward.</li><li>• A minimum of 10'x10' corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Alta Avenue, Manning Avenue, North Avenue and Springfield Avenue if not already present.</li><li>• Any work done within the County road 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.</li><li>• A grading permit/voucher may be required for any grading that has been done without a permit and any future grading with this application.</li></ul>
4.	<p><b>Roads Maintenance and Operations</b></p> <ul style="list-style-type: none"><li>• Any setbacks for new construction must be based on the ultimate road right-of-way for Orange Avenue</li><li>• Drive approaches within the County right-of-way shall not be Portland cement concrete; asphalt concrete is allowed.</li><li>• The proposed driveway approaches along Orange Avenue shall not disrupt existing roadway drainage plans</li><li>• Drive approach width may be constructed up to a maximum width of 28', per Fresno County Improvement Standard D-2.</li></ul>
5.	<p><b>Zoning</b></p> <p>Any unpermitted structures are to be removed or permitted prior to finalization of map.</p>

Legend



Subject Property

ADAMS

ORANGE

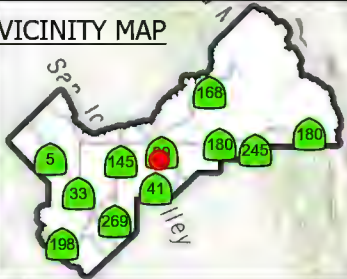
CEDAR

SUMNER



SUBJECT PROPERTY

VICINITY MAP



LOCATION MAP

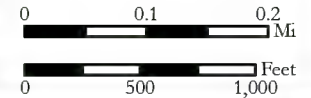
VA 4174 & DRA 4780

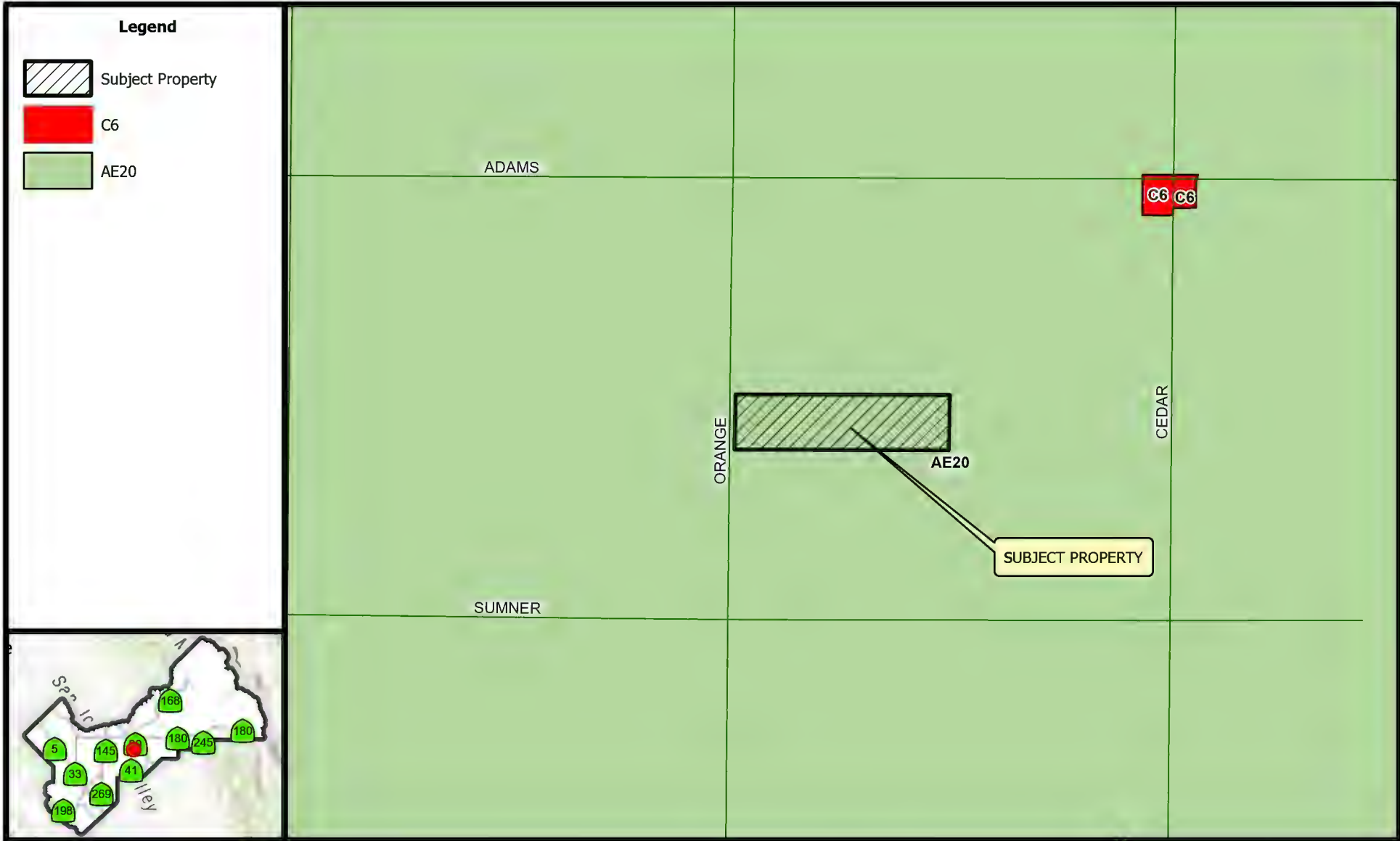
2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division

Person Prepared by : chuang

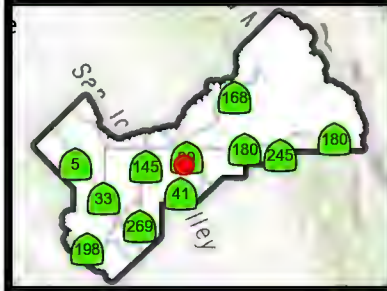
On Date : 10/16/2024





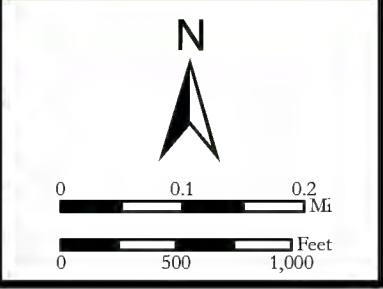
**Legend**

-  Subject Property
-  C6
-  AE20





## Existing Zoning Map

VA 4174 & DRA 4780 STR 14 - 15S / 20E	2024
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division Person Prepared by : chuang On Date : 10/16/2024	

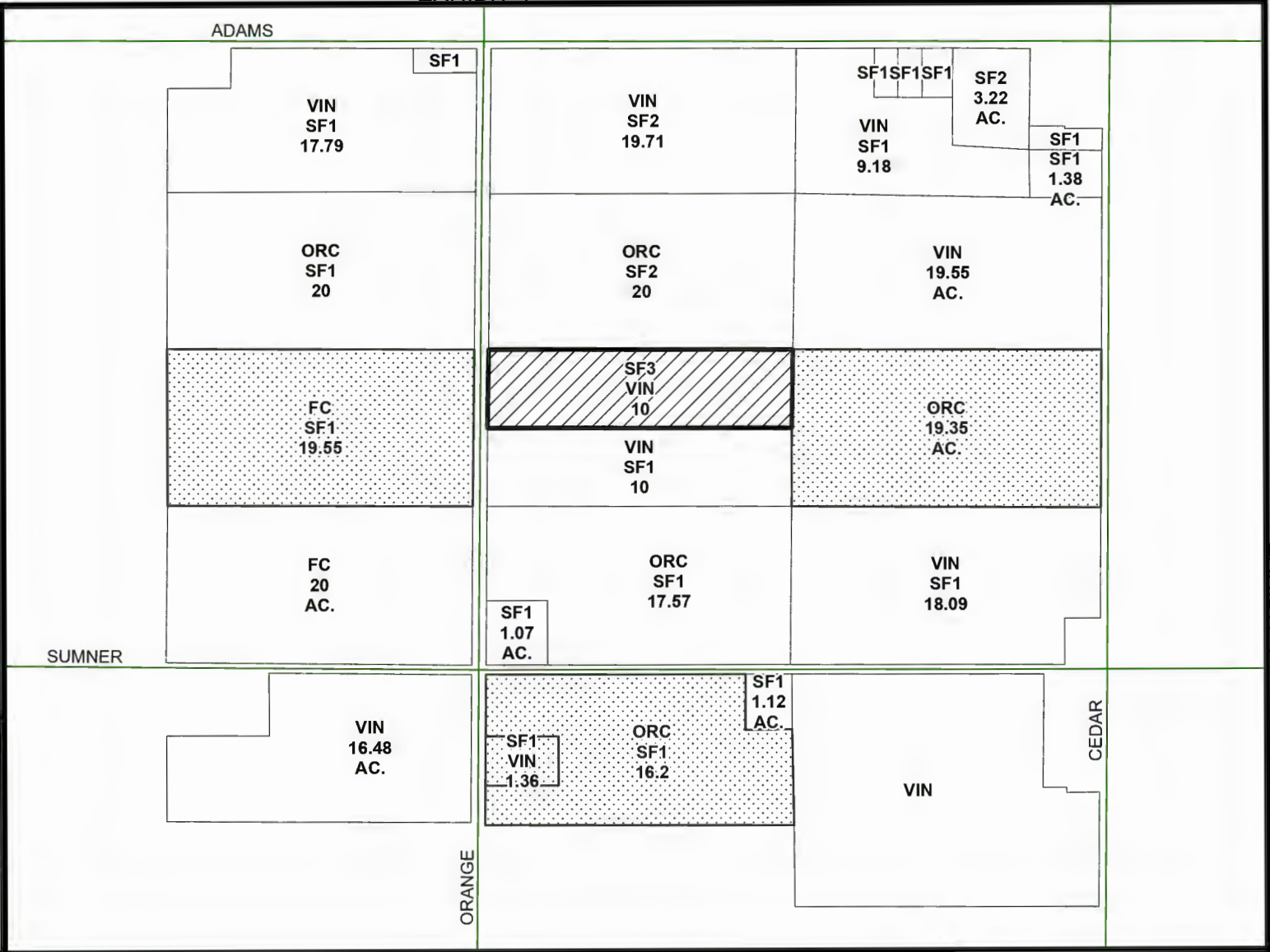
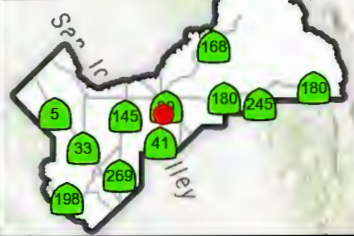


**LEGEND:**

-  Subject Property
-  Ag Contract Land

LEGEND
FC - FIELD CROP
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
V - VACANT
VIN - VINEYARD

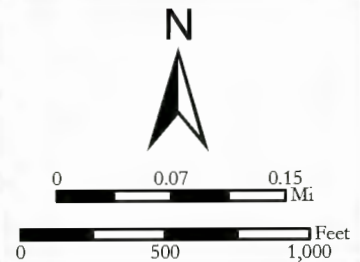
VICINITY MAP





# Existing Land Use Map

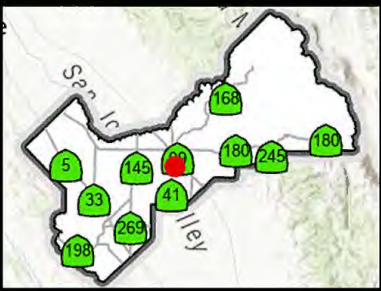
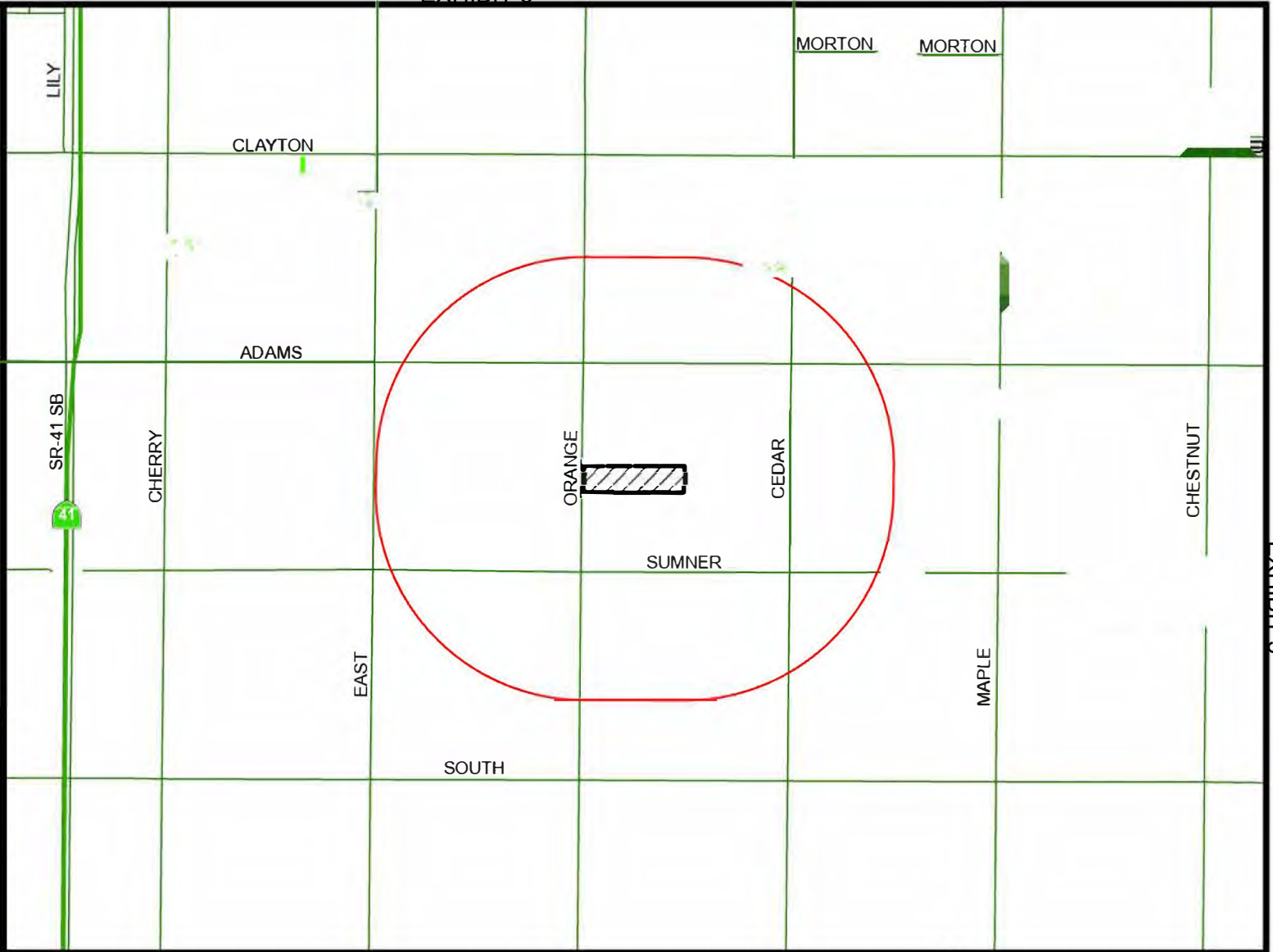
## VA 4174 & DRA 4780 | 2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : chuang  
 On Date : 10/16/2024



Legend

-  Half Mile Buffer
-  Subject Property
-  VA Permits



# Proximity Map

## VA 4174 & DRA 4780 | 2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : mdo  
 On Date : 8/1/2025

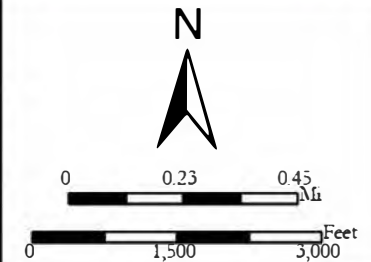


EXHIBIT 5

ATTACHMENT B PAGE 19



To: County of Fresno Department of Public Works and Planning

I am the son of the sole owners of the property at 7254 S. Orange, Fresno CA 93725. This property has been owned by my parents Luis and Margarita Jacinto for over 20 years. As my parents have gotten older they are unable to care for the property. The proposed 2 +/- acre plot will contain my home. The remaining 8 +/- acre plot contains my parents home, mobile home, storage shed and row crops. In order to continue caring for this property I wish to build a home for my family close to their property in order to both care for my elderly parents as well as the family farm.

**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.**

I have over the past few years taken responsibility over my family's farm due to my parents age and health. I wish to construct a home on the proposed 2 +/- acre for my small family in order to continue agricultural productivity as well as care for my elderly parents. This will allow me to be able to focus more time on my family farm.

**2. Such Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other primary owners under like conditions in the vicinity having the identical zoning classification.**

The block on which my parents property is situated has multiple 5 and 10 acres plots with homes. I plan to live on the proposed 2 +/- acre plot to help care for both my parents and the farm. Creation of the proposed homesite will allow me to protect my family's property like other property owners with like-kind lot sizes. Increased security risk of vandalism to the farm and enhanced farming efficiency living on the farm. The right to have a homesite on one's own property is enjoyed by others under like zoning and can be realized once the granting of the proposed Variance.

**3. The granting of Variance will not be materially detrimental property and improvement in the Vicinity in which the property is located.**

The total plot will continue to be used for agricultural purposes 8 +/- acres for grape vines. The proposed 2 +/- will be used to build a single family residence close to elderly parents as well as keep as many row crops as possible. No adverse impacts to adjacent properties will occur as a result of the proposed variance. Granting the proposed variance to create a 2 +/- acre homesite from an existing 8 +/- acre parcel will have no adverse impact on the public or surrounding property owners.

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

Both plots will continue to be used for the two agricultural purposes which have been unchanged for several years. There will be no increase in water use if the Variance is granted, I plan to keep as much row crop as possible and additionally install solar panels.

Respectfully submitted,



# Notice of Appeal of Planning Commission Decision

**Appeal Fee: \$555.11**  
*effective FY 2025-26*  
**Due at Time of Appeal Filing**

*Appellant Instructions – Complete all sections below. Print or type, this side only.*

### Project Site Address

7254 S. Orange Ave Fresno CA 93725  
Number Street City Zip Code Assessor's Parcel Number (APN)

### Appellant Information

Name: Omar J. Manavilla  
Mailing Address: 844 E Manning Ave.  
Phone Number: (559) 653-8244

### Applicant Information

Name: Yessenita Mendoza  
Mailing Address: 7254 S. Orange Ave.  
Phone Number: (559) 832-3805

Is the Appellant also the project Applicant?  Yes  No  
*If no, complete Applicant Information section.*

**RECEIVED**  
**AUG 27 2025**

### Subject of Appeal

Date of Planning Commission Decision: August 14 2025  
Month Day Year

CLERK. BOARD OF SUPERVISORS

I wish to appeal the Planning Commission's decision to:  Approve  Deny

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Amendment Application<br>No. _____         | <input checked="" type="checkbox"/> Director Review and Approval Application<br>No. <u>4780</u> | <input type="checkbox"/> Tentative Tract Map Application<br>No. _____        |
| <input type="checkbox"/> Amendment to Text Application<br>No. _____ | <input type="checkbox"/> General Plan Amendment Application<br>No. _____                        | <input checked="" type="checkbox"/> *Variance Application<br>No. <u>4174</u> |
| <input type="checkbox"/> Conditional Use Permit<br>No. _____        | <input type="checkbox"/> Tentative Parcel Map Application<br>No. _____                          | <input type="checkbox"/> Other:<br>_____                                     |

Reason(s) for Appeal: *(Attach additional pages if necessary)* I need space to run my company. Need to help my parents with farming the crop. Built a forever home for my family & I

[Signature]  
Appellant Signature

Aug 27 2025  
Date

**Return completed form and fee to the Clerk of the Board of Supervisors, 2281 Tulare Street, Room 301, Fresno, CA 93721**

\*Fresno County Ordinance §876.6.020(B)(2) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance Application property. The Department of Public Works & Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

### For Office Use Only

Copy sent to: W. Kettler, C. Motta, T. Mtunga, A. Samarin Date copy sent: 8/29/25  
Hearing set for: \_\_\_\_\_

ATTACHMENT D

Variance No. 4174, Director Review and Approval No. 4780  
 Conditions of Approval and Project Notes

Conditions of Approval	
1.	The second dwelling until shall not exceed 2,000 square feet in size.

Conditions of Approval reference recommended Conditions for the project.

Notes	
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ATTACHMENT D

Notes	
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