



Board Agenda Item 12

DATE: June 16, 2026

TO: Board of Supervisors

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

SUBJECT: Appeal of Planning Commission's denial of Variance Application No. 4174 and Director's Review and Approval No. 4780 (Applicant/Appellant: Omar J. Maravilla)

RECOMMENDED ACTION(S):

1. **Consider appeal of the Planning Commission's denial of Variance Application No. 4174 and Director's Review and Approval No. 4780 proposing to allow the creation of a two-acre parcel and an eight-acre parcel from an existing 10-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District, and to allow two existing residences to remain on the resulting eight-acre parcel; and**
2. **If your Board chooses to grant the appeal and overturn the Planning Commission's denial of Variance Application No. 4174 and Director's Review and Approval No. 4780, it would be appropriate to:**
 - a. **Make the four required findings specified in Section 860.5.060.D for approval of a variance, stating the basis for making those findings; and**
 - b. **Make the four required findings specified in Section 846.5 for approval of a Director's Review and Approval application; and**
 - c. **Approve Variance Application No. 4174 and Director's Review and Approval No. 4780 with Conditions of Approval and the additional Condition of Approval as recommended by staff.**

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

There is no Net County Cost associated with the recommended actions. This item comes before your Board on appeal from the Planning Commission's denial (8 to 0, with one Commissioner absent) at its August 14, 2025, hearing. Department staff notes that the Zoning Ordinance requires your Board to determine, independent from the decision of the Planning Commission, whether the applications should be approved, approved with stated conditions, or denied. A copy of the Planning Commission's action is included as Attachment A. This item pertains to a location in District 1.

ALTERNATIVE ACTION(S):

If your Board is unable to make the required findings for approval of Variance Application No. 4174 (VA No.

4174) and Director's Review and Approval No. 4780 (DRA No. 4780), your Board may deny the appeal and uphold the Planning Commission's denial.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. Pursuant to the County's Master Schedule of Fees, the Applicant/Owner has paid \$7,251 in land use processing fees to the County for the processing of the VA No. 4174 and concurrent DRA No. 4780 request. The Appellant paid \$555 in fees to appeal the Planning Commission's denial.

DISCUSSION:

The proposal is to 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 Agricultural, 20-acre minimum parcel size) Zone District; and to approve a DRA No. 4780 to allow two existing residences to remain on the proposed eight-acre parcel. The Planning Commission Staff Report (Attachment B), dated August 14, 2025, includes background information about the proposal.

Pursuant to Zoning Ordinance Article 5, Chapter 860.5, the following four findings must be made for a variance:

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

Pursuant to Zoning Ordinance Article 5, Chapter 846.5, the following four findings must be made for a DRA:

1. *The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Chapter, to adjust the use with land and uses in the neighborhood;*
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;*
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; and*
4. *The proposed development is consistent with the General Plan.*

At its August 14, 2025 hearing, the Planning Commission considered the Department's staff report, presentation, and testimony from the Applicant/Owner's representative and property owner. It should be noted that staff, in its report to the Planning Commission, was unable to recommend making Finding Nos. 1, 2, and 4 required for approval of a variance.

After considering staff's presentation and public testimony, the Planning Commission concurred with staff's

recommendation, and a motion was made to adopt staff's recommendation to deny VA No. 4174 based on the inability to make the required variance findings. Because approval of the Director's Review and Approval is contingent upon approval of the variance, the required findings for DRA No. 4780 also could not be made.

On August 27, 2025, the Applicant filed an appeal of the Planning Commission's denial. The appeal document (Attachment C) asserts that the Applicant needs the space to be able to run the Applicant's company, help the owners with farming, and to build a forever home for their family. The Appellant's variance findings contend that the creation of the proposed parcels is essential for generational farming and family security, while also stating that living on-site allows for better protection against vandalism and increased efficiency in managing the existing vineyard/crops.

If your Board is able to make the required findings for granting approval of VA No. 4174 and DRA No. 4780, a motion to uphold the appeal and approve the VA No. 4174 and DRA No. 4780 would be appropriate, provided that the motion states the manner in which the required findings can be made and includes the recommended Conditions of Approval (Attachment D) and any additional conditions your Board determines appropriate.

Staff recommends that if your Board approves the request, the following Site Plan compliance condition be included in your motion:

- 1) *Development shall be in substantial compliance with the Site Plan as approved by the Board.*

Staff also notes that should the VA No. 4174 and DRA No. 4780 be approved, the subject applications will expire two years from the date of your Board's approval unless a mapping application to create the parcels is filed. Where circumstances beyond the control of the Applicant cause delays, the Applicant may apply for a one-year time extension to be considered by the Planning Commission.

If your Board is unable to make the required findings for approval of VA No. 4174 and DRA No. 4780, a motion to deny the appeal and uphold the Planning Commission's denial of the VA No. 4174 and DRA No. 4780 would be appropriate.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A-D

CAO ANALYST:

Maria Valencia