



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 May 16, 2024

SUBJECT: Variance Application No. 4164 & Environmental Review No. 8531

Allow for the creation of a 1.4-acre parcel and a 18.6-acre parcel from an existing 20.00-acre parcel, in the AE-20 (Exclusive Agricultural , 20-acre minimum parcel size) Zone District

LOCATION: The subject parcel is located on the south/east corner of Maple Avenue and Clayton Avenue, approximately 2-miles from the City of Fresno (APN: 334-310-06) (6532 S. Maple Avenue) (Sup. Dist. 1).

OWNER Vincent M. and Lynn Napoli

APPLICANT: Dale G. Mell and Associates

STAFF CONTACT: Reymundo Peraza, Planner
(559) 600-4224

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Move to determine that the required Findings cannot be made and move to deny Variance Application No. 4164 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 Plans and Detail Drawings
7. Applicant's Variance Findings

8. Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agricultural	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	20 acres	Parcel 1: 18.6-acres Parcel 2: 1.4-acres
Project Site	Single family residence and a barn on the west central section, and vineyard rows on the remainder of the parcel.	Split the parcel into two parcels.
Structural Improvements	<ul style="list-style-type: none"> • 1,311 square-foot single-family residence • 1,500 square-foot barn 	No change
Nearest Residence	110 feet to the east of the project site.	No change
Surrounding Development	Orchard, field crops, vineyard, single-family residences.	No change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Article 5: Review for Exemption, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines: The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 20 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 written public comments were received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

A variance application may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Article 5 Chapter 860.5 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 20-acre property is currently developed with a single-family residence, with a septic system, a barn, water well and an ag well. The remainder of the property is a vineyard. Surrounding land uses consist of farmland with sparsely located single family residences.

The subject parcel is not enrolled under a Williamson Act Contract.

Within one mile of the subject property there have been 11 variances on record that are relevant to substandard parcel creation. The following table provides a brief summary of the other variance applications and final actions.

Application	Date of Action	Staff Recommendation	Final Action
Variance No. 2801: Parcel Creation	November 21, 1985	Approval	Planning Commission Approved
Variance No. 2836: Parcel Creation	January 8, 1987	Denial	Planning Commission Approved
Variance No. 3079: Parcel Creation	May 28, 1987	Denial	Planning Commission Denial
Variance No. 3128: Parcel Creation	March 1, 1993	Approval	Planning Commission Approval
Variance No. 3214: Parcel Creation	March 7, 1995	Approval	Planning Commission Approval
Variance No. 3252: Parcel Creation	November 11, 2003	Denial	Planning Commission Approved
Variance No. 3272: Parcel Creation	August 11, 2006	Approval	Planning Commission Approved
Variance No. 3436: Parcel Creation	September 15, 2001	Approval	Planning Commission Approved
Variance No. 3519: Parcel Creation	April 18, 1996	Approval	Planning Commission Approved
Variance No. 3655: Parcel Creation	July 8, 1999	Denial	Planning Commission Denial

Application	Date of Action	Staff Recommendation	Final Action
Variance No. 3669: Parcel Creation	June 1, 2000	Approval	Planning Commission Approved

Although, there is a history of variance requests within proximity of the subject parcel, each variance request is considered on its own merit based on unique site conditions and circumstances.

Analysis/Discussion:

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.**

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	<u>AE-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	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.	No change	Yes
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:

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

Finding 1 Analysis:

In support of Finding 1, the applicant's findings state that the exceptional and extraordinary circumstances with this application begins with the history of Bartolo & Rosaria Napoli purchasing 32 acres at the northwest corner of Maple and Clinton Avenue in 1958. In 1982 the Napoli's bought the 20-acre ranch at the southeast corner of Maple and Clayton Avenue with a 1,311-ft single family residence (built in 1950) THE current residence of Vincent and Lynn Napoli (applicants for the Variance Application to create a homesite parcel). The Estate of Rosaria Napoli left equal interest to the original 32-acre ranch to Anna and Vincent, 100% interest to the 20-acre ranch was left to Vincent.

With regard to Finding 1, The applicant's finding regarding the history of farming and family ownership provides background information about the applicant's ownership. However, it does not directly address the requirement for exceptional or extraordinary circumstances or conditions applicable to the property, as mandated by the variance finding criteria.

To meet the variance requirement, the applicant must identify specific circumstances or conditions unique to their property that set it apart from other properties in the vicinity with the same zoning classification. These circumstances should demonstrate that the property faces challenges or opportunities that are not typically encountered by other properties in the area, thereby justifying the need for a variance.

Recommended Conditions of Approval:

None

Finding 1 Conclusion:

Finding 1 cannot be made as there are no extraordinary circumstances relating to the property that do not apply to other properties in the same zone 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.**

Reviewing Agencies/Department Comments related to Finding 2:

No comments specific to the preservation of a substantial property right were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

Vincent has spent his entire life farming on his parents' ranch, but due to failing health, he must retire from farming. He believes he has earned the right to retire and keep his home after years of hard work and sacrifice. Unfortunately, his mother passed away before she could gift him a parcel of land as permitted by the zoning ordinance. As retirement is imminent, Vincent's only

option to secure his residence is to apply for a variance to create a 2.5-acre parcel through land division.

Finding 2 states that a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant's finding only highlights the applicant's personal circumstances. The applicant's personal situation does not create a right that others property owners do not enjoy.

Variances can only be used to provide relief to preserve the "substantial property rights" allowed by the zone district to be able to utilize a property for the intended use of the zoning. If regulations and unique physical attributes prohibit this property from realizing any reasonable use intended under the zoning a Variance would be appropriate to preserve the "substantial property right" such as the ability to be able to build a home on the site. Staff nor the applicant were unable to identify any situation pertaining to this property, that would constrain the use of the property as allowed by the zoning and create a deficit of a property right enjoyed by other owners in the vicinity, under the same zoning.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Finding 2 cannot be made as denial of this variance would not deprive the applicant of any right enjoyed by other property owners in the AE-20 Zone District, since all property owners are subject to the same development standards. Granting of the variance could be construed as granting of a special privilege not enjoyed by surrounding properties with the same zoning.

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:	Use:	Zoning:	Nearest Residence:
North	20 acres	Vineyard with a single-family residence	AE-20	350 feet
South	19.99 acres	Vineyard	AE-20	N/A
East	19.9 acres	Vineyard with a single-family residence	AE-20	1,300 feet
West	18.7 acres	Vineyard with a single-family residence	AE-20	110 feet

Reviewing Agency/Department Comments:

No 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 state that the existing residence, family history, friends and farming are an integral part of the current community at Maple and Clayton Avenues and not injurious to property and improvements in the vicinity.

In regard to Finding 3, it is the intention of the Applicant, if this Variance is approved, to divide the existing parcel into two smaller parcels, which would likely be developed separately with a single-family dwelling, as such, there would be an increase in residential density necessitating the installation of additional domestic wells and septic systems to serve future development.

While the impact of this singular variance may not constitute a materially detrimental impact, staff notes that the creation of two separate legal non-conforming parcels has the potential to increase residential density in the area by allowing additional single-family residences by right on the new parcels and a 2nd residence through a Director Review and Approval on the new parcels. Cumulatively this and other such increases in residential density has the potential to conflict with adjacent agricultural operations in the area. The minimum acreage requirement of the AE-20 Zone district is intended to arrest this parcellation pattern and limit the potential conflicts between residential agricultural activities. However, the limited scale of this individual request by itself is not a significant material detriment to properties in the vicinity.

Recommended Conditions of Approval:

None

Finding 3 Conclusion:

Finding 3 can be made due to the limited scale of this individual request, the application does not present a significant material detriment to properties in the vicinity.

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

Relevant Policies:	Consistency/Considerations:
General Plan Goal LU-A: <i>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>	Inconsistent: 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 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.
General Plan Policy LU-A.6: <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided</i>	Inconsistent: 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

Relevant Policies:	Consistency/Considerations:
<i>in Policies LU-A.9 and LU-A.10. 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. (RDR)</i>	meet the criteria or elected not to choose one of the available options for creating a substandard sized parcel.
General Plan Policy LU-A.7: <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 decisionmaking body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community. (RDR)</i>	Inconsistent: The proposed parcel division is not consistent with Policy LU-A.7 as it would create one substandard sized parcel. The creation of a parcel 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 homes on the proposed parcels. Such increase in the area, as noted by Fresno County Department of Agriculture, may conflict with normal agricultural practices on adjacent properties.
General Plan Policy LU-A.12: <i>In adopting land uses policies, regulations, and programs, the County shall seek to protect agricultural activities from encroachment of incompatible land uses. (RDR)</i>	Inconsistent: The creation of a parcel less than 20 acres in the AE-20 Zone District would be inconsistent with Policy LU-A.12 as smaller parcels could potentially allow a higher density residential area which is inconsistent with the compatibility of the AE-20 zone district.
General Plan Policy LU-A.14: <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. (RDR)</i>	Consistent: In this case, productive agricultural land would not necessarily be converted, rather it would be reallocated between the two subsequent parcels, with the majority of the of the land to be located on proposed parcel B.

Reviewing Agency Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning indicated:

Regarding Policies LU-A.6 and LU-A.7, approval of VA Application No. 4164 and associated ER Application No. 8531 would result in the creation of two substandard parcels. The proposed 1.40-acre substandard parcel would be used for a homesite parcel and the 18.60-acre parcel as an orchard. The proposed variance application will result in creation of two substandard parcels in an area of the County that is designated as Agricultural and Zoned AE-20, Exclusive Agricultural with 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 Policy LU-A.9 allows creation of homesite parcels smaller than the minimum parcel size required by zoning. The objective is to protect the general agricultural land and provide for those uses which are necessary and an integral part. Granting of this variance would have been approached under LU-A.9 if Mr. & Mrs. Napoli had applied for a gift deed to their son Vincent for his work and sole management of the farming operations, prior to their passing in 2008 and 2022. Unfortunately, that application was never submitted, and a gift deed parcel is not applicable. Vincent has lived and worked on the farm since 1962 which would have qualified him for a homesite retention if he had held the title at that time. Unfortunately, his labor was that of a family member only which doesn't qualify as ownership therefore a homesite retention parcel is not applicable. The only remaining application available to create the missed opportunity for gift deed/and deficient time in the ownership for homesite retention parcel, is this variance application and if approved followed with a parcel map. Vincent Napoli has lived and farmed the land years beyond those required by current ordinance please consider this and approve the variance as submitted.

The applicant's justification of the finding is based on a missed opportunity to have previously created a homesite conveyance parcel, this is the applicant's personal history, it is not relevant to the applicability of the General Plan Policy for the proposed application today.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1, 2, & 4 cannot be made as stipulated in the staff report and move to deny Variance Application No. 4164
- 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 (state basis for making the Findings) and move to approve Variance Application No. 4164, subject to the Conditions of Approval and Project Notes listed in 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.

RP:ec:jp
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EXHIBIT 1

**Variance Application (VA) No. 4164 & Environmental Review No. 8531
(Including Conditions of Approval and Project Notes)**

Conditions of Approval	
1.	Division of the subject parcels shall be in substantial accordance with the site plan (Exhibit 6) as approved by the Planning Commission
2.	Due to the proposed size of 1.4-acres, a Nitrogen Loading Analysis will be required prior to the approval of the Variance and Mapping procedure.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	According to the U.S.G.S. Quad Map, North Branch Oleander Canal is near the southern and eastern property lines of the subject property. Any future improvements constructed within or near North Branch Oleander Canal should be coordinated with the owners of the said canal/appropriate agency.
2.	According to the Wetlands Mapper of U.S. Fish and Wildlife Service, wetlands may be present near the southern and eastern property lines of the subject property. For any future development on wetlands, U.S. Fish and Wildlife Service and other appropriate agencies should be consulted regarding any requirements they may have.
3.	Per Fresno County LAMP "Septic system density will be limited to one system per two acres". Any new development or secondary dwelling unit will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department that the regional characteristics are such that an exception to the septic system density limit can be accommodated.
4.	At such time the applicant or future property owner 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 Public 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.
5.	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.
6.	If approved, the subdivision will require a that a Tentative Parcel Map be prepared in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. The Tentative Parcel Map application shall expire two years after the approval of said Tentative Parcel Map.

Notes

Upon approval and acceptance of the Tentative Parcel Map and any Conditions imposed thereon, a Final Parcel Map shall be prepared and by a Professional Land Surveyor or Registered Civil Engineer authorized to practice Land Surveying in accordance with the Professional Land Surveyors Act, the Subdivision Map Act and County Ordinance. Recordation of the Final Parcel Map shall take place within two years of the acceptance of the Tentative Parcel Map unless a Map extension is received prior to the expiration date of the approved Tentative Parcel Map. Failure to record the Final Parcel Map prior to the expiration of said Tentative Parcel Map may void the Parcel Map application.

RP:ec:jp

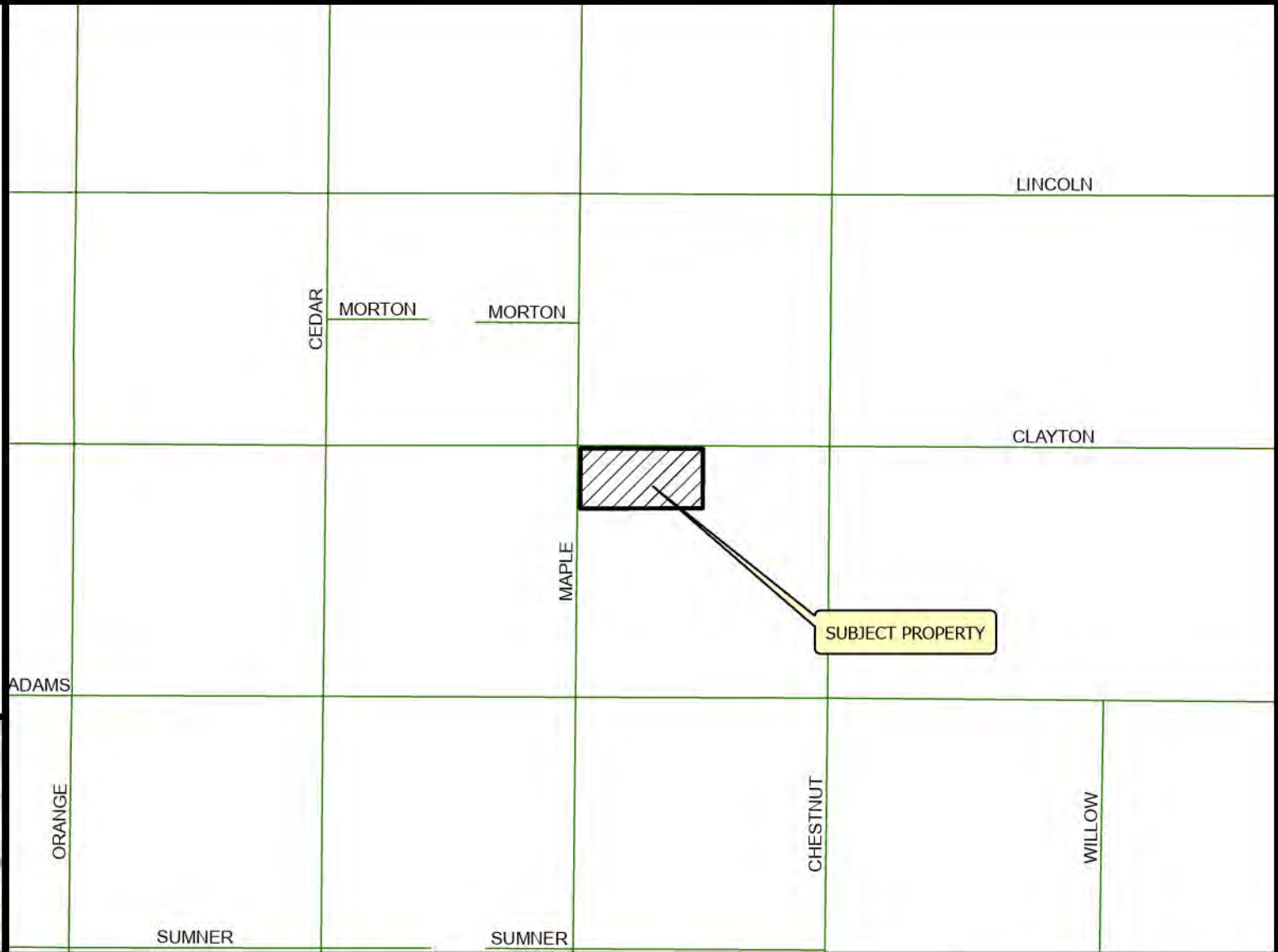
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EXHIBIT 2

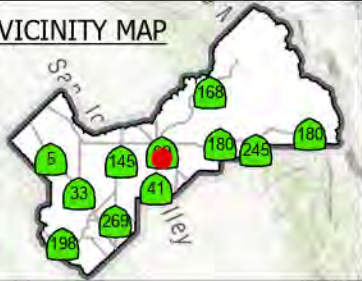
Legend



Subject Property



VICINITY MAP



LOCATION MAP

VA4164

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 1/18/2024

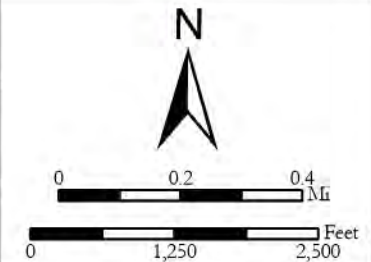



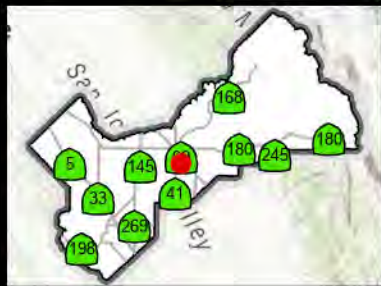
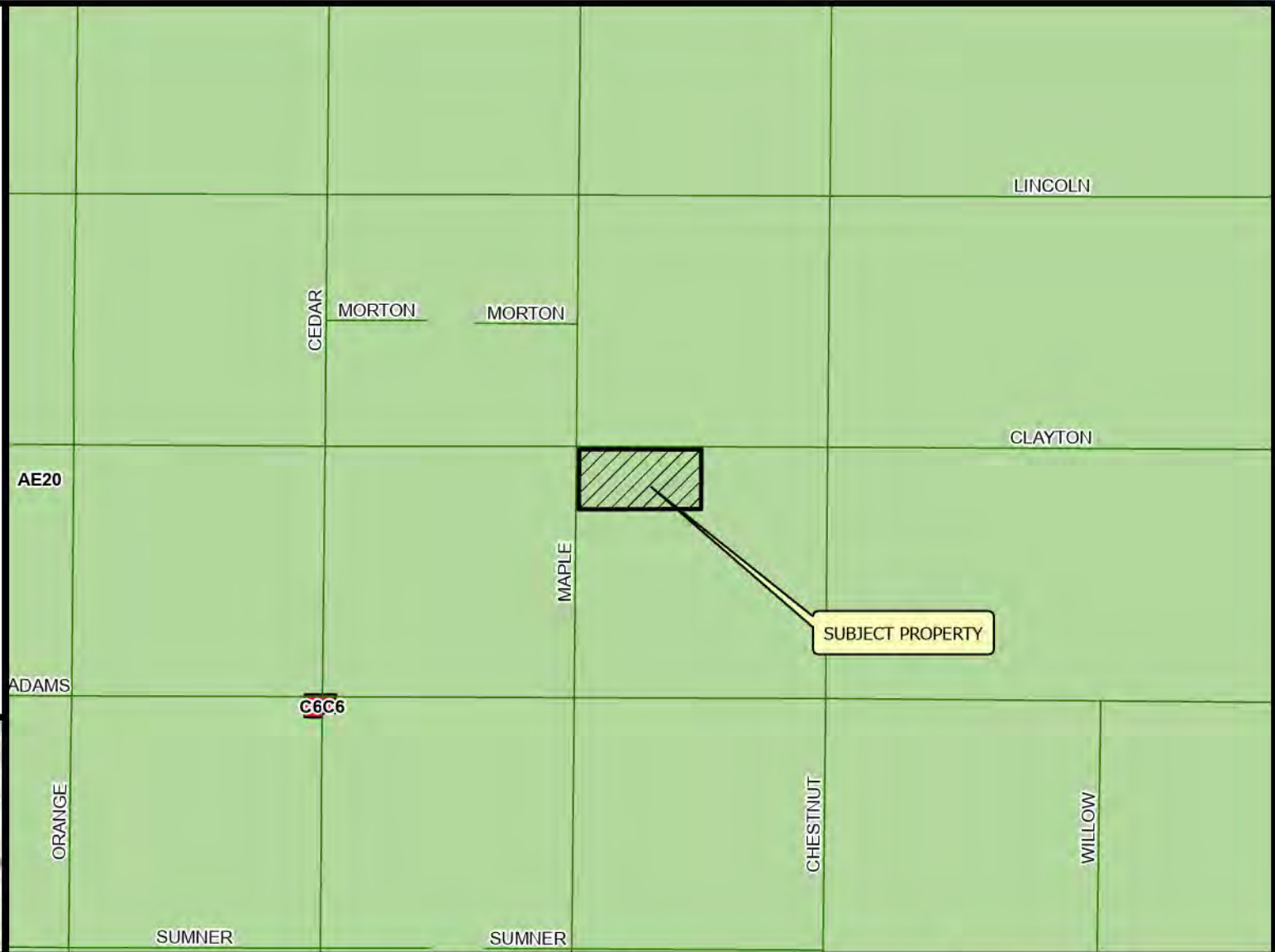


EXHIBIT 2

EXHIBIT 3

Legend

-  Subject Property
-  C6
-  AE20



Existing Zoning Map

VA4164
STR 12 - 15S / 20E

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : jocervantes
On Date : 1/18/2024

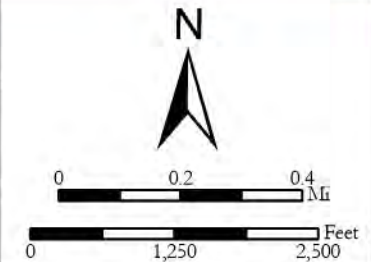

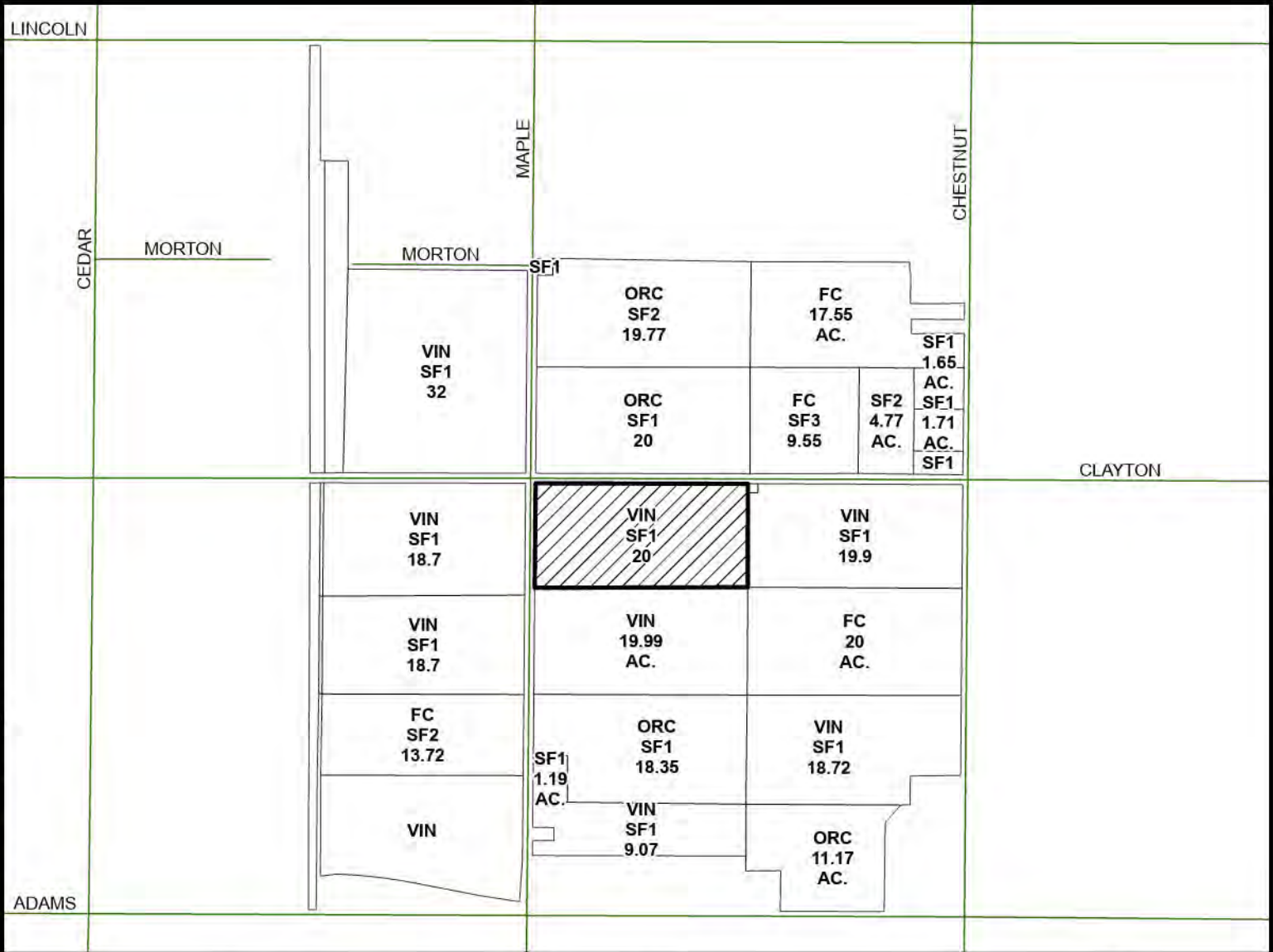


EXHIBIT 4

LEGEND:

 Subject Property

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



Existing Land Use Map

VA4164

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 1/18/2024

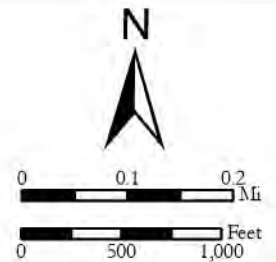




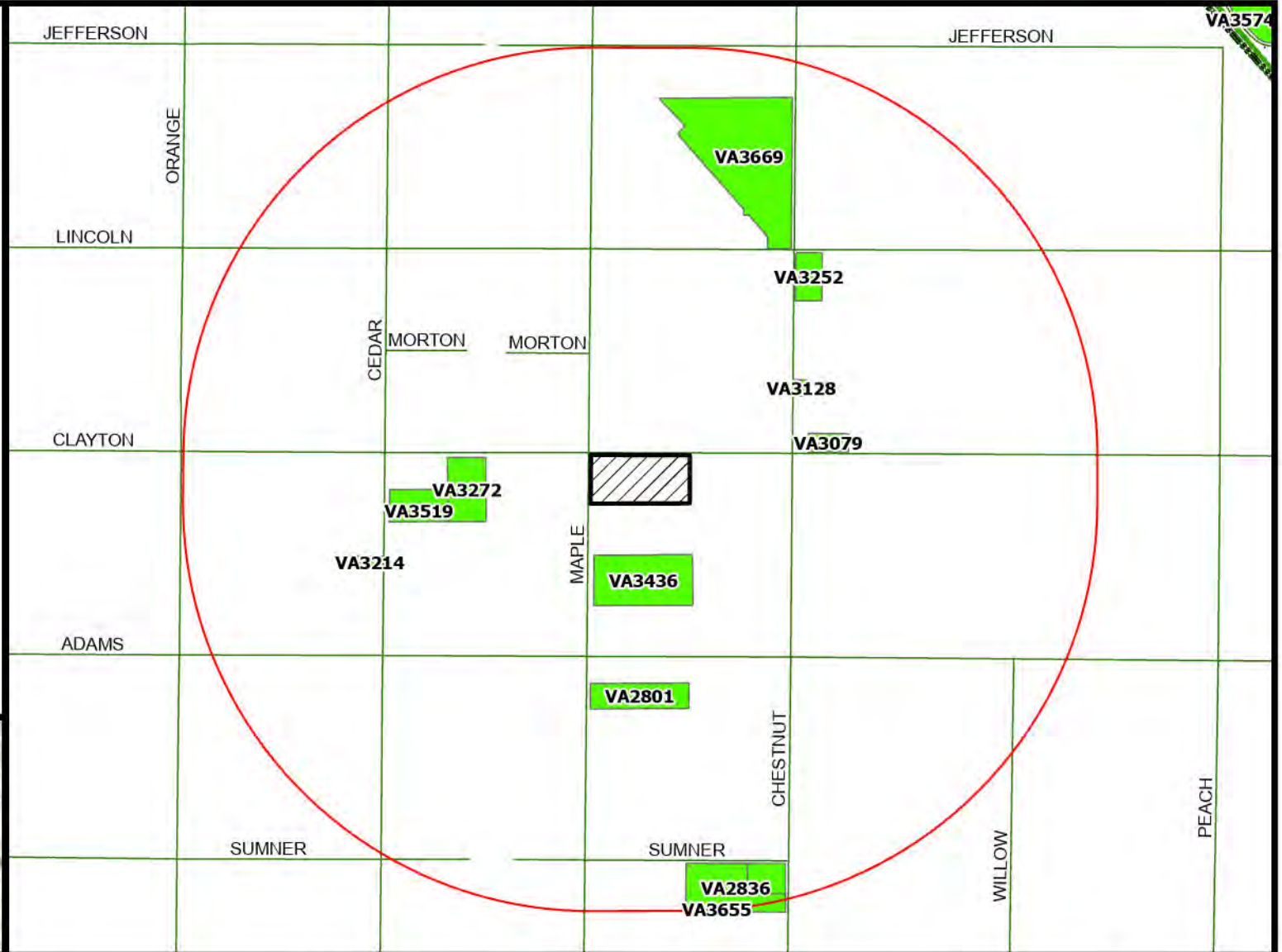


EXHIBIT 5

Legend

-  1 mile buffer
-  Subject Property
-  City Sphere of Influence
-  LU Permits



Proximity Map

VA4164

2024

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : jocervantes
 On Date : 1/18/2024

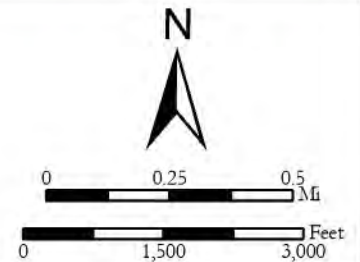
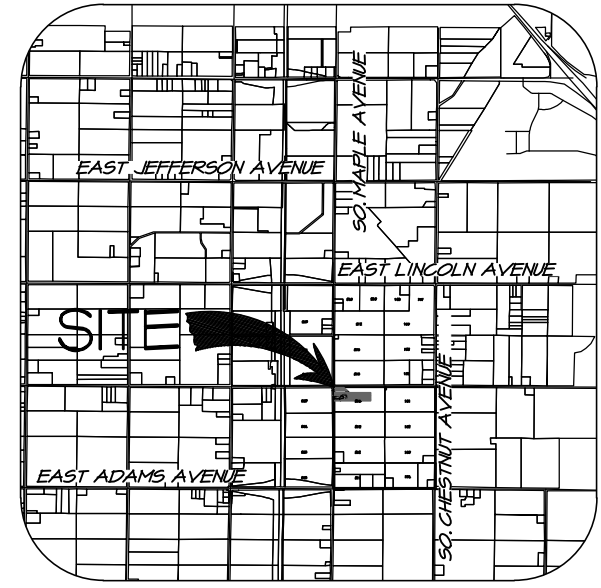
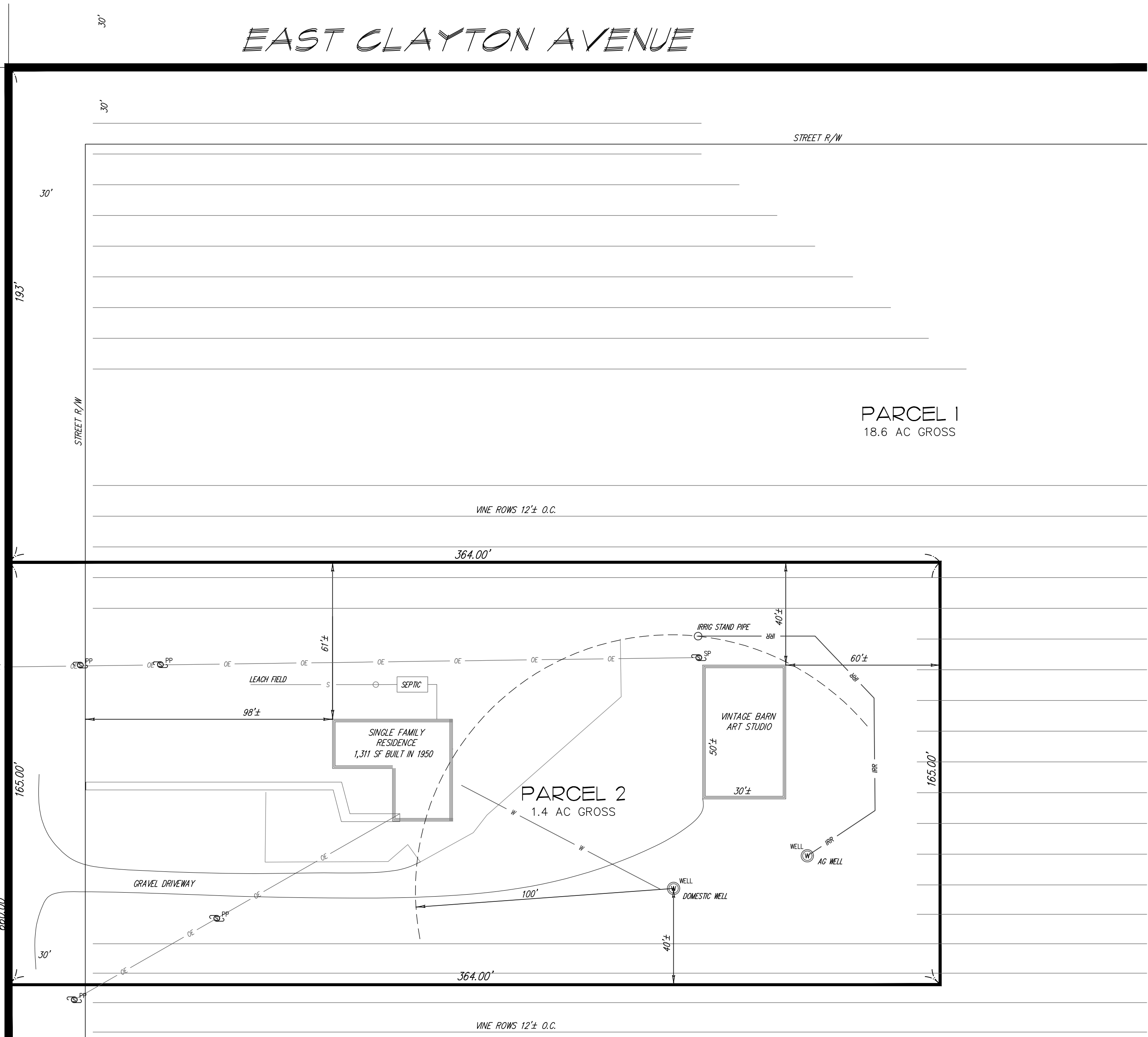


EXHIBIT 5

EAST CLAYTON AVENUE

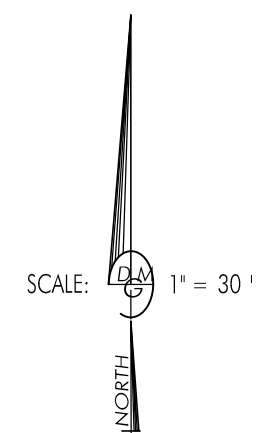
SOUTH MAPLE AVENUE



LOCATION MAP
NOT TO SCALE

NOTES

- 1 SITE ADDRESS: 6532 SOUTH MAPLE AVENUE
- 2 ASSESSOR'S PARCEL NO.: 334-310-06
- 3 EXISTING ZONING: AE 20
- 4 EXISTING LAND USE: AG AND RESIDENTIAL
- 5 PROPOSED ZONING: AE 20
- 6 PROPOSED LAND USE: RESIDENTIAL & AG TO REMAIN
- 7 PREPARED FROM RECORD DATA & FIELD SURVEYS
- 8 EXISTING STRUCTURES ON SITE AS NOTED
- 9 EXISTING STREET IMPROVEMENTS AS SHOWN
- 10 THERE ARE (2) EXISTING WELLS, (1) SEPTIC TANK WITH LEACHING FIELD
- 11 PARCEL DESIGN PROVIDES FOR OPTIMUM SOLAR OPPORTUNITIES WITH NORTH-SOUTH ORIENTATION, ENABLING ARCHITECTURAL DESIGN TO INCORPORATE
- 12 SURROUNDING LAND USE: AG & RESIDENTIAL
- 13 (E) STREET DEDICATIONS PER PLATS VOL 2 PG 42 FOR
- 14 (E) SOURCE OF WATER: PRIVATE ONSITE WELL
- 15 THE EXISTING & PROPOSED METHOD OF SEWAGE DISPOSAL: EXISTING SEPTIC SYSTEM
- 16 THE FOLLOWING UTILITIES ARE EXISTING: (GAS, ELECTRIC, TELEPHONE & CABLE T.V.)
- 17 THE SITE ACREAGE IS 20 GROSS ACRES THERE WILL BE 2 PARCELS IN THIS MAP WITH A MINIMUM SIZE OF 1.4 AC



TENTATIVE PARCEL MAP NO. _____

BEING A PORTION OF SECTION 12,
TOWNSHIP 15 SOUTH, RANGE 20 EAST,
MOUNT DIABLO BASE & MERIDIAN

SITE LOCATION:
6532 SOUTH MAPLE AVENUE
ASSESSOR'S PARCEL NO(S): 334-310-06

PREPARED FOR:

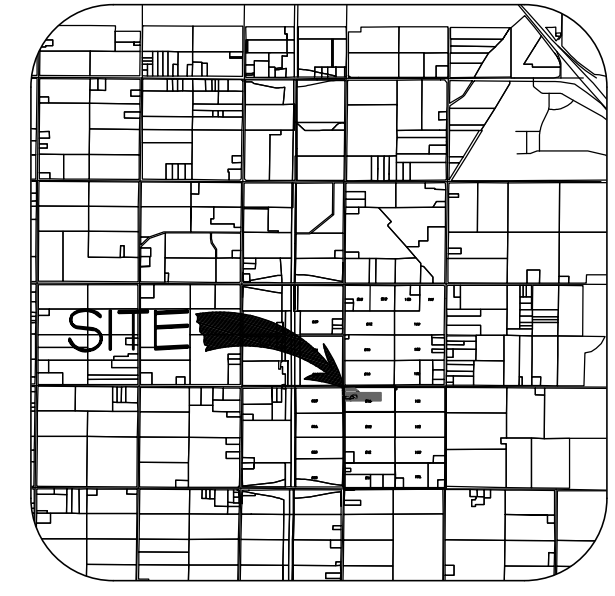
VINCENT & LYNN NAPOLI
6532 SOUTH MAPLE AVENUE
FRESNO CA 93725

PREPARED BY:

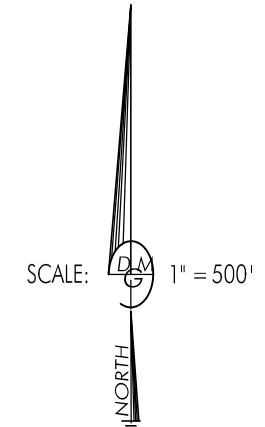
DALE G. MELL
& ASSOCIATES
ENGINEERING & SURVEYING SERVICES
2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(509) 292-6646 FAX 251-1920 EMAIL: DGM@DALEMELL.COM



JOB # 22-094
DRAWN BY: D.G.MELL
CHECKED BY: DGM
SCALE: 1" = 30'
DATE: 02/13/23
DWG # 22-094TPM
FIELD BOOK: LL
DATE OF SURVEY: XX/XX/XX
LAST REVISED:



LOCATION MAP
NOT TO SCALE



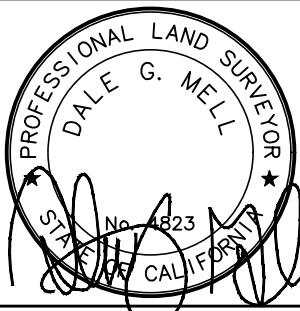
TENTATIVE PARCEL MAP NO. _____

SITE LOCATION:
6532 SOUTH MAPLE AVENUE
 ASSESSOR'S PARCEL NO(S): **334-310-06**

BEING A PORTION OF SECTION 12,
 TOWNSHIP 15 SOUTH, RANGE 20 EAST,
 MOUNT DIABLO BASE & MERIDIAN

PREPARED FOR:
VINCENT & LYNN NAPOLI
 6532 SOUTH MAPLE AVENUE
 FRESNO CA 93725

PREPARED BY:
DALE G. MELL
 & ASSOCIATES
 ENGINEERING & SURVEYING SERVICES
 2099 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
 (559) 272-6046 FAX 251-1920 EMAIL: DGM@DGMELL.COM



JOB # **22-094**
 DRAWN BY: **D.G.MELL**
 CHECKED BY: **DGM**
 SCALE: **1" = 500'**
 DATE: **02/13/23**
 DWG # **22-094TPM**
 FIELD BOOK: **LL**
 DATE OF SURVEY: **XX/XX/XX**
 LAST REVISED: _____



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Supplemental Application

Findings for Variance APN 334-310-06 to create 2.5 AC parcel in AE20 Zone District

1. ***There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification;***

History of farming and family ownership:

The exceptional and extraordinary circumstances with this application begins with the history of Bartolo & Rosaria Napoli purchasing 32 acres at the northwest corner of Maple and Clinton Avenue in 1958. Rosaria raised Anna (1960) and Vincent (1962) on their farm; attended local schools and graduated from Washington High School and Reedley College with an A.S. in Plant Science. In 1982 the Napoli's bought the 20-acre ranch at the southeast corner of Maple and Clayton Avenue with a 1,311-sf single family residence (built in 1950) and current residence of Vincent and Lynn Napoli (applicants for the Variance Application to create a homesite parcel). The Estate of Rosaria Napoli left equal interest to the original 32-acre ranch to Anna and Vincent, 100% interest to the 20-acre ranch was left to Vincent.

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; The right to create a lot less than 20 acre for residence.***

Having farmed and lived his entire life on his parent's ranch; unfortunately, Vincent's health is failing and doctors recommends he not continue with his passion of farming... retiring and retaining your homesite after 61 years of farming, living, learning, laboring, sacrificing with family is a property right earned by Vincent and enjoyed by others in the in the area. Unfortunately, Vincint's mother died not exercising her right, under L4-A-9(gifting a parcel to the family member involved in the farming operations) before her passing in early 2021 resulting in the only recourses for retirement for their current residence is apply for a variance to create the 2.5-acre parcel by land division.

3. ***The granting of the 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;***

The existing residence, family history, friends and farming are an integral part of the current community at Maple and Clayton Avenues and not injurious to property and improvements in the vicinity.

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

Policy LU-A.9 allows creation of homesite parcels smaller than the minimum parcel size required by zoning. The objective is to protect the general agricultural land and provide for those uses which are necessary and an intergrade part. Granting of this variance would have been approached under LU-A.9 if Mr. & Mrs. Napoli had applied for a gift deed to their son Vincent for his work and sole management of the farming operations, prior to their passing in 2008 and 2022. Unfortunately, that application was never submitted and a gift deed parcel is not applicable. Vincent has lived and worked on the farm since 1962 which would have qualified him for a homesite retention if he had held the title at that time. Unfortunately, his labor was that of a family member only which doesn't qualify as ownership therefore a homesite retention parcel is not applicable.

The only remaining application available to create the missed opportunity for gift deed/and deficient time in the ownership for homesite retention parcel, is this variance application and if approved followed with a parcel map. Vincient Napoli has lived and farmed the land years beyond those required by current ordnance please consider this and approve the variance as submitted.

1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or
 2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, and there is no more than one (1) gift lot per twenty (20) acres; or
 3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.
- from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.

The granting of this variance, for a homesite parcel by Parcel Map, is consistent with the objectives of the Fresno County General Plan as outlined above.

North West

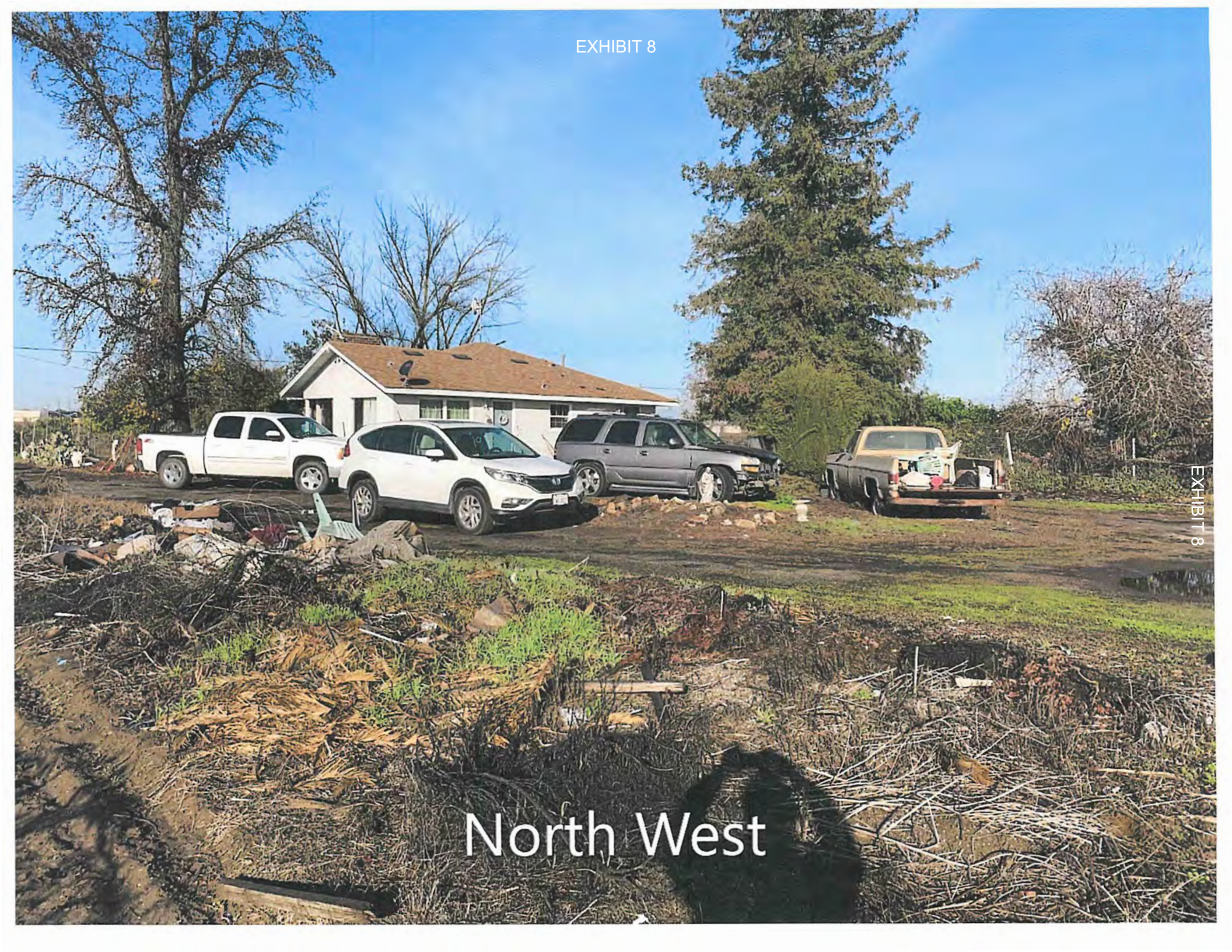




EXHIBIT 8 PAGE 2

North



EXHIBIT 8 PAGE 3

Street View from Maple Looking East