



## Inter Office Memo

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DATE: January 11, 2024

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13021 — VARIANCE NO. 4154

APPLICANT: Dirk Poeschel, Land Development Services, Inc

OWNER: Gurkirat S. Toor & Yvonne Kelly

REQUEST: Allow a reduction of the minimum acreage requirements to allow the creation of a 1.37-acre parcel from an existing 38.52-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the west side of South Indianola Ave, approximately 1,884 feet north of the intersection with East Manning Ave., approximately one mile west from the City of Parlier (APN: 353-061-80S & 81S) (8603 S. Indianola Ave.) (Sup. Dist. 4).

### PLANNING COMMISSION ACTION:

At its hearing on January 11, 2024, 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 determine that Variance Findings Nos. 1, 2 and 4 could be made as the unfortunate situation of being misinformed by owner's realtor constitutes as an extraordinary circumstance. Additionally, the sale price of the property did not include the residence, as such, creating the parcel will allow the owner to retain the right they lost. The Commission agreed with staff that Finding No. 3 could be made as described in the staff report. Lastly, as the intent of owners is supportive of agriculture, it is consistent with the General Plan. In its ability to make all four of the required Variance Findings the Commission moved to approve Variance No. 4154 subject to the Conditions of Approval and Project Notes listed in Exhibit B and direct the Secretary to prepare a Resolution documenting the Commission's action.

This motion was passed on the following vote:

VOTING:      Yes:            Commissioners Abrahamian, Arabian, and Carver  
                  No:            Commissioners Hill and Quist  
                  Absent:       Commissioners Chatha, Woolf, and Zante  
                  Abstain:      None

STEVEN E. WHITE, DIRECTOR  
Department of Public Works and Planning  
Secretary-Fresno County Planning Commission

By:

  
Chris W. Motta, Manager  
Development Services and Capital Projects Division

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Note:            The approval of this project will expire one year from the date of approval (January 11, 2025) unless a mapping application is filed in accordance with the requirements of the County Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

Attachments

EXHIBIT A

Variance No. 4154

- Staff: The Fresno County Planning Commission considered the Staff Report dated January 11, 2024 and heard a summary presentation by staff.
- Representative: The Applicant's representative disagreed with the Staff's recommendation. They stated the variance findings could be made and offered the following information to clarify the intended use:
- In support of Finding No. 1 there is an extraordinary circumstance as the owners and buyer were misinformed by a third party when the property was sold.
  - Finding No. 2 can be made as the owners have the right to retain the value of the existing home, which was not included in the sale of the property.
  - Related to Finding No. 4 and the General Plan we believe the finding can be made as the intent of the subdivided land will continue to be used for agricultural purposes. With the subdivision in place, the remaining 37.15-acre parcel will continue to operate in an agricultural capacity.
- Others: No individuals presented information in support of or in opposition to the proposal.
- Correspondence: Seven letters were presented to the Planning Commission in support of the application.

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EXHIBIT B

Variance Application (VA) No. 4154  
Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development shall be in substantial compliance with the site plan, floor plan and elevations, as approved by the Planning Commission.
2.	An additional 10 feet of road right-of-way along the subject parcel must be dedicated or irrevocably offered to meet the ultimate right-of-way for Indianola Ave.
3.	New construction must be based on the ultimate road right-of-way for Indianola Ave.

Conditions of Approval reference required 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.	The end of curbed/taper edge of any existing or future access driveway approach should be set back a minimum of 5 feet from the property line.
2.	Any existing or future entrance gate should be set back a minimum of 20 feet from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward. - 1
3.	A minimum of 10 foot x 10 foot corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Indianola Avenue if not already present.
4.	A mapping procedure will have to be filed with Fresno County in order to affect the property division.
5.	Septic system density will be limited to one system per two acres. Any new development of less than two acres or secondary dwelling may require a nitrogen loading analysis.

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