



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 2 January 30, 2025

**SUBJECT:** Variance Application No. 4181 & Environmental Review No. 8658

To waive lot size requirements and allow for the creation of two substandard 2.55-acre parcels, from an existing 5.09-acre parcel located in the AL-20 (Limited Agricultural, 20-acre minimum) Zone District. If approved, a mapping procedure will follow.

**LOCATION:** The subject parcel is located on the west side of Willow Bluff, approximately 0.65-miles from the City of Fresno. (APN: 579-050-16) (12739 Willow Bluff) (Sup. Dist. 5).

**OWNER/  
APPLICANT:** JD Investments

**STAFF CONTACT:** Arianna Brown, Planner  
(559) 600-4245

David Randall, Senior Planner  
(559) 600-4052

### RECOMMENDATION:

- Deny Variance Application No. 4181 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. Zoning Map
4. Land Use Map
5. Variance Map
6. Site Plans
7. Applicant's Variance Findings

8. Photos

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Agricultural	No change
Zoning	AL-20 (Limited Agricultural, 20-acre minimum parcel size) Zone District.	No change
Parcel Size	5.09 acres	Parcel A: Approx. 2.55 Parcel B: Approx. 2.55
Project Site	One undeveloped parcel	Split the parcel into two undeveloped substandard parcels
Structural Improvements	None	No change
Nearest Residence	34 feet south of the parcel	No Change
Surrounding Development	Rural Residential and undeveloped parcels	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 40 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and consistent with County Policy set by the Board of Supervisors.

**PUBLIC COMMENT:**

No public comment was 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, Section 877-A are made by the Planning Commission. If approved a separate mapping procedure to legally create the two proposed lots would be required.

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 Variance application proposes to allow the division of the parcel currently containing 5.09-acres, into two approximate 2.55-acre substandard parcels with a mapping procedure to follow. The current state of the parcel is undeveloped, and the owner intends to build single-family residences on each parcel.

Access to the parcels will be from N. Willow Bluff Road, a private road. There will be on-site parking for each residential use.

According to available records there have been at least four similar variance approvals within one mile of the subject property for substandard size lots.

<b>Application/Request</b>	<b>Staff Recommendation</b>	<b>Final Action</b>	<b>Date of Action</b>
VA 4121 to allow for the creation of four parcels approximately 5-acres in size from an existing 20.43-acre parcel.	Denial	Approved	June 22, 2023
VA 4058 to allow the creation of three substandard parcels from an existing 8.91-acre parcel	Denial	Approved	March 28, 2019
VA 4039 to allow the creation of two substandard five-acre parcels from an existing 10-acre parcel	Denial	Approved	February 15, 2018
VA 4012 to allow the creation of two substandard parcels. One 2.74-acre parcel and a 2.43-acre parcel from an existing 5.17-acre parcel.	Denial	Approved	October 20, 2016

	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n):</b>
Setbacks	<u>AL-20</u> Front: 35 feet Side: 20 feet Rear: 20 feet	No changes	N/A
Lot Coverage	No requirement	No changes	N/A
Separation Between Buildings	No requirement	No changes	N/A
Wall Requirements	No requirement	No changes	N/A

	<b>Current Standard:</b>	<b>Proposed Configuration:</b>	<b>Is Standard Met (y/n):</b>
Septic Replacement Area	100 percent of the existing system.	No change	N/A
Water Well Separation	Building sewer/ septic tank: 100 feet  Disposal Field: 100 feet	No change	N/A

**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.**

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

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 landowner would like to maximize the utility of the land by creating two 2.5-acre parcels as the subject area is not viable for agricultural purposes." and points to other development in the area that has been approved for smaller developments (with different zoning) and the Board of Supervisors actions during the last General Plan update in February of 2024 to redesignate the Reno Road area (which the parcel is within) to facilitate RR-5 development.

The applicant's business interest "to maximize the utility of the land" are not valid justifications for granting a variance as they are not related to a unique feature or circumstance of the property. The property enjoys the same opportunities and limitations as other properties with the same zoning in the surrounding area. The applicant's comments on other development that has been approved via amendments to the General Plan and zoning is not relevant to the variance.

**Recommended Conditions of Approval:**

None.

**Finding 1 Conclusion:**

Staff was unable to identify any exceptional or extraordinary physical features or circumstances particular to the subject parcel that warrants making the finding of a unique property feature or circumstance.

**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:

In support of Finding 2, the Applicant's findings state the creation of the two substandard parcels "is necessary to maintain the same rights possessed by the neighboring property owners under like conditions within the vicinity having identical zoning classification".

One of the development projects referenced by the Applicant, the Monte Verdi Estates, was established on property that was appropriately zoned rather than through the variance process. The presence of neighboring parcels that were established under prior standards does not grant any property rights to other parcels within the same zoning classification to develop according to previous standards. All property owners within the same zone district are entitled to the development rights permitted by the Zoning Ordinance or as granted at the time their parcel was legally established.

The term "Substantial Property Right" as it relates to granting a Variance means the reasonable ability to utilize the property for the uses allowed by the zoning. The applicant has not provided any relevant evidence to suggest that the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. There is no right to divide the parcel to meet the Applicant's interest to maximize the utility of the land, in conflict with the development standards of the Zone district.

## Recommended Conditions of Approval:

None.

## Finding 2 Conclusion:

Staff cannot recommend making Finding 2 as denial of this Variance would not deprive the Applicant of utilizing the property for the uses allowed in the AL-20 Zone District. The applicant enjoys the same rights as other parcels in the area 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	3.13 acres	Undeveloped	AL-20	398 feet south
South	2.62 acres	Single Family Residence	AL-20	On Property
East	38.93 acres	Single Family Residence	AL-20	On Property
West	21.18 acres	Single Family - Open Space	AL-20	On Property

**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 granting of the Variance will not be detrimental to the public welfare or injurious to property or improvements in the vicinity.

Regarding Finding 3, it is the intention of the Applicant, if this Variance is approved, to divide the existing parcel into two smaller parcels.

While the impact of this singular Variance may not constitute a materially detrimental impact, staff notes that the creation of two parcels has the potential to increase residential density in the area by allowing additional single-family residences as a by right use 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 AL-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 scale of this individual request, this single 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.***

<b>Relevant Policies:</b>	<b>Consistency/Considerations:</b>
<b>General Plan Policy LU-E.24:</b> <i>The Rural Residential designation comprising an approximate 481-acre area generally bounded by Friant Road/Willow Avenue to the west, Garonne Avenue to the south, those parcels immediately east and adjacent to Auberry Road to the east and generally the Birkhead Road alignment to the north and encompassing those parcels immediately to the west, northeast, and east of the full length of Willow Bluff Avenue. This is an area committed to rural-sized parcels. The Limited Agricultural zoning reflects potential water resource constraints in the general vicinity. Future rezoning of this area to the implementing Rural Residential</i>	<b>Inconsistent:</b> The existing 5.09-acre parcel currently aligns with the General Plan designation for the area. The proposed project would facilitate a division of the parcel, resulting in substandard conditions relative to this specific General Plan Policy's requirement for a five-acre minimum parcel size.

Relevant Policies:	Consistency/Considerations:
<p><i>zoning district shall maintain a minimum five-acre parcel size and shall be subject to a determination of adequate water supply per Agriculture and Land Use Policy LU-E.8, and adequate road access and road maintenance as determined by the Director of the Department of Public Works and Planning (See Figure LU-4).</i></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, require a water supply evaluation be conducted. The evaluation shall include the following:</i></p> <p><i>a. 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></p> <p><i>b. 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 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. (RDR/PSR)</i></p>	<p><b>Consistent:</b> A hydrogeological study was conducted by a county approved third-party contractor. The study was reviewed by county staff and a determination was made that there is an adequate supply of water to support the land use rights of the additional parcel and increased density for the area and that future groundwater utilization on the property would not result in significant pumping-related impacts to surrounding properties. A continuous pump test was conducted over 72 hours and a total of 246,000 gallons of water were pumped, resulting in an average discharge rate of 57 gallons per minute.</p>

**Reviewing Agency Comments:**

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 “A review of the history of land division finds that parceling to the southwest near N. Willow Bluff Road parcels range in size from 2.5 acres to 9.49 acres, meanwhile to the north near Reno Avenue parcels range from 2.30 acres to a single 18.90-acre parcel which is consistent with the County’s future direction of the area.”

The Applicant’s assertion that the varying parcel sizes throughout the area are an indication that the proposed parcel split is consistent with the General Plan is incorrect. The table above details how the proposal is inconsistent with the General Plan Policy LU-E.24 which the Board adopted in February of 2024 and limits parcels to 5-acres or more.

#### **Recommended Conditions of Approval:**

Pursuant to General Plan Policy LU-E.24: prior to approval of any division of the property by a parcel map or other mechanism, the Applicant shall demonstrate, to the satisfaction of the Director of Public Works and Planning Department, that there is adequate road access and road maintenance.

#### **Finding 4 Conclusion:**

Staff cannot recommend making Finding 4 as the project would be contrary to General Plan Goal LU-E.24.

#### **OVERALL SUMMARY:**

This application is based on the Applicant’s stated intent to maximize the utility of the land by developing standard single-family residences of each of the 2.55-acre parcels, and the assertion that this area is undergoing a transition from Agricultural zoning to Rural-Residential Zoning. The current zoning is AL-20, and per General Plan Policy LU-E.24 and is eligible for future rezoning to the RR-5 Zone District. This applicant’s 2.5-acre parcel size proposal is inconsistent with the zoning standards and will result in a greater density for the area than intended by the General Plan. The Applicant’s business concerns, personal desires or personal circumstance does not qualify as a basis for granting a variance.

Based on the factors cited in the analysis, the required Findings for granting the Variance Application cannot be made as there are no exceptional or extraordinary circumstances or conditions applicable to the property, 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 under like conditions in the vicinity, and the application is contrary to the goals and policies of the General Plan.

#### **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. 4181 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 (state basis for making the Findings) and move to approve Variance Application No. 4181, 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.

AB

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# EXHIBIT 1

## Variance Application (VA) No. 4181 Conditions of Approval and Project Notes

Conditions of Approval	
1.	Pursuant to General Plan Policy LU-E.24: prior to approval of division of land by a parcel map or other mechanism, the Applicant shall demonstrate, to the satisfaction of the Director of Public Works and Planning Department, that there is adequate road access and road maintenance.

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.	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.
3.	A minimum of 10' x 10' corner cut-off should be improved for sight distance purposes at any existing or future driveway accessing Willow Bluff Avenue or Willow Avenue if not already present.
4.	<p>The project site is located within the Fresno Metropolitan Flood Control District (FMFCD) Drainage Zone and Boundary. FMFCD should be consulted regarding any requirements they may have.</p> <p>Fresno Metropolitan Flood Control District 5469 E. Olive Avenue Fresno, CA 93727 (559) 456-3292 <a href="mailto:developmentreview@fresnofloodcontrol.org">developmentreview@fresnofloodcontrol.org</a></p>
5.	The subject property is located within the State Responsibility Area (SRA) boundary. Any future development within the SRA boundary shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access.
6.	Any future landscape areas of 500 sq. ft. or more will be subject to the Model Water Efficient Landscape Ordinance (MWELO) and MWELO form/s and/or separate landscape and irrigation design plan should be required.

Notes	
7.	Any future encroachment or access over S.P.R.R. (Southern Pacific Railroad Right-of-Way) should require approval from the owner.
8.	A grading permit/voucher will be required for any future grading with this application.
9.	If this variance application is approved, a parcel map application will have to be filed with Fresno County in order to affect the property division.
10.	Septic system density will be limited to one system per two acres. Any new development of less than two acres or secondary dwelling will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department of Public Works and Planning (Department) that the regional characteristics are such that an exception to the septic system density limit can be accommodated. The Department will refer any analysis to the Regional Water Quality Control Board, Central Valley Region for their concurrence and input. Contact Department of Public Works and Planning at (559) 600-4540 for more information.
11.	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.
12.	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.
13.	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.
14.	If any underground storage tank(s) are found, 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.

AB

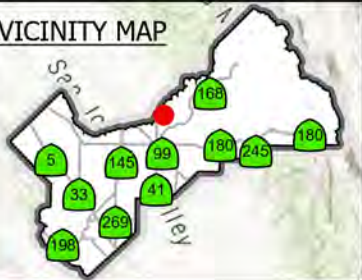
G:\4360Devs&amp;Pin\PROJSEC\PROJDOCS\VA\4100-4199\4181\Staff Report\VA 4181 - Conditions of Approval.docx

## Legend



Subject Property

## VICINITY MAP



## LOCATION MAP

VA 4181

2025

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

Person Prepared by : chuang

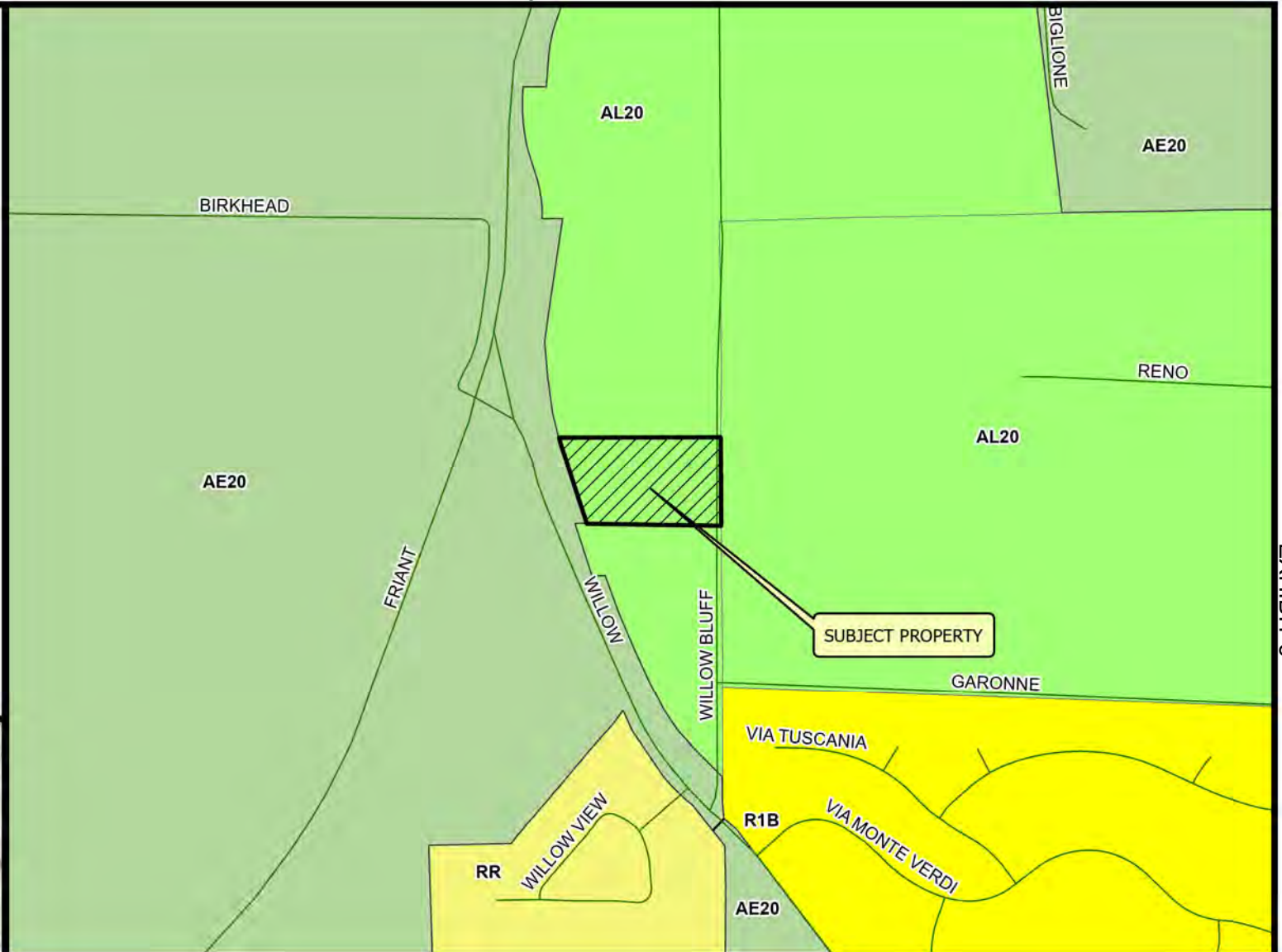
On Date : 1/9/2025



0 0.07 0.15 Mi

0 500 1,000 Feet

## Legend

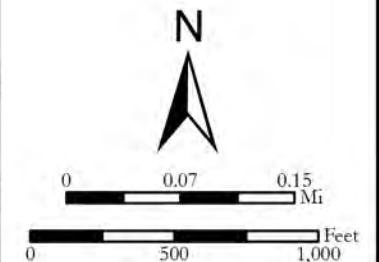


## Existing Zoning Map


VA 4181  
STR 1 - 12S / 20E

2025

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : chuang  
 On Date : 1/10/2025





**LEGEND:**
 Subject Property
**LEGEND**

FC - FIELD CROP

SF#- SINGLE FAMILY RESIDENCE

V - VACANT

VIN - VINEYARD

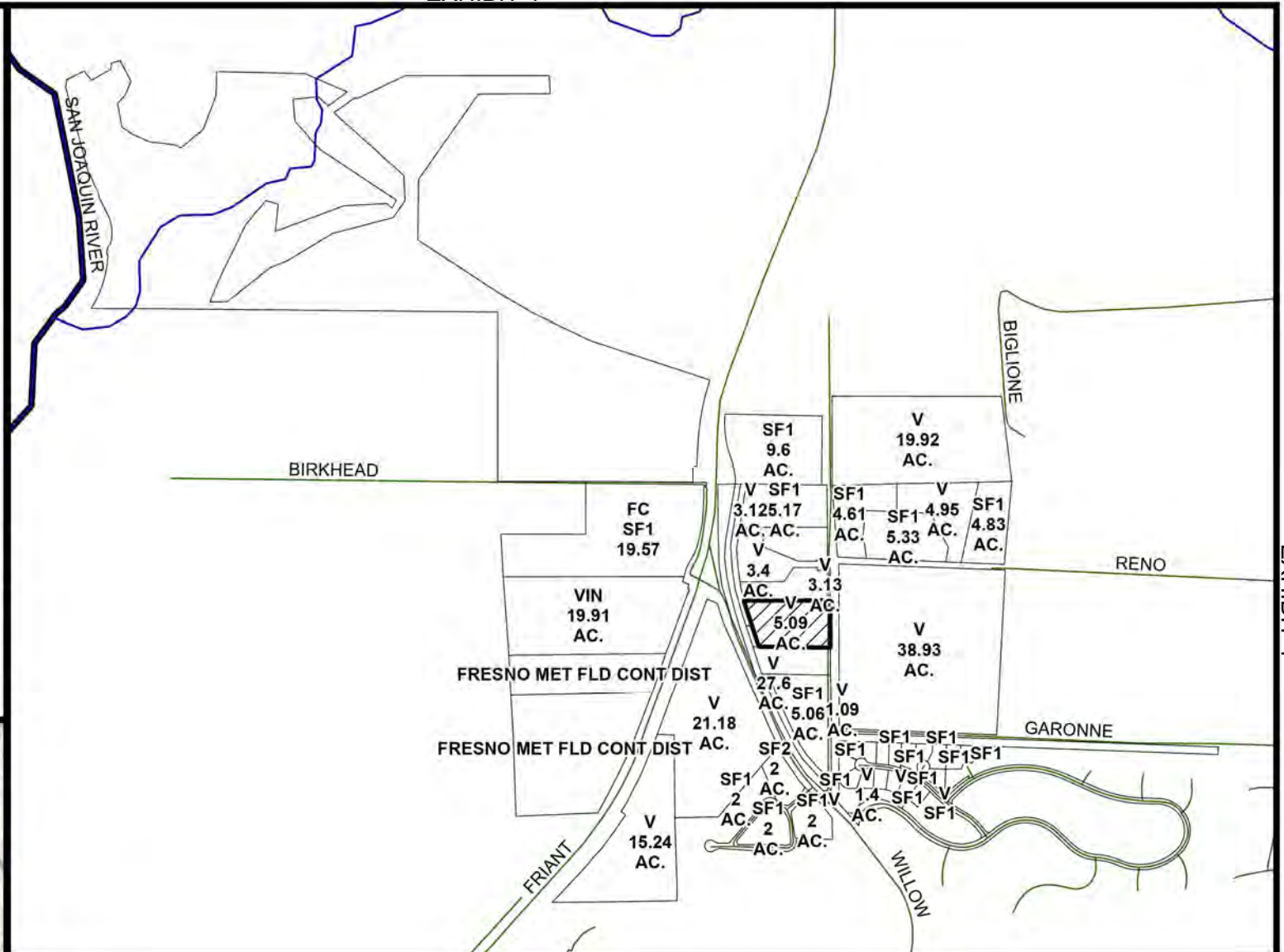
**VICINITY MAP**

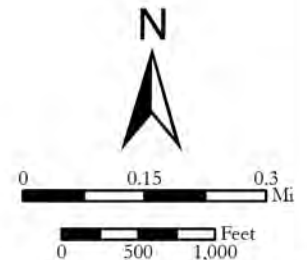
EXHIBIT 4

**Existing Land Use Map****VA 4181****2025**

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

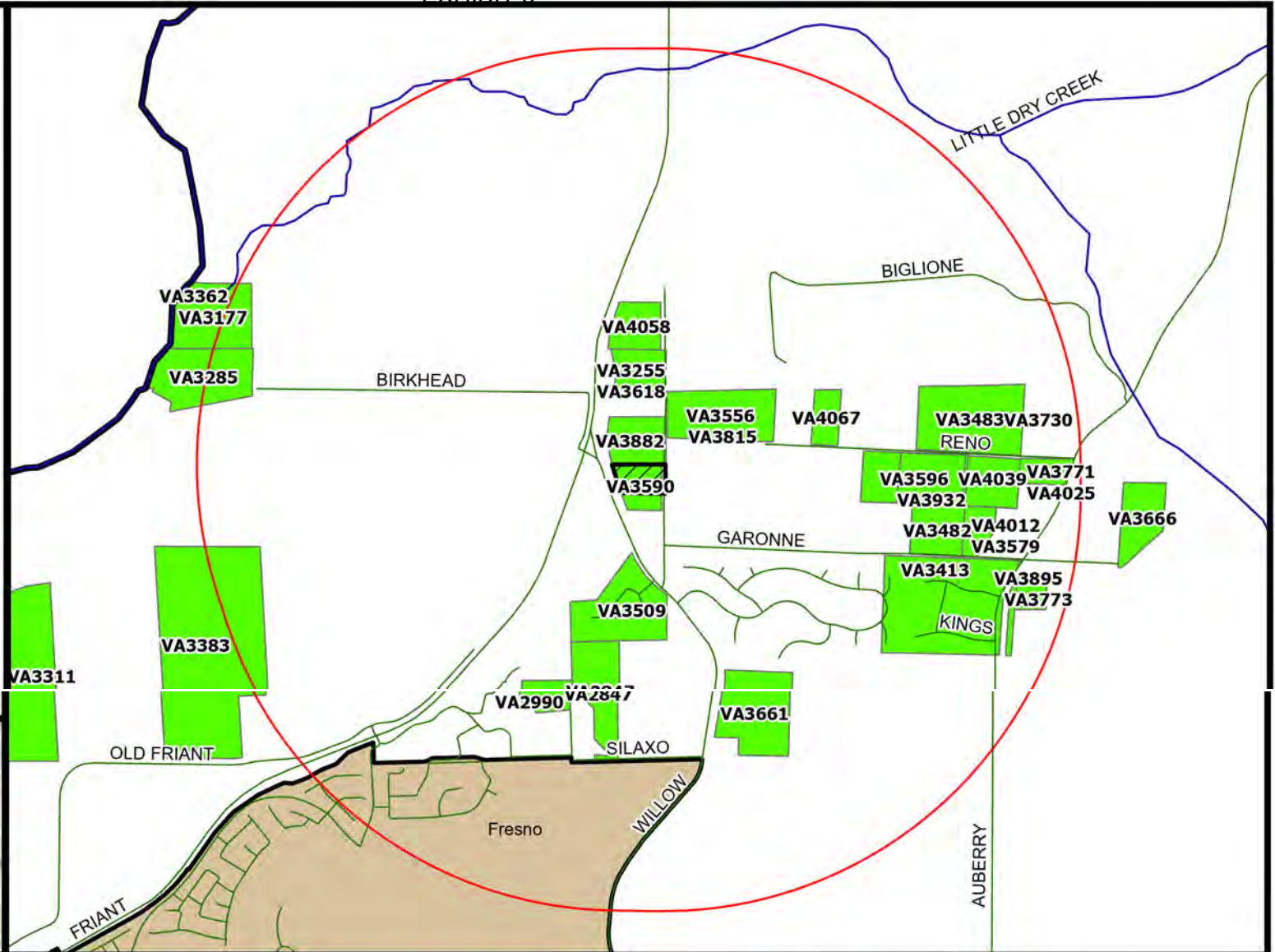
Person Prepared by : chuang

On Date : 1/9/2025



**Legend**

-  One Mile Buffer
-  Subject Property
-  Fresno
-  VA Permits

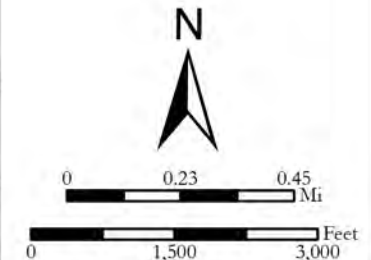


# Proximity Map

VA 4181

2025

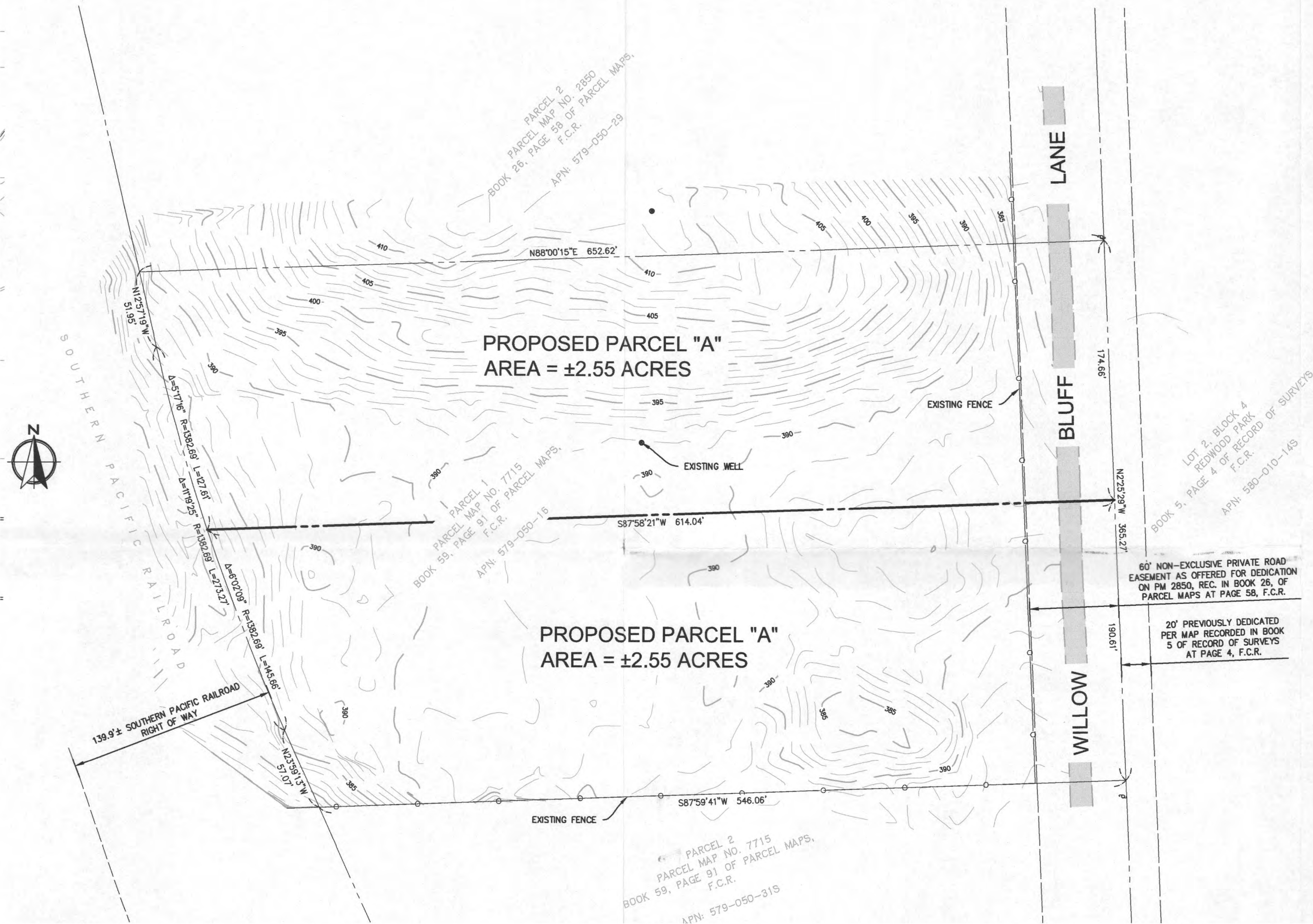
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : chuang  
 On Date : 1/10/2025





# TENTATIVE PARCEL MAP NO. \_\_\_\_\_

PORTION OF SECTION 1, TOWNSHIP 12 SOUTH, RANGE 20 EAST,  
MOUNT DIABLO BASE AND MERIDIAN  
IN THE CITY OF CLOVIS, COUNTY OF FRESNO, STATE OF CALIFORNIA



## SITE INFO

1. SITE ADDRESS: 12739 WILLOW BLUFF LANE, CLOVIS, CA 93619
2. APN: 579-050-16
3. RECORD OWNER: JD INVESTMENTS, A CALIFORNIA GENERAL PARTNERSHIP
4. OWNER'S ADDRESS: 5610 N. PALM AVE., FRESNO, CA 93704
5. TOTAL SITE AREA: GROSS: 5.09± ACRES, 221,880± SQ.-FT.
6. ZONING: EXISTING: AE20 PROPOSED: SFR - SINGLE-FAMILY RESIDENTIAL
7. REQUIRED SETBACKS: FRONT - 35 FEET  
(FOR ZONING R-R) REAR YARD - 20 FEET  
PER TABLE 2-3  
(SECTION 9.1.0.30) SIDE YARD (INTERIOR) - 10 FEET  
SIDE YARD (STREET SIDE) - 25 FEET  
BUILDING HEIGHT - 35 FEET MAXIMUM.
8. THERE ARE NO EXISTING IMPROVEMENTS.
9. THERE ARE NO PONDS, LAKES, SPRINGS OR RIVERS BORDERS ON OR RUN THROUGH PROPERTY.
10. NO OBSERVABLE EVIDENCE OF CEMETERY OR BURIAL SITE ON PROPERTY.
11. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
12. THERE IS NO OBSERVABLE EVIDENCE OF CHANGES IN STREET-OF-WAY OR STREET CONSTRUCTION WITHIN RECENT MONTHS.
13. NO OBSERVABLE EVIDENCE TO INDICATE THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
14. NO OBSERVABLE EVIDENCE OF WETLAND AREAS ON PROPERTY.
15. THERE ARE NO PARTY WALLS.
16. WHERE UNDERGROUND OR SURFACE STRUCTURES ARE SHOWN ON THE PLANS, THE LOCATIONS, DEPTH AND DIMENSIONS OF STRUCTURES ARE BELIEVED TO BE REASONABLY CORRECT, BUT ARE NOT GUARANTEED. SUCH STRUCTURES ARE SHOWN FOR THE INFORMATION OF THE CONTRACTOR, BUT INFORMATION SO GIVEN IS NOT TO BE CONSTRUED AS A REPRESENTATION THAT SUCH STRUCTURES WILL, IN ALL CASES, BE FOUND WHERE SHOWN OR THAT THEY REPRESENT ALL THE STRUCTURES THAT MAY BE ENCOUNTERED.
17. PLOTTABLE EASEMENTS SHOWN AND LABELED ON THIS TENTATIVE PARCEL MAP INCLUDE THE FOLLOWING:
  - A. 60-FOOT WIDE NON-EXCLUSIVE PRIVATE ROAD EASEMENT AS OFFERED FOR DEDICATION ON PARCEL MAP NO. 2850, RECORDED IN BOOK 26 OF PARCEL MAPS, AT PAGE 58, F.C.R.
  - B. 20-FOOT WIDE ROW PREVIOUSLY DEDICATED FOR PUBLIC ROAD PURPOSES, RECORDED IN BOOK 5 OF RECORD OF SURVEYS, AT PAGE 4, F.C.R.
19. THE SUBJECT PROPERTY IS IN FLOOD ZONE "X" DESIGNATED AS "AN AREA OF MINIMAL FLOOD HAZARD" PER THE FLOOD INSURANCE RATE MAP, PANEL NO. 06019C1040H, DATED FEBRUARY 18, 2009.
20. THERE ARE NO COMMON AREAS RESERVED FOR PUBLIC USE.

## LEGEND

- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- - - EXISTING RIGHT OF WAY LINE
- EXISTING CHAIN LINK FENCE
- - - PROPOSED PARCEL LINE
- EXISTING A.C. PAVEMENT



## EXHIBIT 7

To: County of Fresno  
2220 Tulare Street, 6th Floor  
Fresno, CA 93721

**Project:** Willow Bluff seeks to create approximately two 2.5 acre parcels from a single 5.09 acre parcel. The subject property is east of N. Willow Avenue and west of Willow Bluff Avenue. The site address is 12739 Willow Bluff Lane, Clovis 93619 more specifically described as Assessor's Parcel Number: 579-050-16.

### REQUIRED FINDINGS NECESSARY FOR THE GRANTING OF 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.**

The landowner would like to maximize the utility of the land by creating two 2.5 acre parcels as the subject area is not viable for agricultural purposes. The Willow Bluff area is in a unique transition area between the larger existing agricultural parcels ranging from 10 to 20 acres to newly created parcels ranging in size from 1.0 to 5 acre parcels. Within a two-mile radius, zoning designations range from AE20 and AL20 to 5 and 2 acres Rural Residential. Immediately to the south Monte Verdi Estates has 125 lots with sizes ranging from 15,000 square feet to 30,000 square feet. This is most notably seen in the past 10 years with the development of the Monte Verde Estates, Willow Ridge, Elegante Estate and Pill Hill less than .5 miles away from the subject property. Within the past six months, the Board of Supervisors approved variances for the creation of sixteen 2-acre parcels, less than half a mile away from the subject parcel, due to their land being subpar for agricultural purposes. This conforms with the County of Fresno's 2024 General Plan Update and future direction for residential development policies in the area, exhibiting density and maximizing land usage.

We have a unique situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to "rethink" their area and make changes that are more reflective of the current activity in the area. We expect that the new designations brought forward on and around the subject land at hand will take place as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore, this finding should be judged on the proposed intent of the Board of Supervisors.

- 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.**

A recent Planning Commission report analyzed this area in conjunction with the northwest, and southwest and found approximately 19 variances filings have been processed by the County, 15 of those 19 variance filings have been approved thus creating smaller parcels than land use designation calls for.

A review of the history of land division finds that parceling to the southwest near N. Willow Bluff Road parcels range in size from 2.5 acres to 9.49 acres, meanwhile to the north near Reno Avenue parcels range from 2.30 acres to a single 18.90-acre parcel, which is consistent with the County's future direction of the area. More notable examples of this relate to Willow Bluff Avenue and Reno Avenue frontage, and the development of Monte Verdi Estates.

The entry to the subject property from N. Willow Bluff Road currently serves the residences to the north (near Reno Avenue) while also serving access to a small rural residential development with 2-acre parcels to the north and to the south, as well as the Monte Verdi Estates to the southeast.

The denial of the variance at hand will provide different rights possessed by the neighboring property owners under like conditions within the vicinity having 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.**

The proposed variance will reflect the current land division and development trend now occurring in the area and the County will require improvements that will meet any service issues that may arise during their evaluation. There are existing wells on the property.

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

A recent Planning Commission report analyzed this area in conjunction with the northwest, and southwest and found approximately 19 variances filings have been processed by the County, 15 of those 19 variance filings have been approved thus creating smaller parcels then land use designation calls for.

A review of the history of land division finds that parceling to the southwest near N. Willow Bluff Road parcels range in size from 2.5 acres to 9.49 acres, meanwhile to the north near Reno Avenue parcels range from 2.30 acres to a single 18.90-acre parcel, which is consistent with the County's future direction of the area. More notable examples of this relate to Willow Bluff Avenue and Reno Avenue frontage, and the development of Monte Verdi Estates. The entry to the subject property from N. Willow Bluff Road currently serves the residences to the north (near Reno Avenue) while also serving access to a small rural residential development with 2-acre parcels to the north and to the south, as well as the Monte Verdi Estates to the southeast.

The denial of the variance at hand will provide different rights possessed by the neighboring property owners under like conditions within the vicinity having identical zoning classification.

We have a unique situation at hand in that most of the development activity in the surrounding area over the last decade or two has not been keeping with the General Plan designation or underlying zoning. The Board of Supervisors have recognized this and has directed staff to "rethink" their area and make changes that are more reflective of the current activity in the area. We expect that the new designations brought forward on and around the subject land at hand will take place as the transition area to the west near Willow Bluff Road and south near Reno Avenue continue to move north between Friant Road and Auberry Road.

Therefore, this finding should be judged on the proposed intent of the Board of Supervisors.





West





NORTH





South





East