

VARIANCE FINDINGS

Findings per Fresno Municipal Code Section 15-5506	
A Variance, including variances from the terms of open-space zoning, shall only be granted if the Review Authority determines that the project as submitted or as modified conforms to all of the following criteria. If the Review Authority determines that it is not possible to make all of the required findings, the application shall be denied.	
Finding a:	<i>There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning classification, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone classifications;</i>
a. There are exceptional and extraordinary circumstances which apply to the property which generally do not apply to properties with identical zoning classification, as the subject property was developed prior to annexation to the City of Fresno. Further, a subsequent Tract Map was approved which authorized property lines to be located within one foot of the existing structure. Granting the Variance to allow a reduced rear yard setback, as well as allowing an accessory structure to provide covered parking in front of the existing structure, will not constitute a granting of a special privilege as other property owners in the same district would be allowed to apply for a variance as well.	
Finding b:	<i>The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;</i>
b. The property lines, which were established through a Tract Map after the property was developed, do not provide adequate room for parking on the sides of the structure, and to comply with the rear yard setback would require the demolition of a large portion of the existing structure. These physical hardships are not of the applicant's own actions or the actions of a predecessor, and granting of this variance will prevent this physical hardship.	
Finding c:	<i>The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience, nor the preservation and conservation of open space lands; and</i>
c. The granting of the application will not be detrimental to the surrounding properties, as the proposed site modifications will not directly or indirectly impact adjacent properties, public health, safety, nor the preservation of and conservation of open space lands, given that the applicant complies with all conditions of project approval.	
Finding d:	<i>The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable operative plan, and of the General Plan.</i>
d. The granting of the variance is consistent with the general plan purposes and objectives of the	

code, providing affordable housing at a permitted density within the Medium Density Residential planned land use.

CONDITIONAL USE PERMIT FINDINGS

Findings per Fresno Municipal Code Section 15-5306	
a. <i>The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code; and,</i>	
Finding a:	Conditional Use Permit Application No. P18-00433 will comply with all applicable codes, including parking, landscaping, fences and walls, etc., given that the special conditions of project approval issued for the project and Variance Application No. P18-00435 will be complied with prior to the construction of the structures and development of the site.
b. <i>The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and,</i>	
Finding b:	The proposed use is a Duplex, which conforms to the Fresno General Plan and Fresno High-Roeding Community Plan planned land use designation of Medium Density Residential and is a permitted use within the RS-5 zone district.
c. <i>The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements; and,</i>	
Finding c:	The Development and Resource Management Department has determined that the proposed project will not adversely impact the health, safety, or general welfare of the community. Further, the project has been designed to be compatible with the neighborhood in order to mitigate any potential negative effects on surrounding properties and improvements.
d. <i>The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and,</i>	
Finding d:	The project site is surrounded by residential uses, and the proposed project will be compatible with existing uses as well as potential future uses on adjacent parcels and in the vicinity.
e. <i>The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i>	
	The project location is on a site that is planned and zoned for the type, density, and intensity of the project being proposed. The project was reviewed by partner agencies and has adequate access and emergency access, as well as available utilities and services.