Exhibit H

City of FRESNO

Planning and Development Department

2600 Fresno Street, Room 3065
Fresno, California 93721-3604
(559) 621-8003
www.fresno.gov

Jennifer K. Clark, AICP, HDFP
Director

December 23, 2024

Please reply to:
John George
John.George@fresno.gov

Jaspal Singh Sidhu
nancy@aceconstructionlv.com
(Sent via email only)

SUBJECT: DENIAL AND NOTICE OF ACTION OF VARIANCE APPLICATION NO. P24-01598 FOR PROPERTY LOCATED AT 3028 SOUTH CHERRY AVENUE (APN: 329-190-21S)

On December 23, 2024, the Planning & Development Department Director denied Variance Application No. P24-01598, requesting the granting of a variance from the maximum allowable flagpole height. Pursuant to Section 15-2611.F.2 of the Fresno Municipal Code, the maximum height of a flagpole is 25 feet. This variance requests to allow for a 75-foot-tall flagpole. The property is zoned IH (*Heavy Industrial*).

This denial action is based upon the projects compliance with the requirements of Fresno Municipal Code (FMC) Section 15-5506 (Variance Permit Application Findings). The Director was unable to make the required findings. Therefore, in accordance Chapter 15, Article 55, §15-5506 of the FMC, the proposed variance is denied based on the following:

VARIANCE PERMIT APPLICATION FINDINGS A Variance, including variances from the terms of maximum flagpole height, 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. **FINDINGS PER FRESNO MUNICIPAL CODE SECTION 15-5506**	
a. 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;	
Finding a:	**Finding (a) Cannot be made.** The are no exceptional or extraordinary circumstances or conditions applicable to the property that do not also apply to the adjacent properties, or which warrant relief from the strict application of the property development standards for development of the subject property. The adjacent properties are all designated under the same zoning classification and are subject to the same property development standards and regulations of the development code. The circumstances and conditions of the subject property are similar to, if not the same as, all other adjacent properties, which were able to meet the requirements of the development code. Furthermore, the granting of the variance would constitute the granting of special privilege.

b. 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; and	
Finding b:	**Finding (b) cannot be made.** The granting of the variance is not necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest. As demonstrated in Staff Finding (a), there are no physical hardships, extraordinary circumstances, or conditions present for the subject property that are not present on other parcels in the vicinity or which would preclude development of the subject property with a 25-foot-tall flagpole. The subject parcel and other parcels in the vicinity are larger lots with adequate width and depth and are not prevented from meeting the required height for a flagpole. The subject property includes an existing religious building that is located approximately 195 feet from the back of sidewalk along East North Avenue. The proposed location of the flagpole, as depicted on the proposed site plan, is in front of the existing religious building. There is ample room for the flagpole to be located in front of the existing religious building and does not have any existing structure on the subject property that would visually block the proposed flagpole if it were consistent with the maximum height requirements.
c. 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	
Finding c:	**Finding (c) can be made** The granting of the application will not be detrimental to immediately adjacent properties or improvements in the vicinity. The flagpole to be constructed is proposed to be 75 feet and would likely not result in significant impacts on the viewsheds and aesthetics enjoyed by neighboring properties. Finally, the flagpole as proposed does not appear to be detrimental to the public health, safety, general welfare of the surrounding properties.
d. *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.*	
Finding d:	**Finding (d) cannot be made.** The granting of the variance would not be consistent with the general purposes and objectives of the development code. The intent of the prevailing height requirement is to ensure the established area pattern is respected by requiring new flagpoles to match the flagpoles of existing parcels along the same street frontage. The result is a more uniform appearance. The granting of the Variance request would disrupt the established pattern and not be harmonious with the existing area.

APPEALS

The Directors decision may be appealed to the Planning Commission by filing a written appeal with the Director within 15 days of the date the action was taken. Appeals may be filed by any person aggrieved by the decision. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld. The appeal shall be signed by the person making the appeal and accompanied by the required fee.

In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the planner identified in this letter. The written request must be received at the Planning & Development Department by the close of business on **Wednesday, January 7, 2025**. The written request should be

sent to publiccommentsplanning@fresno.gov , Cc: planner listed above, and addressed to Jennifer K. Clark, AICP, Director, and include the application number referenced above.

If you have any questions regarding this letter, feel free to contact me at John.George@fresno.gov or 559 621 8073.

Sincerely,

John George, Planner III
Development Services Division