



Board Agenda Item 12

DATE: November 18, 2025

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Appeal of Planning Commission's denial of Variance Application No. 4156 and Initial Study No. 8482 (Applicant/Appellant: Colin Kawano)

RECOMMENDED ACTION(S):

1. **Consider appeal of the Planning Commission's denial of Variance Application No. 4156 proposing to allow the creation of a 1.27-acre parcel from an existing 39.38-acre parcel and allow a 10-foot side-yard setback for an existing garage on the 38.11-acre remainder parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District; and**
2. **If your Board chooses to grant the Appeal and overturn the Planning Commission's denial of Variance Application No. 4156, it would be appropriate to:**
 - a) **Adopt the Negative Declaration prepared for the project based on Initial Study No. 8482; and**
 - b) **Make the required Findings specified in Section 860.5.060.D for approval of a variance stating the basis for making the four required variance findings; and**
 - c) **Approve Variance Application No. 4156, with Conditions of Approval contained within the Staff Report to the Planning Commission.**

The subject parcel is located on the north side of E. Caruthers Avenue, approximately 0.25-miles east from the intersection with south De Wolf Avenue, approximately 0.9-miles south of the City of Selma (APN: 385-102-02s) (8420 E. Caruthers Avenue) (Sup. Dist. 4).

This item comes before your Board on appeal of the Planning Commission's denial (6 to 2, with one Commissioner absent) at its July 24, 2025, hearing. Department Staff notes that the Zoning Ordinance requires your Board to determine, independent from the decision of the Planning Commission, whether the application should be approved, approved with stated conditions, or denied. A copy of the Planning Commission's action is included as Attachment A. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

If your Board is able to make the required Findings for granting Variance Application No. 4156 (VA), a motion to uphold the appeal and overturn the Planning Commission's decision, stating the basis for making the Findings and adopt the Negative Declaration prepared for the project based on Initial Study (IS) No. 8482 would be appropriate.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Pursuant to the County's Master Schedule of Fees, the Applicant/Owner has paid \$8,040 in land use processing fees to the County for the processing of the Variance Request and Initial Study. The Appellant paid \$555.11 in fees to appeal the Planning Commission's denial.

DISCUSSION:

The proposal is to allow the creation of a 1.27-acre parcel (20-acres required) from an existing 39.38-acre parcel and to allow a 10-foot side yard setback for an existing garage (20-feet required) on the 38.11-acre remainder parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The Planning Commission Staff Report (Attachment B), dated July 24, 2025, includes background information about the proposal.

Pursuant to Zoning Ordinance Article 5, Chapter 860.5, the following four Findings must be made:

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; and*
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.*
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.*
4. *The granting of such a Variance will not be contrary to the objectives of the General Plan.*

At its July 24, 2025 hearing, the Planning Commission considered the Department's Staff report, presentation, and testimony from the Applicant/Owner's representative and Property Owner. It should be noted that Staff, in its report to the Commission, was unable to recommend making Finding Nos.1, 2, and 4 required for approval of a variance. After considering Staff's presentation and public testimony, the Commission concurred with Staff's recommendation; a motion was made to adopt Staff's recommendation to deny Variance Application No. 4156 based on the inability to make the required findings.

On August 6, 2025, the Property Owner filed an appeal of the Planning Commission's denial. The appeal document (Attachment C) asserts that the Findings can be made as they state the proposed variance is not a detriment to the area and the request is a right possessed by other property owners under like conditions in the area, having the identical zoning classification and requests for your Board to review.

Staff notes that the Applicant has filed a Williamson Act Cancellation with the Policy Planning Unit for processing of Revision to Land Conservation Contract (RLCC) No. 1054 and that cancellation will be brought before your Board as the next item on the agenda for a decision should the appeal be upheld and the Variance approved.

If your Board is able to make the required Findings for granting approval of VA No. 4156, a motion to uphold the appeal, approve the variance, and adopt the Negative Declaration prepared for IS No. 8482 (Attachment E) would be appropriate (stating in its motion the manner in which the four required Findings can be made) subject to the recommended Conditions of Approval (Attachment D) and any additional conditions your Board determines appropriate.

Staff also notes that should the variance be approved; the variance will expire two years from the date of

your Board's approval unless a mapping application to create the parcel is filed. Where circumstances beyond the control of the applicant cause delays, the Commission may grant a maximum of two one (1) -year extensions of time.

If your Board is unable to make the required Findings for granting VA No. 4156, a motion to deny the appeal and deny the variance would be appropriate.

California Environmental Quality Act (CEQA):

IS Application No. 8482 was prepared for VA No. 4156 and its associated Williamson Act Cancellation petition to address the potential environmental impacts associated with the proposed creation of the substandard parcels and their removal from the Williamson Act. The IS concluded that these actions would not result in a significant impact on the environment and that adoption of a Negative Declaration would be appropriate.

REFERENCE MATERIAL:

BAI #13, November 18, 2025

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A-E

CAO ANALYST:

Maria Valencia