



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 August 27, 2026

SUBJECT: Variance Application No. 4209

Allow the creation of a 2.5-acre parcel and a 16.03-acre parcel (20-acre minimum required), from an existing 18.53-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The subject parcel is located on the east side of S. Clovis Ave, 670 feet north of E. South Ave and 1,300 feet south of E. Sumner Ave and approximately 0.25 miles west of the City of Fowler. (APN: 343-040-64) (7800 S. Clovis) (Sup. Dist. 4).

APPLICANT: Carl Hawk

STAFF CONTACT: Katie Bolton, Planner
(559) 600-4205

Ober Ramirez, Senior Planner
(559) 600-4231

RECOMMENDATION:

- Deny Variance No. 4209 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. Existing Zoning Map
4. Existing Land Use Map
5. Proximity Map
6. Site Plan
7. Applicant's Variance Findings
8. Photos

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Agriculture	No change
Zoning	AE-20 (Exclusive Agricultural, 20-acre minimum parcel size)	No change
Parcel Size	18.53 acres	Parcel 1: 2.5 acres Parcel 2: 16.03 acres
Project Site	Single-Family Residence and Thompson Seedless grape vines	2.5-acre parcel with the single-family residence 16.03-acre parcel with the remaining Grape Vines
Structural Improvements	Single-Family Residence	No change
Nearest Residence	390 feet north	No change
Surrounding Development	Vineyards, Field crops, Orchards, and Single-Family Residences	No change

ENVIRONMENTAL ANALYSIS:

Staff has determined that the project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3). The project involves the division of an existing 18.53-acre parcel into a 2.5-acre parcel containing the existing single-family residence and a 16.03-acre parcel containing the remaining agricultural land. No new construction, increase in residential density, or change in existing land uses is proposed as part of the Variance. The existing residence is served by an existing domestic well, septic system, and driveway. Any applicable access, right-of-way, septic, or other development requirements will be addressed through the mapping process, subsequent permitting, and the Conditions of Approval and Project Notes. Based on these circumstances, it can be seen with certainty that the Variance itself will not result in a significant effect on the environment.

PUBLIC NOTICE:

Notices were sent to 16 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

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 860.5.060.D are made by the Planning Commission. 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.

The minimum parcel size that may be created in the AE-20 Zone District is 20 acres. A property owner may not create parcels with less than the 20-acre minimum parcel size if they do not qualify under the conditions listed in Chapter 822.3.080(F).

Rezoning to a higher-density zone district that allows smaller parcels would also require an amendment to the underlying Agriculture General Plan land use designation to maintain consistency between the General Plan and zoning.

General Plan Policy LU-A.9 allows for the creation of a homesite parcel that is smaller than the minimum parcel size established by Policy LU-A.6 under certain circumstances. However, to qualify for a homesite conveyance, the parcel from which the homesite parcel is created must be at least 20 acres in size. The subject parcel contains 18.53 acres and therefore does not qualify for a homesite conveyance under Policy LU-A.9.

If approved, the Variance will expire two years from the date of Commission approval unless a mapping application is filed in accordance with the County Ordinance 868.6.020. Approval of a Variance does not create parcels, a mapping procedure must be completed under the Map Act.

BACKGROUND INFORMATION:

The subject 18.53-acre parcel is designated Agriculture in the Fresno County General Plan and is zoned AE-20. The parcel is currently developed with an approximately 3,327-square-foot single-family residence constructed in 2005 and is otherwise primarily planted with Thompson Seedless grape vines. The existing residence is served by a domestic well, septic system, and an approximately 450-foot-long paved driveway providing access from S. Clovis Avenue.

The subject parcel was previously under Williamson Act Contract AP-6497. A Notice of Non-Renewal was recorded by the Fresno County Recorder on November 13, 2013. The contract has since expired following the 10-year non-renewal period.

The surrounding area is predominantly agricultural, consisting of vineyards, field crops, orchards, and single-family residences. The subject parcel is located approximately 0.25 miles west of the City of Fowler and is within the City's Sphere of Influence (SOI). Although the property is within the City's SOI and is identified within the City of Fowler General Plan as part of Urban Growth Tier I with a Medium-Low Density Residential land use designation, the property remains within unincorporated Fresno County and is currently subject to the County's Agriculture General Plan designation and AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) zoning.

The Applicant proposes to divide the existing 18.53-acre parcel into a 2.5-acre parcel containing the existing single-family residence and a 16.03-acre parcel containing the remaining agricultural land. No new development is proposed as part of the Variance application.

Below, find the general information regarding the project site

	Current Standard:	Proposed Configuration:	Is Standard Met (y/n):
Setbacks	<u>AE-20:</u> Front: 35 feet Side: 20 feet Rear: 20 feet	<u>2.5-acre Parcel:</u> Front: 450 feet Side: 25 feet Rear: 70 feet	Yes
Parking	N/A	N/A	N/A
Lot Coverage	No requirement	N/A	N/A
Separation Between Buildings	No requirement for residential or accessory structures, except those used to house animals which must be located a minimum of 40 feet from any human-occupied building.	N/A	N/A
Wall Requirements	Wall required if swimming pool is present	Existing swimming pool; compliance with pool barrier requirements could not be confirmed	See Condition of Approval in Exhibit 1
Septic Replacement Area	100 percent of the existing system.	No change	Yes
Water Well Separation	Building sewer/septic tank: 50 feet Disposal field: 100 feet Seepage pit/cesspool: 150 feet	Any existing or proposed water wells will be required to meet minimum setbacks (separation) from proposed septic systems.	Yes

ANALYSIS/DISCUSSION:

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 Agencies/Department Comments related to Finding 1:

No reviewing agency or department provided comments specifically addressing whether exceptional or extraordinary circumstances or conditions apply to the subject property for purposes of Finding No. 1.

Finding 1 Analysis:

In support of Finding 1, the Applicant states that exceptional or extraordinary circumstances exist because the subject parcel is located within the City of Fowler's General Plan planning area, Urban Growth Tier I and is designated Medium-Low Density Residential for future development by the City.

Staff was unable to identify exceptional or extraordinary circumstances or conditions applicable to the subject property that do not also apply generally to other properties in the vicinity with the same zoning classification. Although the subject parcel is located within the City of Fowler's SOI and an area identified by the City for future growth, the parcel remains within unincorporated Fresno County and is subject to the County's Agriculture General Plan designation and AE-20 Zone District. The City's future land use designation and inclusion within the SOI do not constitute circumstances unique to the subject property, as other properties within the City's identified future growth area are similarly situated.

The Applicant also identifies the existing residence and the desire to establish a separate homesite for estate planning purposes as justification for the Variance. The existing residential use and the Applicant's estate planning objectives do not constitute exceptional or extraordinary circumstances or conditions particular to the property.

Recommended Conditions of Approval:

None.

Finding 1 Conclusion:

Staff cannot recommend making Finding 1, as Staff was unable to identify any exceptional or extraordinary circumstances or conditions particular to the subject parcel that do not apply generally to other properties in the vicinity with the same zoning classification.

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 and enjoyment of a substantial property right were expressed by reviewing Agencies or Departments.

Finding 2 Analysis:

In support of Finding 2, the Applicant states that the Variance would allow the existing residence to be established on a separate parcel from the agricultural operation, allowing the residential and agricultural portions of the property to be independently managed and conveyed. The Applicant further states that the separation would facilitate estate planning and improve the marketability of the property.

Staff was unable to identify a substantial property right possessed by other property owners under like conditions in the vicinity with the identical zoning classification that would be denied to the Applicant. The subject property is currently developed with a single-family residence and agricultural uses consistent with uses permitted in the AE-20 Zone District, and denial of the Variance would not prevent the continued use of the property for those purposes.

The ability to separately convey the existing residence from the remaining agricultural acreage for estate planning or marketability purposes is not a property right generally afforded to other properties in the AE-20 Zone District. Properties within the AE-20 Zone District are similarly subject to the 20-acre minimum parcel size unless an applicable exception is met.

Recommended Conditions of Approval:

None.

Finding 2 Conclusion:

Staff cannot recommend making Finding 2, as no substantial property right enjoyed by other property owners under like conditions in the vicinity with the identical zoning classification was identified as being denied to the Applicant.

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	4.5 acres	Single Family Residence and Field Crops	AE-20	390 feet
	15 acres	Orchards	AE-20	N/A
South	18.5 acres	Vineyards and Single Family Residence	AE-20	500 feet
East	19.67 acres	Vineyards and Single Family Residence	AE-20	957 feet
West	19.09 acres	Orchards	AE-20	1,375 feet

*Distances are approximate and measured from the subject parcel boundaries using a web based aerial imagery application.

		Existing Conditions	Proposed Operation
Private Road	No	N/A	No Change
Public Road Frontage	Yes	647 feet on S. Clovis Avenue, 165 feet is required for parcels below 5 acres.	2.5-acre parcel: 165 feet of road frontage, meeting minimum requirement

		Existing Conditions	Proposed Operation
			16.03-acre parcel: 482 feet of road frontage
Direct Access to Public Road	Yes	S. Clovis Avenue	No Change
Road ADT		Not Available	No Change
Road Classification		Collector	No Change
Road Improvements Required		None	Irrevocable Offer of Dedication of 12 feet of additional right-of-way along S. Clovis Avenue

Reviewing Agencies/Department Comments related to Finding 3:

Road Maintenance and Operations Division: S. Clovis Avenue is a County-maintained road classified as a Collector with an existing 60-foot road right-of-way and an ultimate right-of-way of 84 feet pursuant to the General Plan. The Road Maintenance and Operations Division requires dedication of an additional 12 feet of road right-of-way along the subject property frontage on S. Clovis Avenue, resulting in 42 feet of right-of-way east of the section line. Staff has included a Condition of Approval requiring an Irrevocable Offer of Dedication for the additional 12 feet of road right-of-way.

Building and Safety: The existing single-family residence contains a swimming pool. The presence of an existing compliant pool barrier/enclosure could not be confirmed. Pursuant to Fresno County Ordinance Code, and Title 15, Section 15.08.020(Q), swimming pools are required to have an approved barrier between the residence and the pool and an approved enclosure between the swimming pool and adjoining properties. Staff has included a Condition of Approval to ensure compliance.

Water and Natural Resources: The Division determined that the proposal will not have a significant impact on the existing water supply in the area and noted that the subject parcel is not located within an area of the County designated as a Water Short Area.

Finding 3 Analysis:

In support of Finding 3, the Applicant states that the proposed Variance would not result in adverse impacts to the public or surrounding properties because no new development or improvements are proposed as part of the parcel division. The existing single-family residence is served by an existing domestic well, septic system, and paved driveway from S. Clovis Avenue. The Applicant further states that the portion of the property containing the existing residence has not been in agricultural production since the residence was constructed in 2005 and that the remaining 16.03-acre parcel will continue to be used for agricultural production.

The minimum parcel size requirement of the AE-20 Zone District is intended, in part, to limit the creation of smaller parcels and the potential for conflicts between residential and agricultural uses. Although the proposed Variance would create two separate substandard parcels, no new residential development is proposed as part of this application. The 2.5-acre parcel would contain the existing single-family residence, while the 16.03-acre parcel would contain the

remaining agricultural land. Reviewing agencies did not identify impacts resulting from the proposed parcel division that could not be addressed through the Conditions of Approval, Project Notes, or subsequent permitting requirements. Based on the current proposal and agency review, Staff did not identify a material detriment to the public welfare or injury to property or improvements in the vicinity resulting from the Variance.

Recommended Conditions of Approval:

See recommended Conditions of Approval in Exhibit 1.

Finding 3 Conclusion:

Staff can recommend making Finding 3 with adherence to the aforementioned requirements included as mandatory Conditions of Approval and Project Notes, as they will ensure that the Variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity.

Finding 4: The granting of such a variance will not be contrary to the objectives of the General Plan.

Relevant Policies:	Consistency/Considerations:
General Plan Policy LU-A.6: <i>The County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in Policies LU-A.9, LU-A.10, and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.</i>	The proposed parcel division is not consistent with this Policy. The existing 18.53-acre parcel is already below the 20-acre minimum parcel size, and the proposal would create two additional substandard parcels of 2.5 acres and 16.03 acres.
General Plan Policy LU-A.7: <i>The County shall generally deny requests to create parcels less than the minimum size specified in Policy LU-A.6 based on concerns that these parcels are less viable economic farming units, and that the resultant increase in residential density increases the potential for conflict with normal agricultural practices on adjacent parcels. Evidence that the affected parcel may be an uneconomic farming unit due to its current size, soil conditions, or other factors shall not alone be considered a sufficient basis to grant an exception. The decision-making body shall consider the negative incremental and cumulative effects such land divisions have on the agricultural community.</i>	The proposed parcel division is not consistent with this Policy. The Variance would create two parcels below the 20-acre minimum parcel size established for land designated Agriculture. Although no new residential development is proposed as part of this application, creation of the separate parcels could allow for an increase in residential density in the future. The proposed division would also contribute to the incremental creation of substandard agricultural parcels.
General Plan Policy LU-A.9: <i>The County may allow creation of homesite parcels smaller than the minimum parcel size</i>	The proposal does not meet the criteria of this Policy because the parcel involved in the division is 18.53 acres, which is less than the

Relevant Policies:	Consistency/Considerations:
<i>required by Policy LU-A.6, if the parcel involved in the division is at least twenty (20) acres in size, subject to the following criteria:</i> <i>a. The *minimum lot size shall be two to two and a half acres of gross area, except that a lesser area shall be permitted when the owner submits evidence satisfactory to the Health Officer that the soils meet the Water Quality Control Board Guidelines for liquid waste disposal.; and</i> <i>b. One of the following conditions exists:</i> <i>1. A lot less than twenty (20) acres is required for financing construction of a residence to be owned and occupied by the owner of abutting property; or</i> <i>2. The lot or lots to be created are intended for use by persons involved in the farming operation and related to the owner by adoption, blood, or marriage within the second degree of consanguinity, there is only one (1) lot per related person, and there is no more than one (1) gift lot per twenty (20) acres; or</i> <i>3. The present owner owned the property prior to the date these policies were implemented and wishes to retain his/her homesite and sell the remaining acreage for agricultural purposes.</i> <i>*Parcels enrolled in a Williamson Act Contract are subject to minimum sizes as required by the Act - homesite exceptions parcels, currently 10 acres minimum. Each homesite created pursuant to this policy shall reduce by one (1) the number of residential units otherwise authorized on the remainder parcel created from the original parcel. The remainder parcel shall be entitled to no less than one residential unit.</i>	minimum 20 acres required to qualify for the exceptions provided under Policy LU-A.9.

Reviewing Agencies/Department Comments regarding General Plan consistency:

Policy Planning Unit, Development Services and Capital Projects Division: Policy Planning identified General Plan Policies LU-A.6 and LU-A.9 as applicable to the proposal. Policy LU-A.6 establishes 20 acres as the minimum permitted parcel size in areas designated Agriculture, except as provided by applicable General Plan policies. Policy LU-A.9 provides criteria for the creation of parcels smaller than the minimum parcel size established by Policy LU-A.6 and requires that the parcel involved in the division be at least 20 acres in size. Policy Planning also noted that the subject parcel is not enrolled in the Williamson Act Program.

City of Fowler: The City noted that the subject property is located within the City's Sphere of Influence (SOI), Urban Growth Tier I, and is designated Medium-Low Density Residential by the City's General Plan. The City stated that future residential development of the area is dependent on growth thresholds that have not yet been met. The City also noted that the proposed parcels would meet the minimum parcel sizes anticipated under the City's future residential zoning. They also identified S. Clovis Avenue as an Arterial Street with an ultimate 84-foot right-of-way, and additional right-of-way dedication may be required with future development of the property.

Finding 4 Analysis:

The subject property is designated Agriculture by the Fresno County General Plan. General Plan Policy LU-A.6 establishes 20 acres as the minimum permitted parcel size in areas designated Agriculture, except as provided by applicable General Plan policies. The existing 18.53-acre parcel is already below the 20-acre minimum parcel size, and the proposed Variance would further divide the property into two substandard parcels of 2.5 acres and 16.03 acres. Policy LU-A.7 provides that the County shall generally deny requests to create parcels below the minimum parcel size established by Policy LU-A.6 due to concerns regarding the viability of agricultural parcels, increased residential density, potential conflicts with agricultural practices, and the incremental and cumulative effects of such divisions on the agricultural community. Although no new residential development is proposed as part of this application, the Variance would create two separate parcels below the 20-acre minimum parcel size.

Policy LU-A.9 provides criteria under which the County may allow creation of a parcel smaller than the minimum parcel size established by Policy LU-A.6. However, Policy LU-A.9 requires that the parcel involved in the division be at least 20 acres in size. The subject parcel contains 18.53 acres and therefore does not meet this threshold.

The Applicant states that the proposed division would separate the existing single-family residence from the remaining agricultural acreage and that the 16.03-acre parcel would continue in agricultural production. The Applicant also points to the property's location within the City of Fowler's Sphere of Influence, Urban Growth Tier I, and its Medium-Low Density Residential designation under the City's General Plan. The City's comments confirm that the property is within its SOI, is planned for future residential development, and that the proposed parcels would meet the minimum parcel sizes anticipated under the City's future zoning. While the proposed 2.5-acre and 16.03-acre parcel sizes would be allowed under the City's anticipated future zoning, the City's General Plan anticipates a higher level of residential density than currently exists on the property. Dividing the existing 18.53-acre parcel into two smaller parcels at this time could hinder future development of the subject property. The property remains within unincorporated Fresno County and is currently subject to the County's Agriculture General Plan designation and AE-20 zoning. The City's future land use designation does not alter the applicable County General Plan policies governing the division of agricultural land while the property remains under County jurisdiction.

Therefore, the proposed division of the existing 18.53-acre parcel into 2.5-acre and 16.03-acre

parcels would not be consistent with the minimum parcel size established by Policy LU-A.6, would be contrary to the direction provided by Policy LU-A.7 regarding the creation of substandard agricultural parcels and does not qualify under the provisions of Policy LU-A.9.

Recommended Conditions of Approval:

None.

Finding 4 Conclusion:

Staff cannot recommend making Finding 4, as the proposed Variance would be contrary to the objectives of the Fresno County General Plan regarding minimum parcel sizes within areas designated Agriculture.

SUMMARY ANALYSIS / CONCLUSION:

The proposed Variance would allow the division of an existing 18.53-acre parcel into two substandard parcels of 2.5 acres and 16.03 acres within the AE-20 Zone District. Staff did not identify exceptional or extraordinary circumstances particular to the subject property or a substantial property right possessed by similarly situated property owners that would be denied to the Applicant. Additionally, the proposed division does not meet the minimum parcel size established by General Plan Policy LU-A.6 or qualify for the exception provided under Policy LU-A.9. While Staff determined that the proposed Variance would not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity with adherence to the Conditions of Approval and Project Notes, all four required Findings must be made to approve the Variance.

Based on the factors cited in the analysis above, Staff cannot recommend making Findings 1, 2, or 4 necessary for granting the Variance.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings No. 1, 2, and 4 cannot be made based on the analysis in the Staff Report and move to deny Variance No. 4209; 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 No. 4209, 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.

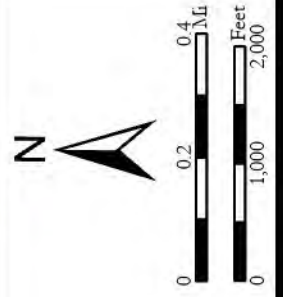
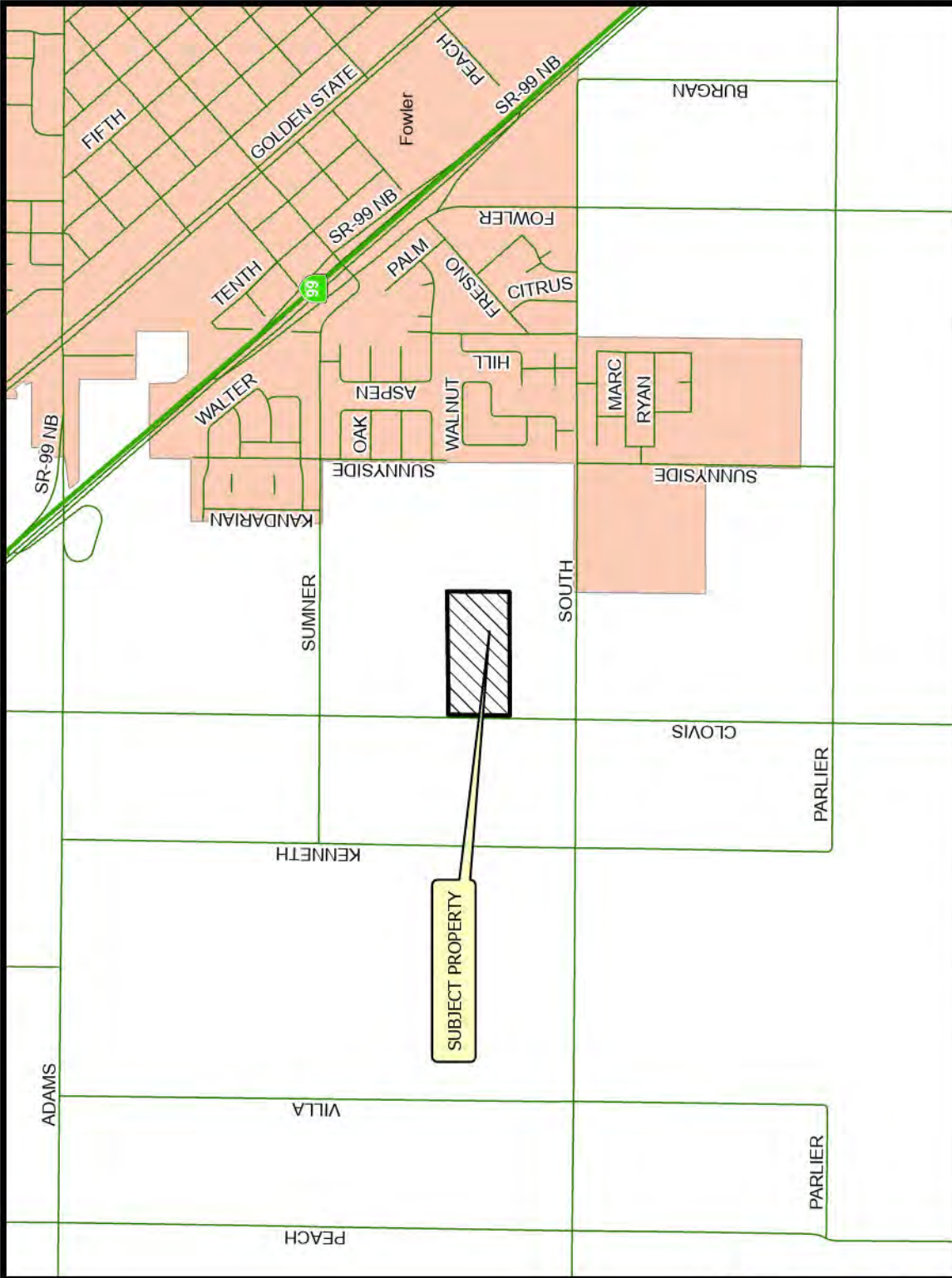
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Variance Application (VA) No. 4209
Conditions of Approval and Project Notes

Conditions of Approval		
1.	Development shall be in accordance with the Site Plan approved by the Planning Commission.	
2.	The owner of the subject property shall record a document irrevocably offering twelve (12) feet of the subject property to the County of Fresno as future right-of-way for S. Clovis Avenue (60 feet existing). The resulting 42 feet east of section line of existing right-of-way and said offer shall establish the building setback line for future development. Note: A preliminary title report or lot book guarantee is required before the irrevocable offer of dedication can be processed. The owner is advised that where deeds of trust or any other type of monetary lines exist on the property, the cost of obtaining a partial reconveyance, or any other document required to clear title to the property, shall be borne by the owner or developer. The County will prepare the irrevocable offer of dedication upon receipt of the processing fee which is currently \$274.06.	
3.	To ensure the existing swimming pool complies with the Fresno County Ordinance Code Title 15, Section 15.08.020(Q), following any future mapping application creating the 2.5-acre parcel, the property owner shall install required swimming pool barriers and enclosures if not already present per County requirements required.	
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.	Division of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. A Parcel Map Application shall be filed to create the proposed parcels. The Map shall comply with the requirements of Title 17.72. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.	
2.	The approval of this project will expire two years from the date of approval unless the required mapping application to create the parcels is filed in substantial compliance with the Conditions and Project Notes and in accordance with the Parcel Map Ordinance. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant a maximum of two one-year extensions of time.	
3.	Any existing or proposed entrance gate should be set back a minimum of 20' from the road right-of-way line or the length of the longest truck entering the site and shall not swing outward.	

Notes	
4.	If not already present, a minimum of 10' x 10' corner cut-off should be improved for sight distance purposes at any existing or proposed driveway accessing Clovis Avenue.
5.	Any future work done within the County road right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
6.	A grading permit/voucher may be required for any future grading with this application.
7.	If this Variance Application is approved, a parcel map application will have to be filed with Fresno County in order to effect the property division.
8.	All future development will require proper permits.
9.	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.
10.	It is recommended that the applicant consider having the existing septic tanks pumped and have the tanks and leach lines evaluated by an appropriately licensed contractor if it has not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
11.	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.

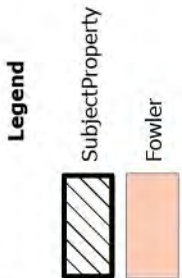
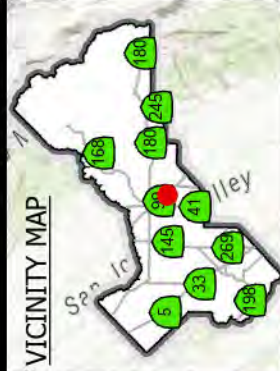


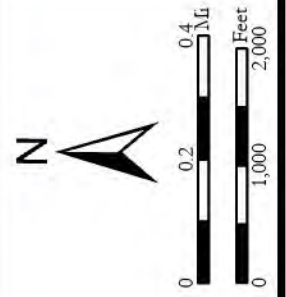
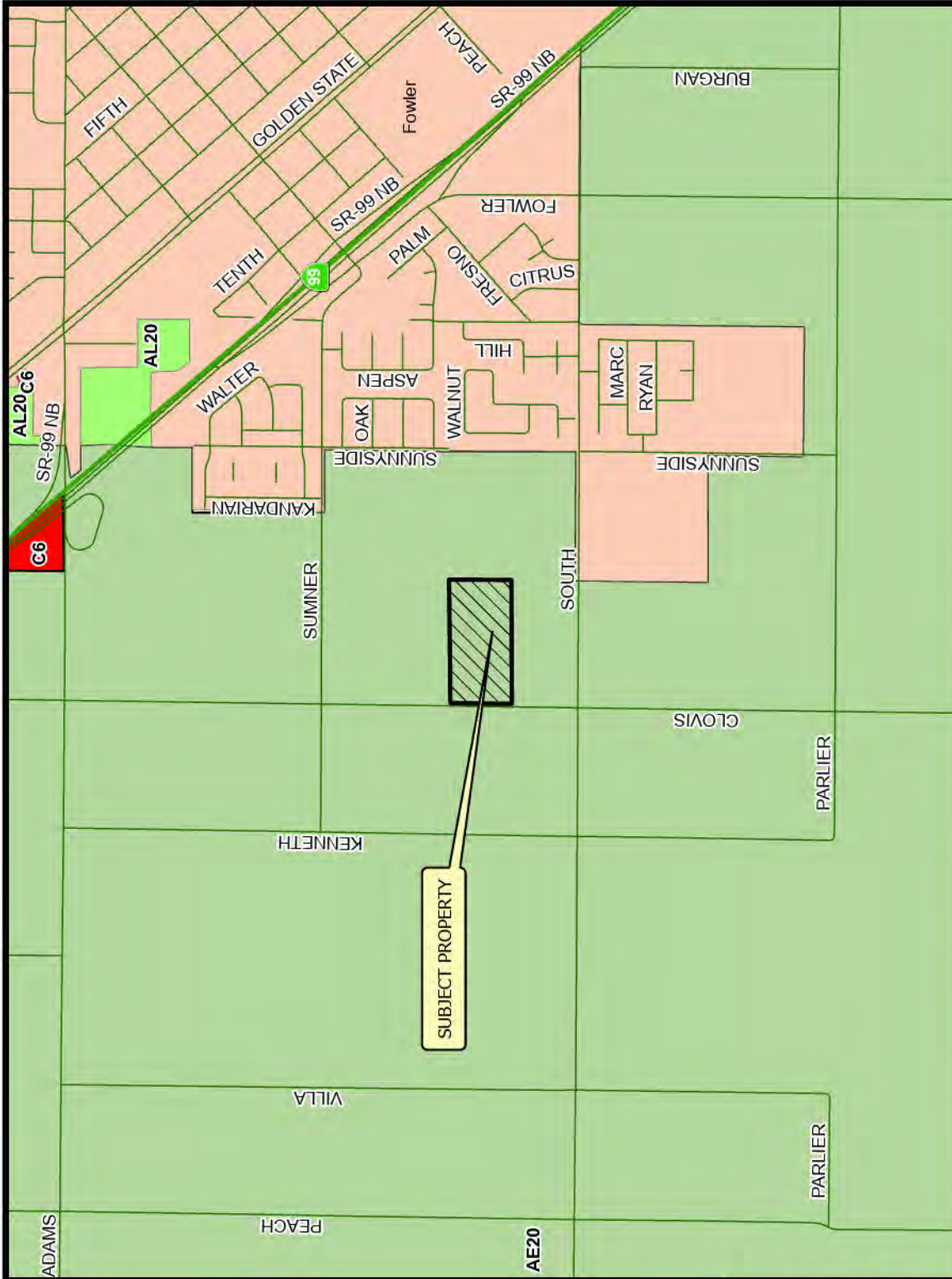
LOCATION MAP

2026

VA4209

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
 Person Prepared by : mdo
 On Date : 5/13/2026



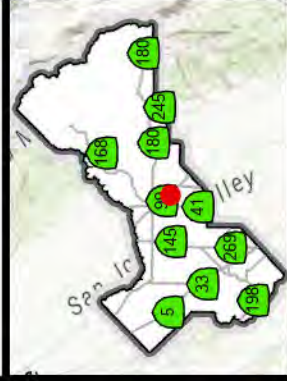
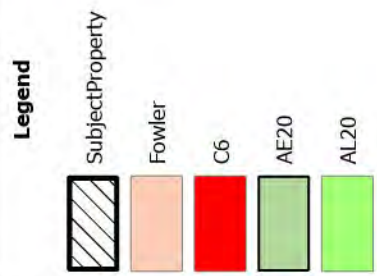


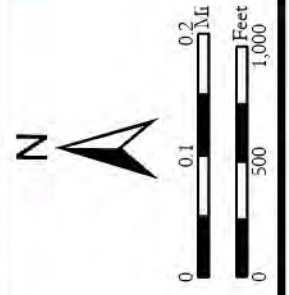
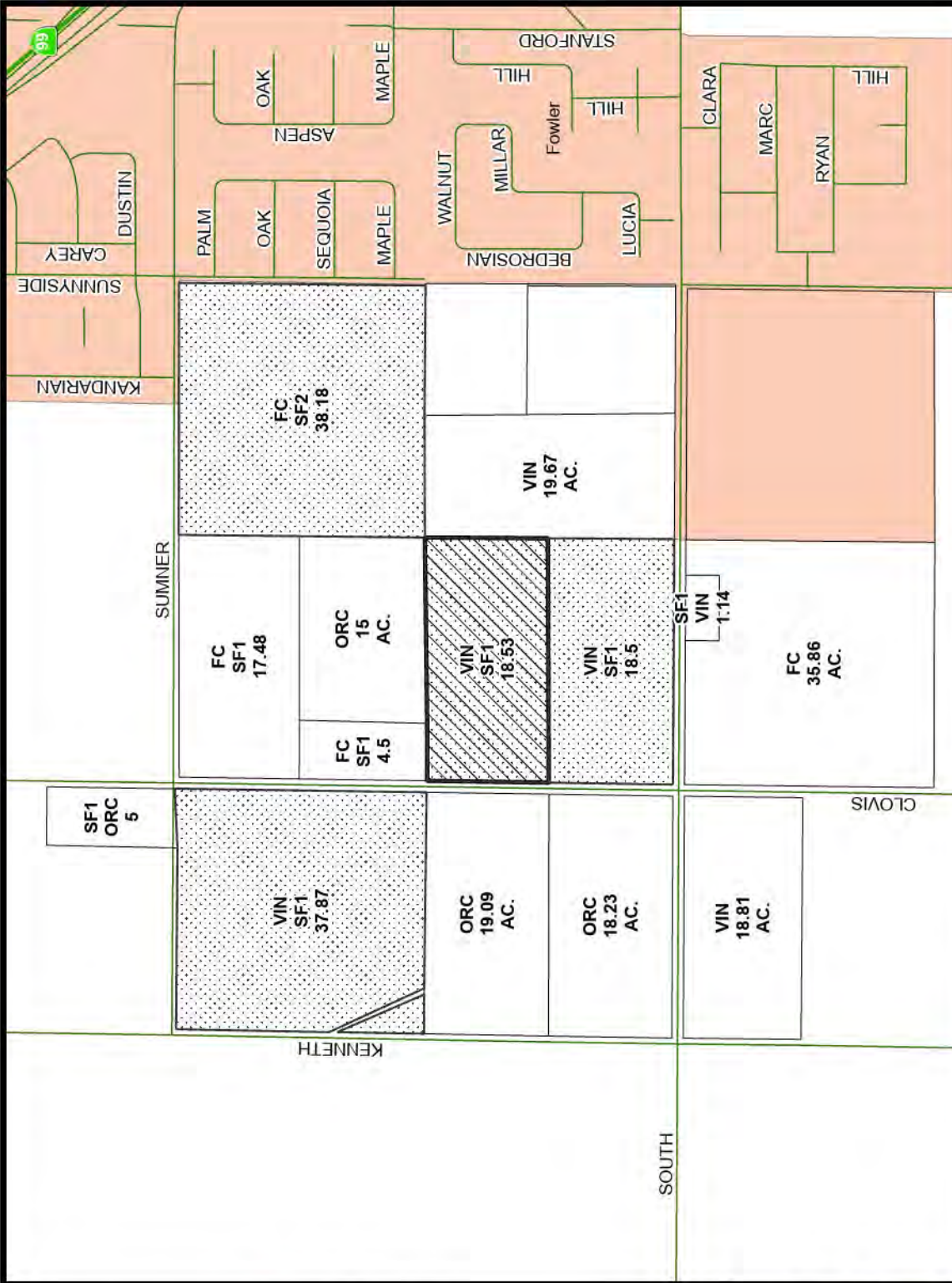
Existing Zoning Map

2026

VA4209
STR 16 - 15S / 21E

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : mdo
On Date : 5/13/2026





Existing Land Use Map

2026

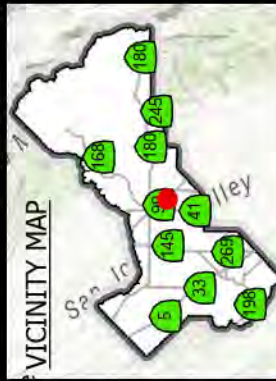
VA4209

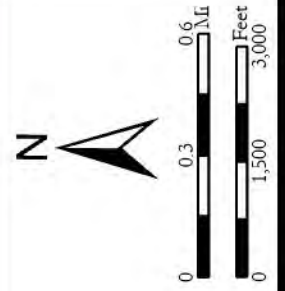
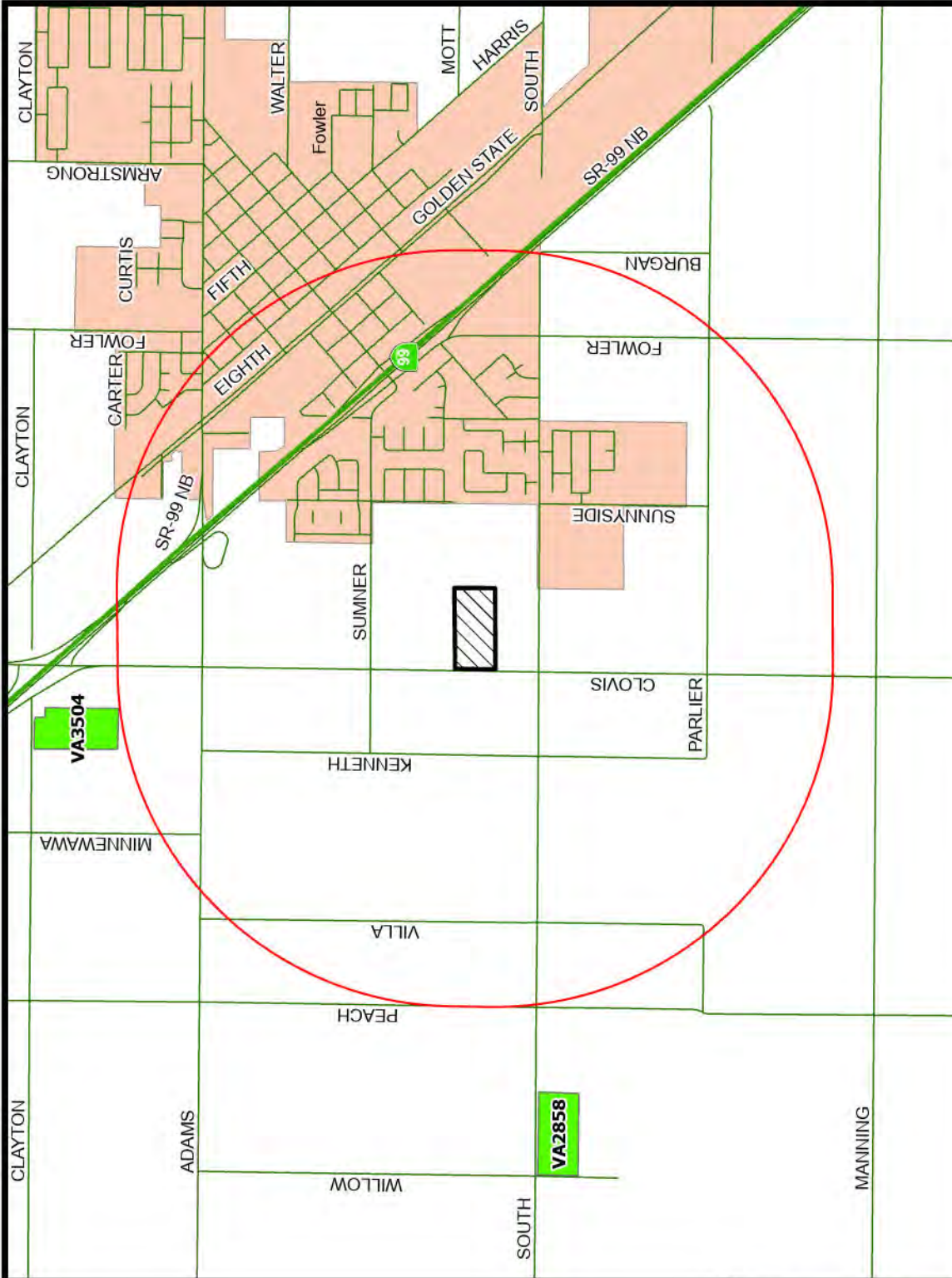
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division
Person Prepared by : mdo
On Date : 5/13/2026

LEGEND:

- Subject Property
- Ag Contract Land

LEGEND
FC - FIELD CROP
VIN - VINEYARD
ORC - ORCHARD
V - VACANT
SF# - SINGLE FAMILY RESIDENCE



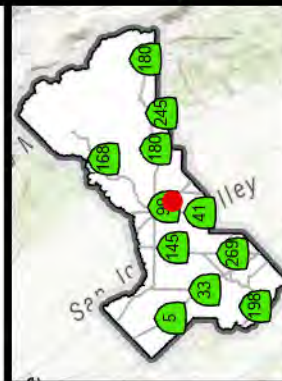


Proximity Map

2026

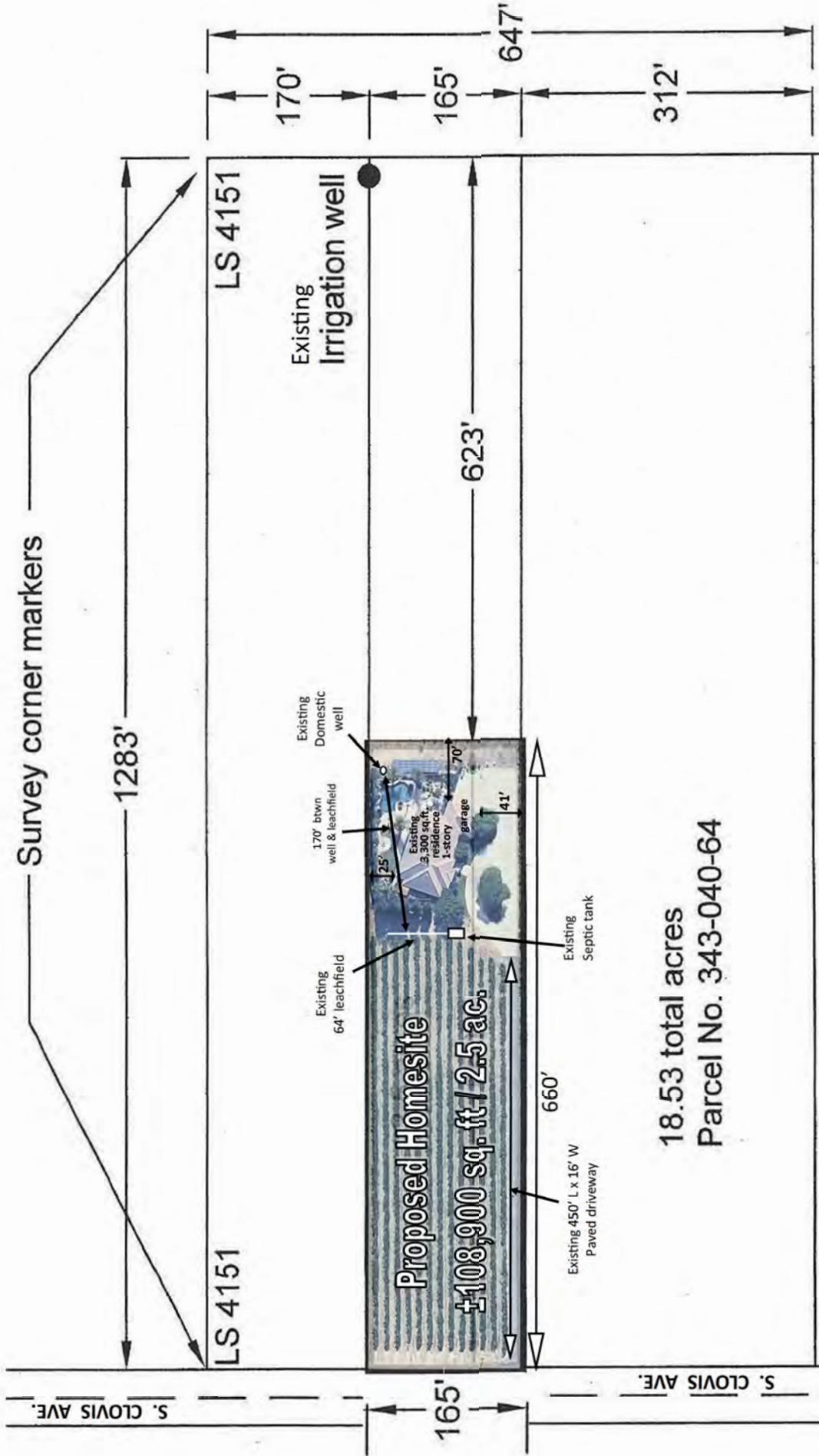
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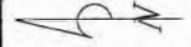
Legend

- Mile_Buffer
- SubjectProperty
- Fowler
- VA Permits



18.53 total acres
Parcel No. 343-040-64

CARL HAWK
7800 S. CLOVIS AVE.
FOWLER, CA 93625
3/17/2026



SITE PLAN FOR PROPOSED HOMESITE—VARIANCE

- NOT TO SCALE
- ALL MEASUREMENTS ARE APPROXIMATE

VARIANCE FINDINGS
7800 S. Clovis Ave.
Fowler, CA 93625

May 8, 2026

Owner:

Mr. Carl Hawk
7800 S. Clovis Ave.
Fowler, CA 93625

Applicant:

Same as above.

Representative:

Dirk Poeschel Land Development Services, Inc.
c/o Mr. Dirk Poeschel, AICP
923 Van Ness Ave., Suite 200
Fresno, CA 93721
559-445-0374

Property Location:

The parcel is located at 7800 S. Clovis Ave., between E. Sumner and E. South Avenues.

APN:

343-040-64

Existing General Plan Land Use Designation:

Agriculture

Existing Zone Designation:

AE-20 (Fresno County land use designation)

Request:

Grant a Variance to allow the creation of a 2.5 +/- acre homesite from an existing 18.53 +/- acre parcel within the AE-20 Zone District.

Background:

The subject property has a long history of agricultural use. Since 1971, the parcel, along with the adjoining 18.50 +/- acre property to the south (APN 343-040-63) was owned and actively farmed by Mr. Hawk's in-laws. In 2004, the property was subdivided where Mr. Hawk and his wife were deeded the northern 18.53 +/- acre portion for the purpose of constructing a home of their own. The home was constructed in 2005 and was the first improvement on the 18.53 +/- acre parcel.

The surrounding land has remained in active agricultural production under the continued management of Mr. Hawk's in-laws. The property and adjacent parcels are currently cultivated with Thompson Seedless grape vines, reflecting the ongoing agricultural viability of the area.



The subject parcel is located on the east side of S. Clovis Ave., between E. South and E. Sumner Avenues, in Fresno County. All three roadways are improved, two-lane paved roads and are designated as *Collector* roadways in the Fresno County General Plan. The existing residence on the parcel is accessed from a driveway off S. Clovis Ave. An unpaved dirt access borders the north and east property line of the subject property.

The property was previously under Williamson Act Contract AP-6497. A Notice of Non-Renewal was recorded by the Fresno County Recorder on November 13, 2013. The contract has since expired following the 10 year non-renewal period.

The parcel is designated in the adopted Fresno County General Plan for Agriculture and is zoned AE-20 (Exclusive Agricultural, 20 acre minimum). The AE-20 zone district is intended to protect agricultural operations from encroachment by incompatible, non-agricultural uses. The subject parcel is currently substandard, as it is less than the required 20-acre minimum lot size.

The subject parcel is within the City of Fowler's General Plan Adopted Planning Area and is identified within Urban Growth Tier 1, indicating it is intended to be among the first areas developed as part of the City's future expansion. Within said Plan, the parcel is designated for *Medium-Low Density Residential*, which is intended to provide a transition from agricultural uses to urban development. This designation typically accommodates single-family residential development with lot sizes ranging from 7,000 to 10,000 sq. ft, yielding densities of approximately 3.7 to 5.5 dwelling units per acre when annexation occurs.

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.

The applicant proposes to create a 2.5 +/- acre homesite from the existing 18.53 +/- acre parcel, encompassing the existing 3,327 sq. ft. residence and associated improvements constructed in 2005. No changes such as expansion, alteration, or intensification of the existing residential use is proposed as part of this application.

The requested Variance would formally recognize the longstanding residential use of the homesite and allow for its potential conveyance for estate planning purposes, while preserving

the agricultural viability of the remaining acreage. The proposal does not introduce new development or result in the conversion of additional agricultural land.

As previously stated, the parcel is within the City of Fowler's General Plan Adopted Planning Area, designated as Urban Growth Tier 1, where future urban development and parcelization are anticipated as part of the City's planned expansion. Within said plan, the parcel is designated for *Medium-Low Density Residential*, which is intended to provide a transition from agricultural uses to urban development. This designation typically accommodates single-family residential development with lot sizes ranging from 7,000 to 10,000 sq. ft, yielding densities of approximately 3.7 to 5.5 dwelling units per acre when annexation occurs.

These circumstances justify recognition of a distinct homesite that functions independently from surrounding agricultural acreage allowing for appropriate separation of uses consistent with both longstanding conditions and reasonable property rights. As such, the findings set forth in Chapter 860.5 can be made, supporting approval of the requested Variance.

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.

The creation of the proposed homesite allows the applicant to establish a distinct residential parcel that functions independently from the surrounding agricultural operation. The separation enables the property owner to retain and continue agricultural production on the remaining acreage while facilitating estate planning objectives, including the ability to convey the existing residence separately to family members or successors.

This separation is also directly consistent with the long-term planning framework governing the property. The subject parcel lies within the City of Fowler's General Plan Planning Area, where it is designated for *Medium-Low Density Residential* uses upon eventual annexation. The proposed homesite reflects an early and logical recognition of an existing residential use consistent with that future development pattern, while expressly avoiding premature conversion or subdivision of the remaining agricultural land prior to urbanization.

Property owners under similar zoning classification commonly possess the ability to maintain a homesite that can be legally separated from larger agricultural holdings, particularly where such separation aligns with long-range planning. However, due to the size and configuration of the subject parcel, strict application of the Zoning Ordinance currently prevents the applicant from establishing this the proposed homesite despite the historic presence of the residence and the property's identified role in the City of Fowler's future growth area.

Approval of the Variance would restore the owner's ability to manage the residential and agricultural components of the property as distinct uses, consistent with historical development pattern and comparable properties in the vicinity. Without the Variance, the owner would be effectively deprived from separating the residence from the agricultural land, thereby limiting the reasonable use and marketability of the property, including its use in estate transfer planning, while providing no offsetting agricultural benefit.

Finding 3:

If granted, would the requested variance be detrimental to the public welfare or injurious to property or improvements in the area to which the property is located?

No adverse impacts to adjacent properties will occur as a result of the proposed Variance. Granting the proposed Variance to create a 2.5 +/- acre homesite from an existing 18.53 +/- acre parcel will have no adverse impacts on the public or surrounding property owners. No new improvements will be made to accommodate the lot creation. The existing primary residence on the subject parcel is served by an adequate existing domestic well, septic tank system, and driveway.

Granting the proposed Variance will not be detrimental to the public welfare of surrounding properties for the following reasons:

- a) The proposed homesite, on which the home with water and septic system exists, would not conflict with the continued agricultural operation on the remaining 16.03 +/- agricultural acreage.
- b) 1.0 +/- acre of the proposed homesite is non-agricultural productive land since the residence has existed since 2005.
- c) A paved road serves as access to the homesite. Said road is existing and has been utilized for many years.
- d) The applicant also proposes to voluntarily prohibit the creation of another homesite on the remaining 16.03 +/- acres. This voluntary condition will eliminate any possibility that the proposal will result in the removal of adjacent land from agricultural use or create other adverse impacts on agriculture, and ensures that no premature conversion of agricultural land prior to planned urbanization.

The minimum acreage requirement of the AE-20 zone district is intended to prohibit parcellation that creates potential conflicts between residential agricultural activities. However, as voluntarily conditioned, no such conflicts between residential and agricultural uses will occur.

Additionally, the subject parcel is served by an approximately 450-foot-long access drive with frontage along S. Clovis Avenue. The access drive measures approximately 16 feet in width.

Finding 4:

The granting of such a variance will not be contrary to the objective of the General Plan.

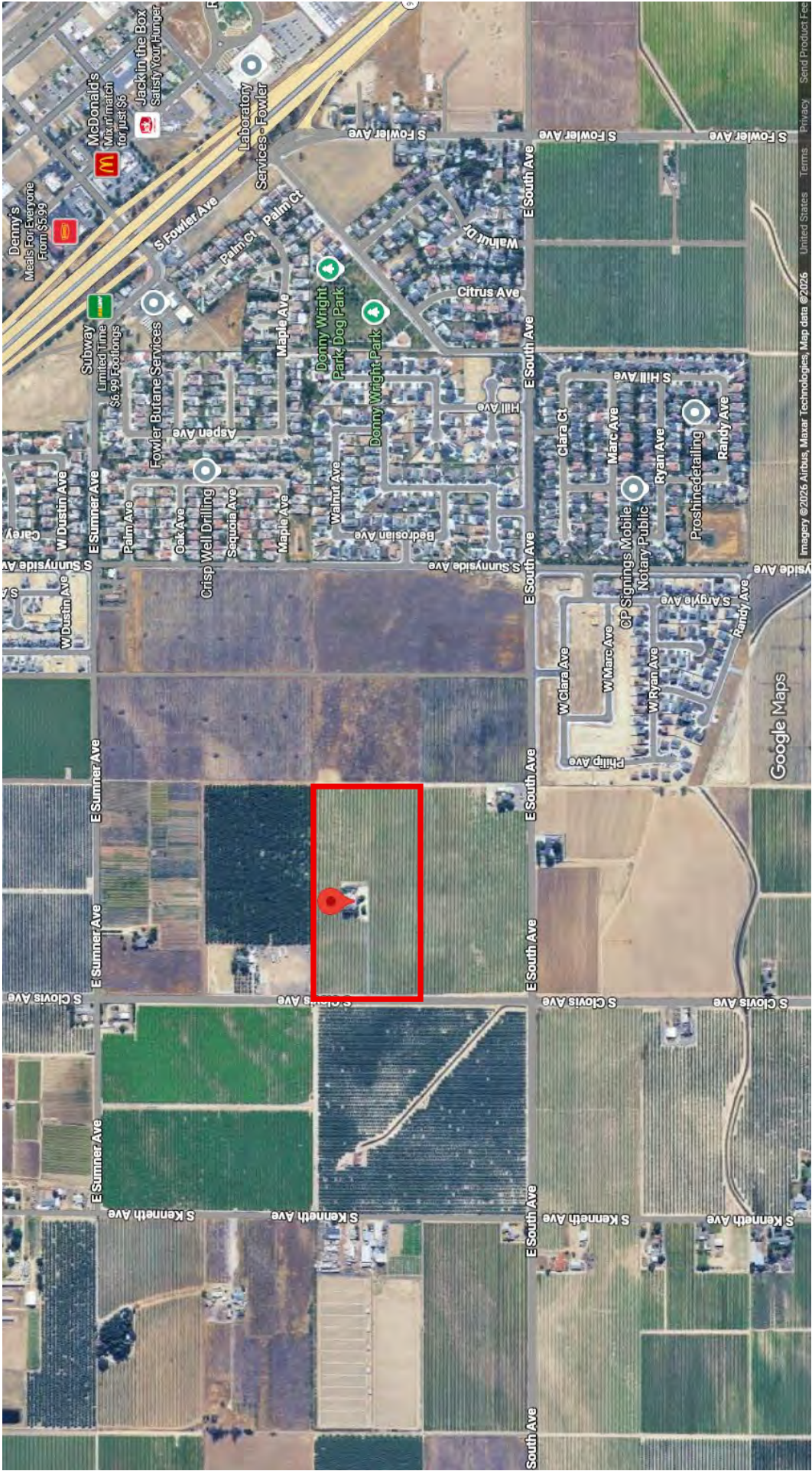
The granting of the proposed Variance will not conflict with the objectives of the Fresno County General Plan, particularly those focused on the protection and preservation of agricultural land. Establishment of a 2.5 +/- acre homesite will not result in a loss of agricultural productivity, as the remaining 16.03 +/- acres will continue to support ongoing agricultural operations.

The proposed homesite also represents a logical recognition of existing conditions within an area identified for future urbanization under the City of Fowler General Plan. By establishing a defined residential parcel at this time, the project helps ensure an orderly transition from agricultural to residential land uses upon annexation, without inducing premature conversion of agricultural land ahead of planned urban development.

The proposed 2.5 +/- acre homesite is consistent with the homesite provisions of the Fresno County General Plan and is compatible with the development standards of the AE (Exclusive Agricultural) Zone District. The remaining 16.03 +/- acre parcel is of sufficient size and configuration to ensure the continued and uninterrupted agricultural use until such time as it is developed in accordance with the City of Fowler General Plan land use designation of *Medium-Low Density Residential*.

Accordingly, the proposed Variance is consistent with and supports the policies and intent of the Fresno County General Plan and City of Fowler General Plan.

<https://dplds.sharepoint.com/shared documents/current clients/hawk, carl - homesite 25-38/variance submittal/variance findings-rev 5-8-26.docx>



AERIAL VIEW OF PROJECT AREA



AERIAL VIEW OF PROJECT SITE



NORTHWARD BIRD'S EYE VIEW RENDERING OF EXISTING HOME VIA GOOGLE EARTH



STREET VIEW LOOKING EASTWARD FROM CLOVIS AVE AT THE DRIVE PATH TO RESIDENCE