

APPLICATION CHECKLIST

1. Completed application form.
2. Seven copies of a plot plan showing the variance proposal, including 8 ½" x 11" reductions of plans.
3. Completed Environmental Checklist - Check with the Planning Division prior to completing the variance application. Some variance permits may require special environmental review. (under California Environmental Quality Act (CEQA))
4. Building elevations (for height variances)
5. Sign program (for sign variances)
6. Statement presenting evidence the request meets all five findings.
7. An agency authorization form, if you are not the property owner of record.
8. A non-refundable filing fee will be required. (See City of Visalia Development Fee Schedule)

THE VARIANCE HEARING

- The applicant, or representative, should attend the Planning Commission meeting at which the variance application is considered and be prepared to address the Commission regarding the application.
- In approving a variance permit, the Planning Commission must approve only the minimum variance necessary to eliminate the particular hardship.

- In approving a variance permit, the Planning Commission may include conditions with the approval which insures that the authorized action will not adversely affect adjacent properties.
- Total time for processing an application takes a minimum of 45 days from the date the application is deemed complete.

Disclaimer: This pamphlet was prepared in reference to Title 17.42 (Zoning Ordinance) of the City of Visalia Municipal Code which is regularly updated. The pamphlet is intended to provide general guidance and information; it is the user's responsibility to check that the information given in this pamphlet remains in accordance with any changes that may have been made to the Visalia City Ordinance Code. For more information, explanation, or assistance, please visit the Planning Division at the City of Visalia's website or call the Planner's Hotline at 559-713-4359.

Application forms are available at the Planning Division Office, 315 E. Acequia, Visalia, California 93291 or on the City of Visalia Website <http://www.ci.visalia.ca.us>

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WHAT IS A VARIANCE?



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This informational handout is intended to explain what a variance is, under what conditions a variance can be granted, how to apply for a variance and how variance applications are processed.

WHAT IS A VARIANCE?

Through the zoning regulations of the City, certain standards are established to control the development of property. Some of these standards include lot sizes, building setbacks from property lines, allowable building heights, sign regulations, and the amount of parking required.

The variance is a permit issued by the Planning Commission to allow the development of property in a manner which does not strictly conform to the standards. A variance is intended to provide relief to a property owner when a strict application of standards would result in a unique hardship.

A variance is approved based on whether a hardship exists within a lot and gives the property owner a substantial disadvantage. Examples include an odd-shaped lot, a non-conforming lot, and a topographical hardship such as a steep slope or an immovable boulder.

Before the Planning Commission can approve a variance permit, they must make the following findings based on factual evidence:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign and zoning ordinance.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The Planning Commission cannot approve a variance which allows a use of property not otherwise allowed in the specific zoning district regulations, or to provide relief from a self-induced hardship, or solely on the basis of economic hardship or economic gain.

PROCESSING A VARIANCE

1. The applicant prepares and submits an application form, and fee to the Planning Division (see application checklist in this handout).

If your application involves construction, a review of a plot plan may be required through Site Plan Review prior to Planning Commission committee.
2. Once the application is deemed complete, it is scheduled for hearing before the Planning Commission. Notice of the hearing is published in the newspaper and all property owners within a 300 foot radius of the project site are directly notified by mail.
3. After evaluating the project, Planning staff will prepare a recommendation to the Planning Commission based upon the projects ability to meet required findings. The recommendation is in the form of a report, a copy of which is available prior to the Planning Commission meeting.
4. The Planning Commission, at a public meeting, will consider the application, Planning staff recommendation, public testimony and any other input. At the conclusion of the hearing, the Commission will deny, approve or conditionally approve the application.
5. The applicant, or any other interested party, may appeal the Planning Commission's action to the City Council. An appeal must be filed within 10 days at the City Clerk's office or the action is final.
6. A project authorized by a variance must be initiated within one year from the date of approval, unless granted for a longer period by the Commission or the approval is no longer valid.