



VARIANCE



City of Redding
777 Cypress Avenue
Redding CA 96001
Telephone:
(530) 225-4020
FAX: (530) 225-4495

PURPOSE

Each zoning classification within the City establishes specific development standards such as setbacks or building height. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics of the property. The Variance procedure is designed to permit minor adjustments to the zoning regulations when there are special or extraordinary circumstances, applying to a parcel of land or a building, that prevent the property from being used to the extent intended by the zoning. Under the law, Variances can be granted only if the following findings can be made:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property, structure, or use referred to in the application, including location, shape, size, surroundings, or topography which do not apply generally to property, structures, or uses in the same zoning district, so that the strict application of this code denies the property owner privileges enjoyed by other property owners in the vicinity and under an identical zoning district.
2. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights.
3. Granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.
4. Granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located.
5. Granting the Variance will not, under the circumstances of the particular case, be materially detrimental to the public interest, health, safety, convenience, or welfare of the city or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

It is important to stress that a Variance can be granted only when the findings above can be made. A Variance cannot be granted to simply make property development less costly, to expand the use of the property, to allow greater intensification, or to result in approval of a use not otherwise allowed by the zoning or General Plan.

PROCESS

Step 1 - Preapplication Discussion with Staff

It is recommended that the applicant review the request with Planning Division staff prior to the submission of the formal application. This will allow an opportunity to discuss the feasibility of the request as well as any possible alternatives that may eliminate the need for a Variance or improve the chance of the Variance being granted. In addition, staff and the applicant can review the required data and procedures to be followed through the process. Usually, this first step is the most important step and helps a project move faster through the process.

Step 2 – Filing of Application

The applicant must submit a completed application and an accurately drawn reproducible site plan, together with a written statement of the reasons justifying the Variance and filing fee to the Planning Division of the Development Services Department, 777 Cypress Avenue, Redding, California 96001. A staff Planner will review the material to make sure all the required information is provided. The applicant will be notified within 30 days after filing as to whether the application is complete or what additional information is required. **The application must be signed by the property owner.**

Step 3 – Environmental Review

Most Variance applications are exempt from environmental review because they would have a minimal impact on the environment. Some requests, however, would require that staff prepare a negative declaration or that an environmental impact report (EIR) be prepared.

Step 4 – Public Hearing

Following environmental review (if required) by staff and the State-mandated review period, the Planning Commission will hold a public hearing to consider approval, approval subject to conditions, or denial. Owners of property within 300 feet of the request are notified. Any action may be appealed to the City Council. Without appeal, the Variance is effective in ten days. If the approved Variance has not commenced (or building construction initiated) within two years of the approval date, the Commission may initiate a public hearing to revoke the permit. If this were to occur, the property owner would be notified in advance.

ESTIMATED TIME REQUIREMENTS

Requests that are found categorically exempt may be completed in three to four weeks after the application is determined to be complete. Requests requiring environmental review generally require five to seven weeks, **including appeal periods**. The actual decision by the Planning Commission will occur in three to five weeks, but no building permits may be obtained until after the ten-day appeal period. It cannot be overemphasized that the burden for meeting the time periods rests largely on the applicant. Without a **complete and accurate** application, a five-week time frame is impossible.

APPLICATION SUBMITTAL REQUIREMENTS

1. Application form completed and signed.
2. Letter of justification addressing the five findings listed on the front of the handout.
3. Application fee—refer to "Schedule of Fees and Charges."
4. Variance site plan drawn to an engineering scale (including a north arrow) showing the location of existing and/or proposed buildings in relation to adjacent property lines and indicating the requested Variance, together with sufficient information to understand the need for a Variance, given the circumstances of the property involved. An example is depicted below:

