



Community Development Department
1 Plaza, PO Box 667
Patterson, CA 95363
Ph. 209.895.8020
Fax 209.895.8019
www.ci.patterson.ca.us

VARIANCE

This information is provided as a guide to assist you in the preparation of the application for a **Variance**. It is also intended to explain the process by which the City analyzes and acts upon the application.

What is a Variance?

The Patterson City Code allows for relief from the zoning ordinance under very specific and strict standards. A Variance is a provision that allows for relief from the zoning ordinance where difficulties and unnecessary hardships may result from the strict application of the Zoning Ordinance. Variances are granted only for relief from development standards and shall not be construed to allow any deviation from land use restrictions.

Application Submittal

An application for a Variance shall be filed by the property owner or their representative/agent on forms prescribed for this purpose. The application shall be submitted to the Planning Department, 1 Plaza (P.O. Box 667), Patterson, CA 95363.

A written explanation of the proposed variance and why the variance will meet the required finding (see "Required Findings")

- Any evidence or other information that demonstrates that the required findings can be made (may include, but not limited to, photographs, maps, or sketches)
- Proof of owner's interest in the property (copy of deed, tax bill, etc...)
- Owner's concurrence in the application (if owner does not sign the application)
- A location map
- A site plan (a drawing of the proposed project with dimensions)
- A written list of any other permits or approvals required or already obtained for this project (include agency, permit #, and dates)
- A completed Environmental Information Form



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Processing the Application

The processing time for a completed application for a Variance varies from one to three months depending on the complexity of the application, any required environmental documentation and public noticing requirements. A hearing before the Planning Commission will be scheduled and open to the public. It is recommended that the applicant or their agent attend the hearing to speak on behalf of the application and to answer questions the Planning Commission may have.

Planning staff will prepare a staff report to the Planning Commission. The staff report contains an analysis of the application and a recommendation for action by the Planning Commission. This recommendation may be to approve the application, approve the application with staff recommended changes, approve the application with changes or revisions, or to recommend denial. The petitioner and their agents will be mailed a copy of the meeting agenda and staff report several days prior to the Planning Commission hearing.

Note: If the application is not complete within thirty (30) days of receipt the City of Patterson Planning Department will deem the application incomplete, request additional information or return the application and application fee(s) to the applicant.

Procedure

Variance Review

1. Pre-Application Conference with Planning Department Staff (Optional).
2. Submit Application.
3. Staff Review Application for Completeness.
4. Staff Evaluation of Application.
5. Staff Produces Staff Report and Recommendations.
6. Public Notice sent to the newspaper and surrounding properties at least 10 days in advance of the Planning Commission Hearing.
7. Planning Commission Meeting.
8. After meeting:
 - a. If Approved: Application is valid 10 business days after Planning Commission meeting, unless an aggrieved party appeals the Planning Commission decision to the City Council.
 - b. If Denied: Petitioner can appeal the decision of the Planning Commission to the City Council.



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Decisions and Appeal Process

After the Planning Commission has rendered a decision, you will receive written communication of this determination, and if approved, any conditions of the approval. Any interested party, aggrieved by the determination of the Planning Commission, may appeal this decision to the City Council, within ten (10) business days after such date of determination.

Approval of the application is not in effect until the appeal period has expired, or any appeal filed has been acted upon by the City Council. Appeals must be made in written form, addressed to the City Council and accompanied by the required fee of \$480.00.

If not utilized or acted upon, a Variance permits will expire one (1) year from the date of the determination. Extensions may be granted by written request to the Planning Commission accompanied by the required fee of \$100. A variance may be revoked if conditions are not met.

Building Permits

Application for a Variance does not constitute an application for a building permit. Separate building permit applications are required prior to any construction. Building permits shall not be issued until the appeal period has expired or any appeals filed have been acted upon by the City Council.

Required Findings

To approve an application for a Variance, the Planning Commission must determine that this project complies with the following required findings:

- A) There are exceptional or extraordinary circumstances or conditions applying to land, buildings, or uses referred to in the application which circumstances or conditions do not do not apply generally to land, buildings, and/or uses in the same district.
- B) The granting of such application will not, under the circumstances of the particular case of as conditioned, materially affect adversely, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the subject site, or the general welfare of the city.



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- C) The strict application of this title deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

- D) The granting of such variances shall not constitute a special privilege.



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Application Contents

- Written summary of the proposed Variation.
 - Any evidence or other information that demonstrates that the required findings can be made.
 - Proof of owner's interest in property (i.e. copy of deed, tax bill, etc.)
 - Location Map.
 - Site Plan, depicting proposed project with dimensions.
 - A written list of and other permits or approvals required or already obtained for this project.
 - A completed Environmental Information Form (attached).
 - Other information and/or attachments as may be required by the Planning Director/Plan Commission.
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- Variance Fee:
 - \$930.00 RESIDENTIAL
 - \$1980.00 NON-RESIDENTIAL

Note: Should your project require an environmental review, the applicant is responsible for the environmental filing fees (effective 1-1-2016) as follows:

- Negative Declaration (ND) or Mitigated Negative Declaration (MND)* \$2210.25
 - Environmental Impact Report (EIR)* \$3070.00
 - Environmental Document Pursuant to a Certified Regulatory Program* \$1043.75
 - County Clerk Processing Fee \$57.00
- (*Department of Fish and Game Fees)

Note: At least one copy of all the maps, site plans, floor plans, etc., must be provided as an 8.5 x 11" or 11" x 17" reproducible copy.



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VARIANCE

Project #: _____

Name of Project / Development

Applicant Name

Mailing Address/City/State/Zip

Phone Number

Email

Property Owner

Mailing Address/City/State/Zip

Phone Number

Email

Property Description / Location:

Street Address

Assessor's Parcel Number(s) APN:

SIGNATURES:

The above information as well as the plans and materials submitted herewith in support of this application are, to the best of my/our knowledge, true and correct.

APPLICANT: _____ **DATE:** _____

OWNER: _____ **DATE:** _____



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VARIANCE SUPPLEMENTAL INFORMATION

In order to approve a Variance, the following findings must be made by the Planning Commission:

- A. That there are exceptional or extraordinary circumstances or conditions applying to land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district; and
- B. That the granting of such application will not, under the circumstances of the particular case or as conditioned, materially affect adversely, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the subject site, or to the general welfare of the City; and
- C. That the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications; and
- D. That the granting of such variance shall not constitute a special privilege.

In the spaces below, provide the justification which you would suggest the Planning Commission use in approving the requested Variance (use additional sheets if necessary). City staff will include your justification exactly as written below, and will recommend to the Commission whether or not to accept these justifications.

- 1) **(Special Circumstances)**

- 2) **(Would not grant a Special Privilege)**