



Community Development Department Planning Division

PLANNING COMMISSION VARIANCE INFORMATION

WHEN REQUIRED: The City of Benicia Zoning Ordinance regulates site design by defining such things as minimum parcel sizes or setbacks, maximum building heights, and parking requirements for different land uses. Each parcel in the City has been assigned a zoning designation with specific property development standards. A variance is required if a project proposal does not meet these requirements due to practical difficulties or unusual site conditions unique to the property. Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, courts, distances between structures, open space, signs, off-street parking and loading, frontage, and performance standards. Variances may not be granted with respect to land use. Most variances granted by the City are reviewed and approved by the Planning Commission. However, the Community Development Director is responsible for the issuance of variances related to single-family residences. If your variance involves a single-family home, please ask for the "Staff-Level Variance" information sheet.

PRE-APPLICATION REVIEW: You may request a pre-application review of your project by City staff. By meeting with staff early in the review process, many issues can be resolved which would otherwise cause later delays. Information on pre-application review can be obtained from any Planning staff member.

APPLICATION: The submittal requirements for a variance are listed on the reverse side of this information sheet. Also refer to the "Submittal Standards" sheet for detailed content information. Please talk to a staff planner to discuss the application requirements for your specific project. Once submitted, the plans will be reviewed for completeness. You will be contacted if additional information is required. After staff has determined that the plans are complete, additional full sets of plans will be needed for review by the Planning Commission.

ENVIRONMENTAL REVIEW: Most minor variance applications are categorically exempt from review under the California Environmental Quality Act (CEQA). This exemption does not apply if the application could result in a change in land use or residential density, or involves areas with an average slope greater than 20%. You will be informed if such review is required. Please refer to the separate "Environmental Review" handout concerning additional submittal requirements.

SCHEDULING: Once an application is determined to be complete, it is formally accepted. Copies of the application are sent to reviewing agencies and departments. The application is then scheduled for a public hearing before the Planning Commission. The Planning Commission meets once a month, usually on the second Thursday of the month at 7:00 p.m. The Planning Commission meeting is a public meeting, and notices are sent out to the owners of property located within 500 feet of your property at least 10 days prior to the meeting, and are also posted in the vicinity of your property.

ACTION: Prior to the scheduled hearing, the Planning Commission and the applicant will be provided with a staff report on the application. During the meeting, Planning Division staff will present the application and provide comments to the Commission. The applicant will then be given time to present the project to the Commissioners, and to answer any questions they may have. Any member of the public attending the meeting may also offer comments.

At the conclusion of the comments, the Planning Commission will take action to approve, conditionally approve, deny, or continue the application for more information. The Commission bases its decision on: criteria contained in the Zoning Ordinance (see "Required Findings" below); Planning staff's recommendations; and testimony received at the meeting. A copy of the Commission's action is mailed to the applicant following the meeting.

The Planning Commission's decisions are final unless appealed to the City Council within 10 business days of the date of action. Information on appeals can be found in a separate information sheet. An approved variance is not effective until the close of the appeal period. Building permit requirements should be discussed with the Building Division.

REQUIRED FINDINGS: To approve a variance, the Planning Commission must make all three of the following findings. These findings, or determinations, are taken directly from Section 17.104.060 of the Benicia Zoning Ordinance. Your written statement, required as part of the application, should address the reasons that you feel these findings can be made about your project:

- a) Because of special circumstances or conditions applicable to the development site, including size, shape, topography, location, or surroundings, the strict application of the requirements of the Zoning Ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- b) Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.
- c) Granting the application is consistent with the purposes of the Zoning Ordinance, and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

INITIAL SUBMITTAL REQUIREMENTS: To file a variance application, the following items must be submitted:

1. A Planning Application Form
2. A Project Summary Sheet
3. An Environmental Checklist (depending upon project)
4. Mailing Labels
5. A written statement describing the special circumstances or conditions applicable to the development site, including size, shape, topography, location, or surroundings, which justify a variance (See “Required Findings” above).
6. Six copies of a site plan (See Submittal Standards handout).
7. Six copies of building elevations for any proposed structure or addition which is the subject of the proposed variance (See Submittal Standards handout).
8. Photographs (1 set printed, 1 set electronic) (See Submittal Standards handout).
9. Any other drawings, reports or data determined by the Planning Division to be necessary to undertake the review of the application.
10. Filing fee (see Planning Division Fee Schedule). Checks should be made payable to “City of Benicia”.

SUBSEQUENT SUBMITTAL REQUIREMENTS: The following items will be required after the initial application is deemed complete:

1. Seven sets of all plans, supporting bound documents, etc. – collated and folded to approximately 8.5” x 11” size
2. One set of all plans, full size, rolled (not folded—will be used for display)
3. One set of all plans, reduced to 11” x 17” size

RELATED FORMS AND INFORMATION:

- Planning Application Form
- Project Summary Sheet
- Submittal Standards
- Mailing Notice Requirements
- Environmental Review
- Environmental Checklist
- Fee Schedule