



Community Development Department Planning Division

STAFF-LEVEL VARIANCE INFORMATION

WHEN REQUIRED: The City of Benicia Zoning Ordinance regulates site design by defining such things as minimum lot sizes or setbacks, maximum building heights, and parking requirements for different land uses. Each lot 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. The Community Development Director, or designee, serves in a position known as the Zoning Administrator to conduct a public hearing and act on a staff-level variance application.

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 on the reverse side of this information sheet. Also refer to the "Submittal Standards" sheet for detailed content information. If you have any questions regarding the specific submittal requirements for your project, contact the Planning Division for assistance. Once submitted, the application will be reviewed for completeness. You will be contacted if additional information is required.

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 Zoning Administrator. Zoning Administrator hearings are scheduled as needed. The hearing date for your project will be confirmed following acceptance of the application. Public hearing notices are mailed to all property owners within 500 feet of the site at least 10 days prior to the meeting, and are posted on the property and in the vicinity of the site.

ACTION: At the public hearing, the Zoning Administrator will be presented with a staff report on the application. A copy of the recommended findings, conditions, and action is also provided to the applicant prior to the meeting. The Zoning Administrator then hears testimony from the applicant and any other interested parties. Following the criteria contained in Section 17.104.060 of the Zoning Ordinance (see "Required Findings" on reverse side), the Zoning Administrator will act to approve, approve with conditions or deny the application, or to continue the hearing for additional information.

The Zoning Administrator's action is final unless appealed to the Planning Commission within 10 business days of the date of action. Information on appeals can be found in a separate handout. An approved variance is not effective until the close of the appeal period. Requirements for building permits should be discussed with the Building Division.

REQUIRED FINDINGS: To approve a variance, the Zoning Administrator 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.

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. Seven copies of a site plan (See Submittal Standards handout).
7. Seven 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".

RELATED FORMS AND INFORMATION:

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