



## City of Willows Planning Department

### An Applicant's Guide to Procedures for a **VARIANCE**

#### **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 prevents 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. That because of special circumstances applicable to the subject property, including shape, size, topography, location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
3. That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.
4. That the granting of the variance will not be incompatible with the City of Willows General Plan.

It is important to stress that a variance can be granted only when a finding can be made that a hardship exists and that the strict application of zoning regulations deprives a property of privileges enjoyed by other properties in the vicinity and zone in which the property is situated. 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-Pre-application discussion with Staff**

It is recommended that the applicant review the request with planning staff prior to the submission of the formal application. This will allow an opportunity to discuss the feasibility of the request as well as many possible alternatives that may eliminate the need for a variance or improve the chance of the variance being granted. In addition, the staff and 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 shall submit a completed application, an accurately drawn reproducible site plan together with a written statement of the reasons justifying the variance and filing fee to the City of Willows, 201 N. Lassen Street, Willows, Ca 95988. Planning Staff 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.

## PROCESS

### **Step 3-Environmental Review**

Once the application is deemed accurate and complete, an Initial Study/environmental assessment will be conducted by Staff unless a Categorical Exemption is applicable. If the project requires an environmental assessment Planning Staff will prepare a Negative Declaration or an Environmental Impact Report (EIR). Projects which re exempt from the environmental review would go directly to Step 4); however, such a project must meet the criteria set forth in State Law.

### **Step 4-Variance Hearing by Planning Commission**

The Planning Commission must hold at least one public hearing and may hold additionally hearings thereon as it may deem to be necessary. Notice of a public hearing for a Variance shall be provided at least ten (10) calendar days prior to the public hearing to the newspaper and property owners within 300 feet of the subject property. Variance's may be approved subject to certain conditions or denied with findings to substantiate the denial. Any action of the Planning Commission may be appealed to the City Council. Without appeal, a Variance is effective in ten days from the approval date. Any Variance permit granted in accordance with the Code of the City of Willows shall automatically be revoked if not used within one year from the date of approval unless an extension is requested per the code is first obtained.

## ESTIMATED TIME REQUIREMENTS

Variance requests requiring environmental review by the Planning Department generally require four to six weeks to process. The actual decision by the Planning Commission will occur in three to four weeks, but no building permits can be obtained until after the ten (10) appeal period. It cannot be over-emphasized that the burden for meeting the time period rests largely on the applicant.

## APPLICATION SUBMITTAL REQUIREMENTS

1. Application form completed and signed by applicant(s) and all property owners \*\*.
2. Letter of Justification for the Variance request with enough information to understand the need for the Variance
3. Application Fee- (Refer to Fee Schedule) (*See Planner regarding PTA Deposit*)
4. Site Plan drawn to scale with the following information shown on the site plan

North Arrow  
Property Lines with dimensions  
Building Location(s)-Proposed & Existing  
Landscaped Areas  
Adjoining Streets

Parking & Loading and Maneuvering Areas  
Walkways  
Significant Natural Features  
Location of Utilities  
Driveway(s)

\*\* If a corporation is the property owner, a resolution from the corporation authorizing the application shall be submitted