



Gateway to the Redwoods

CITY OF WILLITS

COMMUNITY DEVELOPMENT DEPARTMENT

111 E COMMERCIAL STREET, WILLITS CA 95490 • PHONE: (707) 459-7112 • FAX: (707) 459-1562

VARIANCE INFORMATION

A variance is an allowance of minor relief or adjustments from physical zoning regulations, such as height, area setbacks, and lot coverage, where special or extraordinary conditions exist that make the requirements unreasonable. Findings must be made that literal interpretation and enforcement of the physical requirements in the zoning regulation would deprive the applicant of privileges enjoyed by other property owners in the same zone. Variances cannot be used to grant a different land use than permitted or conditionally permitted in a particular zoning district.

ENVIRONMENTAL REVIEW

Most Variances do not require environmental review. The use for which a Variance is sought may require CEQA review, and the applicant should be aware of this.

STEP 1: APPLICATION

The applicant must submit an application for a Variance before the City commences formal review of the project. An application includes the following:

1. 2 copies of the Variance application form including a description of the project
2. Filing Fee
3. 2 copies of a Vicinity Map (showing project site in relationship to surrounding parcels and land uses)
4. 2 copies of the Site Plan (NOTE: See attached example describing Site Plan. IT IS RECOMMENDED THAT THE APPLICANT SUBMIT 1 COPY FOR STAFF REVIEW FOR COMPLETENESS BEFORE SUBMITTING THE REQUIRED MULTIPLE COPIES.)

STEP 2: REVIEW FOR COMPLETENESS

Staff will review the application for completeness. If the application is incomplete, the applicant will be notified of the deficiencies and no further action will be taken until a complete application is submitted. Once the application is deemed complete, it will be scheduled for review by the City Technical Advisory Committee (TAC).

STEP 3: TAC REVIEW OF PROJECT

The TAC reviews the projects for engineering, fire, police, water, sewer, building, legal, fiscal, environmental, planning and zoning aspects to make certain that the project complies with

city, county, state and federal regulations and codes. Staff will make a recommendation to the Planning Commission of the TAC's findings.

STEP 4: PLANNING COMMISSION NOTICE AND HEARING

At least 10 days (minimum of 21 days if subject to environmental review) prior to a public hearing before the Planning Commission, a Notice of the public hearing is 1) printed in a newspaper of general circulation, 2) mailed to all property owners within 300 feet of the site undergoing review, and 3) posted at prominent locations around the site. The Planning Commission will hear and consider staff recommendations and testimony from interested persons who wish to comment on the project.

STEP 5: PLANNING COMMISSION ACTION

The Planning Commission will act by approving (with conditions, if necessary), denying or continuing the project for further study. The Planning Commission may also negotiate a solution with the applicant which would not require a variance. In order to grant a Variance, the Planning Commission must find that:

1. Because of special circumstances applicable to the property, strict application of physical aspects of the zoning ordinance deprives the property owner of privileges enjoyed by other property owners in the same land use zone;
2. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use zone;
3. The variance does not authorize a use or activity which is not otherwise authorized by the zoning regulation governing the property;
4. The variance is consistent with the General Plan and will not have adverse impact on the neighborhood.

The Planning Commission decision is final. Final City decisions may be appealed in County Court.

STEP 6: ISSUANCE OF VARIANCE

To be valid, the Variance and set of conditions must be signed and on file at City. The applicant may prearrange to appear in person at the City planning office to sign the Variance and set of conditions, or the City will mail them to the applicant.

Unless otherwise noted by the Planning Commission a variance is granted for an unspecified time. The City may at any time review a project for which a use permit was granted to verify that City, County, State and Federal laws are not violated and that the specific terms and conditions of the Variance may result in revocation or suspension.



Gateway to the Redwoods

CITY OF WILLITS

COMMUNITY DEVELOPMENT DEPARTMENT

111 E COMMERCIAL STREET, WILLITS CA 95490 • PHONE: (707) 459-7112 • FAX: (707) 459-1562

VARIANCE PERMIT APPLICATION

TO BE COMPLETED BY PLANNING DEPARTMENT:

Case No. _____ Zoning District Classification: _____

Date Filed _____

Fee \$ _____ Requested Code Section Variance: _____

Receipt No. _____

Received by _____

TO BE COMPLETED BY APPLICANT:

APPLICANT

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

PROPERTY OWNER

Name _____

Mailing Address _____

City _____ State _____ Zip Code _____

Phone _____ Email _____

Who shall be listed as the Primary Contact for the Permit Application?

☐ **Applicant** ☐ **Other**

If Other, provide Name, Phone Number and Email of Primary Contact:

LOCATION OF PROJECT

Street Address _____

Assessor's Parcel Number(s) _____

Zoning Designation _____ Parcel Size _____

COMPLETE LEGAL DESCRIPTION OF PROPERTY (ATTACH SEPARATE SHEET IF MORE SPACE IS REQUIRED.) _____

EXPLAIN FULLY THE REASON FOR A VARIANCE AND THEN COMPLETE ATTACHED SHEET NO. 2
(STATEMENT OF JUSTIFICATION). _____

I CERTIFY THAT THE REASON STATEMENTS ARE CORRECT AND THAT THE VICINITY MAP AND PLOT PLAN SUBMITTED HEREWITH ARE ACCURATE.

Signature of Applicant

Date

STATEMENT OF JUSTIFICATION

Applicant

Section 65906 of the State Planning Law requires that:

Variance from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The Willits Municipal Code requires that before a VARIANCE can be granted that the applicant show by statements, plans and other evidence, the following:

1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

3. The variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

4. The variance will be consistent with the General Plan and will not have an adverse effect on neighboring properties.

NOTE: Additional sheets may be attached if needed.