



Overview of Zoning Variances

City of Bishop Planning Department

Purpose:

Each zoning classification indicates specific development standards such as setbacks or parking requirements. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics of the property. The variance procedure was 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 prevent the property from being used to the extent intended by the zoning. Variances can be granted only when a finding can be made that "the strict application of the regulations would deprive the property of privileges enjoyed by other properties in the vicinity and zoning district in which the property is situated." Special circumstances may include factors such as the size, shape, topography, location, and surroundings of a piece of property. The adjustments permitted by the variance procedure are limited to such conditions as dimensions. A change of use cannot be permitted by the variance procedure.

Process:

Step 1 - Project Consideration

Early in the consideration of a potential project, the zoning ordinance should be carefully reviewed to see if all regulations are met. Nevertheless the need for a variance is often discovered when application is made for a building permit or other City approval. The applicant should carefully investigate if there is an alternative which would accomplish the purpose of the project but would not require a variance.

Step 2 – Pre-Application Conference

It is recommended that the applicant make an appointment with City staff prior to submitting an application to discuss the feasibility of the request as well as any possible alternatives that may eliminate the need for a variance or improve the chance of the variance being granted. In addition, staff and applicant can review the required data and procedures to be followed through the process. At the pre-application conference, staff will also review the required data and procedures to be followed through the process.

Step 3 - Filing of Application

The completed application should be submitted with fees. Staff will review the materials to make sure all the necessary items are furnished and within 30 days determine if the application is accepted. The application cannot be officially accepted if the submittal is incomplete.

Planning Commission hearings are held on the last Tuesday of each month. Accepted applications must be submitted no later than 10 weeks prior to a hearing date. A written notice of the acceptance of the application as complete or of additional information required will be sent to the applicant along with the meeting notice within 30 days after receipt of the application.

Step 4 - Staff Review

At least 10 days prior to the hearing, property owners within 300 feet of the subject property will be notified by mail of the forthcoming hearing. Also, a notice of the public hearing will be posted in prominent locations around the site and published in the newspaper. The notices will give the time, date and place of the meeting as well as identify the nature of the variance. The Planning Director or other staff will study the application and research similar proposals in the area as well as make an investigation of the site.

Step 5 - Planning Director Evaluation

At the hearing, the Planning Director or other staff member will explain the nature of the variance request and the applicable Code provisions. The applicant or representative may then present testimony giving reasons or the need for the variance. Since the meeting is open to the public, neighbors or other interested parties are invited to testify (in person or in writing) in support of or against the request.

The Planning Commission may well take one of the following actions: (1) close the public hearing and either approve, conditionally approve or deny the variance; (2) continue the public hearing to a later time, date and place. The applicant will be mailed written findings of the decision and, if approved, a listing of any required conditions of approval. The Planning Commission's decision is final unless appealed to the City Council.

Appeal of the Planning Commission Action

1. In case the applicant or any other person is not satisfied with the action on any use permit or variance application, he may, within five days, appeal in writing to the City Council.
2. Upon receipt of such appeal the City Council shall set the matter for public hearing, notice thereof to be given as provided by law. Notice shall also be given to the Planning Commission which shall submit a report to the City Council setting forth the reasons for the action taken by the Commission. Such report shall be submitted in writing or by representation at the hearing.
3. The City Council shall render its decision not more than forty-five days after the close of the hearing.

Estimated Time of Process:

The estimated time for environmental review will vary depending upon the complexity and magnitude of the proposal and staff workload, but is generally estimated as follows:

From accepted application to a Planning Commission Meeting 10 weeks

City of Bishop

**Use Permit and Zoning Variance
Submittal Requirements**

1. A filing fee established by resolution of City Council is payable at the time of application.
2. File 12 copies of the following:
 - A. Application Form - completed and signed.
 - B. Letter to the Planning Director describing use in detail and giving reasons this application should be granted. Information should include the nature of the use, type of operation, potential traffic generation, why the project will benefit or not adversely affect the surrounding neighborhood and any other pertinent data.
 - C. The County Assessor Map outlining the project boundaries.
3. One copy of site photographs showing topography, vegetation and landscaping, existing and adjacent structures.
4. One copy of the names and addresses printed on labels of all property owners within 300 feet of the exterior boundary of the project as shown on the latest adopted tax role of Inyo County.
5. Twelve copies of project plans on 18 by 26 inch prints (unless a different size is determined appropriate by City) showing the following information unless waived by the City.
 - A. Exterior boundary lines of the property indicating easements, dimensions, lot size, and legal description.
 - B. Label all adjacent streets or right-of-ways indicating name, width and special features.
 - C. Location, elevations, size, height, dimensions, materials, and proposed use of all buildings and structures (including walls, fences, signs, lighting, trash enclosures, storage, pools, etc.) existing and intended to be on the site, indicating type of construction per the Uniform Building Code.
 - D. Distances between all structures and between all property lines or easements and structures.
 - E. Any nearby buildings which are relevant to this application.
 - F. All existing trees on the site over 18 inches in circumference, giving type and location and any other significant plant material.
 - G. Any existing significant natural features such as rock outcropping or water courses.
 - H. Location, number of spaces, and dimensions of off-street parking spaces, loading docks, and maneuvering areas, indicate internal circulation with computation of requirements.
 - I. Pedestrian, vehicular, and service points of ingress and egress, driveway widths, and distances between driveways.

- J. Proposed landscaping, include quantity, location, varieties, and container size.
- K. Proposed grading plan, showing direction and path of drainage on, through, and off-site; indicate any proposed drainage channels or facilities.
- L. Existing and required public dedications and improvements.
- M. Other such data as may be required to permit the Planning Commission to make the required findings for approval of the specific type of application.
- N Note the scale (1 inch equals 20 feet is common) and north direction on plans.
- O. Vicinity map indicating nearby cross streets in relation to site (need not be to scale).
- P. Name, address and phone number of Owner, Developer and person preparing plan.
- Q. Zoning designation and existing land use for parcel and surrounding properties.
- R. All existing and proposed public improvements including water, sewer, streets, curb and gutter and sidewalk, street lights, signals, power and telephone.
- S. All existing and proposed signs including area, location, height, illumination and mechanical movement.