



# CITY OF ARVIN

Community Development Department – Planning Division  
 141 Plumtree Drive, P.O. Box 548, Arvin, CA 93203  
 Phone (661)854-6183 Fax (661)854-2969

## VARIANCE APPLICATION CHAPTER 17.54 VARIANCES

### SECTION 1: Payment of Fees – Project Name: Admin Permit # \_\_\_\_\_ - \_\_\_\_\_ Submittal Requirements

Project Location:	Address:	APN:
Name of Applicant:	Address:	Contact Info:
Print:	Street:	Phone:
Signature:	City/State/Zip:	Email:

#### Authority

**Sec  
 17.54**

**17.54.020 - Variances—Required circumstances.**

A. The planning commission, upon its own motion, may, or upon the verified application of any interested persons, shall in specific cases, initiate proceedings for the granting or denial, as the case may be, of a variance from the provisions of this title. The planning commission may grant such variance only when the following circumstances are found to apply:

1. That the variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;
2. That special circumstances exist which are applicable to the subject property, including size, shape, topography, location or surroundings, wherein the strict application of the zoning ordinance in question is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

**17.54.090 - Investigation.**

The planning commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous amendments or variances

**17.54.130 - Decisions—Granting or denial—Notice.**

C. No permit or license shall be issued for any use involved in an application for a variance, modification or conditional use permit until the same has become final by reason of the failure of any person to appeal or by reason of the action of the city council.

D. If the use authorized by any variance has been unused, abandoned, discontinued or has ceased for a period of six (6) months, or the conditions have not been complied with, such variance, shall become null and void and of no effect unless an extension therefore has been granted by the planning commission, upon written petition of the applicant for such extension before the expiration of the above period.

**Chapter 17.60 – Site Development Permits:**

(No building permit shall be issued until an Administrative Permit is issued.)

<b>FEE CALCULATIONS:</b>		
	Flat Fee:	Deposit Required:
<b>Variance Application</b>		2,500.00
CEQA: Review of Applicant's Part 1 – Initial Study		360.00
General Plan Maintenance Fee – MF-GP-2: \$0.022 per square foot of lot area: <b>Calculate Fee: \$0.005 per Sq.Ft. X _____ ) = \$</b>	\$ _____	
Code Maintenance Fee: CMP-PAD-1 Planning Applications Discretionary (Site Plan Review, Zone Change, General Plan Amendment, CUP, Variance, etc.	\$100.00	
File Maintenance Fee: FM-CC-4 City Clerk Files – Associated with CDD planning Applications	\$20.00	
File Maintenance Fee: FM-CD-1 Community Development Department – planning applications	\$20.00	
CEQA: Notice of Exemption – city filing Plus Kern County Fee \$250.00 + \$50.00=	\$300.00	
<b>Sub-Total Flat Fee:</b>		
<b>Sub-Total Deposit Fee:</b>		
<b>TOTAL DUE:</b>		
Date Received		
Staff Person Name:		
Receipt No.		

***A variance is a permit to vary from the terms of a comprehensive zoning ordinance. It is a form of relief which operates as a constitutional safety valve. It is provided for because there are individual lots which, due to some unusual characteristic, cannot be put to productive use if all detailed regulations (ie: lot size, setbacks) are strictly applied.***

**Variance procedures involve the grant of a discretionary permit by the City of Arvin, subject to CEQA.** A variance may be granted only when there exist special circumstances applicable to the property, including size, shape topography, location, individual circumstances, or surroundings. Only a small fraction of the land in any zone of a city will qualify for a variance, otherwise a zoning amendment may be appropriate. The governing body must be able to make the following findings in order to approve a variance.

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|----|---|
| 1. | Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications.   |
| 2. | The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges.   |
| 3. | The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood. |

## Submittal Requirements -

### Part 1 General Information Application – Must be Completed and Submitted with the Variance Application

#### Documents required are as follows:

<input type="checkbox"/>	The applicant shall submit three (3) prints of the site plan and one set 11" X 17"
<input type="checkbox"/>	Electronic copy of all of the site development and elevations submitted
<input type="checkbox"/>	The site plan shall contain plot plans drawn to scale, and shall indicate clearly and with full dimensions the following information, where applicable:
A.	Name and address of the applicant and of all persons owning any or all of the property proposed to be used;
B.	Location of property involved (address or vicinity);
C.	Legal description of property;
D.	Proposed facility or use;
E.	The lot dimensions;
F.	All buildings and structures and their location, size, height, and proposed uses;
G.	Location and design of recreation areas;
H.	Yards and spaces between buildings
I.	Walls and fences and their location, height, and materials;
J.	Landscaping and sprinkling system, including location, type and plant names and proposed disposition of existing trees;
K.	Off-street parking, including the location, number of stalls, dimensions of the parking facility, and internal circulation system;
L.	Access, pedestrian, vehicular, and service, points of ingress and egress, and driveway locations and dimensions;
M.	Signs and their location, size and height;
N.	Loading, including the location, dimensions, number of berths, internal circulation, and means of accessibility to structure or use served;
O.	Lighting, including the location, general nature and hooding devices, if any;
P.	Street dedication and improvements;
Q.	Location of utilities and trash collection areas;
R.	An appropriate description legend and North point;
S.	Such other data or information as may be required by the city

**SUBMITTAL REQUIREMENTS- CONTINUED:**

Each application must contain the following information, unless specifically waived by the Administrative Services Director. Incomplete applications will not be processed or considered by the Planning Commission or City Council.

**A signed and dated written statement** explaining the reason for each variance requested and providing justification and addressing the five questions below. Provide the code section, description, for each requested variance. Describe what alternatives may be available for each variance requested.

1.	What hardship exists that is peculiar to the property that prevents one or more standards of the Arvin Zoning Ordinance from being applied to the proposed project? NOTE: (Personal, family or financial difficulties, loss of prospective profits and neighboring violations of the standards of the Zoning Ordinance <u>are not</u> hardships justifying a Variance.)
2.	If the variance necessary for the preservation and enjoyment of substantial property rights which other properties in the same zoning district and same vicinity have? NOTE: (A Variance cannot be used to grant a special privilege not enjoyed by similarly situated properties with the same zoning. A variance cannot be granted for a use, a Variance can only be granted to vary from a zoning standard.)
3.	Will the granting of the Variance result in ill effects or be inconsistent with the Arvin General Plan or Zoning Ordinance? NOTE: (A Variance cannot be granted if it would have a substantial negative effect on adjacent properties or if it would be inconsistent with the General Plan or Zoning Ordinance.)
4.	If the condition or situation of the property really unique? NOTE: (Variance are granted only when the conditions are not common enough to be addressed by the Zoning Ordinance amendment.)
5.	Could the granting of the Variance and the resulting buildings or structures permitted by the Variance constitute a nuisance or be detrimental to the public health, safety and welfare of the community? NOTE: (A Variance cannot be granted which will result in a nuisance or is detrimental to the public health, safety and general welfare.)