

WHAT IS A VARIANCE (VA)?

The Fresno County Zoning Ordinance lists minimum property development standards for each zone district. A property owner may request a variance (VA), if a proposed land division or development will result in a deviation from the development standards. Common examples of variances include applications related to building setbacks, building height, structural coverage, parcel size, road frontage, and parking requirements. In some cases where the proposed deviation from the development standard is less than 10 percent, a minor variance application may be the appropriate procedure.

Approval of a VA requires a public hearing before the Fresno County Planning Commission. Notice of the hearing is mailed to all surrounding property owners within 600 feet or one-quarter mile of the project site (depending on urban or rural setting).

WHAT ARE THE SUBMITTAL REQUIREMENTS FOR A VA?

Prior to submitting a variance application, the applicant must obtain a Conference Checklist which is prepared by the Permit Assistance & Zoning Counter. This checklist allows staff to identify information specific to the property which may affect submittal and processing of the application.

The application package for a VA includes the following:

VA application form and filing fees;

Initial Study application form and filing fees, if applicable (please review separate handout);

The applicant's statement of variance findings (see variance process discussion);

- Four copies of a detailed site plan (drawn to scale, showing all existing and proposed structures, and any proposed property lines);
- Four copies of floor plans and elevation drawings (if required by the nature of the variance);
- Photographs of the subject site (if deemed necessary by the County staff);
- The Pre-Application Review.

Prior to submittal of the application package, the applicant may request a "pre-development meeting" to discuss the proposal with staff from County Departments and other reviewing agencies.

WHAT IS THE PROCESS A VA GOES THROUGH?

After the applications for the VA and Initial Study are determined to be complete and accepted, the applications are routed to County Departments and various other agencies for review. Following the comment period, staff conducts the Initial Study and reviews the proposed VA to determine if the findings required to grant a VA can be made. These findings are as follows:

- 1) There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification;
- 2) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;

- 3) The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located;
- 4) The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.

After staff completes its analysis of the required findings and the Initial Study, a notice announcing the hearing date before the Planning Commission is mailed to the property owner, applicant, and surrounding property owners. A staff report is then prepared for the Planning Commission. The report includes a summary of the analysis, and a recommendation for approval (with or without conditions) or denial of the VA. The staff report is made available to the Commission, the applicant, and the public prior to the hearing. The Planning Commission hearing is held in the Board of Supervisors Chamber located on the third floor of the Hall of Records, 2281 Tulare Street, Fresno.

APPEAL PROCESS

After a decision is made on the VA, there is a 15-day appeal period during which the applicant, or any other affected party, may appeal the determination of the Planning Commission to the Board of Supervisors. The appeal form and filing fee must be submitted to the Clerk to the Board of Supervisors within the 15-day appeal period.

HOW LONG DOES THE VA PROCESS TAKE?

Generally a VA application will require approximately four to six months to process. This time period is extended if additional information is required of the applicant during the Initial Study/Application Review Process. The applicant will be notified within 30 days of the application receipt date if additional information or special studies are needed in order to continue processing the application. The processing time will be extended if an Environmental Impact Report is required.

AFTER THE VARIANCE IS APPROVED, WHAT NEXT?

Approval of the VA does not address all requirements that must be met in order for development to proceed. Other requirements may include a site plan review application, mapping application, grading permits, building permits and associated fees. In addition, fees may be required by other agencies (e.g. school district, flood control district).

County staff is available to answer any questions you may have regarding the variance application process. Please call (559) 600-4497, for assistance.

VARIANCE APPLICATION

An Informational Guide



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