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HOW TO SUBMIT A ZONING VARIANCE APPLICATION

1. PREFACE: A variance is a permit to construct a structure that is not fully compliant with the zoning ordinance regulations. Variances **SHALL NOT** be granted to authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Variances sanction deviations from regulations applicable to physical standards such as structure heights, building setbacks and parking requirements.

2. CONSULTATION: To avoid unnecessary expense and delay consult with the Inyo County Planning Department for a preliminary review and discussion of your proposal in order to answer any questions regarding the application and processing procedures, there is no fee for this meeting. You may also request a formal pre-application meeting for which there is a fee.

3. PLANNING DEPARTMENT MAIN APPLICATION: The Main Application Form must be completed in its entirety with the Variance box checked and must be signed by the authorized property owner of the property for which the zoning variance is being sought. The Processing Fee Agreement Form must also be filled out in its entirety and accompany the Main Application Form.

4. ENVIRONMENTAL INFORMATION FORM: This form is included in the Main Application Package. The information requested by this form assists the County in preparing the appropriate environmental documentation as required by the California Environmental Quality Act (CEQA).

5. ZONING VARIANCE APPLICATION PACKAGE: Submission of the following normally constitutes a complete application:

1. One original Main Application Form with the Variance box checked and the Environmental Information Form filled out.
2. One original Processing Fee Agreement Form.
3. At a minimum, one 18"x26" print and one 8.5"x11" print of the plot plan depicting the requested zoning variance. The plot plan must include parcel measurements (perimeter - each side and area), and as appropriate (please consult with Planning Staff), depiction of existing buildings and measurements from each building to the parcel perimeter lines and between each building.

6. FILING FEES: Fees are required to initiate the processing of the zoning variance. County fees for the variance application and environmental review are indicated on the Planning Department's fee schedule.

7. VARIANCE – REQUIRED FINDINGS: Variance applications must be approved by the Inyo County Planning Commission and are subject to specific findings, per 18.81.060 Variance—Findings required. A variance shall be granted, in whole or in part, only upon affirmative findings as hereinafter set forth, and otherwise it shall be denied. The following findings must be submitted with the Variance application including specific justifications:

- A. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district
- B. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity;
- C. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purpose of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

- 1. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
- 2. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
- 3. The proposed variance is consistent with the General Plan.
- 4. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project's physical characteristics are not unique or exceptional, and therefore do not justify a variance.

ALL seven of the Findings must be affirmed in order for a variance to be approved.

NOTE: THIS APPLICATION REQUIRES A PUBLIC HEARING BEFORE THE INYO COUNTY PLANNING COMMISSION. YOU OR A REPRESENTATIVE MUST BE PRESENT TO ANSWER ANY QUESTIONS. FAILURE TO APPEAR MAY RESULT THE PUBLIC HEARING BEING CONTINUED OR THE APPLICATION DENIED.