



CITY OF MORRO BAY

VARIANCE

Public Services Department
Planning Division

955 Shasta Avenue
Morro Bay, CA 93442
(805) 772-6577

Introduction

This handout summarizes Morro Bay's requirements and processing for a Variance. Section 17.44 "Variance" of the City's Municipal Code contains the Variance requirements.

What is a Variance?

Land use rules say what kinds of uses can go where in a community. They also regulate what happens on an individual piece of property. Things like building height limits and parking space requirements are examples of these kinds of rules. Typically these rules are found in a city or county's zoning code.

A landowner may feel that one or more rules impose a unique hardship. If so, one option is for the owner to request to be excused from complying with that rule. This is called a variance because the owner is allowed to "vary" from the rules that usually apply.

Landowners tend to ask for a variance when the physical aspects of property pose unique challenges. Examples include lot size, shape, terrain, location, or surroundings. For example, lots with large heritage trees may need an exception to meet a setback requirement.

The goal of granting a Variance is to enable property to be used in a practical manner.

Variations are, in essence, permission to break rules that others must follow. As a result, variances are not granted easily.

When deciding whether to grant a variance, decision-makers must make written findings explaining why a variance is or is not justified. These explanations must be backed up with facts that also become part of the written record of the decision. Generally, financial hardship, community benefit, or the worthiness of the project is not a consideration in determining whether to approve a variance.

What if the problem is that a landowner wants to use property in a way that is not allowed in a zone? An example is someone who wants to locate a business in a residential zone. The solution to that problem would be to seek a zone change, not a variance.

What are the criteria for granting a Variance?

Variance may be granted when ALL three of the following circumstances are found to apply:

1. Not a Special Privilege

That any 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 Zoning district in which the subject property is situated;

2. *Special Circumstances with Property*

That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

3. *Consistent With General Plan and LCP*

That the variance is found consistent with the intent of the General Plan and land use plan of the local coastal program. (Ord. 263 § 1 (part), 1984).

Minor Variances

The Public Services Director may act on the following subjects:

1. Setbacks: setbacks of eaves and decks not to exceed a ten percent reduction;
2. On-site parking: on-site parking design; provided, however, that the proposed reduction does not exceed standard required;
3. Other extension and projection standards: standards for other architectural extensions and other exterior projections as contained in Chapter 17.48 not to exceed a ten percent deviation;
4. Standards for fences: standards for the location, height and design of fences as contained in Chapter 17.48 not to exceed a ten percent deviation; and
5. Building separations: building separations not to exceed a ten percent reduction and in accordance with building code standards.

For More Information

Phone:

Planning Division
(805) 772-6577

Walk-In:

Public Services Department
955 Shasta Avenue

Planning Counter Hours:

M, T, Th, F from 1-5 PM

Website:

www.morro-bay.ca.us/planning

The City's Zoning Ordinance is available for review on our website at www.morro-bay.ca.us/municipalcode and at the Public Services Department.



CITY OF MORRO BAY

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Morro Bay, CA 93442
(805) 772-6577

VARIANCE APPLICATION

For Department Use Only:

Case No.: _____

Variance Type: VAR

Minor VAR

Fees Paid: \$ _____

| | | | |
|--------------------|--------|-----------------|------|
| Project Address: | | | |
| Existing Use: | | | |
| Lot: | Block: | Tract: | APN: |
| Applicant: | | Day Phone: | |
| Applicant Address: | | | |
| City: | | State/Zip Code: | |
| Agent (if any): | | Day Phone: | |
| Agent Address: | | | |
| City: | | State/Zip Code: | |
| Property Owner: | | Day Phone: | |
| Owner Address: | | | |
| City: | | State/Zip Code: | |

Acceptance of this application does not imply approval/authorization of this request. I realize that this application may be denied or that conditions may be attached to this request to assure compliance with applicable Municipal Code requirements.

| | |
|---------------------------|-------|
| Applicant Signature: | Date: |
| Property Owner Signature: | Date: |

SUBMITTAL REQUIREMENTS

Applicant must provide the information indicated below.

- 1. Variance Application Supplement (See Page 3), including complete project description and justification.

- 2. Plans: Six full-size sets and one reduced set (11" x 17") which include the following:
 - a. Site Plan showing:
 - i. Topography
 - ii. Drainage
 - iii. Location and use of structures on adjoining properties
 - b. Elevations that are dimensioned and indicate the height of all structures from the natural and finished grade
 - c. Floor Plans which are dimensioned

- 3. Application and all submittal requirements shall be submitted electronically (as a PDF on CD or flash drive) as well as in paper form.

Variance Application Supplement

Attach this supplement to the Variance Application form. Please type or print clearly. Attach additional sheets as necessary.

JUSTIFICATION FOR A VARIANCE

The Variance allows an applicant to obtain relief from a development standard or zoning requirement that should not be applied to the proposed project because of some unusual circumstance relating to the physical characteristics of the project site. California State Law (Government Code Section 65906) provides granting a Variance from the strict terms of a zoning ordinance only when special circumstances applicable to the property including: size, shape, topography, location, and surroundings deprives the property of privileges enjoyed by others' properties in the surrounding vicinity. The law also requires that the granting of any Variance shall not constitute a special privilege inconsistent with the zoning limitation on other properties in the vicinity and in the same zone district. The Government Code prohibits granting a Variance to authorize a land use or activity not normally allowed by the zoning that covers the property.

The City's zoning ordinance (Section 17.60.060) allows the granting of a Variance only when three findings (based on the state law) can be made. This form helps the applicant explain how the requested Variance will satisfy the required findings.

1. PROJECT DESCRIPTION

Provide a complete narrative describing requested variance.

2. EXPLANATION OF FINDINGS

Explain why the requested Variance does not constitute a granting of special privileges inconsistent with the limitation upon other properties in the vicinity also in the same zone district as the subject property.

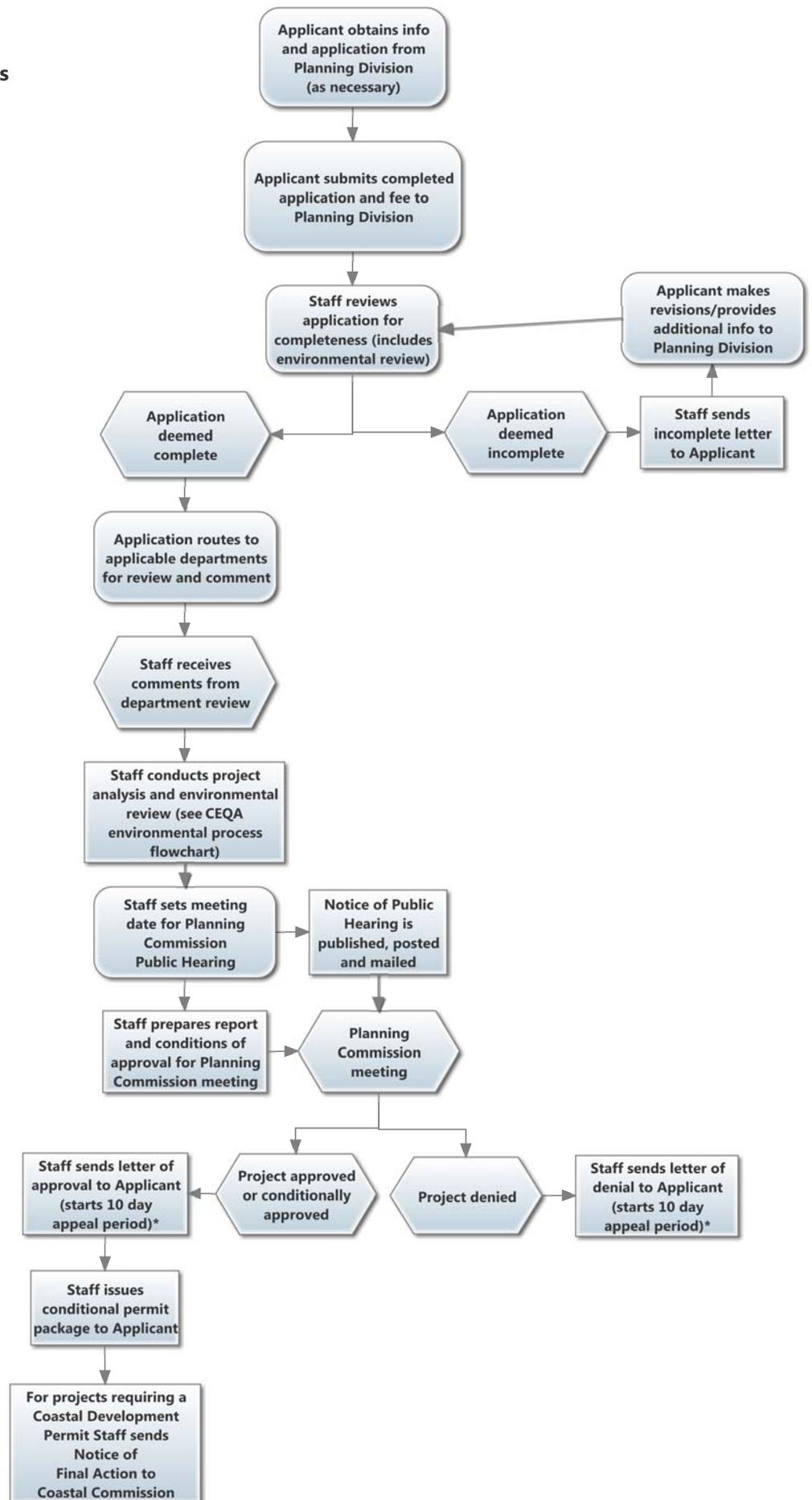
Describe the special circumstances applicable to the property including the size, shape, topography, location or surroundings that would result in the strict application of the zoning ordinance provisions that deprives the property of privileges enjoyed by other properties in the same vicinity and land use category.

Explain how the granting of the Variance will not adversely affect the health or safety of persons or be materially detrimental to the public welfare or be injurious to nearby property or improvements.

| | |
|----------------------|-------|
| Applicant Signature: | Date: |
|----------------------|-------|



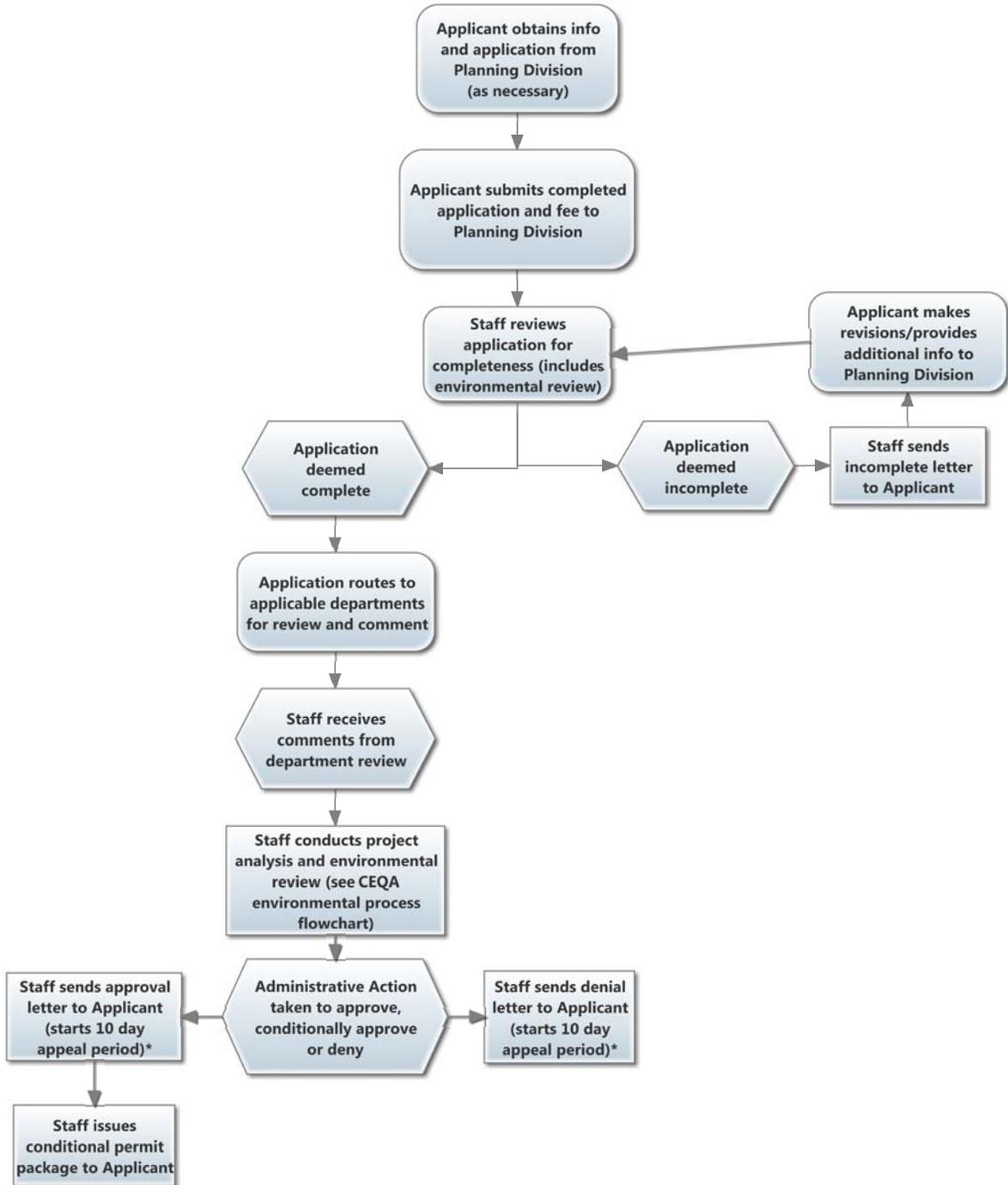
**City of Morro Bay
Planning Division
Variance Permit Process**



*See Appeals handout and flowchart for information on Appeals process



City of Morro Bay
Planning Division
Minor Variance Permit Process



*See Appeals handout and flowchart for information on Appeals process