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**VARIANCE**  
**APPLICATION PROCESS**

<b>QUICK CHECK LIST FOR SUBMITTAL</b>	
<input type="checkbox"/>	Standard Application Form
<input type="checkbox"/>	Environmental Information Form
<input type="checkbox"/>	Supplement to Application Plans
<input type="checkbox"/>	Fee Deposit

**APPLICABILITY**

Variances are required in instances where strict application of the terms of the Zoning regulations, other than regulations directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon certain findings:

- (1) 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 zone in which the subject property is situated, and
- (2) That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, or
- (3) That any variance granted will not be contrary to the intent of the zoning regulations or to the public interest, safety, health and welfare, and,
- (4) Where due to special conditions or exceptional characteristics of such property, or its location or surroundings, a literal enforcement of the zoning regulations would result in practical difficulties or unnecessary hardships.

The Variance process is described in Article IX of the Zoning Ordinance.

**PURPOSE**

Each zoning district establishes land use regulations and development standards for building height, setbacks (required yard areas), and building coverage which apply to all proposed construction. Occasionally, characteristics of the property create a constraint to meeting one or more of the development standards. In such instances, a variance may be requested. A variance, therefore, is a deviation from the usual development standards, and can only be approved when certain circumstances exist which are pertinent to the property involved.

A variance can only be approved by the Planning Commission following a noticed Public Hearing. Conditions may be imposed in the approval of a variance in order to reduce or eliminate potentially adverse impacts of proposed development allowed by the variance.

**PROCESS**

1. Pre-application Review (optional)

This is an optional step recommended by staff. This step can include a review of preliminary plans and/or a meeting with City Staff. Staff may provide feedback in verbal and/or written

form. Any feedback provided at this time is preliminary only, and subject to further refinement or change in the formal review process.

2. Application Completeness Check
  - a. Applicant files application form and other information required and pays all required fees and deposits. Two (2) copies of all materials are required.
  - b. Within 30 days of submission at City Hall, the City Planner reviews application materials to determine whether the application includes all information required and is considered complete. The City Planner may refer application materials to the City Engineer, or other staff, to obtain opinions regarding application completeness.
  - c. If the application is deemed to be incomplete, the City Planner will provide a written explanation to the applicant within the 30-day review period.
  - d. Following notification of the applicant, incomplete applications are held without processing until such time as all deficiencies are corrected. (All administrative decisions are subject to appeal, as set forth in Article XI of the Zoning Ordinance.)
  
3. Application Processing
  - a. Once the application is deemed complete, the applicant is contacted and requested to provide additional copies of application materials. A total of ten (10) complete sets of materials are required.
  - b. City Planner will distribute materials to selected staff with a Routing Sheet that specifies the date by which response is needed, and any other relevant information.
  - c. City staff reviews application materials in accordance with his or her area of responsibility.
  - d. City staff provides written comments and recommendations to the City Planner within the timeframe specified in the ROUTING SHEET.
  - e. City Planner performs environmental review as required by CEQA.
  - f. City Clerk or City Planner prepares Public Hearing notice for distribution. City Clerk or City Planner is responsible for posting of notice, newspaper publication of notice, and mailing of notices in accordance with Noticing Policy for Projects Requiring Public Hearings.
  - g. City Planner prepares a Project Report to the Planning Commission which includes, at a minimum, the following information.
    - Background information
    - Analysis of Application
      - Environmental Issues
      - Ordinance and Policy Issues
      - Recommendations a comments from other City staff and outside agencies

- Recommendations for action
    - Environmental determination
    - Approval (may include conditions) or denial
  - h. City Clerk or City Planner distributes Project Report to applicable City staff and applicant
  - i. City Clerk or City Planner is responsible for reproduction and inclusion of Project Report in Planning Commissioners' agenda packets.
4. Formal Consideration by Planning Commission
- a. Planning Commission considers application, including staff recommendations and public testimony, at a noticed Public Hearing.
  - b. City Planner makes note of any changes to recommended conditions which may occur at the meeting and provides written notification of Planning Commission action to the applicant. Actions are usually by motion.
  - c. Action by the Planning Commission is final, unless appealed to the City Council. Actions become effective following the mandatory 10-day appeal period.
5. Relationship to Building Permit Process

Where a building permit requires a variance in order to be approved, it is strongly recommended that applicants not prepare and submit building permit plans until such time as a variance is granted and the appeal period has expired.

IMPORTANT: The applicant or an authorized representative must be present at the Public Hearing to represent the application.

## **APPEALS**

The decision of the Planning Commission is final unless appealed by the applicant or other affected party to the City Council. Appeals must be made within 10 calendar days of the date of Planning Commission action, as set forth in Zoning Ordinance Article XI.

Administrative decisions, including determinations relative to application completeness, may be appealed to the City Council within 10 days of staff's determination.

Fees for appeals are equal to the fee of the application being appealed.

## **APPLICATION REQUIREMENTS**

A complete application consists of required forms, plans, and required fees and deposits, as described below.

1. Forms

- a. Standard Application Form
- b. Environmental Information Form
- c. Supplement to Application

## 2. Plans

Submit ten (10) copies at 1/8" scale (or alternate if necessary) on sheet no larger than 24" x 36". Use separate sheets if necessary. Site plans must include the following information:

- a. Name and address of applicant/owner
- b. Date, north arrow, scale
- c. Entire parcel boundary with dimensions
- d. Adjacent public and private streets and driveways
- e. All existing and proposed buildings and site features (significant trees and topographic features must be included.)
- f. Existing easements (if applicable)
- g. Other data as may be required to permit the Planning Commission to make the required findings for approval of the use permit.

## 3. Required Fees and Deposits

Consult City Clerk or City Planner for current fee and deposit requirements.

## **TIME REQUIRED FOR PROCESSING**

Following are processing time limits established by state law:

- o Maximum time to determine application completeness: 30 days
- o Maximum time to either approve or deny application: 105 days (Negative Declaration)

Note: The preceding time limits are the maximum allowable as specified by state law, unless waived in writing by the applicant. In most instances, applications will be processed in less time than described above. In all instances, applications will be processed as quickly as possible.

## **FEES**

City of Ferndale processing fees are intended to cover all costs typically incurred by the City in processing of applications. Fees are based on estimates of the City's administrative costs. Fees are minimum and non-refundable. If a project is determined to require more time than covered by the minimum fee, then an estimate of additional time required and estimated actual cost will become the basis for a supplemental application fee. If the supplemental fee

exceeds actual costs to the City, the balance will be refunded. Applicant shall pay all costs to City prior to filing of final decision on project application.

**ADDITIONAL INFORMATION**

For additional information concerning planning application requirements and procedures, contact Ferndale City Hall at 707.786.4224 or [cityplanner@ci.ferndale.ca.us](mailto:cityplanner@ci.ferndale.ca.us)

**CITY OF FERNDALE**  
**Environmental Information Form**

Date Filed \_\_\_\_\_  
(To be completed by Applicant)

GENERAL INFORMATION

1. Name and address of developer or project sponsor: \_\_\_\_\_  
\_\_\_\_\_
2. Address of project: \_\_\_\_\_  
Assessor's Block and Lot Number: \_\_\_\_\_
3. Name, address, and phone number of person to be contacted concerning this project: \_\_\_\_\_  
\_\_\_\_\_
4. Indicate number of the permit application for the project to which this form pertains: \_\_\_\_\_
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: \_\_\_\_\_  
\_\_\_\_\_
6. Existing zoning district: \_\_\_\_\_
7. Proposed use of site (project for which this form is filed): \_\_\_\_\_  
\_\_\_\_\_

PROJECT DESCRIPTION

8. Site Size:
9. Square footage
10. Number of floors of construction.
11. Number of off-street parking spaces provided.
12. Attach plans.
13. Proposed scheduling (time line).
14. Associated project
15. Anticipated incremental development
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood-, city- or regionally-oriented, square footage of sales area, and loading facilities
18. If industrial, indicate type, estimated employment per shift, and loading facilities.

19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

Yes	No		
		21.	Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours.
		22.	Change in scenic views or vistas from existing residential areas or public lands or roads.
		23.	Change in pattern, scale or character of general area of project.
		24.	Significant amounts of solid waste or litter.
		25.	Change in dust, ash, smoke, fumes or odors in vicinity.
		26.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns
		27.	Substantial change in existing noise or vibration levels in the vicinity.
		28.	Site on filled land or on slope of 10 percent or more.
		29.	Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
		30.	Substantial change in demand for municipal services (police, fire, water, sewage, etc.)
		31.	Substantially increased fossil fuel consumption (electricity, oil, natural gas, propane, etc.)
		32.	Relationship to a larger project or series of projects.

ENVIRONMENTAL SETTING:

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.
34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.); intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

**CERTIFICATION:** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

For \_\_\_\_\_

SUPPLEMENT TO VARIANCE APPLICATION

1. Outline in concise wording the proposed variance(s) and why this adjustment is necessary:

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2. Statements:

- a. Indicate any exceptional or extraordinary circumstances or conditions applicable to the property or use of the property that do not apply to other properties or uses in the vicinity.

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- b. Indicate how the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity.

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- c. Indicate how the regulation would result in difficulty or unnecessary physical hardship to the applicant.

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- d. Indicate how the granting of the variance will not be detrimental to the public health, safety or welfare, or be injurious to properties or improvements in the vicinity.

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- e. Indicate how the granting of the variance will not constitute a grant of special privilege.

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