

CITY OF GILROY COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Instructions for filing a VARIANCE APPLICATION:

No application will be accepted as complete without all of the following:

- 1. Filing Fee..... **\$3485.00**
- 2. Publishing Costs & postage.....**\$220.00** deposit
- 3. Environmental Review Fee (one of the following)
 - Categorical Exemption..... **\$170.00**
 - Publishing Costs..... **\$220.00** deposit
 - Initial Study Review..... **\$4625.00** minimum deposit*
 - Expanded Initial Study Review..... **\$7085.00** minimum deposit*
 - Environmental Impact Report Review.....**10%** of contract price with **\$14670.00** minimum deposit*
 - Environmental Impact Report or Initial Study contract deposit..... **Actual contract cost + 10%**
- 4. Application..... **1 copy**
- 5. Plot Plan (including location map)..... **11 copies (21 copies if PUD)**
- 6. Elevations of structures (if applicable)..... **11 copies (21 copies if PUD)**
- 7. Any other displays or information which the applicant believes may support the request.

MAPS AND PLANS MUST BE COLLATED, STAPLED AND PUT INTO INDIVIDUAL SETS, FOLDED TO A SIZE NOT TO EXCEED 8 1/2" X 14" IN ORDER TO FIT INTO FILE FOLDERS OR THEY WILL BE RETURNED TO THE APPLICANT.

NOTE: Prior to submitting this application, the project proposal should be reviewed by the Planning Division.

* Actual employee cost + **21%** will be charged for City Staff review of adequacy and completeness of Application. City staff includes the City Attorney and any delegates from their firm, and any fees incurred

A. The Plot Plan shall include:

- 1. Dimensioned parcel boundaries, existing and proposed structures (such as buildings, parking areas, fences and signs) drawn to a scale adequate to clearly show the property and adjacent streets or properties which may be affected by the Variance.
- 2. A small location map clearly locating the property within the community.
- 3. A North arrow.
- 4. Any additional information which would illustrate the Variance request.

B. Elevation drawings of all buildings, structures or signs which may be affected by the Variance.

C. Any additional information which would illustrate the Variance request.

**COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
VARIANCE APPLICATION**

City of Gilroy

7351 Rosanna Street
Gilroy, CA 95020
(408) 846-0440

File No. V Project #: _____

Please type or print the following information:

Applicant's Name: _____ Telephone: _____

Fax: _____ E-
Mail: _____

Address: _____

Contact Person: _____ Telephone: _____

Fax: _____ E-Mail: _____

Address: _____

(The contact person should be an individual with adequate responsibility for the project to carry out all project negotiations with the City).

Owner's name, address and telephone number if different from applicant:

| Name | Address | Telephone # |
|------|---------|-------------|
|------|---------|-------------|

Others to be notified of meeting:

| Name | Address |
|------|---------|
|------|---------|

| Name | Address |
|------|---------|
|------|---------|

A. The applicant requests a Variance from Section _____ of the Gilroy Zoning Ordinance to allow

B. Property is located at: _____

C. Parcel number(s) _____ Zoning: _____

D. Dimensions of property are: _____ x _____
(width) (depth)

E. Total area of parcel in square feet or acres: _____

VARIANCE APPLICATION

F. Explain any special circumstances of this property (including size, shape, topography, location or surroundings) which deprive it of privileges enjoyed by other properties in the vicinity and under identical zoning classification:

G. Give reasons why the Variance for this property would not be harmful to the general welfare of people and property in the vicinity:

If you have any questions during the processing of this application, please contact the City of Gilroy, Planning Division at (408) 846-0440.

PROPERTY OWNERS SIGNATURE: _____ Date: _____

APPLICANT'S SIGNATURE: _____ DATE: _____

IF YOU REQUIRE ACCOMMODATIONS OR ASSISTANCE TO COMPLETE THIS APPLICATION PROCESS, DUE TO A DISABILITY AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT, PLEASE DESCRIBE THE ACCOMMODATIONS YOU NEED: _____

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Date application received: _____ Fee: _____

Received by: _____

This is to certify that the foregoing application and Environmental Assessment information has been inspected and found complete and acceptable for review by the Planning Commission.

Date all required submittals received: _____ By: _____

Other applications filed: _____

Required Variance Findings

The Planning Commission shall receive, investigate, hear and take action upon every application for a major variance from the strict application of any of the provisions of this Ordinance. It shall approve only such variances as are in harmony with the general purpose and intent of the Zoning Ordinance and in accordance with the specific regulations hereinafter set forth.

- (a) A major variance shall be approved only when the strict and literal interpretation of the regulations in the particular case would involve practical difficulties or unnecessary hardship, and only to the extent necessary to overcome such difficulties or unnecessary hardship.
- (b) The Commission shall hold a public hearing on each application for a major variance as provided in Section 51.
- (c) A major variance, in whole or in part, or subject to conditions may be approved by the Commission, if, from the information presented in the application or at the hearing, it appears, and the Commission finds all of the following:
 - 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the proposed use.
 - 2. That because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this ordinance would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of property in the same class or district.
 - 3. That the allowance of the variance will not, under the circumstances of the particular case, be materially detrimental to the public welfare or materially injurious to persons or property in the vicinity.
 - 4. That the results of allowing the variance as specified will be in harmony with the general intent of the Zoning Ordinance.
 - 5. That the granting of a variance will not constitute the granting of a special privilege greater than that provided for by the standard provisions of this Ordinance for other properties in the vicinity and in the same zoning district.