

CHAPTER 19.62

VARIANCES

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19.62.010 PURPOSE AND INTENT

For practical difficulties, necessary hardships, or results inconsistent with the general intent and purpose of this Code which occur by reason of the strict interpretation of its provisions and the physical constraints of real property, the City Council, upon motion, may, or upon the verified application of any interested person, shall initiate proceedings for consideration of a variance from the provisions of this Code. The City Council in granting said variance may establish such conditions as may be deemed necessary to assure that the intent and purpose of this Code and the public health, safety and welfare will be promoted.

A variance shall not be construed as an amendment to this Code or cause the maps which are part of this Code to be changed.

19.62.020 JUSTIFICATION

The applicant shall set forth in detail on forms provided by the Director of Planning and Community Development, the reasons for the requested variances and shall demonstrate how the conditions set forth in this Section are satisfied, and all other information as may be required by the City Council.

The City Council, before granting a variance, must make in writing all of the findings contained in Section 19.54.040 A.

19.62.030 APPLICATION

A. *Application Filing*

1. Applications for variances shall be made to the Department of Planning and Community Development on forms provided by the Department. The applicant shall set forth complete data required to satisfy all the requirements of Section 19.62.020. The completed application shall be submitted to the City Council for public review.

2. Upon filing an application for a variance, a uniform fee, as established by City Council resolution and any amendments thereto, shall be paid for the purpose of defraying costs incidental to the proceedings.

B. *Investigation and Prohibition*

1. The City Council shall investigate the facts bearing on each case, verify information necessary to assure action consistent with the intent and purpose of this Code.
2. A person may not file and the Director of Planning and Community Development shall not accept an application which is the same as or substantially the same as an application upon which final action has been taken by the City within 12 months prior to the date of said application, unless accepted by a motion of the City Council.

19.62.040 PUBLIC HEARING

Upon the filing of a verified application, the Planning and Community Development Department shall set a public hearing before the City Council when the Director of Planning and Community Development has determined that the application is in compliance with this Code and the California Environmental Quality Act.

The notice and public hearing procedure shall be consistent with Chapter 19.56, PUBLIC HEARING PROCEDURES.

19.62.050 CONDITIONS

The City Council, in granting a variance, may set forth reasonable conditions which shall assure the intent and purpose of this Code.

19.62.060 FAILURE TO COMPLY

Noncompliance with any condition on a variance shall constitute an infraction of the Zoning Ordinance.