
**APPLICANT'S GUIDE
MAJOR/ADMINISTRATIVE VARIANCE**

INTRODUCTION

The purpose of this guide is to give you an overall understanding of the City's Major and Administrative Variance process:

- What types of zoning regulations can be modified;
- How Major and Administrative Variances are reviewed by the City; and
- How long this process takes.

WHAT ARE MAJOR AND ADMINISTRATIVE VARIANCES?

The City's Zoning Ordinance contains regulations which control building height and placement, lot coverage, parking, fences, and the like. It is recognized that these regulations may, in specific instances, create an undue hardship or prevent reasonable improvements from being made to a property. Therefore, the Planning Commission has been given the authority to approve Variances to certain Zoning Ordinance requirements. In addition, the Community Development staff has been given the authority, on behalf of the Director, to approve Administrative Variances to certain limited categories of zoning regulations.

The Design Review Committee may approve Sign Variances. (Please refer to "Sign Review Submittal Requirements" for more information on that process.)

ADMINISTRATIVE VARIANCES

The following types of Variances may be approved at a **public hearing** by the **Administrative Hearing Officer**:

- A. Height, setback, yard or lot coverage regulations, or required distances between buildings in all zones other than the R-1-B and R-2-B zones, provided that:
 - (1) The setback required from the bluff edge by Section 24.315.050 of the Zoning Ordinance in the Coastal Bluff (CB) Overlay Zone may not be decreased through an Administrative Variance; and
 - (2) In the R-1-B zone, the Director may grant an Administrative Variance to authorize lot coverage greater than that allowed by Section 24.212.060(c) of the Zoning Ordinance, but not to exceed 45%.
- B. Fence, wall or hedge regulations, but only when determined to be consistent with public safety and the appearance and character of the neighborhood.
- C. Offstreet parking space requirements, bicycle parking space requirements, loading space requirements, vehicle stacking standards, driveway or drive aisle requirements, or back-out requirements on private property (except in Downtown – Planning Commission review required.)
- D. Patio cover and accessory structure regulations to the extent allowed by the City's Building Code, provided that, the Director includes, as a condition of approval for any such Administrative Variance, a condition prohibiting the patio cover from being used as a carport, garage, or habitable room, or for storage.
- E. Architectural standards for mobile homes may be modified to allow roofing or siding materials of a reflective nature or roofs with a less than 16 inch overhang.

All property owners located within a 300-foot radius (1000-Foot radius for Hillside Height and Front Setback Variance) of the proposed project will be sent a notice of the public hearing. The applicant or their representative should attend the hearing, and will be given an opportunity to speak. Other interested persons may also provide input. At the conclusion of the public hearing, the hearing officer may: (1) approve the request, with or without conditions; (2) deny the request; (3) continue the hearing to another date; or (4) refer the application to the Planning Commission for further consideration.

The following types of Administrative Variances may be approved at a **public hearing** by the **Planning Commission**:

- A. In the R-1-B Zone:
 - (1) Lot coverage greater than forty-five percent (45%); or
 - (2) Setbacks less than required by Section 24.212.090 of the Zoning Ordinance; or
 - (3) Building height greater than allowed by Section 24.212.070 of the Zoning Ordinance; or
 - (4) Projections into yards otherwise prohibited by Section 24.410.030 of the Zoning Ordinance; or
 - (5) A number of offstreet parking spaces less than required by Chapter 24.415 of the Zoning Ordinance or change in the manner in which such parking spaces are to be provided.
- B. In the R-2-B Zone:
 - (1) Lot coverage greater than allowed by Section 24.216.060(c) of the Zoning Ordinance; or
 - (2) Setbacks less than required by Section 24.216.090 of the Zoning Ordinance; or
 - (3) Building height greater than allowed by Section 24.216.070 of the Zoning Ordinance; or
 - (4) Projections into yards otherwise prohibited by Sections 24.410.030 or 24.410.040 of the Zoning Ordinance; or
 - (5) A number of offstreet parking spaces less than required by Chapter 24.415 of the Zoning Ordinance or a change in the manner in which such parking spaces are to be provided.
- C. Any Administrative Variance that would apply to a subdivision which includes lots for which buildings permits have not yet been issued and which would apply to ten percent (10%) or more of the lots for which building permits have not yet been issued.
- D. Any Administrative Variance from the Hillside height regulations set forth in Chapter 24.405. In such instance, all findings required by Section 24.535.120 must be made by the Planning Commission before the Administrative Variance may be approved.
- E. Administrative Variances as part of a Use Permit or Planned Development Permit. For these projects there would not be an additional Administrative Variance fee.

MAJOR VARIANCES

Unlike items which can be approved administratively, all Major Variance requests are reviewed by the Planning Commission. Major Variances require that much more stringent findings be made in order for approval to be granted. The Commission may approve Major Variances to the following types of regulations:

- A. To authorize any project that would result in a lot having an area or width that is less than the minimum required, provided that, no Variance would be required to authorize a project that would result in a non-conforming lot being brought closer into conformity with the standards of the Zoning Ordinance.
- B. To authorize a decrease in the setback from a bluff edge in the Coastal Bluff (CB) Overlay Zone.
- C. To allow any sign that is otherwise prohibited pursuant to section 24.420.270 of the Zoning Ordinance.

The Planning Commission holds public hearings on the first and third Tuesday of each month, typically at 6:00 p.m., in City Hall Council Chambers. At the conclusion of the public hearing, the Commission may: (1) approve the request, with or without conditions; (2) deny the request; or (3) continue the hearing to another date. (Please refer to the "Planning Commission Applicant's Guide" for more information on the Planning Commission process.)

REQUIRED FINDINGS

In order for the decision-making authority to approve a Variance, findings must be made. **The applicant should provide information to assist in making such findings.** The findings are as follows:

- A. For Administrative Variances, all the following findings set forth below must be made:
 - (1) The project authorized by the Variance is consistent with the policies and provisions of the General/Comprehensive Plan and with the purposes and requirements of the Zoning Ordinance;

- (2) The project authorized by the Variance is compatible with existing improvements and consistent with the scale and character of existing development in the same vicinity or zone;
 - (3) The project authorized by the Variance will not be detrimental to or adversely impact adjacent properties;
 - (4) Approval of the Variance does not grant a special privilege inconsistent with the limitations on other properties in the same vicinity or zone; and
 - (5) Approval of the Variance is not based on economic hardship.
- B. For Administrative Variances in the Hillside Area, in addition to the findings required under "A," the following finding must also be made:
- (1) Evaluating the proposed project in light of reasonable use and development of the property on which the proposed structure or expansion is to occur, the project authorized by the Variance will not unreasonably or unnecessarily interfere with the scenic view from any other public or private property, including, but not limited to, public streets and other public areas.
- C. For Major Variances, all of the findings set forth below must be made:
- (1) The project authorized by the Variance is consistent with the policies and provisions of the General/ Comprehensive Plan and with the purposes of the Zoning Ordinance as set forth in Section 24.105.030;
 - (2) There are special conditions, or exceptional circumstances, involving the physical attributes of the subject property, including, without limitation, its size, shape, topography, location, or surroundings, which do not apply generally to the properties in the same vicinity and zone;
 - (3) Approval of the Variance is necessary because strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the same vicinity and zone;
 - (4) Approval of the Variance does not grant a special privilege inconsistent with the limitations on other properties in the same vicinity or zone; and
 - (5) Approval of the Variance is not based on economic hardship.

If the property is located within the Coastal Zone, a Coastal Development Permit is required in conjunction with a Major/ Administrative Variance. A separate application or plans are not necessary. However, there is an additional noticing process. The City will review the request to determine conformance with the policies of the City's Coastal Land Use Plan. In addition to property owners, all residents within a 100 foot radius of the proposed project will be sent a mailed notice.

HOW DOES THE PROCESS WORK?

Projects requiring an Administrative Variance will include the following steps:

STEP 1: Preliminary Historic Resource Clearance - A preliminary review by Planning Staff is required for any building demolition or alteration that could affect potential historic resources. Check with the Planning Division Public Counter for more information.

Step 2: Designing Your Project - Early in the process of designing a project, you should meet with staff to find out what Zoning Ordinance regulations may affect you and whether an Administrative Variance is required. In addition, copies of the Zoning Ordinance, application forms, and other information are available at the Planning Division public counter.

Step 3: Filing Your Application - The completed application package should be submitted at the Planning Division public counter.

Step 4: Staff Review of Project - When your application has been filed, the project will be reviewed in detail by the Planning Division. The project will be assigned to a staff planner, who will contact you if questions arise regarding your application.

Step 5: Environmental Review - Most projects only requiring Administrative Variances are found to be Categorically Exempt from environmental review requirements, and no further environmental review is necessary. If the project is not exempt, additional processing time and fees may be required.



Step 6: Public Hearing - Following staff review and Preliminary Design Review of your project, a public hearing will be held, either by the Administrative Hearing Officer or by the Planning Commission. The decision of the Hearing Officer or Commission is final, unless it is appealed.

Step 7: Appeals - An applicant or any other aggrieved party may file an appeal of any Variance action within 10 calendar days of the date of action. Appeals of decisions by a Hearing Officer may be appealed to the Planning Commission, and should be filed at the Planning Counter. For appeals of decisions by the Planning Commission, appeal forms and appropriate fees should be filed with the City Clerk.

Step 8: Building Permits - Following approval of an Administrative Variance (and Design Review approval, if required), the applicant is required to submit an application to the Building & Safety Division for a building permit along with working drawings for the project. For further information regarding this process, the Building & Safety Division should be contacted at (805) 654-7869.

APPLICATION SUBMITTAL STANDARDS

- Plans shall be drawn at a standard architect or engineer scale and shall show the name, address, phone number and State license number of the design professional that prepared the plans.
- Plans shall be folded and assembled into the number of sets listed in the Submittal Requirements for the permit type and shall easily fit into an 8.5 X 14-inch envelope. Rolled plans will not be accepted except for the color rendering.
- Plans submitted with the initial application are distributed for review by other City departments. Once an application is deemed complete, you will be contacted to provide additional full size plans, as needed.

SUBMITTAL REQUIREMENTS

Planning staff will use the following list to check your application for completeness. The items required and the number thereof are identified in the Submittal Requirements. The minimum acceptable standards for the different types of materials and plans required are as follows:

Site Plan that includes:

- Title block
- North arrow and scale of drawing
- Vicinity map showing property location within the City of Ventura
- Adjacent existing and proposed streets and name of each street, dimensioned to show width and distance from centerlines
- Points of access (vehicular and pedestrian from each street)
- All property lines and their dimensions
- All existing and proposed buildings and their dimensions and setbacks from property lines
- All existing and proposed paved surfaces, including walkways, driveways, patio slabs, etc.
- All existing and proposed landscaped areas
- Location of nearest building on abutting lots illustrated with edge line and use type identified
- A summary table in square feet, acres and percentage that includes: 1) total land area; 2) building coverage; 3) paved area; and, 4) landscape areas
- Zoning Ordinance required setback illustrated by a dashed line with measurement labeled
- All existing and proposed fences including height and type
- Easements
- Project Description (Text description of project)

Elevations that include:

(Applications for a site with existing structure(s) that will have NO exterior changes do not require elevations.)

- Title block
- Elevations labeled appropriately north, south, east and west of all existing and proposed buildings and structures
- Height from top of curb at front property line to highest point of structure
- Height from adjacent grade to highest point of structure
- General architectural features of buildings (window or door locations, trim, materials and colors)
- Proposed and existing roof pitches on the elevation
- Zoning Ordinance allowed height illustrated with a dashed line; with measurement labeled
- All wall-mounted equipment, gutters, and down spouts

Floor Plans that include:

- Use and dimensions of all existing and proposed areas, including living room, kitchens, baths, bedrooms, hallways, dens, etc.
- All entrance and exit points, including doors, windows, stairways, etc.
- All enclosed and/or covered parking areas

Solar Shading Study that includes:

(All new development greater than one story)

- Solar shading study shall be required along the northern property line interface between commercial or mixed-use and residential uses and between residential uses
- Solar fence height of 12 feet for single family residential adjacent to any non single family residential uses.
- Solar fence height of 18 feet for all other instances
- Analysis shall use a solar angle of 27 degrees on December 21 at 1 pm
- Plans shall indicate method of analysis, including software type if used

Property Line/Height Survey that includes:

- Required elevation points shown on the site plan in feet (A separate sheet is not acceptable)
- Signature of licensed Civil Engineer, Land Surveyor or Architect
- Existing grade elevation, in feet, at all corners of the property
- Existing mid-point grade elevation of the front property line
- Existing elevation at the top of the curb
- Existing elevation of street level on each side and at mid-point adjacent to front property
- Finished grade at all corners of proposed or altered buildings
- Finished floor elevation of proposed or altered buildings
- Setbacks from existing/proposed building to the existing property lines

Hillside Height survey that includes:

(for properties located in the hillside area per Code Section 24.405.050)

- Elevation points shown on the site plan in feet at the required five locations along the front and rear property line and at the rear setback line.

- Signature of licensed Civil Engineer, Land Surveyor or Architect
- Elevation in feet at base of new construction
- Elevation in feet to top, highest point of existing and/or proposed structure
- Calculations based on the City's Hillside Height Ordinance formula
- Measurement that clearly shows height between slab to ceiling top plate
- Roof plan clearly showing all ridges and valleys

Reduced Plan Copies as follows:

- One copy of each full size plan sheet reduced to 8.5 x 11 inches in size
- Copies to be reproducible

Digital Plan Copies:

- Complete plan set in one Adobe Acrobat (.pdf) document
- Digital photographs with file names identifying content (e.g. "East of project site," "100 E. Main Street," etc.)
- All digital documents placed on a disk labeled with applicant's name and project title

Photographs as follows:

- Color photos of the site and adjacent sites within 100 feet along the same street showing existing conditions and/or buildings
- Color photos taken from subject site showing adjacent sites within 100 feet along the same street
- Photos labeled to identify content and date taken

Preliminary Title Report as follows:

- Covers all properties included in the application
- Submitted with and prepared within six months of the application submittal

HOURS: Monday, Tuesday, Wednesday and Friday, 7:30 a.m. to 5:00 p.m.
Thursday 9:00 a.m. to 5:00 p.m. Closed alternate Fridays.
Check City website at www.cityofventura.net

LOCATION: Ventura City Hall, 501 Poli Street, Room 117

PHONE: (805) 654-7725

MAILING ADDRESS: P.O. Box 99, Ventura, CA 93002-0099

This document is available in alternate formats by calling the City of Ventura Community Development Department at 805/654-7894 or by contacting the California Relay Service.