



City of Gilroy
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
7351 Rosanna Street, Gilroy CA 95020
(408) 846-0451 (408) 846-0429 (fax)
www.cityofgilroy.org

VARIANCE FILING REQUIREMENTS

1. **Uniform Application** – one copy
2. **Plans – 8 sets***
 - A. **Site Plan** shall include:
 1. Fully dimensioned parcel boundaries drawn to a scale adequate to show the entire property, 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 relative to the streets in a 4 to 5 block area around the site
 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 relate to the Variance
3. Any other **displays or information** which the applicant believes may support the request (optional)
4. **Variance Supplemental Questionnaire** (see attached)
5. **Noticing Information** for any project requiring a Public Hearing shall include the following information, provided by a **Title Company**:
 1. Mailing List: all properties within a 500' radius of the project site
 2. Map showing subject property and other properties noticed
 3. Mailing Labels: the labels should be Avery 5160 or equivalent in size
6. **Filing Fee** (see Planning Application Fees)
7. **Indemnification Agreement for Development Applications**

*Prior to agendizing the project, additional plan sets will be required for the Planning Commission meeting.

If you have would like to have a preliminary discussion about your proposal prior to your application submittal, you may schedule a meeting with the Development Review Group by contacting (408)846-0451.

MAPS AND PLANS MUST BE PUT INTO COLLATED INDIVIDUAL SETS, STAPLED AND INDIVIDUALLY FOLDED TO A SIZE NOT TO EXCEED 8 1/2 " X 14" IN ORDER TO FIT INTO FILE FOLDERS

30.50.20 Variances and minor deviations.

(a) Variances. The planning commission shall receive, investigate, hear and take action upon every application for a variance from the strict application of any of the provisions of this chapter, excluding land use. 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.

(1) A 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.

(2) The commission shall hold a public hearing on each application for a variance as provided in Article LI.

(3) A 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, the commission finds all of the following:

a. That there are exceptional or extraordinary circumstances applying to the property involved or to the proposed use.

b. That because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this chapter 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.

c. 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.

d. That the results of allowing the variances as specified will be in harmony with the general intent of the Zoning Ordinance.

e. 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 chapter for other properties in the vicinity and in the same zoning district.

(4) In approving a variance, the commission shall specify the character and extent thereof. A variance may be made conditional. One (1) of such conditions may be the requirement of suitable guarantees to secure compliance and to protect the public health, safety, convenience and general welfare. Once any portion of a variance is utilized, all such conditions and specifications shall be immediately operative, and the violation of any of them shall constitute a violation of this chapter.

(b) Minor Deviations. Where an application is being made for a building permit for the construction or installation of a building or structure which is prohibited unless there first be obtained a variance in the setback, yard, parking or building site area requirements applicable to such building or structure, the applicant for such building permit may file with the zoning administrator an application for such variance. The application for the variance shall be made on a form supplied by the zoning administrator and shall be set forth or be accompanied by such information and evidence as the zoning administrator shall require, including the evidence required by subsection

(a) of this section, and may include or be accompanied by a written consent to the granting of the variance signed by the owner or owners of each lot or parcel adjoining the site of the proposed building or structure and the owner or owners of land across any street from such site. At the time of filing such application for a minor deviation from this chapter, the applicant shall pay any fee which may be established from time to time by resolution of the city council.

Upon receipt of an application for a variance filed pursuant to this section, and after determining that the requirements of subsection (a) of this section have been met and that the size, shape, topography, or location of said site, or the location of existing buildings, or other conditions cause compliance with the applicable setback, yard or building site area requirements impossible without practical difficulty or hardship, the zoning administrator may without notice or hearing, approve the application for the building permit, and such approval shall constitute the granting of a variance with respect to the building or structure for which the application for the building permit is made; provided, however, the zoning administrator shall not give any such approval which constitutes the granting of a reduction in excess of twenty-five percent (25%) of the applicable setback, yard or building site area requirements or up to four (4) stalls of the parking requirements. The zoning administrator shall give notice of all such approvals of minor deviations to the planning commission.

In the event the zoning administrator declines to grant a minor deviation requested pursuant to this section, the applicant may file with the planning commission an application, with full fees, for a standard variance pursuant to the provisions of subsection (a) of this section. (Ord. No. 2013-08, § 2 (Exh. A), 8-5-13)

VARIANCE - SUPPLEMENTAL QUESTIONNAIRE

(submit additional pages if necessary)

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

2. Explain 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:

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

5. Show how the results of allowing the variance as specified will be in harmony with the general intent of the Zoning Ordinance:

6. Justify how granting of the proposed variance will not constitute the granting of a special privilege greater than provided for by the standard provisions of the Ordinance for other properties in the vicinity and in the same zoning district:
