

INFORMATION FOR FILING A COMPLETE APPLICATION FOR A VARIANCE

There may be certain conditions imposed by the City of Riverbank for your application that are not established by the City of Riverbank City Code, which can relate to the aesthetics of your project (ie: block wall, colors, materials, trash enclosures, etc.) and other criteria.

These conditions shall be implemented and interpreted at the discretion of the Community Development Director. This may create costs to your project which are not clearly identified.

A variance is a permit to vary from the terms of a comprehensive zoning ordinance. It is a form of relief which operates as a constitutional safety valve. It is provided for because there are individual lots which, due to some unusual characteristic, cannot be put to productive use if all detailed regulations (ie: lot size, setbacks) are strictly applied.

Variance procedures involve the grant of a discretionary permit by the City of Riverbank, subject to CEQA. A variance may be granted only when there exists special circumstances applicable to the property, including size, shape topography, location or surroundings. Only a small fraction of the land in any zone of a city will qualify for a variance, otherwise a zoning amendment may be appropriate. The governing body must be able to make the following findings in order to approve a variance.

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications.
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges.
3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Each application must contain the following information, unless specifically waived by the Community Development Director. Incomplete applications will not be processed or considered by the Planning Commission or City Council.

- A. To minimize delay and duplication, the Planning Department encourages applicants to **apply for all the discretionary permits and approvals** needed for the review of their project(s) **at the same time**. The concurrent review of these applications will also facilitate the environmental review process. Where the same information is required for more than one (1) permit or approval, **it is not necessary to duplicate the information submitted**. If you have any questions about the information required for an application or the number of copies that must be submitted with the application, please call the Community Development Department at (209) 863-7120 for assistance.

B. Completed Application Form, including:

Signature of all property owners; Indemnification Form

Environmental Questionnaire; Hazardous Waste Form
Declaration of Posting of **NOTICE OF DEVELOPMENT PERMIT APPLICATION**

- C. **Payment of all application fees.** Applicants are responsible for all fees and costs (cost of postage for Public Hearings, engineer initial review, consultants, etc.) of processing an application with the City of Riverbank. Where a deposit is required, an applicant is responsible for maintaining a positive balance with the City. A negative balance will cause an application to become incomplete, and work on the application may be halted until sufficient funds are deposited with the City of Riverbank.
- D. **Completed Applicant's Environmental Information Form**, unless it is determined prior to the submission of an application that the proposed project is exempt from environmental review by the Planning Director. It is determined after an application has been filed that the proposed project is exempt from environmental review, the fees collected for conducting an Initial Study will be refunded to the applicant.
- E. **Completed Indemnification Form** (see attached).
- F. **A signed and dated written statement** explaining the reason for each variance requested and addressing the five questions below:

What hardship exists that is peculiar to the property that prevents one or more standards of the Riverbank Zoning Ordinance from being applied to the proposed project? (Personal, family or financial difficulties, loss of prospective profits and neighboring violations of the standards of the Zoning Ordinance are not hardships justifying a Variance.)

If the variance necessary for the preservation and enjoyment of substantial property rights which other properties in the same zoning district and same vicinity have? (A Variance cannot be used to grant a special privilege not enjoyed by similarly situated properties with the same zoning. A variance cannot be granted for a use, a Variance can only be granted to vary from a zoning standard.)

Will the granting of the Variance result in ill effects or be inconsistent with the Riverbank General Plan or Zoning Ordinance? (A Variance cannot be granted if it would have a substantial negative effect on adjacent properties or if it would be inconsistent with the General Plan or Zoning Ordinance.)

If the condition or situation of the property really unique? (Variance are granted only when the conditions are not common enough to be addressed by the Zoning Ordinance.)

Could the granting of the Variance and the resulting buildings or structures permitted by the Variance constitute a nuisance or be detrimental to the public health, safety and welfare of the community? (A Variance cannot be granted which will result in a nuisance or is detrimental to the public health, safety and general welfare.)

- G. **Preparation, verification and submittal of property owners list** shall be the responsibility of the applicant (see attached information sheet.)
- H. **Plans and Exhibits as described below.** All plans shall be prepared by the appropriately licensed and qualified professional architect, (*Business & Professions Code Chapter 3 Division 3*). All plans must be drawn to scale and dimensioned appropriately. Five full size sets of each plan (24 x 36) and 10 copies of each set of plans reduced to 11" by 17" and (1) copy of each set of plans reduced to 8 1/2" by 11" are required.

Applicant shall also be required to submit to the City of Riverbank Community Development Department the proposed said Architecture and Site Plans in an electronic format (i.e. pdf)."

I. Site Plan showing all existing and proposed buildings, structures, and other physical features, including: parking areas, drainage system, driveways, streets, curbs, walkways, fences, walls, light standards, signs, large trees, etc. The site plan shall also indicate the use of directly adjoining properties and include any buildings or other structures within 50 feet of the proposed Variance.

J. Building Elevations showing the front, side and rear views of typical buildings and structures, including all mechanical, duct work, utility boxes, etc. The building elevations shall identify the type of color of the building materials proposed for all buildings or structures, (color renderings are encouraged.)

K. Floor Plans showing entryway, windows, walls, gross floor area, seating arrangements (if applicable) and the intended use of each interior area.

L. Sign Program showing the type, size, and materials to be used for all proposed signs, including proposed sign copy, (if applicable.)

M. Legal Description (one) of the properties proposed for the use permit.

N. Site Photos (one set) of the site and surrounding area to include a photo location map.

O. Assessor's Parcel Map (one) identifying the site of the proposed project.

P. Preliminary Title Report (one) or change of title guarantee or equivalent documentation which shows any and all easements affecting the project site.

NOTICE TO ALL APPLICANTS

The City of Riverbank is required to collect the following filing fees for the Stanislaus County Clerk on behalf of the California Department of Fish and Game, pursuant to Assembly Bill 3158.

A separate check for these items shall be made payable to the Stanislaus County Clerk as applicable for your project will be required upon environmental determination by the City of Riverbank Community Development Department.

NOTE: Your project will not be scheduled for hearing before the Planning Commission and/or City Council until the applicable fee has been submitted to the Community Development Department.

- Any project for which a **Negative Declaration or Mitigated Negative Declaration** is prepared pursuant to the California Environmental Quality Act (CEQA) but with no effect (DeMinimus) of Fish and Game Resources.

\$57.00 - County Documentary Handling Fee for Department of Fish and Game Certificate of Fee Exemption, Section 711c, d and 1.

- Any project for which a **Negative Declaration or Mitigated Negative Declaration** is prepared pursuant to the California Environmental Act with **some** effect on Fish and Game Resources.

\$1,876.75 – Section 711.4d, 2 plus a **\$57.00** documentary handling fee.

- Any project for which an **Environmental Impact Report** is prepared pursuant to the California Environmental Quality Act (CEQA) with **some** effect on Fish and Game Resources.

\$2606.75 – Section 711.4 d, 3 plus a **\$57.00** documentary handling fee.

INSTRUCTIONS FOR MAILING ADDRESS LABELS

TO THE APPLICANT: The City of Riverbank requires that all applications submitted for public hearing by the Planning Commission and/or City Council shall include a list of the current owners of property within 300-feet from the perimeter of the project site. However, if the number of parcels is fewer than 30, the radius for notice shall be increased until a minimum of 30 parcels or a maximum of 1000-feet is attained. The list shall include the property owners name, mailing address and their Assessor's Parcel Number(s) as identified in the example below.

Preparation, verification and submittal of property owners list shall be the responsibility of the applicant and shall include the following.

- 4-sets of postage-paid self-addressed envelopes **without** a return address
- 1 copy of the mailing labels as shown on the mailing envelopes
- 1 copy of the 300-foot radius map

To Title Companies: Please prepare the property owner's list as follows:

Type the assessor's property number, property owner's name and mailing address on self-adhesive address label sheets. CONTINUOUS TRACTOR-FED LABELS WILL NOT BE ACCEPTED. The mailing labels will be used in the Public Hearing notices to the property owners. Please include the names and mailing addresses of the applicant and owner of the subject parcel(s).

1. This list shall be certified by a title insurance company as being from the most recent Stanislaus County Tax Roll.
2. A copy of the most current assessment roll including parcel number used to compile the mailing list, which should be all those that you have typed mailing labels for.
3. Example mailing label:

000-00-00 John Smith 12 Some Street Anywhere, CA 93246

Failure to meet these standards for mailing labels may result in a delay in the Public Hearing date. If there are any questions, you may call the Community Development Department at (209) 863-7120.