

17.102 – Variances

17.102.010 - Purpose

The purpose of this Chapter is to establish the procedures for approving or denying requests for a Variance in accordance with Government Code Section 65906. The purpose of a Variance is to provide relief from the strict application of a specific standard in Title 17, Zoning, of the Hollister Municipal Code. A variance can only be granted when, because of special circumstances applicable to the property, including size, shape topography or surroundings, the strict application of the required standards of this Zoning Ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity with the same zoning designation.

17.102.020 – Applicability

A Variance may be granted from the requirements of Title 17, Zoning, for the following reasons:

- A. **Dimensional Standards.** Dimensional standards related to required setbacks, distance between structures, lot dimensions, lot coverage, landscaping, paving, fencing, and structure height.
- B. **Parking.** An exception to the required number of parking spaces for the use.
- C. **Non-Residential Parking.** An exception to the off-street parking requirements to allow parking spaces to be located off-site or to allow the payment of in-lieu fees or provision of off-site facilities in accordance with the requirements of Government Code Section 65906.5.
- D. **Signs.** An exception to the sign regulations (excluding prohibited signs) contained in Chapter 17.20, Signs. A Variance request to permit an otherwise prohibited sign shall not be approved.
- E. **Uses.** A Variance shall not be approved for uses or activities which are not listed as a permitted use for the zoning designation of the subject property.

17.102.030 – Application

- A. **Application.** An application for a Variance shall be filed on the form prescribed by the City and filed with the Planning Division.
- B. **Fee.** The application for a Variance shall be accompanied by the fee listed on the City's Fee Schedule.
- C. **Materials.** The Applicant shall submit the information and plans listed on the City's checklist.

17.102.040 – Review Procedures

- A. **Review.** Variance applications shall be reviewed in accordance with Section 17.74.060, Application Review and Chapter 17.76, Environmental Review.
- B. **Notice.** Once the application has been deemed complete, the Community Development Director shall schedule the application for review by the Planning Commission and provide a notice in accordance with Section 17.74.100, Notice of Public Hearing.
- C. **Public Hearing.** The Planning Commission shall review the application in accordance with Section 17.74.120, Public Hearing, and provide a decision. For projects that also require City Council approval, the Planning Commission shall make a recommendation to the City Council who shall act on the application during a public hearing.

17.102.050 - Findings for a Variance

In approving or denying a Variance, the decision maker shall make the following findings:

- A. Due to special circumstances applicable to the property (size, shape, topography, location or surroundings), the strict application of the requirements of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity which are located in the same zoning district as the subject property.
- B. The Variance does not authorize a use or activity which is not listed as a permitted use in the Zoning Ordinance for the zoning district in which the subject property is located.
- C. The granting of the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and does not constitute a grant of special right or privilege to the applicant.
- D. The granting of the Variance will not impact the health and safety of persons residing or working in the surrounding area.
- E. The Variance is consistent with the objectives of the General Plan, Zoning Ordinance, and any applicable specific plan.

17.102.060 – Revocation

- A. **Revocation.** Failure to comply with the terms of the approved Variance may result in revocation of the approved Variance in accordance with Section 17.74.160, Permit Revocation.