



**Planning Department
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AGENDA ITEM NO.: 6 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** April 27, 2022

SUBJECT: Variance #2022-02/Valero

EXECUTIVE SUMMARY

The applicant is requesting a sign variance to exceed the 50-square-foot maximum sign size for an existing Port of Subs sign to 80-square-feet. The property is zoned Central Business (CB) and is located at 130 S. Edwards Street in the community of Independence.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Sal Pablo – Sign Development Inc.

Property Owner: Abdul Jobah

Site Address/ 130 S. Edwards Street

Community: Independence

A.P.N.: 002-056-08

General Plan: Central Business District (CBD)

Zoning: Central Business (CB)

Size of Parcel: Approximately 0.6-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Gas Station, mini-mart, restaurant	Central Business District (CBD)	Central Business (CB)
North	Vacant lot	Central Business District (CBD)	Central Business (CB)
East	County offices	Public Facility (PF)	Public (P)
South	Kearsarge Street/Vacant lot	Central Business District (CBD)	Central Business (CB)
West	Highway 395	NA	NA

Staff Recommended Action: **1.) Do Not Approve the Variance.**

Alternatives:

- 1.) Approve the Variance.
- 2.) Approve the Variance with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Cathreen Richards

STAFF ANALYSIS

Variance Request & Site Characteristics

The applicant is requesting a sign size variance to exceed the 50-square-foot maximum sign size to 80-square-feet for an existing Port of Subs sign. The property is zoned Central Business (CB) and is located at 130 S. Edwards Street in the community of Independence (map attached). Currently, this sign is in violation of 18.75.100 of the Inyo County Code. The applicant is concurrently requesting a CUP to change the existing Chevron sign at the same property as the owner is changing gas station franchises. The variance is required before the CUP can be approved due to the violation on the property. A gas station, mini-mart and a sandwich shop have been on this site for many years. The owner of the Port of Subs had the sign put up to replace a Subway Sandwich sign, but did not understand that the replacement could not exceed the size of the sign it was replacing, or be larger than 50-square feet without a variance.

Inyo County Code at 18.75.100 (C)(2) limits the size of signs in the County’s commercial zones as follows:

“Advertising or business signs collectively totaling not more than three hundred square feet in area are permitted to be placed or erected on each lot exceeding ten thousand square feet in area at a density ratio of three hundred square feet of

total collective sign area per ten thousand square feet of lot area, e.g., signs having a collective total area of four hundred fifty square feet may be erected or placed on a lot fifteen thousand square feet in area; no individual sign, however, shall exceed fifty square feet in area and the total collective area of signs upon any such a lot shall not exceed six hundred square feet.”

Previous Variance History

Staff was unable to find previous variances on the property

Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would “*not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships*” (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. The proposed variance is consistent with the General Plan.
7. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project’s physical characteristics are not unique or exceptional, and therefore do not justify a variance.

ALL seven of the Findings must be affirmed in order for a variance to be approved.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption, “Minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, which do not result in changes in land use or density.”, as it is a request for a variance on land with a slope of less than 20%, which does not result in changes in land use or density.

RECOMMENDATIONS

Findings

Staff has reviewed this application and can find that three of the seven required Findings can be affirmed; four cannot:

1. There are exceptional circumstances applicable to the property involved which do not generally apply to other property in the same district and which deprive such property of privileges enjoyed by other property in the same district with identical zoning.

Affirmative: The property is located within the CB Zone. Per 18.75.100, this zoning district permits pole signs but also limits their size to 50-square-feet in area. This sign was erected without appropriate review by the County and is too large. The primary reason for the variance request is to update another sign on the property to include an electronic gas price component. This cannot be done without this variance. Although there are many non-conforming signs in the CB zone, none have come forward under the same circumstances.

2. The result of the variance will not be detrimental to the public welfare, or injurious to property in the vicinity.

Affirmative: The sign Ordinance ICC 18.75 allows for signs with specific size and height limitations in the CB zone. A variance allowing the signs to be larger than set forth in the standard per ICC 18.75, would not be detrimental to the public welfare, or injurious to property in the vicinity as it has already been at this location for several years with no negatives effects or complaints from the public.

3. The strict application of the zoning ordinance will result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of Title 18 of the Inyo County Zoning Ordinance.

Affirmative: The strict application of the County’s sign Ordinance 18.75 could result in practical difficulties for the applicant. The owner is currently changing the gas station franchise on the property and has to follow the corporate policy for the new gas station sign. This cannot happen while there is a zoning violation on the property, which could in turn have negative

consequences on the owner's ability to complete the change. Since alternations to the County Code's design standards are allowed for by an approved variance, the attainment of, the general purposes of the County Code can still be met.

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Affirmative: Currently there are other existing signs in the CB zone that are non-conforming due to their size. These signs are also in violation of the County Code. Approving this variance does not constitute a grant of special privilege as any of the owners of any non-conforming sign in the County could also apply for a variance. Obtaining a variance for non-conforming signs is encouraged and could be forced if the County were to receive code enforcement complaints regarding them.

5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

Affirmative: The proposed variance applies to sign size as set forth in the County Code. Commercial pole signs are permitted by right, with the conditions set forth in 18.75, in the CB Zone, so this does not allow for a use that is otherwise not authorized.

6. The proposed variance is consistent with the Inyo County General Plan.

Affirmative: The requested sign variance presents no inconsistencies with the General Plan land use designation of the project site, which is CBD that allows for gas stations, mini-marts and sandwich shops.

7. The requirements of the California Environmental Quality Act (CEQA) have been met.

Variations are Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption, "Minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, which do not result in changes in land use or density."

Conditions of Approval

1.) Hold Harmless: the applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning Variance #2022-02/Valero, or the applicant's failure to comply with conditions of approval.

ALTERNATIVES

1. Approve Variance 2022-02/Valero with additional conditions of approval.

2. Do not approve Variance 2022-02/Valero.
3. Direct staff to continue the hearing to a future date and prepare additional information.

ATTACHMENTS

- Vicinity map
- Picture of sign

Location:	Use:	Gen. Plan Designation	Zoning
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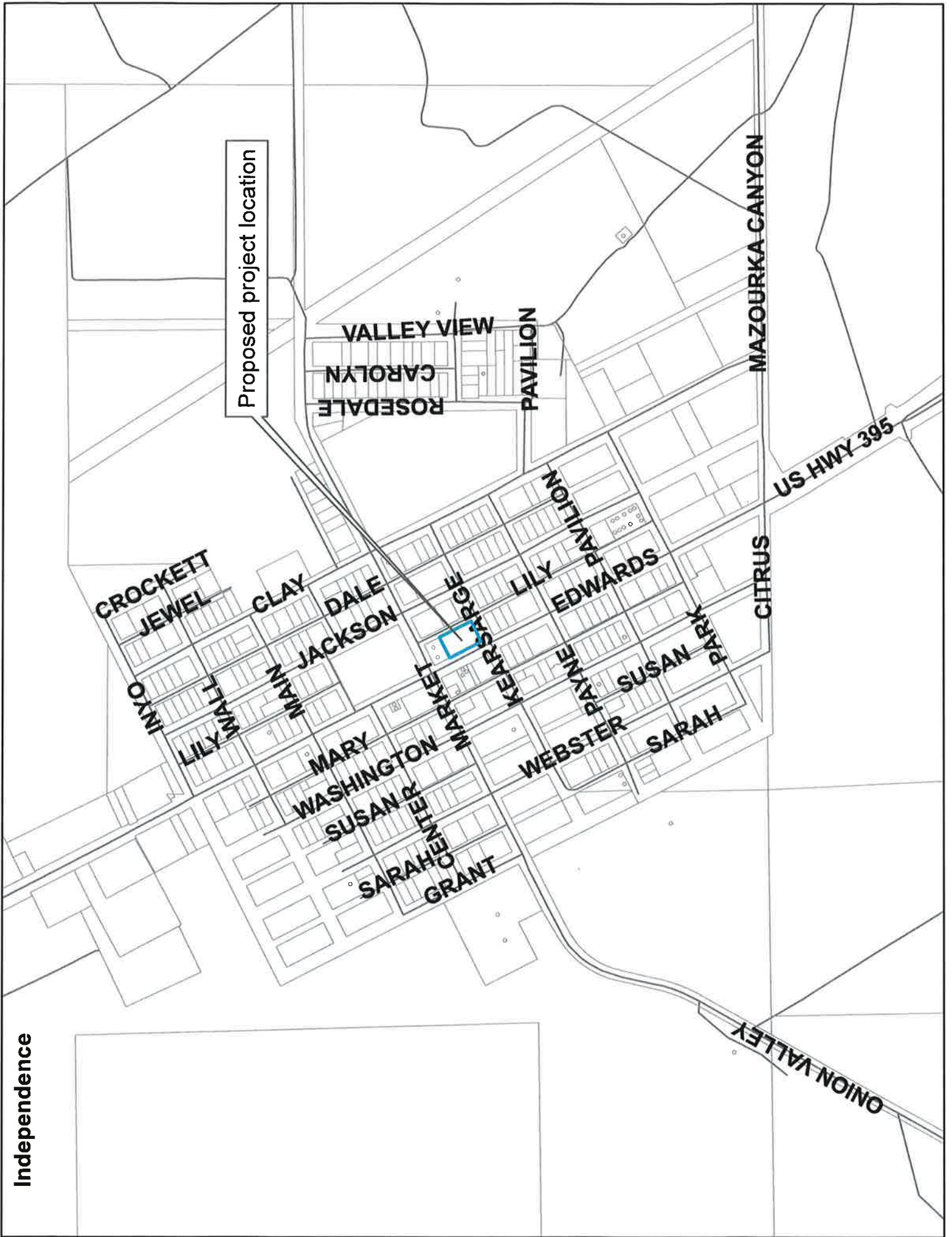
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ATTACHMENTS

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Proposed project location

VALLEY VIEW
CAROLYN
ROSEDALE
PAVILION

CROCKETT
JEWEL

INYO
LILY
WALTON

CLAY
MAIN

DALE
JACKSON

MARKET
KEYSER

PAVILION
LILY
EDWARDS

MARY
WASHINGTON
SUSAN &
ELLEN

SARAH &
GRANT

WEBSTER
PAYNE
SUSAN
PARK

SARAH

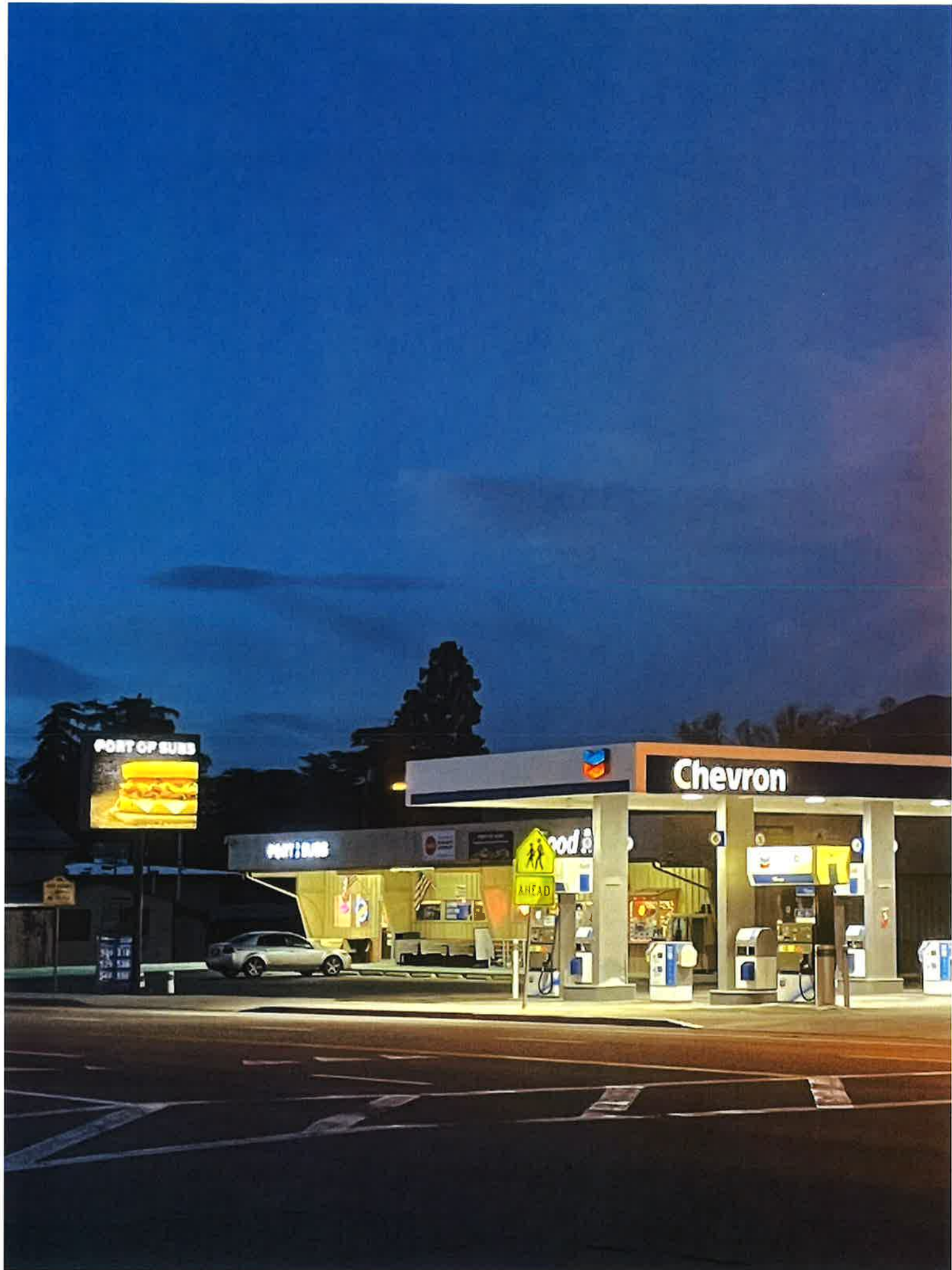
MAZOURKA CANYON

CITRUS

US HWY 395

ONION VALLEY

Independence



PORT OF SUBS



PORT OF SUBS



Chevron

Gas prices and other information.