



**Planning Department  
168 North Edwards Street  
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Independence, California 93526**

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**AGENDA ITEM NO.:** #9 (Action Item – Public Hearing)  
**PLANNING COMMISSION MEETING DATE:** December 11, 2024  
**SUBJECT:** Variance #2024-03 / Bishop Creek Chevron

### **EXECUTIVE SUMMARY**

The applicant is seeking a variance to exceed the maximum allowable sign height from 25-feet to 40-feet for a proposed electronic price reader sign. The property, located at 2392 N. Sierra Highway in Bishop, California, is zoned for Highway Services and Tourist Commercial (C-2) use. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 5 exemption.

### **PROJECT INFORMATION.**

**Supervisory District:** 3

**Project Applicant:** Donco & Sons, Inc.

**Property Owner:** Eivan Maida, Bishop Creek Chevron

**Site Address:** 2392 N. Sierra Highway, Bishop California.

**Community:** Bishop

**A.P.N.:** 011-120-65

**General Plan:** Retail Commercial (RC)

**Zoning:** Highway Services and Tourist Commercial (C-2)

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Gas Station and store	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
North	Store & Residence	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
East	Mini Storage Unit	MULTI	MULTI- C-2 Highway Serv & Tourist and R-2 Mult-Residential
South	Automotive Sales Repair	Retail Commercial (RC)	Highway Services and Tourist Commercial (C-2)
West	Tribal Land	NA	NA

**Staff Recommended Action:**                    **1.) Approve Variance 2024-03/Bishop Creek Chevron and find the project is exempt under CEQA.**

**Alternatives:**

- 1.) Deny 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:**                                    Cynthia Draper

**STAFF ANALYSIS**

Variance Request & Site Characteristics

The applicant is requesting a height variance to increase the maximum allowable sign height from 25-feet to 40-feet. The property, located at 2392 N. Sierra Hwy, is zoned as Highway Services and Tourist Commercial (C-2). The applicant has concurrently applied for a Conditional Use Permit (CUP) for an electronic price reader sign. A gas station and mini-mart have operated at this location for many years. The proposed pole sign will be illuminated, featuring an electronic price display along with signage for Chevron and Bishop Automotive Center. At 40 feet tall, the sign exceeds the 25-foot maximum height limit outlined in Inyo County Code 18.75.110(B). The applicant is seeking the height variance to ensure the sign is visible from a greater distance along Sierra Highway. A tree line on the neighboring property obstructs the view of the sign for northbound drivers unless its height is increased. Additionally, power lines and billboards further block visibil-

ity as drivers approach Bishop from the north. A taller sign would give drivers earlier notice of the gas station, allowing for a safer exit from the highway.

Inyo County Code 18.75.110(B) limits the height of signs in the County's commercial zones as follows:

*"In the OS, CB, C-1, C-2, C-3, C-4, C-5, M-2, M-1 and P zones, no sign shall exceed twenty-five feet in height, except billboards under an approved conditional use permit."*

#### 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.

### **NOTICING AND REVIEW**

The application for VAR 2024-03/Bishop Creek Chevron has been reviewed by the appropriate county departments. No issues were reported by County staff.

The hearing for VAR 2024-03/Bishop Creek Chevron was noticed on November 30, 2024 in the Inyo Register and mailed to property owners within 300-feet of the project location as required by the Inyo County Code. No comments have been received as of the date of this staff report.

### **RECOMMENDATION**

Planning Department staff recommends the approval of VAR 2024-03/Bishop Creek Chevron, with the following Findings and Conditions of Approval:

### **FINDINGS**

Staff has reviewed this application and can find that all of the seven required Findings can be affirmed:

1. There are exceptional circumstances applicable to the property involved which does 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 C-2 Zone. Per 18.75.100, this zoning district permits pole signs but also limits their size to 25- feet in height. The primary reason for the variance request is to have the proposed gas station sign tall enough to be seen at a further distance along Sierra Hwy. A tree line on the neighboring property obstructs the view of the sign for northbound drivers unless its height is increased. Additionally, power lines and billboards further block visibility as drivers approach Bishop from the north. A taller sign would give drivers earlier notice of the gas station, allowing for a safer exit from the highway.*

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 C-2 zone. A variance allowing the signs to be taller 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 there has been a pole sign at this facility for many years. The only change will be the height of the sign, and it will be compliant with regard to the size of the sign itself.*

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 enforcement of the County's Sign Ordinance 18.75 could create practical challenges for the applicant. Due to the ongoing Caltrans Sidewalk Project, the property owner is required to relocate its existing electronic reader sign. In doing so, they have opted to install a new, updated sign. However, the tree line on adjacent properties along Sierra Highway obstructs the visibility of the sign at its new location. Additionally, power lines and billboards further block visibility as drivers approach Bishop from the north. If approved by the Commission, increasing the sign's height would improve its visibility, allowing travelers to spot the upcoming gas station sooner and exit the highway safely. Denying the size variance could negatively impact the owner's ability to serve its customers and compromise driver safety.*

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: Approving this variance does not constitute a grant of special privilege as any other businesses could also apply for a height variance in the C-2 Zone.*

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 height as set forth in the County Code. Commercial pole signs are permitted by right, with the conditions set forth in 18.75, in the C-2 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 RC that allows for gas stations, mini-marts and restaurants.*

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

*Variations are 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."*

## **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 2024-03/Bishop Creek Chevron or the applicant's failure to comply with conditions of approval.

2) The applicant/developer shall conform to all applicable provisions of Inyo County Code including 18.75 – Signs; 18.74 - Outdoor Lighting; and the Building Code. Failure to meet this condition may result in the revocation of VAR 2024-03/Bishop Creek Chevron.

## **ALTERNATIVES**

1. Approve Variance 2024-03/Bishop Creek Chevron with additional conditions of approval.
2. Do not approve Variance 2024-03/ Bishop Creek Chevron
3. Direct staff to continue the hearing to a future date and prepare additional information.

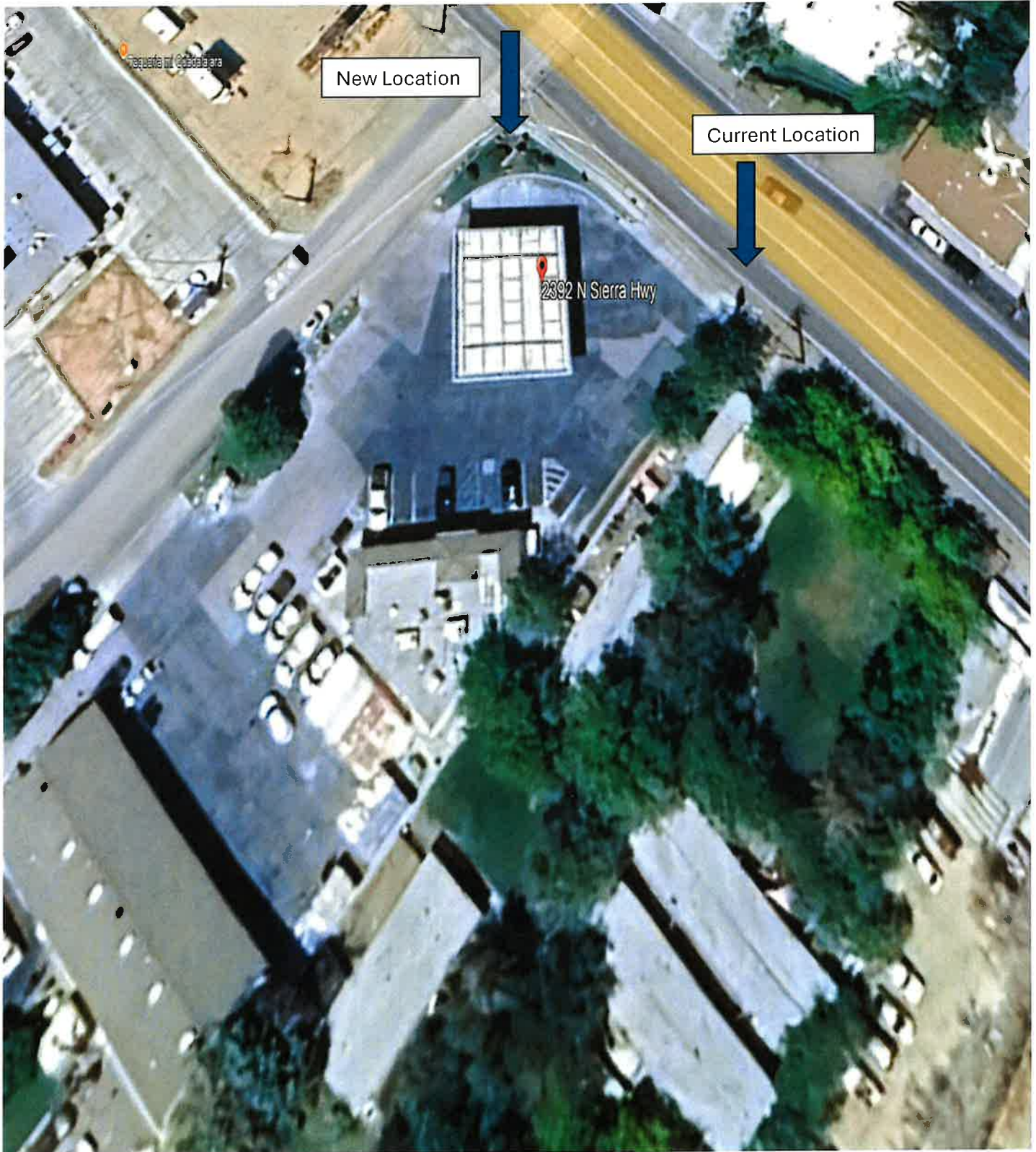
## **ATTACHMENTS**

- Vicinity map
- Sign Plan
- Super imposed landscape photos

# VICINITY MAP

Variance 2024-03/BISHOP CREEK CHEVRON

2392 N. SIERRA HWY, BISHOP, CA



PROPOSED



**A** NEW C60 POLE SIGN  
INTERNALLY-ILLUMINATED

160 SQ.FT.  
QTY: ONE (1)

**Donco & Sons, Inc.**  
Signs • Lighting • Electrical  
2411 L. Dr. • Clovis, CA 93240  
Tel: 509-714-1239 Fax: 509-714-1239  
CA Lic. # 722276 C.D.C. 051

CUSTOMER:



CHEVRON STATION  
2392 N. SIERRA HIGHWAY  
BISHOP, CA 93514  
(760) 872-1644

**SIGN PLAN**

PROJECT ADDRESS:  
CHEVRON STATION  
2392 N. SIERRA HIGHWAY  
BISHOP, CA 93514

DATE: 6-26-24

REVISION	DATE
1	7-15-24
2	11-13-24
3	
4	

SCALE: 3/16" = 1'

SHEET NUMBER  
2 OF 3

DRAWN: A.S.

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**PROPOSED**



WESTBOUND (N. SIERRA HIGHWAY) - 400'-0" FROM SIGN  
SIGN @ 40'-0" O.A.H.

**PROPOSED**



WESTBOUND (N. SIERRA HIGHWAY) - 300'-0" FROM SIGN  
SIGN @ 40'-0" O.A.H.



**Donco & Sons, Inc.**  
Signs • Lighting • Electrical

2871 E. Blue Star Street Anaheim CA 92806  
Ph (714) 779-0099 Fx (714) 779-0198  
CA SI Lic. #435516 C10-C45-C61

CUSTOMER:



**CHEVRON STATION**  
2392 N. SIERRA HIGHWAY  
BISHOP, CA 93514  
(760) 872-1644

### SIGN PLAN

PROJECT ADDRESS:

CHEVRON STATION  
2392 N. SIERRA HIGHWAY  
BISHOP, CA 93514

DATE: 9-27-24

REVISION DATE

1	
2	
3	
4	

SCALE: NTS

SHEET NUMBER

2 OF 2

DRAWN: A.S.

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EASTBOUND (N. SIERRA HIGHWAY) - 850'-0" FROM SIGN  
SIGN @ 40'-0" O.A.H.

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Ph: (714) 773-6699 Fax: (714) 779-0199  
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REVISION	DATE
1	
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1 OF 2

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