



City of Calexico  
Development Services Department – Planning Division

**ARTICLE VI. VARIANCES**

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Below is an excerpt from the Calexico Municipal Code regarding the application, appeal, issuance and revocation of a zoning variance in the City of Calexico. Variances from Zoning Standards set forth in the Calexico Municipal Code are discretionary and must go before the Planning Commission as a Public Hearing.

Notice of a public hearing shall be given not less than ten (10) calendar days nor more than thirty calendar days prior to the date of the hearing by publication in a newspaper of general circulation published in the city. The notice in the event of a change of the zoning map, shall include the alternate zone classifications indicated in Section 17.01.330 of the Calexico Municipal Code. When the hearing concerns matters other than an amendment to the text of this title, notices of public hearings before the planning commission or city council shall be mailed to all persons whose names appear on the latest adopted tax roll of Imperial County as owning property within three hundred (300) feet of the exterior boundaries of the property that is the subject of the hearing.

All variances may be subject to the California Environmental Quality Act or CEQA. Upon receipt and review of the application the Planning Division will determine whether the variance is eligible for a categorical exemption or if it requires an Initial Study/further review under CEQA.

A completed Uniform Application and the associated fees must be submitted to the Planning Division. We ask applicants to also submit an electronic copy in PDF to the following email: [planning@calexico.ca.gov](mailto:planning@calexico.ca.gov), our mailing address is as follows:

City of Calexico  
Attention: Planning Division  
608 Heber Avenue  
Calexico, CA 92231

You may access the Code of Ordinances section on Variances online by following this link:

[https://library.municode.com/ca/calexico/codes/code\\_of\\_ordinances?nodeId=TIT17ZO\\_CHI7.0\\_IGEPR\\_ARTVIVA](https://library.municode.com/ca/calexico/codes/code_of_ordinances?nodeId=TIT17ZO_CHI7.0_IGEPR_ARTVIVA)

Thank you for your interest in developing in the City of Calexico.

**17.01.610 - Purposes and authorization.**

- A. Variances from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity, and under identical zoning classification. Any variance granted shall be subject to such conditions that will assure that the deviation thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- B. The power to grant a variance does not extend to use regulations. Flexibility to the zoning regulations is provided in the conditional uses provisions of this title.
- C. The planning commission may grant variances to the zoning ordinance in accordance with the procedure prescribed in this article, with respect to fences, walls, hedges, screening and landscaping; width, and depth; front, rear, and side yards; coverage; height of structures; distances between structures; usable open space; signs; off-street parking facilities, or frontage on a public street. (1992 zoning ord. (part))

**17.01.615 - Application—Data and maps to be furnished.**

**Application for a variance shall be filed with the planning director on a form prescribed by the planning director and shall include the following data and maps:**

- A. Name and address of the applicant.
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variance is being requested.
- C. Address and legal description of the property.
- D. Statement of the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance that would result from a strict or literal interpretation and enforcement of the specified regulation, together with any other data pertinent to the findings prerequisite to the granting of a variance, prescribed in Section 17.01.630, Findings.
- E. An accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than one foot, and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking facilities, and landscaped areas.
- F. A list of all owners of property located within three hundred feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
- G. The planning director may require additional information or plans, if they are necessary, to enable a determination as to whether the circumstances prescribed for the granting of a variance exist. The planning director may authorize omission of any or all of the plans and drawings required by this article, if they are not necessary. (1992 zoning ord. (part))

### **17.01.620 - Public hearing.**

The hearing shall be set and notice given as prescribed in Section 17.01.230. At a public hearing, the commission shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.01.630, Findings. (1992 zoning ord. (part))

### **17.01.630 - Findings.**

The planning commission may grant a variance to a regulation prescribed by this title with respect to fences, walls, hedges, screening, or landscaping; width, or depth; front, rear, or side yards, coverage; height of structures; usable open space, or frontage on a public street, as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the commission makes findings of fact that establish that the circumstances prescribed in subsections A, B, C, D, E, and F of this section do apply.

- A. That there are special circumstances applicable to the property, (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- B. That granting the variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the variance is sought; and
- C. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located; and
- D. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
- E. The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property; and
- F. That granting the variance or its modification will not be incompatible with the city general plan. (1992 zoning ord. (part))

### **17.01.640 - Signs—Additional findings.**

The planning commission may grant a variance for sign location and other similar performance standards as the variance was applied for or in modified form, if on the basis of the application and the evidence submitted, the planning commission makes findings of fact that establish that the circumstances prescribed in Section 17.01.630, Findings, apply and the following circumstances also apply.

- A. That the granting of the variance will not detract from the attractiveness or orderliness of the city's appearance or the surrounding neighborhood.
- B. That the granting of the variance will not create a hazard to public safety. (1992 zoning ord. (part))

### **17.01.650 - Parking—Additional findings.**

The planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities as the variance was applied for or in modified form if, on the basis of the application and the evidence submitted, the planning commission makes findings of fact that establish that the circumstances prescribed in Section 17.01.630, Findings, apply and the following circumstances also apply:

- A. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of the sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation; and
- B. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets; and
- C. That the granting of the variance will not create a safety hazard or any other condition inconsistent with objectives of this title. (1992 zoning ord. (part))

### **17.01.655 - Effective date of variance.**

A decision of the planning commission on a variance shall be effective within ten calendar days unless an appeal of the decision is filed within the ten calendar days. (1992 zoning ord. (part))

### **17.01.660 - Lapse of variance.**

- A. A variance shall lapse and shall become void one year following the date on which the variance became effective unless, prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or certificate of occupancy is required.
- B. A variance may be renewed for an additional period of one year provided that ninety calendar days prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is filed with the planning director.
- C. The planning commission may grant, grant conditionally, or deny an application for renewal of a variance. (1992 zoning ord. (part))

### **17.01.670 - Revocation.**

A variance granted by the planning commission, subject to conditions may be revoked by the commission if the applicant has not complied with the conditions. The decision of the commission revoking a variance shall become effective ten calendar days following the date on which it was revoked, unless an appeal is received within the ten calendar days. (1992 zoning ord. (part))

**17.01.675 - Variance related to plans submitted.**

Unless otherwise specified at the time a variance is granted, it shall apply only to the plans and drawings submitted as part of the application. (1992 zoning ord. (part))

**END**