

**SECTION 2**  
**PERMITS**

**SECTION 2****2. PERMITS****2.01 Permit Process**

No person, firm or corporation shall commence work on the construction, alteration or repair of any facility located either in the public right-of-way or a public easement without all applicable permit(s) first having been obtained from the City.

Any party requesting such permit shall file written application with the City at least ten (10) working days before construction is proposed to start. Such application shall be made on a standard City form provided for that purpose, and shall include:

- (1) The name and address of the applicant (name and address of property owner if different than applicant);
- (2) The name and address of the owner of the property abutting the street where the work is proposed;
- (3) The street location of the proposed work, giving the street address or legal description of the property involved;
- (4) A detailed plan showing the dimensions of the abutting properties and the dimensions and location of all existing and/or proposed facilities and other pertinent features to understand the proposed work;
- (5) The plan shall also show the location of buildings, loading platforms or roof overhangs (if significant) facilities being served or to be served by the new construction.
- (6) Appropriate City fees.

The City may require, at their discretion, the filing of any other information when in their opinion such information is necessary to properly enforce the provisions of this ordinance.

No permit shall be issued until the proposed work has been approved by the appropriate City officials. Adjudication of disagreements regarding approvals shall be made by the City Administrator and his decision shall be final.

No plan shall be approved nor a permit issued where it appears that the proposed work, or any part thereof, conflicts with the provisions of this ordinance or any other ordinance of the City of Long Beach, nor shall issuance of a permit be construed as a waiver of any Zoning or Building Ordinance or other ordinance requirements concerning the plan.

**A fee of an amount as designated by City code shall accompany all applications for permits.**

## 2.02 Variances

### A. General

The City Council or the City Administrator shall have the authority to grant a variance from the requirements of this specification and from the requirements of this ordinance after considering the matter. Should the City Administrator prefer to refer variance decision on to the City Council, the Council shall sit, in judgment of same, at a public hearing duly called in accordance with the procedures specified below. No application for a variance shall be granted by the council unless the council finds:

- (1) That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same neighborhood, and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same neighborhood.
- (2) That the special conditions and circumstances do not result from the actions of the applicant, and are not self-imposed hardships;
- (3) That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same neighborhood;
- (4) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the subject property is situated;
- (5) That the granting of the variance requested will be in harmony with the general purpose and intent of these standards, and any applicable Land Use Ordinance(s);
- (6) That the purpose of the variance is not merely to permit the subject property to be utilized more profitably by the owner or to economize on the cost of improving the property.

### B. Conditions

In granting any variance the City Council may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of the specifications shall not be violated. Further, the City Council will require the applicant to post a performance bond guaranteeing compliance with such conditions.

### C. Effective Date of Variance

The decision of the Board of Adjustment (BOA) granting or denying a variance shall not become final until the expiration of

ten days from the date of entry of such decision in the official records of the City Council.

An aggrieved party may file an appeal of such decision to the Pacific County Superior Court or with the **Pacific County** Hearing Examiner (as applicable) within said ten-day period; if no such appeal is filed, the decision shall thereupon become final.

D. Procedure for Application of a Variance

**Application for a variance shall be filed with the City Public Works Department in writing and shall be accompanied by a fee of five hundred and fifty (\$550) dollars, which will pay for the cost of administration, processing the application, and the cost of publishing and posting the required public notices.** All applications shall be accompanied by a current copy of the **Pacific County** assessor's record showing the legal owners of all property within three hundred feet (300') of the boundary of the property requesting the variance. All applications shall contain a statement as to why the variance is necessary, and furthermore, why it would meet the criteria of this chapter. The application shall also contain scaled drawings of the variance area, including abutting roads, public right-of-way (open and unopened), corporate limits, platted property and all other property within three hundred feet (300') thereof. It shall also include the names and addresses of all such property owners (within 300') as such names appear on the assessor rolls.

E. Public Notice and Hearing

Proper notice of a hearing on a variance application before the Board of Adjustments (BOA) shall be as follows:

- (1) One publication in the official newspaper for the City at least ten days prior to the date of hearing;
- (2) Posting of copies of the notice of hearing at least ten days prior to the hearing in;
  - (A) **Long Beach** City Hall
  - (B) The United States Post Office in the City of **Long Beach**, and
  - (C) In a conspicuous place (legible and weather proof) on the property or properties which is the subject matter of the application;
- (3) Written notice mailed to the owner or reputed owners of property within three hundred feet (300') of the property which is the subject matter of the application, which ownership is deemed to be that of the last owner of record in the current files of the County Assessor, said notice to be mailed at least ten (10) calendar days prior to the date of the hearing.

- (4) The City Clerk shall be responsible for the mailing and publication of all required notices. The Clerk shall diligently observe the foregoing requirements, but minor inaccuracies in giving such notice shall not invalidate the proceedings of the Board of Adjustments.