

VARIANCE APPLICATION CHECKLIST

To submit a complete Variance Application, the following items must be provided. Depending on the site, additional items may be required, contact the Community Development Department for more information.

- Application form
- Fees according to the Fee Schedule (available at the Community Development Department)
- Title report or preliminary title report prepared for the current owner.
- A written statement describing the project, the need for the variance, and addressing all of the following issues:
 - ▶ Would the approval of the variance constitute a grant of special privilege inconsistent with the limitations or other properties in the vicinity with the same zoning?
 - ▶ Are there special circumstances applicable to the property because of its size, shape, topography, location or surroundings such that the strict application of the zoning regulations would deprive the property of rights enjoyed by other properties in the vicinity with the same zoning?
 - ▶ Would the approval of the variance substantially meet the intent and purpose of the zone?
- Property owner notification list & envelopes
 - ▶ County Assessor's parcel map indicating project parcel(s) and 300' property owner notification boundary. This map may be obtained from the Community Development Department.
 - ▶ List of names and addresses of all legal owners of property within 300 feet of subject property. Format for list may be obtained from the Community Development Department.
 - ▶ Addressed and stamped legal-size envelopes for all listed property owners. Do not place return address on envelopes.

In situations where other discretionary approvals by the City are not required (e.g., site plans or development plans), the following materials must be submitted.

- 9 copies of a site plan, folded to a maximum size of 8½" x 14" (plus a reduced copy at 8½" x 11"), which meets or provides the following requirements or information:
 - ▶ Existing zone designation(s)
 - ▶ Property lines and dimensions
 - ▶ Assessor parcel number(s)
 - ▶ Adjacent streets and distances from the centerlines
 - ▶ Buildings and structures, existing and proposed
 - ▶ Septic systems and drainfields, existing and proposed
 - ▶ Topographic features
 - ▶ Dimensions and nature of easements
 - ▶ Dimensions of required yards, of spaces between buildings, and of spaces between property lines and buildings
 - ▶ All dimensions shall be drawn to scale, 1"=20' or greater. The date, scale, north arrow, and a vicinity map shall be provided.
 - ▶ Sheet size shall not be smaller than 11" x 17", nor larger than 24" x 36".
- 9 copies of architectural drawings, folded to a maximum size of 8½" x 14" (plus a reduced copy at 8½" x 11"), which meet or provide the following requirements or information:
 - ▶ Building elevations of all affected sides of each existing and proposed structure affected by the variance, with height dimensions from existing and proposed grade.
 - ▶ Floor plans of building area affected by variance.
 - ▶ All dimensions shall be drawn to scale, 1/8"=1' or greater. The date and scale shall be provided.
 - ▶ Sheet size shall not be smaller than 11" x 17", nor larger than 24" x 36"

GUIDE TO VARIANCES

PURPOSE

Each zoning classification within the City establishes specific development standards such as setbacks or building height. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics of the property. The variance procedure is designed to permit minor adjustments to the zoning regulations when there are special or extraordinary circumstances applying to a parcel of land or a building that prevent the property from being used to the extent intended by the zoning. Under the law, variances can be granted only if the following findings can be made:

- A. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located;
- B. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district;
- C. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

It is important to stress that a variance can be granted only when a finding can be made that a hardship exists and that the strict application of zoning regulations deprives a property owner of privileges enjoyed by other property owners in the vicinity and zone in which the property is situated. A variance cannot be granted to simply make property development less costly, to expand the use of the property, to allow greater intensification, or to result in approval of a use not otherwise allowed by the zoning or General Plan.

PROCESS

Step 1 - Preapplication Discussion with Staff

It is recommended that the applicant review the request with Community Development Department staff prior to submitting a formal application. This will allow an opportunity to discuss the feasibility of the request as well as any possible alternatives that may eliminate the need for a variance or improve the chance of the variance being granted. In addition, the staff and applicant can review the required data and procedures to be followed through the process. Usually, this first step is the most important step and helps a project move faster through the process.

Step 2 - Filing of the Application

The applicant should submit the completed application and an accurately-drawn site plan together with a written statement of the reasons justifying the variance and filing fee to the Community Development Department, 6000 Heritage Trail, Clayton, CA 94517. Staff will review the material to make sure all the required information is provided. The applicant will be notified within 30 days after filing as to whether the application is complete or what additional information is required. The application must be signed by the applicant and property owner(s).

Step 3 - Environmental Review

Most variance applications are exempt from environmental review because they would have a minimal impact on the environment. Some requests, however, would require that staff prepare a negative declaration or an environmental impact report (EIR).

Step 4 - Planning Commission Hearing

Following notification of the property owners within 300 feet of the exterior project boundaries, the Planning Commission will hold a public hearing on the variance. The Commission may approve, approve subject to conditions, or deny the variance. Any action may be appealed to the City Council. Without any appeals, the variance is effective in ten days.