

## VARIANCE PROCEDURES

### *What is a Variance (VAR)?*

A variance is a special allowance that may be granted by the Planning Commission for the relaxation of particular regulations in the Zoning Ordinance, in instances where the usual strict regulations hinder a particular property owner's enjoyment of their land where unusual physical circumstances apply. Only in circumstances where a property owner can prove that their property has unusual physical constraints, that no other conforming options for improvements to their property exist, and that the proposal would not be a grant of special privilege, will a variance be granted. The Planning Commission reviews a Variance and their decision is based on required findings (below).

### *What are the steps to apply for a Variance?*

- 1) Consult with the Planning Department Staff:** Upon applying, use the master application form to describe the scope of work. The application must be signed by the property owner and its representative, if any. A deposit or fee is required to cover city staff's time and expenses incurred in processing the application (See submittal requirements on back of form). During the process, additional money may be requested if the case involves more than one public hearing or if consultant services are required. The owner/representative will be required to sign an acknowledgement of permit processing costs. This form advises applicants of costs that may be involved in processing the application.
- 2) Staff Review:** Within 30 days of submittal of an application, the City will evaluate it for **completeness**. If it is found to be complete, it will be scheduled on an upcoming Planning Commission agenda; if it is incomplete, you will be so notified in writing and provided with a list of the items needed to render it complete. During processing, the property will be visited at least twice by City staff, once to investigate the site and once to post a public notice.
- 3) Environmental Review:** Within 30 days of determining the application to be complete, staff will determine the environmental status of the project pursuant to the California Environmental Quality Act (CEQA).
- 4) Noticing & Staff Report:** Local law requires public notice be given for Variance hearings. At least 10 days before the hearing, a notice will be posted on the property, mailed to all property owners within 300 feet, and posted on three official bulletin boards.
- 5) Public Hearing:** The Planning Commission hearing begins with a staff presentation, then the applicant's presentation and subsequent public comment. The public hearing is then closed and the Planning Commission deliberates the project and comes to a decision based on the required findings from Section 18.72.010, which are listed below:
  - A. Because of special circumstances applicable to the property, application of this title would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification

- B. The variance requested would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
- C. The variance requested would not allow a use not otherwise expressly authorized by the zone regulation governing the property.
- D. The granting of the application, under the circumstances of the particular case, will not adversely affect the general health, safety or welfare, or be detrimental to persons or property in the vicinity.

***Can the public or the applicant appeal the decision of the Planning Commission?***

Yes, anyone disagreeing with the Commission decision may file an appeal with the City Clerk within 10 calendar days of the date of the meeting at which the decision was made. A filing fee is charged. The City Council then will hold a new hearing.

***When does the Variance expire?***

The permit must be acted upon (commencement or construction) within two years of the approval or the Variance would be rendered invalid. Applicants unable to meet this schedule should apply for an extension before the two-year period expires.

**NOTE: The City strongly encourages the applicant/property owner to consult with the neighboring property owners regarding the proposed project before submittal.**