

Variance (V)

****A Pre-Application is Required Prior to Submittal of for Variance application****

The following is a list of documentation required by the Planning Office in order to process your application for Variance. Your application will **not** be accepted unless it is signed by the property owner, accompanied by the current filing fee, and includes **all** the pertinent items described below. Following initial distribution and review of submitted materials additional information may be required.

Questions? Contact: Planning Office (408) 299-5700

Checklist of Required Application Materials

The documents listed below are **required** for your application and **must be submitted in electronic form through the County InSite Public Portal**. **Incomplete submittals will not be accepted**. All plans must be legibly drawn to an appropriate scale.

- Site Plan** (See "Sample Site Plan" for items that are required to be shown on the site plan.)
- Exterior Elevations** (Elevations and floor plans must be submitted for all
- Floor Plans** existing and proposed structures on site.
- Statement of Circumstances** (see form included in packet)
- Copy of Assessor's Parcel Map** (Available at the Assessor's Office-5th Floor, County Government Center)
- Copy of Current Recorded Grant Deed**
- Evidence showing legal creation of lot** (See handout enclosed with application packet)
- Petition for Exemption from Environmental Assessment Form and & Applicable Fee**
- Completed Well Information Questionnaire** (enclosed with application packet)
- Hazardous Sites Questionnaire** (enclosed with application packet)
- Acknowledgements and Agreements Form**, signed by owner or authorized representative.

Additional Application Materials that may be Required

The documents listed below **may** be required for your Variance application. **Please consult staff to make an accurate determination**.

- Geologic Reports & Applicable Fee**
A geologic report may be required, depending on the project and location. If a geologic report is required, submit one (1) original wet signed paper copy and one (1) electronic copy (PDF on thumb drive). Contact County Geologist at (408) 299-5774.
- Septic System Plan (field checked and signed by Department of Environmental Health (DEH) field office)**
If a septic system is existing or proposed, each site must be evaluated by DEH. The evaluation entails a site assessment, a soil profile trench and a percolation test prior to approval of Variance Application. DEH charges an additional fee for site evaluations. Contact DEH at (408) 918-3400.
- Fire Protection Information**
 - Total square footage of proposed structure(s), proposed occupancy type per California Building Code, and type of building construction to determine size of water tanks per CMFO-W2.
 - Label NFPA 13 fire sprinkler system as a deferred submittal.
 - Provide water source (name of water provider or on-site well). If water connection is proposed, provide a will serve letter for source of potable water.
 - If the source of water is on-site well, show the location and capacity of existing or proposed aboveground water tank(s) and means of delivering water at required pressure (e.g., fire pump or gravity).
 - All fire hydrants are to be shown and labeled as standard fire hydrants.
 - Show drivable width, vertical clearance, surface, load-bearing capacity, turning radii, percent grade, turnarounds, turnouts and bridges for all private access roads and driveways,
 - Label if parcel is within the State Response Area (SRA) or the Wildland Urban Interface (WUI).

Note: All parcels located within the WUI are to meet Chapter 7A of the CBC. All parcels located within the SRA, or within the Local Response Area (LRA) and the Very High Fire Hazard Severity Zones (VHFHSZ) are to meet PRC-4290.

Other Reports/Studies

Your project may require a detailed report or study. For example, a biological, archeological, noise, or traffic study could be required depending on the location and/or intensity of the project.

*****Turn page for additional requirements*****

Variance Pre-Application (PA)

A Pre-Application meeting for Variance is mandatory before submitting for formal application. **Questions?** Call the Planning Office (408) 299-5700.

Checklist of Required Application Materials

The documents listed below are **required** for your application and **must be submitted in electronic form through the County InSite Public Portal**. **Incomplete submittals will not be accepted**. All plans must be legibly drawn to an appropriate scale.

- Site and Floor Plans** (See “Sample Site Plan” for items that are required to be shown on the site plan.)
- Copy of Assessor’s Parcel Map** (Available at the Assessor’s Office-5th Floor, County Government Center)
- Statement of Circumstances** (see Enclosed).
- Fire Protection Information**
 - Total square footage of proposed structure(s), proposed occupancy type per California Building Code, and type of building construction to determine size of water tanks per CMFO-W2.
 - Label NFPA 13 fire sprinkler system as a deferred submittal.
 - Provide water source (name of water provider or on-site well). If water connection is proposed, provide a will serve letter for source of potable water.
 - If the source of water is on-site well, show the location and capacity of existing or proposed aboveground water tank(s) and means of delivering water at required pressure (e.g., fire pump or gravity).
 - All fire hydrants are to be shown and labeled as standard fire hydrants.
 - Show drivable width, vertical clearance, surface, load-bearing capacity, turning radii, percent grade, turnarounds, turnouts and bridges for all private access roads and driveways,
 - Label if parcel is within the State Response Area (SRA) or the Wildland Urban Interface (WUI).

Note: All parcels located within the WUI are to meet Chapter 7A of the CBC. Properties located are to also meet PRC-4290. All parcels located within the SRA, or within the Local Response Area (LRA) and the Very High Fire Hazard Severity Zones (VHFHSZ) are to meet PRC-4290.

Instructions for Completing the Variance Statement of Circumstances/Justification

1. Include a title for the written Statement of Circumstance / Justification for the requested Variance.
2. Describe the project for which you are requesting consideration of a variance and the specific nature and scope of the variance requested (e.g.: request to reduce the front setback on north side of property from 25 to 21 feet).
3. Show on the preliminary plans the requested Variance and proposed setback encroachment areas (e.g.: shade and label the area(s) of development that is proposed to be within the required setback(s), with scaled dimensions, and clearly show and label the required setbacks).
4. Describe the unique physical characteristics of the property that can be considered as the basis for the proposed Variance. Such characteristics may include size, shape, topography, location, or similar characteristics that have an actual bearing on the reasonable use and development of the property.
5. Explain why the property characteristics or circumstances, together with the applicable regulation(s) of the zoning ordinance, represent a substantial and detrimental hardship that precludes reasonable use and development of the property.
6. Explain whether and to what extent other properties in the vicinity of subject property and under identical zoning designation possess similar characteristics or circumstances.
7. Granting a Variance requires the County to make State-mandated findings. Include statements that you believe directly support making the following findings.

§5.70.020 Findings

A variance may not be granted unless both of the following findings can be made:

- A. Because of special circumstances applicable to the subject 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; and
 - B. The grant of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located.
8. **NOTE:** All Variance applications are subject to certain principles of law and zoning administration practice, including, but not necessarily limited to the following:
 - Design/development preferences are not a basis for approval;
 - The presence of commonly encountered development constraints that do not rise to the level of significant and unique hardship or that do not preclude reasonable use and development of the property are not necessarily a basis of approval;
 - The mere existence of a peculiar situation or unusual circumstances if an ordinance or standard is enforced does not obligate a city or county to grant a variance;
 - The grant of variance, where warranted, should be limited in nature and provide relief from a zoning standard only to the extent necessary to address the specific circumstances.