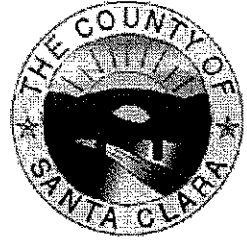


# Santa Clara County Planning Office

## Statement of Circumstances/Justification For Variance Application



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Assessor Parcel Number

On separate sheets of paper, please provide the information requested.

1. Describe the project for which you are requesting consideration of a variance and the specific nature and scope of the variance requested (e.g.: reduce front setback on north side of property from 25 to 21 feet).
2. Describe the unique physical characteristics of the property that you consider to be a 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.
3. 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.
4. Explain whether and to what extent other properties in the vicinity of your property and under identical zoning designation possess similar characteristics or circumstances.
5. Explain how you believe it is possible to make the minimum findings required for granting a variance in this case. Refer to the Section 5.70.020 for the findings on reverse.

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Please note that a variance application is subject to certain principles of law and zoning administration practice, including, but not necessarily limited to the following:

- a. design/development preferences are not a basis for approval;
- b. 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;
- c. 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;
- d. a grant of variance, where warranted, should be limited in nature and provide relief from a zoning standard to the extent necessary to address the specific circumstances.

(over)

**Santa Clara County Zoning Ordinance, Chapter 5.70, Variance**

**§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.

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**PROPERTY LINE VERIFICATION INFORMATION and DISCLAIMER**

Property lines must be verified with survey monumentation whenever a project is proposed that necessitates verification due to proximity of a property line or right-of-way from which setbacks are taken. Setback variances always require verification of property lines. Because a precise determination of setback distance is required for proper legal noticing, an incorrectly calculated setback dimension, or incorrect depiction of property lines on site plans, will nullify an approved variance. It is the policy of the Planning Office to require verified property lines to be shown on the submitted site plans for setback variance applications.

If you do not wish to provide the required survey monumentation prior to filing your application, you are required to sign this form acknowledging your understanding that an incorrectly represented property line or setback will likely invalidate an approval. If your variance approval becomes invalidated by such a misrepresentation, you will be limited to certain options, including: (a) abandon the project; (b) modify the project to conform with the approved variance; or (c) apply for a new variance and pay the required application fee.

By signing this form, you acknowledge you have been informed of these requirements and further agree that prior to building permit issuance, you will provide the necessary monumentation and/or documentation to enable the building inspector to ascertain the exact property line location(s) and the setback distance(s) in question in order to verify setback compliance in the field.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date