Variance

Appointments may be required for some planning application submittals. Appointments must be made at least 24 hours in advance. Please call the main desk (707) 648-4326 to set up the appointment.

What is a Variance?

A variance is a Planning Commission approval allowing relief from the measurable standards established by the Zoning Ordinance. Such standards include: building setbacks, building size, lot coverage, etc.

When is a Variance required?

A variance is required if a measurable standard is to be exceeded by more than 25% or if a development standard is to be waived. A variance cannot be granted for a use not allowed in a zoning district.

What are the steps in the process?

- You may request preliminary review of your project by the Planning Division and/or Technical Project Review Committee. This process takes approximately 3 weeks but can save time later by resolving issues early in the review. Please refer to the "Preliminary Review" handout.

- A planner will review the application for completeness. State law requires that staff determine whether the application is complete within 30 days. Planning staff usually does this within 3 weeks, depending on workload.

- Some variance applications are subject to the Environmental Review process, if staff advises you that your project is subject to Environmental Review, please refer to the "Environmental Review" handout.

What is required for plan submittal?

<u>VARIANCE APPLICATION CHECKLIST</u>

The following items must be submitted for a complete application. To ensure that all items are provided, please check off the box for each item that is shown. If an item is not applicable, write N/A next to the box. Incomplete applications will not be accepted.

☐ **Application:** A completed planning application signed by the property owner and applicant.

☐ **Variance Supplemental Information:** This form must be submitted with the application.

☐ **Fees:** An application fee of $_____.
A public notice fee of $_____.

☐ **Plans:** Eight (8) sets of plans: Site plan, building elevations and floor plans. Please refer to the "Site Plan and Elevation Checklist" handout. Site plan must show project relationship to structures, driveways and vegetation on adjacent properties.

☐ **Additional Plans:** One (1) set of 8.5' x 11' reduction of all plans.

☐ **Site Photos:** Color photos showing the existing property and the adjacent properties.

How long does the approval process take?

Upon submittal of a complete application, Planning staff will route the plans to the appropriate departments and agencies for comments. A project can **usually** be scheduled for a public hearing before the Planning Commission 30 to 45 days from the date an application is accepted as complete.

What are the findings for a Variance?

City law states that a variance cannot be approved unless all of the following 5 findings are made:

1. A hardship peculiar to the property and not created by any act of the owner exists.

2. The variance is necessary for the preservation of substantial property rights enjoyed by surrounding properties in the same zoning district, and would not constitute a granting of special privileges.

3. The variance will not be materially detrimental to the public health, safety or welfare of adjacent property owners.

4. The conditions which the variance is based on are generally not applicable to other properties in the same zoning classification.

5. The variance will have an insignificant effect, or the potential adverse effects of the variance are exceeded by the individual hardship on the property owner if the variance is not granted

What is the decision based on?

At least 21 days before the hearing, property owners within 500 feet of the boundaries of the subject property will be notified of the public hearing. At the hearing, the Planning Commission will consider the information provided by the Planning Division staff and hear comments from the applicant and the public. After the public hearing, the commissioners will consider the required findings and the information presented to make a decision on the application.

Can a decision be appealed?

Yes, any Planning Division determination may be appealed to the Planning Commission through the Planning Commission Secretary and a Planning Commission decision can be appealed to the City

Council. To appeal, the appellant shall submit a letter stating the reasons of the appeal and how it affects them. The appeal must be filed within 10 calendar days after the decision is made. A public hearing will then be set for the Planning Commission to consider the appeal. If a Commission decision is appealed to the City Clerk, a public hearing before the City Council will be scheduled.
If no appeal is filed within 10 days of the determination date, the project determination is final.

When are appeals hearings held?

The Planning Commission usually holds public hearings on the first and third Mondays of each month at 7:00 p.m. in the City Council Chambers, 555 Santa Clara Street.

The City Council usually holds public hearings the second and fourth Tuesdays of each month at 7:00 p.m. in the City Council Chambers, 555 Santa Clara Street.

When does my variance expire?

A variance expires 24 months after approval unless authorized construction has begun prior to the expiration date. If a variance is approved in conjunction with an approved tentative map of 5 or more lots, it may be extended up to 36 months.

What if I need more information?

For further information please contact the City of Vallejo Planning Division at (707) 648-4326.

Variance Supplemental Information

PROJECT INFORMATION

PROPERTY ADDRESS_____
ASSESSOR'S PARCEL NO. _____.EXISTING ZONING _____.

APPLICANT
NAME _____.
ADDRESS: _____DAYTIME PHONE _____.

VARIANCE REQUEST
DESCRIBE TYPE OF VARIANCE BEING APPLIED FOR _____
_____
_____
_____
_____

CITY LAW STATES THAT A VARIANCE CANNOT BE APPROVED UNLESS CERTAIN CIRCUMSTANCES EXIST. PLEASE ANSWER THE FOLLOWING QUESTION IN JUSTIFICATION OF YOUR VARIANCE REQUEST.

DESCRIBE THE CIRCUMSTANCES PECULIAR TO YOUR PROPERTY WHICH PRECLUDE YOUR ABILITY TO ENJOY THE SAME PRIVILEGES AS THOSE OF OTHER PROPERTIES IN THE VICINITY. (Such things as property size, shape, topography, or location may qualify the property for a variance. Such things as personal, family or financial difficulties, loss of prospective profits and neighboring violations do not apply.)

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