

VARIANCE

Last Updated Jan 2016



Variance Permit Fee:

Single Family Dwelling	\$411.00
Other	\$823.00

Variance:

A variance may be granted for any physical development standards of the Zoning Ordinance except for land uses, residential densities, and prohibited signs.

Purpose of a Variance:

Variances are deviations from the dimensional standards in the applicable zoning district when special circumstances are applicable to the property, including location, shape, size, surroundings, or topography. The strict application of the standard regulations would deny the property owner privileges enjoyed by other property owners in the vicinity and under the same zoning district. Any variance that is granted shall be subject to conditions that ensure the variance does not constitute a granting of special privilege(s). The power to grant variances does not apply to land use regulations.

Submittal Requirements:

Submit to Planning Department

- ☐ Application Form (attached)
- ☐ Environmental Information Form (attached)
- ☐ Agent Authorization Form (if the applicant is not property owner)
- ☐ Payment of Application and Environmental Review fees
- ☐ Building elevations (5 copies 11x17) all elevations for all new buildings and remodeled and expanded buildings
- ☐ Landscape Plan (5 copies 11x17), if applicable
- ☐ 2 copies Pre-printed Address Labels (Avery 5160 style) of all property owners within 300 feet of the property, measured from the property line. Please include address labels for the applicant and engineer or other representative
- ☐ 300 foot radius map showing adjacent properties.
- ☐ Site Plan (5 copies on 11 x 17 paper drawn to scale). Items included on the site plan:
 - ___ Applicant's name and address
 - ___ North Arrow
 - ___ Workable Scale
 - ___ Property lines with dimensions
 - ___ All existing on-site or adjacent streets, alleys, easements and right-of-ways
 - ___ Proposed building(s) and other structures with dimensions and distances from property lines, building height or other information needed to indicate what variance from City zoning development standards is requested.
 - ___ All existing buildings, and other structures on the property, with distances to the nearest property line, fencing, landscaping, utility poles and structures. Indicate what will be removed and what will remain as part of the proposed project.
 - ___ Any other information needed to describe the need for the variance.

Submittal:

Upon determination of a complete application by the Planning Department staff, the application shall be processed in accordance with Zoning Ordinance Chapter 17.35.040.

GENERAL APPLICATION FORM

Last Updated Jan 2016



Applicant Information

Name _____ Address _____
Phone _____ Fax _____ E-mail _____

Property Owner Information (if different from applicant)

Name _____ Address _____
Phone _____ Fax _____ E-mail _____

Representative Information

Name _____ Address _____
Phone _____ Fax _____ E-mail _____

Property Description

Assessor Parcel Number(s) _____
Address/General Location _____
Parcel Size _____ Existing General Plan _____ Existing Zoning _____

Project Description

Name of Project _____
Project Description (Please be complete, use separate sheet if needed) _____

Applicant Certification: I hereby certify that this application and all other documents and maps submitted are true and correct to the best of my knowledge and belief. (If the undersigned is different from the legal property owner, a letter of authorization from the owner must accompany this form). I agree to indemnify and hold harmless for all costs and expenses, including attorney's fees, incurred by City or held to be a liability of the City in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the Applicant's project.

Signature _____ Date _____

CITY STAFF USE ONLY

Application Type:

General Plan Amendment _____	Use Permit (Major) _____	Tent Subdvn Map _____
Rezoning (Map) _____	Use Permit (Minor) _____	Tent Parcel Map _____
Rezoning (Text) _____	Use Permit (Amend) _____	Env: Neg Dec _____
Specific Plan _____	Variance _____	EIR _____
Specific Plan Amend _____	Design Review _____	Other _____

Total Fees \$ _____ Receipt# _____

Received By _____ Date _____

Variance Justification Form

Last Updated Jan 2016



In order to deviate from the City's development standards (variances cannot be issued for uses of land that are provided in the City of Live Oak Zoning Code, California law (Government Code Section 65906) requires that Findings be made by the Planning Commission that special circumstances exist that deprives the property of privileges enjoyed by other property in the vicinity and under the same zoning district.

Please provide information which demonstrates each of the following: (Please use separate sheet if needed).

1. The special circumstances applicable to the property, including size, shape, topography, location or surroundings:

2. The property is deprived of privileges enjoyed by other property in the vicinity under identical zoning.

3. Approval of the variance would not be materially detrimental to the public's health, safety or welfare, or be injurious to the property or improvements in the vicinity in which the property is located:

4. Approval of the variance would not allow a use or activity which is not otherwise expressly prohibited and will not constitute a grant of special privilege inconsistent with limitations on other property in the vicinity and with identical zoning:

Environmental: A determination on the CEQA (California Environmental Quality Act) requirements applicable to the project is usually made at or near the time of receipt of the application. Some projects are exempt from CEQA and they can be processed in the least amount of time. In more complicated cases it may be the end of the initial 30 day review. Assuming a negative declaration is required, Planning Department staff will begin preparation of that document once all of the agency comments and other needed information are received.

Review with the Applicant: Once all of the information and comments are received from the various City Departments and outside public agencies, the applicant and his/her representative will be contacted by City staff to discuss the merits of the project. The project will be scheduled for a public hearing before the Planning Commission. Due to the need to prepare staff reports and legal notice requirements for the project, the Planning Commission hearing is normally 30 to 45 days after the review with the applicant.

Staff Report: Prior to the Planning Commission public hearing, City staff will complete the environmental document and staff report. The staff report includes the merits of the project, recommended conditions and findings for the Planning Commission to consider. The Commissioners and the applicant will each receive the staff report several days prior to the public hearing.

Findings for approval: In order to approve a variance, or approve it with modifications and/or conditions, the Planning Commission must first make the following findings, based on information in the record:

1. There are special circumstances applicable to the property or structure(s) including location, size, shape, surroundings, or topography or other conditions, so that the strict application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.
2. Granting the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Granting the variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district as the property is located.
4. Granting the variance does not allow a use or activity which is not otherwise authorized by the zoning district within which the property is located.
5. Granting the variance will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity or be detrimental to property or improvements in the vicinity or to the general welfare of the City.

Planning Commission: The Planning Commission hears all discretionary items. They meet as needed in the evenings of the first and third Tuesdays of every month at 7:00pm. All adjacent property owners and the applicant are notified of the hearing and are invited to attend and comment on the project. The Planning Commission can approve, approve with conditions, deny the project, or continue if further information is needed in order to make a decision. Any decision of the Planning Commission can be appealed to the City Council within 10 days of the Commission's decision.