

VARIANCES

Community Development Department
300 First Street
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THIS HANDOUT IS A SUMMARY OF REQUIREMENTS

Please refer to section [17.136.010](#) of the City's Municipal Code

VARIANCES

PURPOSE

Webster's defines the term variance as a "license" to do some act contrary to the usual rule." In the world of land use and zoning, variances are used to grant a property owner permission to utilize his property in a manner not normally allowed under the rules and regulations found in the City's Zoning Code. Variances are used to address the physical characteristics of the Zoning Ordinance as they affect a property, but not the proposed use of the property.

Variances are not granted lightly, however. The Community Development Department must be able to establish that the property owner would be denied reasonable and customary use of his/her property if the variance was not approved. The department must also find that no special privilege, inconsistent with other properties in the area, is being granted with the approval of the variance. An example of a variance request that might be approved is a variance to expand an existing building into the required front yard setback area if the proposed expansion is necessary to bring the building into compliance with applicable building codes. The City's Zoning Ordinance states that approval of variances must only be made when "the literal enforcement of the requirements of the Zoning Code would involve practical difficulties or would cause hardship and would not carry out the spirit and purpose of the Code."

Variances are issued by the Planning Commission, which is made up of seven individuals appointed by the City Council who are charged with the responsibility of approving or denying requests for development. The Commission meets on the first and third Thursday of each month at 300 First Street. Meetings are located on the second floor in the City Council chambers and begin at 6:30 pm.

Variances take approximately 2 to 4 months to process, depending on the level of environmental review that is required and staff's current work load. This time frame includes certain minimum timeline requirements stipulated by State law for environmental review and public noticing. Projects that are determined to be categorically exempt from CEQA normally take 2 months to process while those requiring a Negative Declaration take approximately 4 months to process.

It is important to prepare a complete and accurate submittal package. Delays may occur if staff does not have accurate information or has to spend time gathering information that should have been provided in the application. Staff strongly encourages the use of preapplication meetings for variance applications. The Community Development Department staff has set a goal to process applications as rapidly as possible. A complete and accurate submittal package is essential to helping us meet this goal.

APPEALS

Any person dissatisfied with the decision of the Planning Commission may appeal to the City Council. Appeals must be filed with the City Clerk's office in writing within 14 days of the Planning Commission action. A fee will be assessed according to the enclosed fee schedule. Decisions by the City Council regarding appeals are final.

FINDINGS

The Planning Commission must be able to make the following findings about the project in order to approve a variance:

The Zoning Administrator shall have the power to grant variances, exclusive of use variances, when the Zoning Administrator has found and determined that the following circumstances apply:

- A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.
- B. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulation is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the same zone classification.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located.
- D. That the granting of such variance will be in conformity with the general purpose and intent of this chapter and the General Plan.
- E. A variance shall not be granted for a parcel of property, which authorizes a use, or activity, which is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

EXPIRATION AND REVOCATION OF VARIANCES

Expiration: Approved variances are subject to expiration if construction has not commenced within the time limit set by the Planning Commission or within one year after the date of the hearing if no specific time has been set.

VARIANCE

SUPPORT DOCUMENT CHECKLIST

- Completed General Application Form (A)
- Statement of Justification
- Payment of non-refundable application fees
- Reimbursement Agreement
- Preliminary Title Report of all properties involved in the request (current within 60 days).
- 300' Radius Public Notice Map
- Typed list of owners for public notice mail out list that includes current names, assessors parcel numbers, and mailing addresses of all parcels within 300 feet of the subject property.
- 18 sets of plans (folded to 8-1/2" x 11") showing the following minimal information:
 - a. Title and address of the project
 - b. All property lines and easements
 - c. All public rights-of-way
 - d. All existing and/or proposed structures
 - e. North arrow
 - f. Scale of the drawing
 - g. Date of the drawing
 - h. All site dimensions including parking lot planters, walks, etc.
 - i. Location, type and size of all existing trees (show trees to be removed)
 - j. All fences or walls including height
 - k. Adjoining property lines, structures, and driveways.
 - l. Any additional information showing the variance being requested.

The applicant is encouraged to use this list as a guide. Additional information or exhibits in support of the proposal are encouraged if justified. Exhibits, photos, petitions, etc., become the property of the Community Development Department and cannot be returned. Additional studies and/or supplemental materials may be required pending environmental review.

GENERAL APPLICATION FORM

Application forms must be completed and signed by the property owner or designated agent. Applications signed by individuals other than the property owner(s) will require evidence of authority to file on behalf of the owner. Applicants should attempt to complete the form to best of their ability. The planning staff is available to clarify any questions that may arise.

STATEMENT OF JUSTIFICATION

A statement of justification must be provided. Applicants should explain in detail the nature of the request and why the proposal is justified (i.e., how it meets the required findings). A strong and complete project description and justification will improve the likelihood of a favorable staff recommendation and approval by the Planning Commission.

FEES

Fees for processing variances are based upon a fee structure set by the City Council. Submittal fees are used to cover staff's time for preparation of environmental documents, preparation of staff reports, and attendance at required public hearings.

The Department of Fish and Game requires payment of fees for the review of projects impacting wildlife sensitive areas. The fees for this review are \$25.00 for a finding of no impact (Di minimus Finding); \$850.00 for review of an Environmental Impact Report; and \$1,250.00 for review of a Negative Declaration. These fees are due and payable prior to the scheduling of public hearings for the proposed project. *(updated by County 06/01). Please check with Yolo County Recorder for current fees.*

PRELIMINARY TITLE REPORT

A preliminary title report of all parcels involved in the request is required. A title report can be obtained from any title company location in Yolo County.

PUBLIC NOTICE MAP AND PROPERTY OWNER'S LIST

A Public Notice Map and Property Owner's List conforming to requirements outlined in this packet is required.