



# EZOP Planning Checklist

## VARIANCE

### Information Sheet

#### GENERAL INFORMATION

Variances are provided for in the Development Code and State Law to allow flexibility of development standards where the strict application of a regulation may not be appropriate. According to State Law, the justification for a Variance is that you as a property owner would suffer a unique hardship if the development standards as specified in the Development Code were strictly applied. The Development Code States that provision for variances “are established to insure that any property, because of special circumstances such as size, shape, topography, location or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same vicinity.”

**A MAJOR VARIANCE IS ONE THAT IS NOT CLASSIFIED BY THE DEVELOPMENT CODE AS A MINOR VARIANCE.** A Minor Variance is one that modifies the following:

TYPES OF MINOR VARIANCES ALLOWED*		Maximum Variance
1. <b>Area Requirements:</b> Excluding parcel area requirements.		30%
2. <b>Distance between structures:</b> Up to 40 percent, but no closer than 6 feet.		40%
3. <b>Fence or wall heights:</b> Up to 30 percent, but no higher than 6 feet in the front or street side yard setbacks.		30%
4. <b>Floor width requirements:</b> of the single-family residential design standards.		20%
5. <b>Gross floor area requirements.</b>		10%
6. <b>Height Requirements:</b> Except that, any height adjustment, not exceeding two feet in total height shall also be considered a Minor Variance.		30%
7. <b>Off-street parking requirements:</b> <ul style="list-style-type: none"> <li>• Parking and loading space requirements, not to exceed two spaces.</li> <li>• Parking area/lot improvements</li> </ul>		30%
8. <b>Overlay District Requirements:</b> Of the standards identified in the overlay districts.		30%
9. <b>Setback requirements:</b>		
a. Front setbacks – But no closer to the nearest property line than 15 feet in the valley and desert areas and 10 feet in the mountain region		40%
b. Side setbacks – But no closer than three feet from the nearest property line, except in a Fire Safety Overlay District in which no closer than five feet.		40%
c. Rear setbacks – But no closer than 10 feet from the nearest property line.		30%
10. <b>Sign requirements</b>		
a. Sign area limitations		10%
b. Sign height and setback limitations		30%
c. Sign number limitations not to exceed four signs.		100%



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### GENERAL INFO (Continued)

(\*) Administrative criteria for Minor Variances for these structures shall be established by the Land Use Services Director. Those proposals that do not meet the criteria shall be submitted to the Department of Public Works, with the appropriate fee, for road safety evaluations. Architectural design and construction materials shall be compatible with the visual setting of the surrounding area. Variances to the requirements of Section 83.02.030 regarding "clear sight triangles" shall not be evaluated with Minor Variance.

All Variances are approved using the "Staff Review with Notice" procedures as set forth in the Development Code. The Development Code also provides that when necessary, the reviewing authority (Director of Land Use Services) may hold an advertised hearing to consider evidence and take testimony prior to action upon a request for a variance. Prior to approving a variance, the reviewing authority must be able to make the following findings:

1. The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.
2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity.
3. The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
4. The granting of the variance is compatible with the objectives, policies, general land uses and programs specified in the County General Plan and any applicable plan.

### FEES

**Major Variance (Average Cost): \$1,990.00**

**Minor Variance (Average Cost): \$793.00**

### PROCEDURES

1. Submit EZOP Application. Technician will invoice you once it has been determined that all required documents have been submitted.
2. Project planner will review application submittal and notify you of any corrections and/or additional items needed.
3. If application is deemed complete, it may be routed to appropriate agencies for their review.
4. A decision by the Land Use Services Director or his/her designated deputy is based upon the answers to the "FACTS OF FINDINGS" required by State law and County Ordinance. The answers must be found to be "true" in order to approve the Variance request. Comments from the contiguous property owners are also taken into consideration in determining a decision.
5. The owner/applicant will be notified in writing of the decision. The decision becomes effective (unless appealed, see APPEALS below) **11 days after the written notice of decision has been deposited in the U.S. mail**, except when the 10<sup>th</sup> such day is not a County business day. In such instances the land use decision shall become effective on the second consecutive County business day following such 10<sup>th</sup> day. All conditions (if applicable) imposed must be complied with and/or the occupancy, use of the land, and use of the proposed or existing structures must take place within 36 months of the approval date or the approval action **SHALL BECOME NULL AND VOID**.

**CONTINUED**



## EZOP Planning Checklist VARIANCE *Information Sheet*

### PROCEDURES (Continued)

6. APPEALS: The decision of the Land Use Services Director or his/her designated deputy MAY be appealed to the Planning Commission by the owner/applicant or any other interested individual. An appeal will automatically delay the effective date of a Variance decision until a decision is rendered by the Planning Commission.
  - a. An appeal MUST be filed within ten calendar days after the written decision has been mailed and the appropriate fee paid in order to become an accepted filing (per County Ordinance).
  - b. The owner/applicant and the appellant (if other than the owner/applicant) will be notified of the Planning Commission Hearing Date approximately ten calendar days prior to the meeting. A Planning Commission Agenda and Staff Report will be mailed to all parties. The Planning Commission will render a decision at the Hearing after considering staff's recommendation and the facts presented by the owner/applicant and the appellant (if other than the owner/applicant).

### SUBMITTAL MATERIALS CHECKLIST

Forms and Guidance Materials can be found at <https://lus.sbcounty.gov/planning-home/handouts/>

- ☐ 1. Property Owner Certification.
- ☐ 2. Site/Plot Plan.