



6000 Heritage Trail, Clayton, CA 94517
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www.ci.clayton.ca.us

Variance Application

As Provided in the Clayton Municipal Code Title 17, Chapter 17.52

Below: Office Use Only

File No: _____ Deposit: _____

Received By: _____

Date: _____ Receipt No: _____

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Applicant/Property Owner Contact Information: Phone Number: _____

Applicant Name: _____ Applicant Email: _____

Property Owner Name: _____ Property Owner Email: _____

2. Submittal Requirements:

The number of copies of each of the items below, which constitutes a complete Application Submittal Packet, will be determined by the Community Development Director. If not specified, assume only one copy is needed. If applicable, all plans and analyses shall be at scale 1"=20' for site planning and 1/8"=1' or greater for elevations and floor plans. Please submit the following information in the order in which it is outlined below. Additional items may be required by the Community Development Director.

☐ Community Development General Application

☐ Variance Application

☐ Impervious Area Worksheet

☐ Processing Deposit \$ _____ (Make check payable to the City of Clayton)

☐ Title report or copy of a Preliminary Title Report prepared for the current owner.

In situations where other discretionary approvals by the City are not required (e.g., site plans or development plans) the following materials must be submitted:

☐ **Site Plan** 12 copies folded- max. of 8.5"x11" AND 1 copy of site plan reduced-max. of 11"x17"

- | | |
|--|---|
| 1. Existing zone designation(s) | 7. Property lines and dimensions |
| 2. Assessors Parcel Number(s) | 8. Adjacent streets and distances from the centerlines, |
| 3. Buildings and structures, existing & proposed | 9. Septic systems and drain-fields, existing and proposed |
| 4. Topographic features | 10. Dimensions and nature of easements |
| 5. Dimensions of required yards, spaces between buildings, and spaces between property lines and buildings | 11. All dimensions drawn to scale, 1"=20' or greater. Provide: date, scale, north arrow and a vicinity map property lines, and dimensions |
| 6. Sheet size shall not be smaller than 11" x 17', nor larger than 24" x 36" | 12. Typical dimensions throughout |

☐ **Architectural drawings:** 12 copies folded- max. of 8.5"x14" AND 1 copy Architectural drawings reduced 8.5"x11"

1. Floor plans of building area affected by variance
2. Building elevations of all affected sides of each existing and proposed structure affected by the variance, with height dimensions from existing and proposed grade
3. All dimensions shall be drawn to scale, 1/8" = 1' or greater. The date and scale shall be provided
4. Sheet size shall not be smaller than 11" x 17" nor greater than 24" x 36"

☐ Letter of Explanation

1. Explain why a variance is needed.
2. Would the approval of the variance constitute a grant of special privilege inconsistent with the limitations or other properties in the vicinity with the same zoning?
3. Are there special circumstances applicable to the property because of its size, shape, topography, location, or surroundings such that the strict application of the zoning regulations would deprive the property of rights enjoyed by other properties in the vicinity with the same zoning?
4. Would the approval of the variance substantially meet the intent and purpose of the zone?

☐ Mailing Envelopes and addresses

1. List of names and addresses of all legal owners of property within a 300' radius of the subject parcel(s).
2. Envelopes: prepare a complete set of addressed and stamped legal size envelopes for all listed property owners. Do not place return address on envelopes.
3. Ownership Map: County Assessors map showing subject parcel(s) highlighted or outlined and a boundary line indicating all properties located within a 300' radius of the subject parcel(s). (Will be provided by City Staff if applicant is not using a Title Company.)

3. Important Implementing Information from the City of Clayton Municipal Code:

17.52.010 Permit--Application--Form.

A qualified applicant may apply for a variance permit. The application form for a variance shall include (unless otherwise directed by the Community Development Director), a statement of the reasons for and justification of the requested variance; a plot plan drawn to scale indicating dimensions and area of the subject property; locations of existing and proposed improvements on the subject property (if appropriate); and any other information necessary to adequately describe the variance request. (Ord. 325, 1996)

17.52.020 Permit Procedures.

Handling and review of a variance permit application shall be in the manner as specified in Chapter 17.64 of this Title. (Ord. 325, 1996) (See City of Clayton Municipal Code at www.cityofclayton.org or visit the Community Development Department at 6000 Heritage Trail, Clayton, CA 94517 - on the third floor)

Summary of Procedures

Step 1. Pre-application Discussion with Staff:

It is recommended that the applicant review the request with Community Development Department staff prior to submitting a formal application. This will allow an opportunity to discuss the feasibility of the request as well as any possible alternatives that may eliminate the need for a variance or improve the chance of the variance being granted. In addition, the staff and applicant can review the required data and procedures to be followed through the process. Usually, this first step is the most important step and helps a project move faster through the process.

Step 2. Filing of the Application:

The applicant should submit the completed application and an accurately-drawn site plan together with a written statement of the reasons justifying the variance and filing fee to the Community Development Department. Staff will review the material to make sure all the required information is provided. The applicant will be notified within 30 days after filing as to whether the application is complete or what additional information is required. The application must be signed by the applicant and property owner(s).

Step 3. Environmental Review

Most variance applications are exempt from environmental review because they would have minimal impact on the environment. Some requests, however, would require that staff prepare a negative declaration or an environmental impact report (EIR).

Step 4. Planning Commission Hearing:

Following notification of the property owners within 300 feet of the exterior project boundaries, the Planning Commission will hold a public hearing on the variance. The commission may approve, approve subject to conditions, or deny the variance. Any action may be appealed to the City Council. Without any appeals, the variance is effective in ten days.

17.52.030 Standards for Review.

In an application for a variance, which is an application to modify zoning regulations as they pertain to lot area, lot coverage, average lot width, lot depth, front setback, side setback, rear setback, parking space, loading space, building or structure height, or any other regulation pertaining to the size, dimension, shape or design of a lot, parcel, building or structure, or the placement of a building or structure on a lot or parcel, the Planning Commission (or the City Council on appeal) shall find the following before approval of any application is given:

- A. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located;
- B. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district;
- C. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located. (Ord. 325, 1996; Ord. 375, 2004; Ord. 408, 2007.)

4. Certification:

General Certification:

I (We):

- consent to the submission of this application.
- understand that an incomplete application may be denied.
- hereby declare under penalty of perjury under the laws of the State of California that the information in this application and its attachments is true, complete and correct.
- certify that I (We) have read and understand Title 17, Chapter 17.52 found in Part 3 of this application and in the City of Clayton's Municipal Code.

Form Specific Certification:

I (We):

- have provided signatures of all owners of record holding title to the property.
- understand that all permits and/or reviews are subject to regulations set forth in the Clayton Municipal Code, and the conditions of approvals as set by the Planning Commission during the public hearing and/or City Council appeal.

Applicant's Signature: _____

Date: _____

Property Owner's Signature: _____

Date: _____