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## VARIANCE APPLICATION PROCEDURES

### PURPOSE

Each zoning classification within the City establishes specific development standards such as setbacks or building height. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics of the property. The variance procedure is designed to permit minor adjustments to the zoning regulations when there are special or extraordinary circumstances applying to a parcel of land or a building that prevents the property from being used to the extent intended by the zoning. Variances may be approved or conditionally approved for dimensional and other development standards including, but not limited to:

- Walls, fences and screening
- Site area
- Width and depth
- Coverage
- Setbacks
- Height of structures
- Off-street parking
- Signs

It is important to stress that a variance can be granted only when a finding can be made that a hardship exists and that the strict application of zoning regulations deprives a property of privileges enjoyed by other properties in the vicinity and zone in which the property is situated. A variance cannot be granted to simply make property development less costly, to expand the use of the property, to allow greater intensification, or to result in approval of a use not otherwise allowed by the zoning or general plan.

### PROCESS:

#### **Step 1 - Pre-application Discussion with Staff**

It is recommended that the applicant review the request with planning staff prior to the submission of the 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 Application**

The application should submit a completed application, an accurately drawn, fully-dimensioned site plan; application filing fee and statements in support of the required findings to the Community Development Department, 124 N. Cloverdale Blvd.,

Cloverdale, CA 95425. 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 property owner.

### **Step 3 - Review by the City Project Review Committee (PRC)**

Once the initial application has been received and fees paid, the proposal may be scheduled for review by the PRC. The PRC consists of City staff who collectively and informally consider an application in its early stages. The intent of the PRC meeting is to identify any significant issues early in the process and determine the completeness of the application packet.

### **Step 4 - Environmental Review**

Following completion of the environmental review (if required by the California Environmental Quality Act) by the Planning Department and the State mandated review period of the environmental document, the Planning Commission will hold a public hearing to consider approval, approval subject to conditions, or denial. Any action may be appealed by the applicant or any other interested party to the City Council. Without appeal, the variance is effective ten days after approval. Any variance shall expire if not used within two years from the effective date of approval unless a time extension is requested in writing prior to the expiration and approved.

### **ESTIMATED TIME REQUIREMENTS:**

After the application has been deemed complete and any required environmental review has been completed, the application will be scheduled within four to six weeks for a public hearing. The applicant and/or his/her representatives should attend all hearings. Failure to do so may result in the application being continued to a later date. If the application is approved, no building permits can be obtained until after the ten day appeal period.

### **APPLICATION SUBMITTAL REQUIREMENTS:**

1. Application form completed and signed
2. Statements in support of the required findings
3. Application fee - refer the City Fee Schedule
4. Variance site plan drawn to a measurable scale (including north arrow) showing the location of existing and/or proposed buildings in relation to adjacent property lines and indicating the requested variance, together with sufficient information to understand the need for a variance, given the circumstances of the property involved.

### **REQUIRED FINDINGS:**

The Cloverdale Zoning Ordinance requires that prior to the granting of a Variance, the following findings of fact be made by the Planning Commission in an affirmative manner. The applicant shall provide written information to substantiate these findings:

1. That special circumstances exist with respect to the property in question, including, but not limited to size, shape, topography, location or surroundings, such that strict interpretation and enforcement of this Title would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.

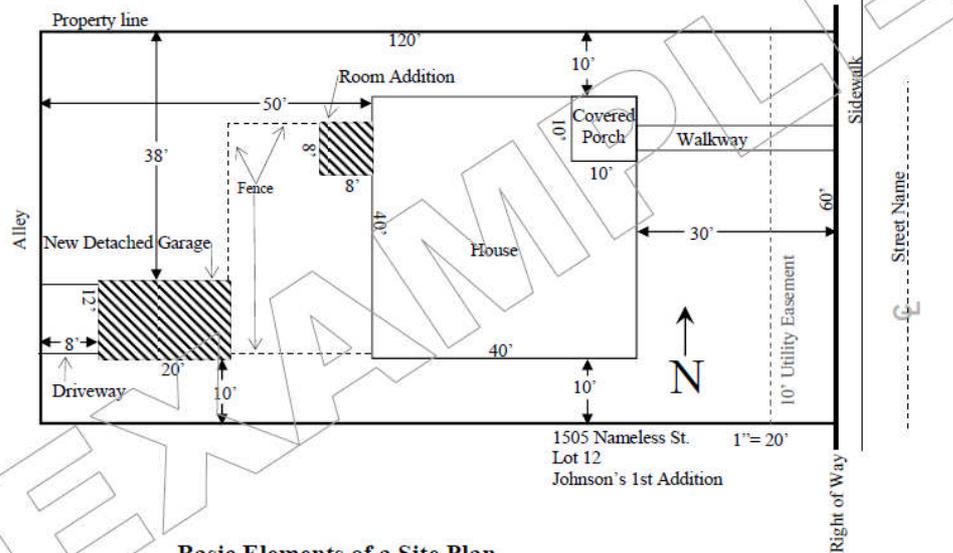
2. That the special circumstances were not created by the owner or applicant.
3. The strict or literal interpretation and enforcement of this Title would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the identical zoning classification.
4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and zone in which the property is situated.

If a variance to the parking regulations prescribed in Chapter 18.09 is proposed, the following additional finding must be made:

5. The granting of the requested variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic or displace public parking for commercial and residential uses.

(NOT FOR CONSTRUCTION)

### Site Plan



Basic Elements of a Site Plan