WHAT IS A VARIANCE?

A variance allows you, under special circumstances, to develop your property in a manner that varies from zoning regulation requirements. You may request a variance when strict enforcement of the regulations would:

- Make it difficult for you to develop your parcel.
- Cause you unnecessary hardships.
- Result in inconsistencies with the intent of zoning regulations.

In general, a variance may be appropriate if your property has some unique characteristic such as severe slope or an odd shape that prevents you from enjoying the same kind of property use that your neighbors have. You may request a variance for building height, fence heights, building location, parking requirements, sign requirements and setbacks. You may not request a variance to develop your property for a use that is not allowed in your zoning district.

HOW DO I APPLY FOR A VARIANCE?

Submit completed Variance application forms to the Department of Planning and Building Services along with the appropriate filing fee (see the application form or a planner for appropriate number of copies and filing fee). As part of the application process, you will be required to submit the appropriate number of copies of the following:

- Application forms and initial site and project description questionnaires.
- Plot Plans.
- Location Maps.
- Architectural building elevations and sign details, if applicable.
- Certification and Site View Authorization.
- Mail Direction Form.
- Indemnification and Hold Harmless Agreement.
- Filing Fee.

WHAT ARE THE CRITERIA USED IN REVIEWING A VARIANCE?

According to State law and County Code, a variance can only be granted where:

- There are special circumstances applicable to the property involved, including size, shape, topography, location or surroundings.
- The special circumstances or conditions necessitating the variance are not due to any action on your part subsequent to the application of the applicable zoning regulations.
- The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to you.
- The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which your property is located.
- The variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.
- The granting of the variance will not adversely affect the General Plan; or, in the case of projects located within the Coastal Zone, the Local Coastal Program and Coastal Act; or, in the case of projects located within the Town of Mendocino, the Mendocino Town Plan and the Coastal Act.

WHAT WILL GIVE MY APPLICATION THE BEST CHANCE OF APPROVAL?

You must prove that your situation meets the above criteria. When you submit your application, provide the best information possible. Attend public hearings so that you can speak for your project and respond to
questions from those who may be worried about how your land use might affect them. Evaluate other alternatives. If they are not suitable, explain why in your application.

What happens after I apply?

✓ Preliminary Review of Application. The application will be reviewed for completeness. If the application is deemed incomplete; that is, all information is not submitted or is found inadequate, you will be notified by mail as to what additional information is required.

The application will be referred to various agencies, which may request additional information or request that conditions of approval be attached to your variance.

If the application is deemed complete, it will be assigned to a project coordinator for further processing. The project coordinator will be your contact through completion of the project.

✓ Environmental Review. Generally, most variance applications are exempt from environmental review, however, should the project coordinator determine that your project is subject to environmental review, you may be required to submit additional information regarding traffic, noise, water availability, etc.

✓ Staff Report. Once all information is submitted and responses from agencies received, the project coordinator will prepare a staff report and schedule the variance for a public hearing.

Who will take action on my variance?

Your application will be considered during a public hearing by the Zoning Administrator, Coastal Permit Administrator if located in the Coastal Zone, or Planning Commission. Most variance applications are heard by the Zoning Administrator.

You will be notified by mail of the time and place that your application will be considered. You or a representative should be present at this hearing. In addition, public notice of the hearing for your application will be published in a local newspaper and owners of adjoining property will be notified of the application.

What happens during the public hearing on my application?

The staff report prepared for your application will be presented and summarized.

You will be provided an opportunity to describe your project and address any issues raised in the staff report.

Members of the public will be given an opportunity to express positive or negative comments regarding your application.

The Planning Commission, Zoning Administrator, or Coastal Permit Administrator if located in the Coastal Zone, will consider the staff report and comments from you and the public, and take action on the application.

How long does it take to process a variance?

The process takes approximately 4-6 months from the time you submit a complete application to the day of the public hearing.

Can the decision on my application be appealed?

During the 10-day appeal period after the Zoning Administrator, Coastal Permit Administrator, or Planning Commission hearing, you or any interested party may appeal the decision to the Board of Supervisors or the Coastal Commission if the project is located in the Coastal Zone. Even if your application is approved, you may still appeal any conditions attached to the variance. **Appeals must be filed in writing and accompanied by a filing fee, submitted to the County Executive Office.**
If an appeal is filed, the project coordinator will prepare a written report and recommendation to the Board of Supervisors. Notification of the Board of Supervisors’ hearing will be provided in the same manner as the Zoning Administrator or Planning Commission’s hearing.

In the case of projects located within the Coastal Zone, approved variances may be appealable to the California Coastal Commission within 10 working days following the Coastal Commission’s receipt of the Notice of Final Action on the project.

**When does a variance expire?**

Variances expire two years after the date of approval if the variance is not used within that time.