



VARIANCE APPLICATION

SUBMITTAL MATERIALS

Please submit to the Department of Planning and Building Services:

- 6 Copies of the fully completed Variance application form.
- 6 Copies of the Site and Project Description Questionnaire fully completed.
- 6 Copies of the Plot Plan (see attached example).
- 6 Copies of the Location Map (see attached example).
- 4 Copies of architectural building elevations and sign detail if applicable (check with planner prior to application submission).
- 1 Indemnification Agreement.
- 1 Certification and Site View Authorization/Mail Direction form.
- Proof of the applicant's legal interest in all property upon which work is to be performed. Proof can be in the form of a current tax statement, title report, lease agreement or other documents showing legal interest to apply for the permit and comply with all conditions of approval. All holders or owners of any other interest of record in the affected property shall be identified on the application and notified in writing of the permit application and invited to join as co-applicant. In addition, prior to the issuance of the permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

- Preliminary clearance from the California Department of Forestry if not in a local responsibility area.

Filing Fee. Check with a planner prior to submitting the application for the current fee. All fees are collected by the Department of Planning and Building Services. Checks should be made payable to the County of Mendocino with the exception of Sonoma State University's fee which should be submitted on a separate check, if applicable.

Department of Fish and Game Fee. Assembly Bill 3158 requires that a filing fee be paid for every project for which the County adopts an Environmental Impact Report or Negative Declaration pursuant to the California Environmental Quality Act. The fee is \$875 for an Environmental Impact Report and \$1,275 for a Negative Declaration, however, the fee is only \$25.00 if the County can find that there is no adverse effect on wildlife resources. The fee must be paid to the County Department of Planning and Building Services (Check made payable to the Mendocino County Clerk) within five working days after the project has been approved and all County appeal periods have expired. Typical projects subject to these Fish and Game fees include subdivisions, use permits, development review, rezonings and general plan amendments. A Variance may be subject to the fee if the project is subject to environmental review.

Note.

- All application material **must** be collated into individual application packets.
- All maps, plans, etc. (except reproducible) larger than 8 ½ by 11 inches shall be folded to a maximum size of 8 ½ by 11 inches.
- One 8 ½ by 11 inch reproducible site plan shall be submitted with the application.

Any application not meeting the above criteria will be considered incomplete and will be returned to the applicant. Illegible maps or incomplete responses to the questions may be cause for delays in project review.

ADDITIONAL MATERIAL REQUIRED FOR PROJECTS LOCATED WITHIN THE COASTAL ZONE

Please submit the following additional information for projects located within the Coastal Zone to the Department of Planning and Building Services:

- Stamped legal size envelopes addressed to ALL owners of property situated within three hundred (300) feet and ALL occupants situated within one hundred (100) feet of the

property lines of the project site (excluding roads). Return address shall be left blank on the envelopes. A list containing the names, addresses and Assessor's Parcel Numbers of owners/occupants as required above shall be **typed** on the form provided with this application packet. Wherein the applicant is the owner of all properties within three hundred (300) feet of the project site, stamped envelopes shall be provided and addressed to owners of property situated within three hundred feet (300) and all occupants situated within one hundred (100) feet of the applicant's contiguous ownership.

- Stamped, addressed envelopes and a list of names and addresses on the form provided in the application packet of all other parties known to the applicant to have any interest in the proposed development.
- Notice of Pending Permit. The applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed permit, notice that an application for the proposed development has been submitted. Such notice shall contain a general description of the project and shall be on the standard form provided in the application packet. One copy of the completed Notice of Pending Permit shall also be submitted to the Department of Planning and Building Services.
- Declaration of Posting. As proof of posting, the owner or authorized representative must sign and submit one copy of the Declaration of Posting form provided with the application packet.

DEFINITIONS

- Variance. A procedure for allowing relief from quantitative requirements such as height, area setbacks, and lot coverage where special conditions exist that make the requirements unreasonable.
- Plot Plan. A plan of the subject property accurately showing the shape, dimensions and orientation of the property with all existing and proposed improvements. Note: If your application is approved, it will be approved as shown on the Plot Plan and only as shown thereon.
- Location Map. A map showing the location of the subject property in relation to the nearest town or identifying landmarks, and the road used in getting to the property.

FACTS TO KNOW

1. After preliminary review, your application will be scheduled for a public hearing with the Planning Commission, Zoning Administrator or Coastal Permit Administrator. Generally speaking, more complex or controversial applications are heard by the Planning Commission, while simpler and more routine applications are heard by the Coastal Permit Administrator or Zoning Administrator.
2. A copy of the public notice, staff report and agenda will be mailed to you prior to the public hearing. The staff report on your project will include the project recommendations and conditions of approval.
3. Public notice of hearings on your application will be published in local newspapers.
4. Owners of adjoining property will be notified of the proposal. Occupants within 100 feet of your property will be notified for projects located within the Coastal Zone.
5. For certain applications which are not Categorically Exempt, an

environmental review will be conducted to examine potential environmental effects of your proposal.

6. The applicant or a representative must attend the public hearing.
7. At the public hearing, members of the public will have the opportunity to express positive or negative comments regarding your application.
8. Action by the Planning Commission, Coastal Permit Administrator or Zoning Administrator is final unless appealed to the Board of Supervisors except that approved coastal development permits may be appealable to the Coastal Commission.
9. Appeals to the Board of Supervisors must be submitted in writing to the Clerk of the Board within 10 calendar days of the Planning Commission, Coastal Permit Administrator or Zoning Administrator's decision. The appeal must be accompanied by the applicable fee. Following your appeal, the Board of Supervisors will hold a public hearing. You will be notified by mail of the time and place that your appeal will be considered. The Board of Supervisors' action shall be final except that an approved coastal project may be appealable to the Coastal Commission.
10. Variances shall expire two years after the date of approval if the Variance is not exercised within that time.
11. Failure to comply with all conditions of the Variance constitutes a violation of the Mendocino County Zoning Code.

COUNTY OF MENDOCINO
DEPT OF PLANNING AND BUILDING SERVICES
 501 LOW GAP ROAD, ROOM 1440
 UKIAH, CA 95482
 Telephone: 707-463-4281
 FAX: 707-463-5709
 pbs@co.mendocino.ca.us
 www.co.mendocino.ca.us/planning



Case No(s)	_____
CDF No(s)	_____
Date Filed	_____
Fee	_____
Receipt No.	_____
Received by	_____
Office Use Only	

APPLICATION FORM

APPLICANT

Name _____
 Mailing _____
 Address _____
 City _____ State _____ Zip Code _____ Phone _____

PROPERTY OWNER

Name _____
 Mailing _____
 Address _____
 City _____ State _____ Zip Code _____ Phone _____

AGENT

Name _____
 Mailing _____
 Address _____
 City _____ State _____ Zip Code _____ Phone _____

PARCEL SIZE

- Square feet
 Acres

STREET ADDRESS OF PROJECT

ASSESSOR'S PARCEL NUMBER(S)

TYPE OF APPLICATION

(Check Appropriate Boxes)

- | | |
|---|--|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Land Division: Minor | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Land Division: Major | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> Land Division: Parcel | <input type="checkbox"/> Agricultural Preserve |
| <input type="checkbox"/> Land Division: Resubdivision | <input type="checkbox"/> Reversion to Acreage |
| <input type="checkbox"/> Exception | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Modification of Conditions | <input type="checkbox"/> Other: _____ |

I certify that the information submitted with this application is true and accurate.

Signature of Applicant/Agent _____ Date _____ Signature of Owner _____ Date _____

5. Will vegetation be removed on areas other than the building sites and roads? Yes No
Explain:

6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives? Yes No If yes, explain:

7. How much off-street parking will be provided?

	Number	Size
Number of covered spaces	_____	_____
Number of uncovered spaces	_____	_____
Number of standard spaces	_____	_____
Number of handicapped spaces	_____	_____
Existing Number of Spaces	_____	
Proposed Additional Spaces	_____	
Total	_____	

8. Is any road construction or grading planned? Yes No If yes, grading and drainage plans may be required. Also, describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.).

9.	For grading or road construction, complete the following:
A.	Amount of cut _____ cubic yards
B.	Amount of fill _____ cubic yards
C.	Maximum height of fill slope _____ feet
D.	Maximum height of cut slope _____ feet
E.	Amount of import or export _____ cubic yards
F.	Location of borrow or disposal site _____
10.	Does the project involve sand removal, mining or gravel extraction? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, detailed extraction, reclamation and monitoring plans may be required?
11.	Will the proposed development convert land currently or previously used for agriculture to another use? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how many acres will be converted? _____ acres. An agricultural economic feasibility study may be required.
12.	Will the development provide public or private recreational opportunities? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain below: _____ _____ _____
13.	Is the proposed development visible from State Highway 1 or other scenic route? <input type="checkbox"/> Yes <input type="checkbox"/> No
14.	Is the proposed development visible from a park, beach or other recreational area? <input type="checkbox"/> Yes <input type="checkbox"/> No
15.	Does the development involve diking, filling, dredging or placing structures in open coastal water, wetlands, estuaries or lakes? Diking: <input type="checkbox"/> Yes <input type="checkbox"/> No Filling: <input type="checkbox"/> Yes <input type="checkbox"/> No Dredging: <input type="checkbox"/> Yes <input type="checkbox"/> No Placement of structures in: <input type="checkbox"/> open coastal waters <input type="checkbox"/> wetlands <input type="checkbox"/> estuaries <input type="checkbox"/> lakes If so, amount of material to be dredged or filled? _____ cubic yards. Location of dredged material disposal site? _____ Has a U.S. Army Corps of Engineers permit been applied for? <input type="checkbox"/> Yes <input type="checkbox"/> No
16.	Will there be any exterior lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe below and identify the location of all exterior lighting on the plot plan and building plans. _____ _____

17. Utilities will be supplied to the site as follows:

A. Electricity:

- Utility Company (service exists to the parcel)
- Utility Company (requires extension of service to site: _____ feet _____ miles)
- On Site Generation - Specify: _____

B. Gas:

- Utility Company/Tank
- On Site Generation - Specify: _____
- None

C. Telephone: Yes No

18. What will be the method of sewage disposal?

- Community sewage system - Specify supplier _____
- Septic Tank
- Other - Specify: _____

19. What will be the domestic water source:

- Community water system - Specify supplier _____
- Well
- Spring
- Other - Specify: _____

20. Are there any associated projects and/or adjacent properties under your ownership?

Yes No If yes, explain (e.g., Assessor's Parcel Number, address, etc.):

21. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, state and federal agencies:

THE SITE

22. Describe the location of the site in terms of readily identifiable landmarks (e.g., mailboxes, mile posts, street intersections, etc.):

23. Are there existing structures on the property? Yes No
If yes, describe below, and identify the use of each structure on the plot plan or tentative map if the proposal is for a subdivision.

24. Will any existing structures be demolished? Yes No
Will any existing structures be removed? Yes No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable?

25. Project Height. Maximum height of existing structures _____ feet. Maximum height of proposed structures _____ feet.

26. Gross floor area of existing structures _____ square feet (including covered parking and accessory buildings). Gross floor area of proposed structures _____ square feet (including covered parking and accessory buildings).

27. Lot area (within property lines): _____ square feet acres.

28. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historical or scenic aspects. Attach any photographs of the site that you feel would be helpful.

29. Briefly describe the surrounding properties, including information on plants, animals and any cultural, historic or scenic aspects. Indicate the type of land use (use chart below) and its general intensity. Attach any photographs of the vicinity that you feel would be helpful.

30. Indicate the surrounding land uses:

	North	East	South	West
Vacant	_____	_____	_____	_____
Residential	_____	_____	_____	_____
Agricultural	_____	_____	_____	_____
Commercial	_____	_____	_____	_____
Industrial	_____	_____	_____	_____
Institutional	_____	_____	_____	_____
Timberland	_____	_____	_____	_____
Other _____	_____	_____	_____	_____
	_____	_____	_____	_____

**FINDINGS FOR VARIANCES OUTSIDE THE COASTAL ZONE
MENDOCINO COUNTY CODE SECTION 20.200.020(A) THROUGH (E)**

Please provide information to substantiate the required findings. All of the five findings must be substantiated by adequate and accurate information. Attach additional information if necessary.

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;

- (B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division;

- (C) That such 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 the property in question;

- (D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located;

- (E) That the granting of such variance will not adversely affect the General Plan.

**FINDINGS FOR VARIANCES WITHIN THE COASTAL ZONE
(EXCLUDING THE TOWN OF MENDOCINO
MENDOCINO COUNTY CODE SECTION 20.540.020(A) THROUGH (F)**

(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and

(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and

(C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and

(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and

(E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and

(F) That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act.

**FINDINGS FOR VARIANCES WITHIN THE TOWN OF MENDOCINO
MENDOCINO COUNTY CODE SECTION 20.724.020(A) THROUGH (F)**

(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and

(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and

(C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and

(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and

(E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and

(F) That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Town Plan and applicable plans and policies of the Coastal Act.

CERTIFICATION AND SITE VIEW AUTHORIZATION

- 1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the County.
- 2. I hereby grant permission for County Planning and Building Services staff and hearing bodies to enter upon and site view the premises for which this application is made in order to obtain information necessary for the preparation of required reports and render its decision.

Owner/Authorized Agent Date

NOTE: IF SIGNED BY AGENT, OWNER MUST SIGN BELOW.

AUTHORIZATION OF AGENT

I hereby authorize _____ to act as my representative and to bind me in all matters concerning this application.

Owner Date

MAIL DIRECTION

To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence and/or staff reports mailed if different from those identified on Page One of the application form.

Name	Name	Name
Mailing Address	Mailing Address	Mailing Address

INDEMNIFICATION AND HOLD HARMLESS

ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4, 1991, requires applicants for discretionary land use approvals, to sign the following Indemnification Agreement. Failure to sign this agreement will result in the application being considered incomplete and withheld from further processing.

INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

Date: _____

Applicant

COASTAL ZONE DEVELOPMENT

COMPLETE FOR PROJECTS LOCATED IN THE COASTAL ZONE ONLY

List all property owners within 300 feet, and occupants within 100 feet along with the corresponding Assessor's Parcel Number for each owner/occupant. **This form must be typed.**

AP# 000-000-00 LASTNAME, FIRSTNAME STREET ADDRESS CITY, STATE ZIP		

DECLARATION OF POSTING

At the time the application is submitted for filing, the applicant must **Post**, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted. Such notice shall contain a general description of the nature of the proposed development and shall be on the standard form provided in the application packet. If the applicant fails to post the completed notice form and sign the **Declaration of Posting**, the Department of Planning and Building Services cannot process the application.

As **Proof of Posting**, please sign and date this Declaration of Posting form when the site is posted; it serves as proof of posting. It should be returned to the Department of Planning and Building Services with the application.

Pursuant to the requirements of Section 20.532.025(H) of the Mendocino County Code, I hereby certify that on _____ (date of posting), I or my authorized representative posted the "NOTICE OF PENDING PERMIT" for application to obtain a Coastal Development Permit for the development of:

(Description of development)

Located at:

(Address of development and Assessor's Parcel Number)

The public notice was posted at:

(A conspicuous place, easily seen by the public and as close as possible to the site of proposed development)

Owner/Authorized Representative

Date

(A copy of the notice which was posted shall be attached to this form).

NOTE: YOUR APPLICATION CANNOT BE PROCESSED UNTIL THIS "DECLARATION OF POSTING" IS SIGNED AND RETURNED TO PLANNING AND BUILDING SERVICES.

COMPLETE FOR PROJECTS
LOCATED WITHIN THE
COASTAL ZONE ONLY

NOTICE OF PENDING PERMIT

**A COASTAL PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE
IS PENDING BEFORE THE COUNTY OF MENDOCINO:**

PROPOSED DEVELOPMENT : _____

LOCATION: _____

APPLICANT : _____

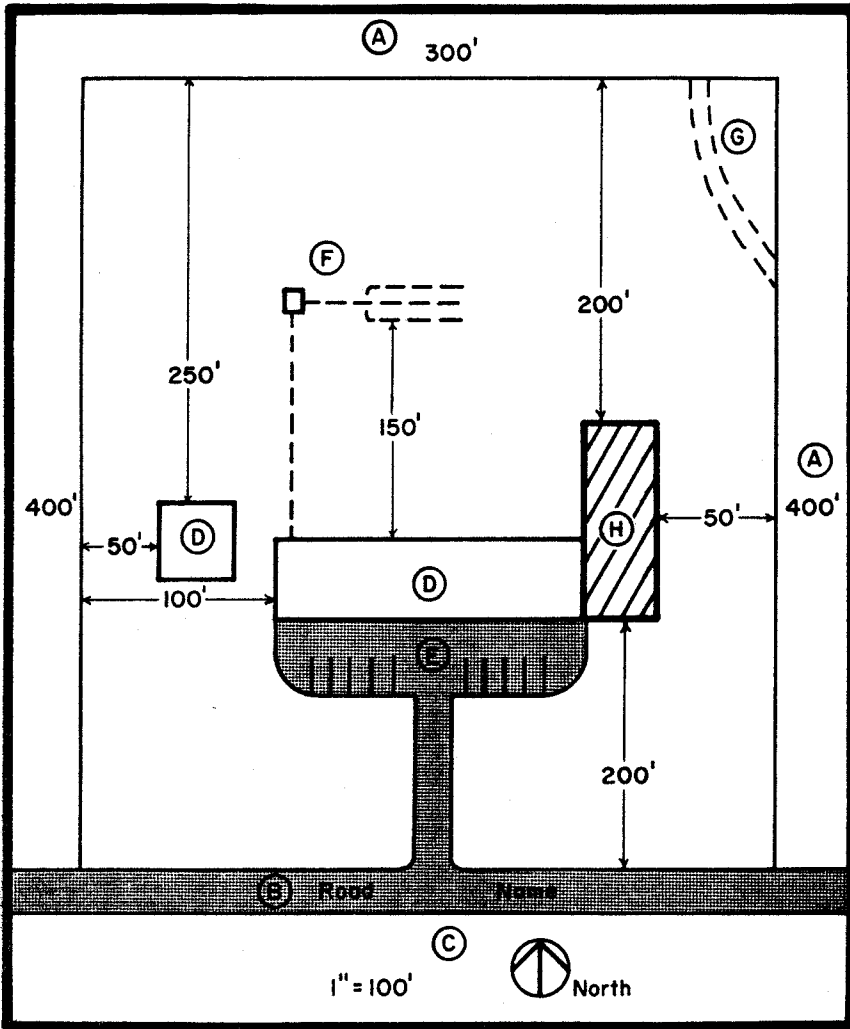
ASSESSOR'S PARCEL NUMBER(S): _____

DATE NOTICE POSTED: _____

FOR FURTHER INFORMATION, PLEASE TELEPHONE OR WRITE TO:

COUNTY OF MENDOCINO
PLANNING & BUILDING SERVICES
501 LOW GAP ROAD, ROOM 1440
UKIAH, CA 95482
707-463-4281

Sample Plot Plan



- A. Parcel Shape and Dimensions.
- B. Adjacent Streets.
- C. North Arrow and Scale.
- D. Existing Buildings including distance from property lines.
- E. Driveways, Parking and Loading Areas.
- F. Existing and proposed septic system and wells including distances from structures.
- G. Easements and Utility lines (power, sewer, water etc.).
- H. Proposed structure or addition including distance from property lines.

Sample Location Map

