



APPLICATION REQUIREMENTS FOR: **VARIANCES**

PLANNING



PURPOSE

Development standards are in place to establish the look of a neighborhood, as well as to promote privacy, light and air for each property. Those standards include setbacks (minimum yard sizes), height restrictions and parking requirements. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics of the property. The variance procedure was designed to permit minor adjustments to the zoning regulations when there are special circumstances. It is recommended that the applicant make an appointment with Planning Division staff, prior to submitting an application, to discuss the request. There may be alternatives that would eliminate the need for a variance or improve the chance of the variance being granted.

EVALUATION

The Planning Division is authorized to grant a variance only if the following required facts are established:

- Strict application of the regulations would deprive the property of privileges enjoyed by other properties in the vicinity and zoning district in which the property is situated;
- A specific and unique hardship is identified about the parcel, such as the size, shape, and/or topography of the property;
- The adjustments permitted by the variance procedure are limited to the development standards of the zoning district in which the property is located. A change of use cannot be permitted by the variance procedure;
- *A variance cannot be granted to simply make property development less costly or to expand the use of the property.*

In approving a variance, the Planning Division may impose such conditions as deemed necessary to protect the best interests of the surrounding area or neighborhood as set forth in the Town's Zoning Ordinance and General Plan.

PROCESS

Prior to a final approval, a letter is circulated to property owners within a 350' foot radius of the subject property by mail. The letter will identify the nature of the variance, list the findings of the decision and list any required conditions of approval. The letter gives a specific date, a 10 day period, by which anyone can appeal the Town's decision. The Planning Divisions' decision is final unless an appeal is filed at the Town offices, prior to the deadline indicated within the letter. The Planning Commission will hear the appeal at a publically noticed hearing.

APPLICATION REQUIREMENTS

1. **Application form:** Available at the Town's Permit Counter or online at <http://www.danville.ca.gov>

1. **Fee:** Payment of fee in effect at the time of application submittal, payable to the Town of Danville.
2. **Applicant's letter:** Identifying how the strict application of the zoning ordinance deprives the property of privileges enjoyed by others in the same zoning district. The applicant shall have the burden of producing evidence to convince the Planning Division that all standards are met, and that the intent and purpose of the applicable regulations, goals and objectives of the General Plan will be satisfied. Failure to satisfy this burden shall result in a denial.
3. **Site photographs:** Showing topography, vegetation and landscaping, existing and adjacent structures as relevant to the application.
4. **Site plan and building elevations:** Three (3) copies of plans no larger than 24"x36", folded to approximately 9"x12", and an electronic PDF copy. The plans must contain the following information, as relevant to the application and that would assist the Planning Division in its decision:
 - Note scale, including a graphic scale, and north arrow on plans.
 - Vicinity map indicating adjacent streets and/or right-of-ways.
 - Exterior boundary lines of the property indicating easements, dimensions, lot size and any nearby buildings.
 - Location, elevations, size, height, dimensions, materials, colors and proposed use of all structures (including walls and fences) existing and proposed.
 - Distances between all structure and between all property lines or easements and structures.
 - All existing trees on the site indentifying species, size and location.
 - Any significant natural features.
 - Location and dimensions of garage or carport and driveway.
 - Other data (such as grading or drainage) as may be required in order for the Planning Division to make the required findings for approval of the application.