



Community Development Department

Counter Hours: 8:00 a.m. to 12:00 noon
Monday through Thursday
(Please Call to Verify Counter Hours)

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INSTRUCTIONAL PACKET FOR VARIANCES

Updated June 28, 2010

PURPOSE

Variations are used to grant a property owner permission to utilize his or her property in a manner not normally allowed under the rules and regulations found in the City's Zoning Ordinance. Variations are used to address the physical development standards of the Zoning Ordinance as they affect a property, but not the proposed use of the property.

The Planning Commission must be able to establish that the property owner would be denied reasonable and customary use of his/her property if the variance was not approved. The Planning Commission must also find that no special privilege, inconsistent with other properties in the area, is being granted with the approval of the variance. An example of a variance request that might be approved is a variance to expand an existing building into the required front yard setback area if the proposed expansion is necessary to bring the building into compliance with applicable building codes. The City's Zoning Ordinance states that approval of variations must only be made when "the literal enforcement of the requirements of the Zoning Code would involve practical difficulties or would cause hardship and would not carry out the spirit and purpose of the Code."

Variations are issued by the Planning Commission, which comprises seven individuals appointed by the City Council who are charged with the responsibility of approving or denying requests for development. The Commission meets on the first and third Thursday of each month at 1110 West Capitol Avenue. Meetings are located on the second floor in the City Council chambers and begin at 6:00 p.m.

Variations take approximately 3 to 5 months to process, depending on the level of environmental review that is required and staff's current workload. This time frame includes certain minimum timeline requirements stipulated by State law for environmental review and public noticing. Projects that are determined to be categorically exempt from CEQA normally take 3 months to process while those requiring a Negative Declaration take approximately 5 months to process.

The Community Development Department staff has set a goal to process applications as rapidly as possible within applicable legal constraints. It is important that the applicant prepare a complete and accurate submittal package. Delays may occur if staff does not have accurate information or has to return an incomplete application. Staff strongly encourages the use of pre-application meetings for variance applications.

APPEALS

Any person dissatisfied with the decision of the Planning Commission may appeal to the City Council. Appeals must be filed with the City Clerk's office in writing within fifteen (15) days of the Planning Commission action. A fee will be assessed according to the enclosed fee schedule. Decisions by the City Council regarding appeals are final.

FINDINGS

The Planning Commission must be able to make the following findings about the project in order to approve a variance:

1. That any variance granted is subject to such conditions as will assure that the adjustment thereby authorized does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated;
2. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and
3. That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.

EXPIRATION AND REVOCATION OF VARIANCES

Expiration: Approved variances are subject to expiration if construction has not commenced within the time limit set by the Planning Commission or within one year after the date of the hearing if no specific time has been set.

Revocation: In the event the conditions of a variance have not been met or are not being complied with, the Community Development Department can recommend to the Planning Commission that the variance be revoked. Appropriate hearings and notices would precede any such action.

GENERAL APPLICATION FORM

Application forms must be completed and signed by the property owner(s) or designated agent. Applications signed by individuals other than the property owner(s) will require evidence of authority to file on behalf of the owner(s). Applicants should attempt to complete the form to the best of their ability. The planning staff is available to clarify any questions that may arise.

STATEMENT OF JUSTIFICATION

A statement of justification must be provided on a separate sheet of paper. Applicants should explain in detail the nature of the request and why the proposal is justified (i.e., how it meets the required Findings). A strong and complete project description and justification will improve the likelihood of a favorable staff recommendation and approval



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by the Planning Commission. Projects without clear statements of justification will be requested to provide such prior to determination that the application is complete.

FEES

Fees for processing variances are based upon a fee structure set by the City Council. Submittal fees are used to cover staff's time for preparation of environmental documents, project meetings, preparation of staff reports, and attendance at required public hearings. Actual staff time is charged against the initial deposit at a rate specified by the City Council. Projects exceeding the base deposit amount will be charged accordingly. Payment of all fees is due one (1) working day prior to the scheduled public hearing. Projects having an outstanding balance on the scheduled hearing date will be continued pending payment of fees due. A reimbursement agreement is attached which must be completed and returned with the submittal package.

The California Department of Fish and Game (Fish & Game) requires payment of fees for the review of projects impacting fish and wildlife resources. Fish & Game charges a fee of \$1,800 for review of a Negative Declaration and \$2,500 for review of an Environmental Impact Report. If an applicant feels that their project will not cause any environmental effects, they may contact Fish & Game prior to submittal of their project to the City and inquire if Fish & Game will issue a "finding of no effect determination" for the project. **At the time of project submittal, applicant must either submit a copy of the signed "no effect" form on Fish and Game letterhead or pay the appropriate fee (made payable to Yolo County) for their application to be deemed complete.**

Yolo County requires a \$50 processing fee for the filing of a Notice of Determination or Notice of Exemption. These fees are due and payable prior to the scheduling of public hearings for the proposed project. Checks for payment of these fees should be made payable to the County of Yolo and submitted to the Community Development Department for processing.

PRELIMINARY TITLE REPORT

A preliminary title report, current within sixty (60) days, of all parcels involved in the request is required. A title report can be obtained from any title company located in Yolo County.

PUBLIC NOTICE MAP AND PROPERTY OWNER'S LIST

A Public Notice Map and Property Owner's List conforming to requirements outlined on form D of this packet is required.

VARIANCE CHECKLIST

SUPPORT DOCUMENTS

- Completed General Application Form (Form A)
- Executed Variance Checklist
- Statement of Justification (Attach separate sheet)
- Payment of non-refundable application fees
- Payment of the California Department of Fish & Game fees or provide a copy of the "finding of no effect determination" from Fish & Game.
- Executed Reimbursement Agreement (not required for Zoning Administrator variances)
- Preliminary Title Report of all properties involved in the request (2 copies, current within 60 days)
- 500-foot Public Notice Map
- List of all property owners within 500 feet from subject property, including subject property, by assessors parcel number, including mailing addresses
- A supply of envelopes that are addressed to the owners of property located within 500 feet from subject property. **Envelopes must include legal sufficient postage** and include the following return address: City of West Sacramento, Community Development Department, 1110 West Capitol Avenue, West Sacramento, CA 95691
- Ten (10) sets of plans (folded to 8-½" x 11", individually) showing the following minimal information:
 - a. Title and address of the project
 - b. All property lines and easements
 - c. All public right-of-ways
 - d. All existing and /or proposed structures
 - e. North arrow
 - f. Scale of the drawing
 - g. Date of the drawing
 - h. All site dimensions including parking lot planters, walks, etc.
 - i. Location, species and size of all existing trees (show trees to be removed)
 - j. All fences or walls including height
 - k. Any additional information showing the variance being requested
- One (1) 8-1/2"x11" reduction of each exhibit. Reductions can be either PMT (Photo Mechanical Transfer) or electronic in PDF format on a disk.
(No copier reductions will be accepted)

Additional information or exhibits in support of the proposal are encouraged if justified. Exhibits, photos, petitions, etc., become the property of the Community Development Department and cannot be returned. Additional studies and/or supplemental materials may be required pending environmental review.



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I, _____, do hereby attest that I have reviewed the Instructional Packet for Variances and have met each of the aforementioned requirements as they pertain to this variance application.

Signature of Applicant

Date