

When would I need a Variance?

A variance may be granted when a regulation restricts the use of your property because of some unique feature, which does not apply to other owners with the same zoning restrictions.

You may request a variance, for example, when the property on which you are building is unusually narrow or has some other topographical peculiarity. A variance is only granted for deviations from the allowed site development standards, not for deviation from the uses that are not already permissible within the prescribe zoning district.

What conditions must exist in order for a Variance to be granted?

A variance may be granted when the request is found to be in compliance with the three State mandated findings.

- 1) That there are special circumstances unique to your property. These special circumstances can involve the shape, size, topography, location, or surroundings of your property – in short, some physical constraint which is unique to your site. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the Code or misinformation given at the time that the house was purchased.
- 2) That granting of the variance would not constitute a special privilege.
- 3) That granting the variance would not be detrimental to public health, safety or general welfare.

Still have Questions?



The City of Pleasanton is committed to helping you achieve your development goals. If you have any questions about the information in this brochure, please contact us.

Public Information Planner

Telephone:

925-931-5600

E-mail:

<http://www.ci.pleasanton.ca.us/services/contact/comments/>

Or

stop in to see a planner:

**City Hall
200 Old Bernal Avenue
Monday* - Friday, 8:00 a.m. - 5:00 p.m.**

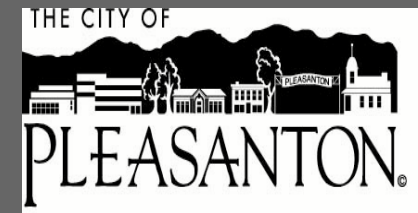
*Planners are not available on Mondays from 9:00 a.m. to 11:30 a.m.

Brochure prepared by the Planning Division

Variance

What is a Variance?

A variance is a special request to the City to waive or alter a normal development requirement of specific zoning districts. For example, a builder may ask that a new structure be allowed to be closer to the property line(s) or cover more of the property than allowed by code.

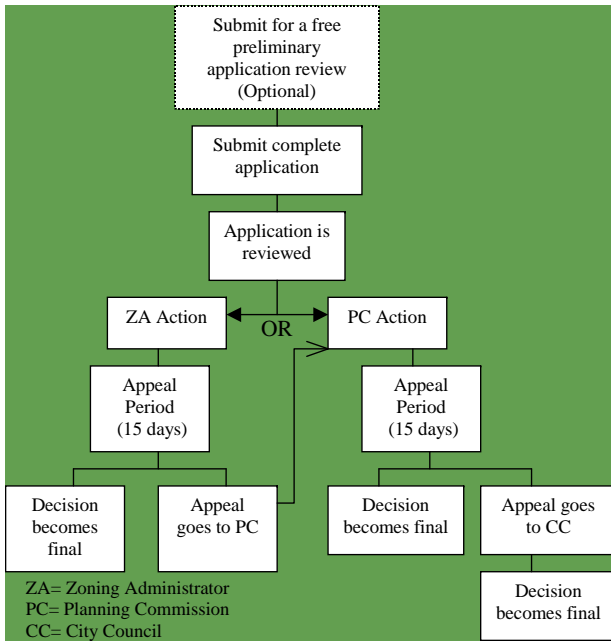


**City of Pleasanton
Community Development Department
Planning Division**

**200 Old Bernal Avenue
P.O. Box 520
Pleasanton, CA. 94566-0802**

**Tel: (925) 931-5600
FAX: (925) 931-5483**

What is the process?



Preliminary Review (optional)

Before you finalize your application, you can obtain comments on the proposal from staff. A preliminary review will indicate if the proposal is supportable before you embark on detailed plans. This service is no charge to you, just provide staff with nine (9)* copies of basic plans and a narrative that outlines the request.



*Sometimes more copies are required if additional departments or agencies also need to review the project.

Staff Analysis

When your application is submitted it will be assigned to a staff planner. Once a planner is assigned to the project, they will contact you to let you know that they will be managing your project. The project will be reviewed and the project planner will communicate if any additional information is needed.

Variance applications are scheduled for a public hearing with the Zoning Administrator (ZA). The Zoning Administrator may refer the application for review to the Planning Commission (PC), especially if the variance is related to another application which requires PC approval. In either case the planner will write a staff report which contains staff's recommendation for action. The recommendation can be to approve, deny, or

approve with specific conditions. You will be provided with a copy of the staff report prior to the hearing. The ZA /PC acknowledges that the project meets the Variance criteria (findings) before approving or conditionally approving a project.

All Variance applications are noticed to property owners and tenants within a 1,000-foot radius of the subject site. The notice states the scope of the proposed project and the time and location of the public hearing.

Public Hearing

The ZA or PC will consider the information in the staff report and all testimony given at the hearing. It is strongly recommended that you attend the hearing to present your case and to answer any questions the ZA/PC may have. When the ZA or PC renders a decision, you will be informed in writing along with any conditions that were attached to the approval.



Can the action be appealed?

Appeal Period

Any action taken on a project does not become effective until 15 days after the ruling. During this time you or any concerned party may appeal the action to the next higher hearing body by submitting a written request and an appeal fee. Appeals of a ZA action goes to PC, appeals of a PC action goes to City Council (CC). The decision of the CC is final. See the handout on appeals for additional information.

How long does the process take?



Normally, from the time the application is deemed complete, the process is about **four to six weeks** for administrative level approval*. This period may be longer if the plans require revisions or if the approval/denial action is appealed.

*These timelines are goals and a variety of factors can result in longer timelines.

What documents do I submit?

Application and fee: Applications can be obtained on-line or from the Planning Division counter.

<http://www.ci.pleasanton.ca.us/pdf/devapp.pdf>

Property owner signature or letter of authorization: The property owner must sign the application form or provide a written letter of authorization prior to submittal of the application for review.

Photographs: Submit photographs to illustrate your lot and the special circumstances related to the variance request.

A total of 15 (fifteen) (3 full size and 12 reduced size) complete sets of the following:**

- **Site plan:** an exhibit which clearly shows the dimensions of the lot, the existing structure(s), any proposed new construction, existing and proposed parking (if applicable), setbacks, and any other aspect of your site.
- **Elevation drawings** (if applicable): An exhibit indicating the detailed appearance of all proposed construction. Dimensions, colors, materials, and any special architectural features should be shown.

All plans need to be drawn to scale and no smaller than 8 1/2"x11" nor larger than 24"x36".

- **A written narrative:** A letter which describes the purpose of the variance. Please clearly state what you intend to do that requires a variance and what code requirements can not be met. State how the request conforms to the required variance findings.

† Fees for design review are not included.

**Additional plans and materials may be required if design review is needed.

