

A Guide for Variances

What is a Variance?

A variance is a request for relief from the strict application of zoning regulations to alleviate an unusual hardship to a particular property. For example, a homeowner may request that a room addition be permitted closer to the property line than the Zoning Ordinance would normally allow.

Variances are exceptions to dimensional or numerical regulations such as building size, placement, height, lot size or average lot width, number of parking spaces or lot coverage. Variances are NOT exceptions to uses.

When would I need a Variance?

Variances can restore to a property rights that other similar properties typically have, but which the subject property cannot enjoy because of some physical limitations. Such limitations include property size, shape, topography, location or surroundings. For example, a Variance may be requested for a reduced setback if your property is on a steep slope.

When can a Variance be granted?

Special circumstances must exist before a Variance can be granted. A Variance cannot give special privileges that other properties do not have, nor can it approve a land use that is otherwise prohibited in the Zoning District.

By law (Section 26-2.2006), three findings must be made to grant a Variance:

1. That any Variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located and,
2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district and,
3. That any Variance authorized substantially meet the intent and purpose of the respective land use district in which the subject property is located. Failure to so find shall result in a denial.

Who decides whether to approve it?

The Zoning Administrator.

What is the process?

When your application is submitted, it is assigned to a project planner who determine its completeness and then refer copies of your application to agencies and departments that may wish to make comments. The project planner will review these comments along with plans and ordinances affecting the property and observations made on a site visit. This will result in a staff report and recommendation of approval subject to certain conditions or denial. Notification of our intent to render a decision is then sent out to all property owners within 300 feet.

Does it require a public hearing?

A public hearing will be held if one is requested. Virtually anyone, i.e. Neighbors, Homeowner's Associations or an aggrieved applicant (because the decision is for denial or they want to alter recommended conditions) may request a hearing. Any discussion on the merits of the request may only be considered in a public hearing forum.

How long does it take?

If the application submitted is complete, not controversial, meets the required findings and no hearing is requested an application may take 4 to 6 months.

What must I submit?

1. A completed application form.
2. A filing fee.
3. 3 Full size and 12 reduced (11 x 17) copies of a site plan, floor plan, and elevations.
4. A written statement explaining how you believe the three required findings (above) can be made. (You may include photographs, additional drawings or other pertinent information, which may support your statement.)

Where do I submit my application?

Submit your complete application package to the Application and Permit Center located at 30 Muir Rd., Martinez, CA 94553. Please do not submit applications by mail. You may call us at 925-674-7200 for any further information. We accept applications Monday through Friday between 9:00 a.m. to 3:00 p.m.