

WHAT IS A SETBACK VARIANCE?

The Zoning Ordinance lists development standards for each zone district. Relief from strict application of these requirements may be possible through the **SETBACK VARIANCE** process. Variances that would allow an activity or use not expressly authorized by a zone district are prohibited (Section 65906 of the California Government Code).

WHEN IS A SETBACK VARIANCE NECESSARY?

A Setback Variance may be processed to provide limited reduction of the structure to the property lines. For example, a property owner may wish to construct a residence, but because a parcel's shape, size, or topography restricts the area that may be developed, a front, side, or rear yard encroachment may be necessary. When a parcel appears to have limited potential, the setback variance process allows a property owner the same development privileges enjoyed by other property owners within the same zone district.

WHAT ARE THE SUBMITTAL REQUIREMENTS FOR A SETBACK VARIANCE?

Applications for a setback variance may be obtained online, at the Planning Department counter, or mailed upon request. Submittal requirements include the application, payment of filing fees, property owner's signature, a scaled site plan, and the "Findings of Fact", Elevations on two-story accessory buildings, PCR 4290 Exception form (if necessary). (Forms and fee chart are available online)

WHAT IS THE PROCESS A SETBACK VARIANCE GOES THROUGH?

Property owners within three hundred (300) feet of the site of the requested setback variance are notified of the request by mail. Comments can be submitted for ten (10) days. Each case is advertised in a locally circulated newspaper. After the close of the comment period, an inspection of the parcel is made and a decision is rendered.

HOW LONG DOES IT TAKE TO PROCESS A SETBACK VARIANCE?

A typical request requires approximately six (6) weeks to process from the time the application is accepted.

WHAT CONSIDERATIONS WILL AFFECT THE OUTCOME OF A SETBACK VARIANCE APPLICATION?

In order for staff to recommend approval of a modification or variance, certain findings are required. Because variances allow a larger deviation, the following findings are more specific and may be difficult to justify:

- * Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings, such that the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and in the same zone district or districts.
- * The granting of the variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is located.
- * The granting of the variance will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity.

If these findings cannot be sustained by documentation, photographs, or other acceptable means of evidence, staff will have difficulty supporting the request, and that concern will be indicated to the applicant at the earliest opportunity.

WHAT HAPPENS AFTER THE VARIANCE/ MODIFICATION IS APPROVED?

Any decision rendered by the Zoning Administrator is subject to appeal by any interested party. The appeal period is fifteen (15) calendar days after the date of hearing. If no appeal is submitted, the Setback Variance will become effective at the end of the appeal period. If an appeal is submitted, it will be scheduled for hearing before the Planning Commission, and further action is suspended until the appeal is resolved. Building permits cannot be issued until the end of the appeal period.

Setback Variance approvals usually are subject to conditions. Such conditions must often be complied with prior to the issuance of building permits or otherwise satisfied by the time of the final inspection.

If no building permits are required, the conditions need to be satisfied prior to establishment of any use implemented as a result of the setback variance.

Staff members are available to answer any questions that you may have regarding the setback variance process. If further assistance is necessary, feel free to telephone (559) 675-7821 and ask for "setback variance information."