



## VARIANCE

**WHAT IS A VARIANCE?** A Variance provides relief, under special circumstances, from certain requirements of the Zoning Ordinance. A Variance can be granted only for zoning requirements that pertain to:

- ▶ Lot size
- ▶ Setbacks
- ▶ Lot coverage
- ▶ Lot dimensions
- ▶ Building heights

**WHEN CAN I REQUEST A VARIANCE?** You may request a Variance only when, due to special circumstances, strict enforcement of the above zoning requirements would :

- *Make it difficult for you to develop your parcel.*
- *Cause you unnecessary hardships.*
- *Result in inconsistencies with the intent of the Zoning Ordinance.*
- ▶ These special circumstances may include the size, shape, topography, or location of your property. ***Personal inconvenience or economic benefit are NOT adequate reasons for justifying a Variance.***
- ▶ A variance **cannot** be granted for **a change in the use of a property** that is not permitted in a particular zoning district. For example, if you have a property located in a residential zoning district, you cannot obtain a Variance to put in a restaurant or a service station.
- ▶ A Variance **cannot** be granted for **increasing the density** of a site beyond what is allowed in a particular zone. For example, if your property is in a single-family residential zoning district, you cannot be granted a Variance to build a duplex or an apartment building on your property.

### 1. Project Consideration

When you submit your application to Planning Services along with the required materials, it is first reviewed to make sure your application is complete (please see section entitled 'Application Requirements'). **Incomplete applications will not be accepted.**

### 2. Statement of Justification

An important part of the Variance application is the Statement of Justification. The Statement of Justification describes the reasons why you feel you should be granted a Variance based on the three necessary findings which you must address:

- A. A description of those **special circumstances** pertaining to your property that would create hardship if the Zoning Ordinance were to be strictly applied to your property.
- B. An explanation as to why the granting of a Variance will **not constitute a grant of special privilege** that would be inconsistent with the limitations on other properties in the surrounding area that are under the same zoning classification.
- C. An explanation as to why the granting of a Variance would not be detrimental to the health, safety, and public welfare of the surrounding residents in accordance with the Zoning Ordinance.

#### Community Development – Planning Services

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### 3. Public Hearing

Upon receiving your complete Variance application, planning staff will schedule a public hearing. These hearings are held every Wednesday, between 9:00 a.m. and 10:30 a.m. Prior to the hearing, the City will send out a public hearing notice by mail to all property owners located within 300 feet of the site. The public hearing notice will be sent at least 10 days in advance of the public hearing date. The date and time of the public hearing will also be advertised in the local newspaper at least 10 days in advance. At the public hearing, your Variance application is presented and described. You must be present to answer any questions or concerns which may come up. Adjacent property owners as well as other interested parties may also be present to voice their concerns. At the end of the hearing your Variance is *approved with conditions, denied, or continued* to another meeting for further review.

**IMPORTANT:** When reviewing your Variance application, the Zoning Administrator must exercise discretion in determining whether or not a hardship actually exists. At the same time, the Zoning Administrator must also make sure that approval of your Variance does not undermine the integrity of the Zoning Ordinance or adversely impact the area surrounding your property.

### APPLICATION REQUIREMENTS

1. **One set of the Site Plan** drawn to scale and completely dimensioned. The Site Plan shall show all of the existing and proposed structures, off-street parking and loading facilities, driveways, curb cuts, areas to be landscaped, location and size of existing trees, setbacks, signs, lighting, fencing, and property lines.
2. **One set of building elevations** drawn to scale (recommended scale 1/4" or 1/8") showing all four sides including type of siding material, roofing material, size and location of window and floors, size and type of trim, and color. For additions, please indicate if material, color, trim, etc. will match the existing building.
3. **One set of floor plans** showing the uses of each room and/or space.

**NOTE:** All drawings furnished shall be folded to approximately 8 1/2" x 11".

4. **Additional drawings**, as needed, which will explain any special circumstances associated with this property. In some instances where more or less detailed information is needed, the Planning staff shall use their discretion to determine what items will be required with the application.
5. **Statement of Justification** on application form or by a separate letter (preferred). The statement shall also address the three necessary findings required for granting a Variance.
6. **Signed application form** by the owner or authorized agent.
7. **Title Report.** If title report indicates that easements or other conditions are present, they must be depicted on the site plan. **Proof of ownership must be submitted** such as a title report or copy of a tax bill.
8. **Fees: \$600** to be paid upon submittal of an application.
9. **Newspaper Advertisement Cost of \$200.** This cost is assessed to cover the newspaper advertisement. A **\$300** charge will be assessed for notices that include a map.

### HOW LONG DOES THIS TAKE?

The length of time involved in processing a Variance varies according to the complexity of your project. Processing time takes a minimum of 6 weeks, from the time you submit your application to the date of your public hearing. In some cases, however, processing time may take longer if your Variance application is controversial or it is difficult for the Planning Staff to obtain adequate information on the nature of the Variance.

<b>Incomplete applications will not be accepted.</b>
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