

VARIANCE APPLICATION



Planning Department
1480 Main Street
St. Helena, CA 94574
(707) 968-2659

For additional information, Zoning, forms & documents please visit us on the web at: www.ci.st-helena.ca.us

Office Use Only - Do Not Write in this Area

File Number _____
General Plan _____ Zoning _____
Background Files _____
Related Applications _____
Application Fee \$ _____ City Makes Labels \$ _____
Total Received \$ _____ Received By _____

Please Type or Print

Project Name _____
Site Address _____

APN _____ - _____ - _____ Site Area _____ Sq. Ft. (or) _____ Acres
(APN Example: 009-123-456)
 Residential Commercial Industrial

Briefly describe the type of Variance(s) requested:

Applicant Information

Name _____
(Applicant First & Last Name)
Mailing Address _____
City _____ State _____ Zip _____
Phone _____
Email _____

Owner Information

Name _____
(Owner First & Last Name)
Mailing Address _____
City _____ State _____ Zip _____
Phone _____
Email _____

If you would like project correspondence and notice of meetings to be sent to parties other than the applicant, please list their names, address and telephone numbers in the space provided below.

I, _____, hereby file this application for a development project and agree to pay any and all processing fees imposed by the St. Helena Municipal Code and City Council Resolutions (as they may be amended from time to time).

Applications with a negative balance at the time of the public hearing will be continued until the balance is paid in full.

In the event the property owner is different from the applicant, the property owner must sign to indicate her/his/its consent to the filing and agreement to be liable with the applicant for payment of the processing fees.

In the event the City is required to take legal action to enforce any of the terms and conditions of this application, Applicant and Property Owner agree to pay to City reasonable attorney fees and costs incurred in such action.

We, the owner and the applicant, will defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense. We have also reviewed the requirement to disclose the complete list of partners and/or shareholders.

Date: _____ Applicant's Signature: _____

Date: _____ Property Owner's Signature: _____

Date: _____ Property Owner's Signature: _____

INFORMATION FOR FILING A COMPLETE VARIANCE APPLICATION

Each application must contain the following information. Some specialized applications require additional information. Consult with a planning staff member to determine whether additional materials are required. Incomplete applications will not be scheduled for Planning Commission action.

- Completed **APPLICATION FORM**, with all property owner's signatures, including all parties holding a title interest
- WRITTEN STATEMENT**, signed and dated, explaining the reasons for and details of each Variance requested. Specifically, the written statement shall address the following questions:
 1. Does a hardship peculiar to the property exist? Personal, family, or financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a Variance.
 2. Is a Variance necessary for the preservation and enjoyment of substantial property rights which other properties in the same zoning district and in the same vicinity have? A Variance cannot grant you a special privilege not enjoyed by your neighbors.
 3. Will the Variance create any ill effects? A Variance cannot be granted if it would have a substantial negative effect on adjacent properties, or be at cross purposes to the public interest, the General Plan, or the Zoning Ordinance.
 4. Is the condition or situation of your property really unique? Variances are granted only when the conditions are not common enough to be already addressed by the zoning regulations. Often, a practical solution can be found that does not require a Variance.
 5. Could the Variance, and any buildings or structures permitted by the Variance, constitute a nuisance or be detrimental to the public health, safety, and welfare of the community?
- 4 sets of 11: X 17" of the following drawings with typical dimensions. 4 sets of full sized plans, and a digital copy of all submissions.**
- PLOT PLAN** - This should include a sketch of the project site in relation to the surrounding area, the location and names of adjacent and abutting streets.
- BUILDING ELEVATIONS**, (front, side and rear), including all mechanical, duct work, utility boxes.
- CROSS SECTIONS**
- FLOOR PLANS** (fully dimensioned).
- GRADING** plans/contour maps.
- SITE PHOTOS** showing topography, vegetation, existing and adjacent structures, views of and from the site.

- A **MAILING LIST** of all owners of property within a 300' radius of the subject property, prepared and certified by a title company & **2 sets of MAILING ADDRESS LABELS for each property listed.**
** The Planning Department can offer this service for an additional fee of \$200.00 paid at the time of submittal.*
- PRELIMINARY TITLE REPORTS** for all parcels involved no more than 6 months old including all background documents.
- OTHER _____.

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- Processing Fee: **\$4,500**
- Public Hearing Notice **\$ 400**
- Request Preparation of Mailing Labels: **\$ 200** * (Additional Fee)

CHAPTER 17.172 VARIANCES

Section 17.172.010. Purpose.

Section 17.172.020. General provisions.

Section 17.172.030. Application required.

Section 17.172.040. Procedure.

Section 17.172.050. Findings required.

Section 17.172.060. Precedence.

Sec. 17.172.010. Purpose.

The purpose of a Variance is to allow variation from the strict application of the terms of this title where, by reason of the exceptional narrowness or unusual shape of a specific piece of property, or by reason of exceptional size, shape, topographic conditions or other extraordinary situation or condition of such piece of property; or because of the use or development of lands immediately adjoining such property, the literal enforcement of the requirements of this title would involve practical difficulties or would cause undue hardship. (Prior code § 27.445)

Sec. 17.172.020. General provisions.

In no case shall a Variance be granted to permit a use or a density other than a use or density permitted in the district in which the property in question is situated. Nonconforming uses, building or structures on neighboring lands shall not be considered grounds for issuance of a Variance. (Prior code § 27.446)

Sec. 17.172.030. Application required.

- A. Application. Application for a Variance or Variance renewal shall be made with the planning department on a prescribed form, and shall be accompanied by plans, elevations, statements and other facts or evidence necessary to show details of the proposed use, building or activity in support of making the findings set forth in Section 17.172.050.
- B. Filing Fee. Fees for processing applications under this section shall be set by resolution of the City Council and shall be representative of the actual costs incurred by the City for processing such application.
- C. Filing Date. The filing date for an application shall be the date an application is certified by the city to be complete pursuant to Government Code Section 65943 et seq. (Prior code § 27.447)

Sec. 17.172.040. Procedure.

The Planning Commission shall hold a public hearing on the Variance application prior to a final decision. (Prior code § 27.448)

Sec. 17.172.050. Findings required.

In approving a Variance the Planning Commission must make the following findings:

- A. A hardship peculiar to the property, not created by any act of the owner, exists. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations, are not hardships justifying a Variance;

- B. The Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant which are possessed by other properties in the same district and in the same vicinity; and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his or her neighbors;
- C. The authorization of the Variance will not be of substantial detriment to adjacent properties, and will not materially impair the purpose and intent of this title or the public interest, nor adversely affect the General Plan;
- D. The condition or situation of the specific piece of property for which the Variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation; and
- E. The Variance and any buildings or structures permitted by the Variance will not be detrimental to the public health, safety and welfare of the community. (Prior code § 27.449)

Sec. 17.172.060. Precedence.

A previous Variance shall not be considered to have set a precedent for the granting of further Variances; each case must be considered on its individual merits. (Prior code § 27.450)