

## **WHAT IS A VARIANCE?**

A variance is a procedure established by state law and included in the County of Lake Zoning Ordinance whereby an applicant requests relief from the minimum property development standards established by the Zoning Ordinance. This procedure exists to modify zoning district requirements related to building height, lot area, structural coverage or building setbacks.

Pursuant to state law, variances cannot be used to allow a use on property which is not normally permitted.

Most variances are not considered to have a significant effect on the environment and are usually categorically exempt from the requirements of the California Environmental Quality Act (CEQA). However, some variances do involve potential environmental impacts and the applicant may be required to also apply for an initial study.

## **HOW DO I APPLY?**

Application forms and pertinent filing information is available from the Lake County Planning Division. A variance application requires a filing fee.

## **HOW ARE VARIANCES DECIDED?**

Each variance is a special and unique case which must be decided on its own merits. Variances may only be granted on the basis

of the evidence submitted with the application and at the variance hearing, when the Planning Commission finds:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

For example, if a parcel of land has a small buildable area close to a road, but the remainder is across a creek and would require the construction of a bridge to provide access to this area, the property would be considered to possess special circumstances and a variance to allow a reduced front setback may be appropriate. However, if a sloping lot in a subdivision (which is similar to the other lots in the vicinity which have developed within the zoning standards) is proposing a variance to reduce a setback because it will reduce construction costs, the project probably could not be supported because it would be considered a special privilege.

3. Variances must also be found to be consistent with the zoning ordinance and general plan, and not detrimental to the public safety and welfare.

It is the responsibility of the applicant to provide a "Statement of Hardship", which outlines the need for a variance in relation to the before mentioned criteria.

In approving a variance, the Commission may include such conditions as are deemed reasonable and necessary under the circumstances to preserve the integrity and character of the district and to secure the general purposes of the Zoning Ordinance and the General Plan. Such conditions, without limiting the discretion and authority of the Commission in this regard, may include time limitation, architectural and site approval, street dedications and street and drainage improvements.

## **THE VARIANCE HEARING**

At least 10-20 days prior to the variance hearing, notice of the hearing will be sent by the Planning Division to the applicant and all property owners within 300-700 feet of the exterior boundaries of the property upon which the application was made. A public hearing will be scheduled by the Planning Division.

During the public hearing, the Planning Commission will review the evidence and will accept testimony from all interested parties.

Ordinarily, the Planning Commission will close the hearing and discuss the application. A final decision will be made after evaluating the property, the surrounding neighborhood, and all evidence and testimony presented at the hearing.

## **APPEALS**

Within 7 calendar days, any decision (grant or denial) by the Planning Commission may be appealed to the County Board of Supervisors by filing an appeal at the Planning Division and paying a filing fee.

## **REVOCACTION**

If an approved variance is not established within one year of the date of approval of the permit, the permit shall be automatically “deemed null and void” or “expired” without further action by the County.

**Having trouble meeting zoning ordinance standards for building?**

**You may qualify for a**

**VARIANCE**



**COUNTY OF LAKE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Division**  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2221 FAX 707/263-2225