

VARIANCE

A variance is a special request to the City to waive or alter a normal development requirement of specific zoning districts. For example, a builder may ask that a new structure be allowed closer to the property line(s) or cover more of the property than allowed by the Pleasanton Municipal Code (PMC). A variance may be granted when a regulation restricts the use of your property because of some unique feature, which does not apply to other owners with the same zoning restrictions. You may request a variance, for example, when the property on which you are building is unusually narrow or has some other topographical peculiarity. A variance is only granted for deviations from the allowed site development standards, not for deviation from the uses not already permissible within the prescribe zoning district. Before you prepare your plans, it is recommended to contact the Planning Division and verify the development standards for your property. It is strongly recommended you share your proposed design with your neighbors and ask for their feedback prior to submitting to the City for review.

Variations are typically requested in conjunction with minor changes and additions to single-family residential properties. Please refer to the Administrative Design Review handout for additional information related to additions and exterior modifications.

REVIEW PROCESS OVERVIEW

When your application is submitted it will be reviewed for completeness and assigned to a staff planner. Once an application is deemed complete, the process takes about four to six weeks for administrative level approval (not including a 15-day appeal period, which starts at the time of administrative level approval).

Variance applications are subject to a public hearing with the Zoning Administrator (ZA) and are noticed to property owners and tenants within a 1,000-foot radius of the subject site. The notice states the scope of the proposed project and the time and location of the public hearing. The staff planner will write a staff report, and you as the project applicant will be provided with a copy of the staff report prior to the hearing (reports are also available to the general public in advance of the hearing date).

The ZA must find the project meets the Variance criteria (findings) before approving or conditionally approving a project. The ZA will consider the information in the staff report and all testimony given at the hearing. It is strongly recommended you attend the hearings to present your project and to answer any questions the ZA may have. Actions that can be taken on the application can be to approve, approve with conditions, or deny the project. An approval will usually be made with the inclusion of specific project "Conditions of Approval". When the ZA renders their decision, you will be informed in writing along with any conditions attached to the approval. This approval is subject to a 15-day appeal period.

After receiving approval for your application and expiration of the appeal period, you have one year to secure a building permit and diligently commence construction. Please review the plan check submittal requirements at www.pleasantonpermits.com under the Building and Safety Division.

SUBMITTAL REQUIREMENTS

Following is a list of plans and documents that may be required for a Variance application submittal. Additional data or documents not listed below may be required for complex projects (e.g., projects located in a seismic zone or involving a historic resource). Please consult with planning staff prior to submittal. All Variance application fees are due at the time of submittal.

- Application and fee:** An Application for Development Review form can be obtained online at www.pleasantonpermits.com or from the Planning Division at 200 Old Bernal Avenue. The property owner must sign the application form or provide a written letter of authorization upon submittal. The Variance application fee is due at the time of submittal.
- Homeowner's Association (HOA) approval (where needed):** Applicants with projects located in Ruby Hill or Golden Eagle must provide an approval letter from the HOA confirming their review and approval of the proposed project. Applicants with projects located in other areas with a HOA are not required to obtain approval from the HOA in order for the City to process and take action on the project. The City, however, encourages applicants to interact with their neighbors and HOA early in the process to obtain feedback related to the proposal.
- Findings:** Seven (7) copies of a narrative describing the purpose of the variance and how it is in compliance with the three State mandated findings (listed below). Please clearly state what you intend to do that requires a variance and what code requirements cannot be met. State how the request conforms to the three State mandated variance findings below:
 1. That there are special circumstances unique to your property. These special circumstances can involve the shape, size, topography, location, or surroundings of your property – in short, some physical constraint which is unique to your site. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the Code or misinformation given at the time that the house was purchased.
 2. That granting of the variance would not constitute a special privilege.
 3. That granting the variance would not be detrimental to public health, safety or general welfare.
- Project Plans:** One (1) full size (24" x 36") and six (6) reduced size (11" x 17") of the following (plans must be drawn to scale):
 - a. **Site Plan:** An exhibit which clearly shows the property lines, dimensions of the lot, adjacent street names, existing structure(s), any proposed new construction, existing and proposed parking (if applicable), setbacks, and any other aspect of your site that should be considered (e.g., easements). Accurately show the trunk and dripline of all existing trees six inches in diameter and greater on or off of the project site adjacent to the proposed construction. Indicate if any trees are proposed to be removed or pruned to accommodate the project.
 - b. **Project Data:** A table detailing the lot size, existing home square footage (with and without the garage), square footage of the proposed addition, and the Floor Area Ratio (FAR). The FAR is calculated by dividing the gross floor area on a property by the square footage of the property (Pleasanton Municipal Code Section 18.08.195).
 - c. **Floor plans:** Existing and proposed floor plans showing all relevant details of the proposed construction, including dimensions, walls, windows, doors, and use of each existing and proposed room (e.g., kitchen, bathroom, etc.).
 - d. **Exterior Elevations:** Existing (if applicable) and proposed elevation drawings showing all relevant details of the proposed construction, including dimensions, materials, colors, and any other special characteristics of the project.