

How to Obtain a Variance

2

Variations are intended to grant property owners relief from certain provisions in the Zoning Regulations where strict compliance would result in a hardship as distinguished from a mere inconvenience.

When are Variances granted?

A variance may only be granted when:

1. *Special circumstances or conditions applicable to the development site, including size, shape, topography, location of structures or surroundings, where strict application of the Zoning Regulations would deprive a property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.*
2. *It will not be detrimental or injurious to property or improvement's vicinity, or to the public health, safety, or general welfare.*
3. *It is consistent with the purposes of the Zoning Regulations and will not constitute a grant of special privilege inconsistent with limitations on properties in the vicinity and same zoning district.*
4. *It is not granted for a use or activity which is not allowed in the zoning district.*
5. *The hardship peculiar to the property was not created by any act of the current or past owner.*
6. *Personal, family or financial difficulties and loss of prospective profits are not hardships nor reasons justifying a variance.*
7. *Previous variances, either on or off the parcel, are not to be used as a precedent. Each case must be considered on its individual merits:*

What is the process for obtaining a Variance?

Obtaining a Variance at the earliest possible time will depend on the completeness of your application and the extent to which plans vary from applicable Zoning Regulations. Early consultation with the Department of Community Development is strongly recommended before an application is made. This consultation will provide you with essential information about your project.

The following steps will generally apply in processing your Variance application:

Step 1: Obtain an application from:

City of Salinas
Department of Community Development
200 Lincoln Avenue
Salinas, CA 93901

Step 2: Complete the application and attach 10 copies of the site plan, floor plans and elevation drawings. Plans should be to scale and include all features required by the Salinas Zoning Code. They need not include structural, electrical, and mechanical details which are usually necessary to obtain a Building Permit. Also include an 8" x 10" mounted transparency of each page of the plans.

Step 3: Submit the completed application and attached plans along with an application fee to the Department of Community Development.

Step 4: Your application will be reviewed by the Department of Community Development and other City departments to make sure your project conforms to City regulations.

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City of Salinas
Department of Community Development
200 Lincoln Avenue
Salinas, CA 93901
(831) 759-7206

Step 5: Your application will also be reviewed in accordance with the California Environmental Quality Act to determine if your project may have significant impact on the environment. One of the following determinations will be made:

1. Your project is "exempt"; no further environmental review is required.
2. Your project will have no significant impact on the environment, and a Negative Declaration will be posted a minimum of 20 days before the public hearing (30 days notice is the law for projects requiring state review).
3. Your project may have a significant impact on the environment, and an environmental impact report (EIR) will be required to assess its potential environmental effects. The project cannot be considered further until the EIR is prepared and reviewed by all appropriate agencies and the public.

Step 6: After the initial environmental review has been conducted, you will be advised of any additional environmental review fee that may be required.

Note: Your application cannot be considered "complete" until all plans and environmental documents have been completed.

Step 7: Following the review of your project and environmental documents, you may be notified that changes to your plans need to be made in order to comply with City regulations or to receive a favorable staff recommendation. If so, you will be asked to make revisions and submit revised plans.

Step 8: When your plans and environmental documents are completed, a notice will be published in the newspaper announcing that a public hearing before the Salinas Planning Commission will be held to consider approval of your proposed CUP. You will be notified of the hearing date and recommendations of City staff. All property owners within 300 feet of your project site will be notified by mail of the public hearing date and time.

Step 9: During the public hearing, the Planning Commission will ask for comments from the applicant, the public and City Staff.

The Planning Commission will then decide to approve, conditionally approve, or deny your application. The Commission's decision will become effective in 10 days following an appeal period.

Step 10: Following approval or conditional approval, you will be asked to sign the Variance. You will receive a copy and a copy will be retained by the City as a permanent record of your project approval. You may apply for a Building Permit at any time during the process. However, a Building Permit may not be issued until a 10 day appeal period following the Commission's decision.

Can I obtain a Variance without Planning Commission approval?

Yes, in those instances where the project is determined to be exempt from environmental review *and* there is no evidence of neighborhood opposition, the Community Development Director may issue a Variance.

Can a decision of the Community Development Director or the Planning Commission be appealed?

Yes. A decision of the Community Development Director may be appealed to the Planning Commission and a decision of the Planning Commission may be appealed to the City Council. An appeal must be made within 10 days following the decision. Ask the Department of Community Development what the procedure is for filing an appeal.

Related Information Bulletins

Information Bulletin	Description
6	How to Appeal a Decision of the Community Development Director or Planning Commission
9	Standard Permit Conditions
13	Submittal Checklist
14	Fees, Publications & Services
