



Variance Instructions for Applicants

Criteria for Variance

A Variance is a deviation from the minimum standards of the Zoning Ordinance. It may apply to such regulations related to building setbacks, building height, lot area, parking spaces, and square footage of signs. A Variance may not be granted to allow a land use or activity not otherwise allowed under the provisions of the Uniform Zoning Ordinance (Title 17).

A Variance applies only to a specific location; it may be transferred to another owner, but not to another site. If the Variance is not used within three (3) years of the date it was granted, it shall be deemed expired and of no further effect.

Application Review Process

At the time of submittal, the application material will be reviewed for completeness. Adjacent property owners will be notified and given an opportunity to comment.

After conducting an investigation of the proposal, the Planning Director may grant a Variance if the evidence supports the following findings:

1. There are exceptional or extraordinary circumstances or conditions not of the applicant's or owner's own making applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the same district.
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
3. The granting of such application will not, under the circumstances of the particular case, be substantially detrimental to the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be substantially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Projects located within the boundaries of the Tuolumne and Twain Harte Area Planning Advisory Committees will be referred to those bodies for review prior to decision. Projects located on property zoned :H (Historic Combining) or :HDP (Historic Design Preservation Combining) must be referred to the Historic Preservation Review Commission for review prior to decision.

The Planning Director may schedule a Variance for a public hearing before the Planning Commission. Projects located on property within the boundaries of the Jamestown and Columbia Area Planning Commissions will be referred to those Commissions for decision.

An applicant or any aggrieved party may also appeal the decision of the Planning Director.

The appeal must be in writing and must be made within ten days of the decision. The Variance will then be heard by the Planning Commission having jurisdiction over the project site. The Planning Commission must also make findings consistent with the qualifications of items 1, 2 and 3 above.

If the applicant or any aggrieved party is dissatisfied with the decision of the Planning Commission, he/she may within ten (10) days appeal to the Board of Supervisors. Any County supervisor may also file with the Board Clerk a request that the Variance be referred to the Board of Supervisors for its review of the Planning Director's or Commission's action on the permit.

Notice of any hearing before the Commission or Board shall be published in the Union Democrat at least ten (10) days prior to the hearing.

Whoever grants the Variance may attach reasonable conditions which shall become a part of the Variance. Issuance of a Variance may be made subject to guarantees and evidence that attached conditions are being or will be complied with.

If your property must be rezoned before it is eligible for the variance, the variance cannot be issued until 30 days after the Board of Supervisors approves the rezoning.

Expiration of Variance

If the change in the use of land or buildings for which a Variance is granted is not begun within three (3) years of the date of final approval, the Variance shall expire and be of no further effect. Three one-year extensions may be granted by the Director upon written request of the applicant if made prior to the original expiration date. The Variance may be revoked by the Planning Director if the proposal and conditions are not carried out as approved.

Variance

Required Submittals and Information

1. Tuolumne County Land Development Application.
2. Fee of \$_____.
3. Vicinity Map. Should show nearest intersection and any landmarks. May be drawn at a small scale on the site plan.
4. Site Plan. Number of copies:_____. Complete instructions and example site plan are attached to these instructions.
5. Reduced Site Plan. Number of copies:___1___. Size Requirement - 8 1/2" X 11".
6. Statement in support of application. This statement should address facts and circumstances that would enable the Planning Director to make the three findings necessary to grant the Variance.
7. Legal Description. A metes and bounds description of the dimensions of the project site that may be obtained from the deed.

Incomplete Applications will not be Accepted

Variance Site Plan

Required Details

- A. The plan must be drawn in ink on paper of good quality using a minimum size of 8 1/2" x 11" at a scale of 1" equals 20' if the land in question is less than one acre, or at a scale of 1" equals 50' if the land is one acre or larger. If the parcel is too large for the above-mentioned scale, provide a separate map of the entire property at a convenient scale, then provide a larger scale plot plan on a portion thereof, with reference to the overall map.
- B. North arrow and scale used.
- C. Dimensions and area of property.
- D. Slope of the land in % of grades.
- E. Location of all water courses, seasonal drainages, rock outcroppings, unusual vegetation, or other natural features.
- F. Legal access from public roads - include street names, widths of easements, and surface material of roads and driveways.
- G. Location and dimensions of existing on-site improvements such as structures, driveways, parking areas, fences, orchards, mines, pastures, dams, ponds, etc.
- H. Location and dimensions of proposed improvements (distinguish between existing and proposed improvements on the site plan).
- I. Locations of existing improvements on adjacent properties within 300' of the property line, including wells.
- J. Indicate location of water source and sewage disposal facilities.
- K. Name and address of property owner.
- L. Assessor's Parcel Number.
- M. An 8 1/2" X 11" reduction of the site plan must be submitted along with the scaled plan.