



CITY OF LARKSPUR

Planning Department
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Submittal Requirements for Variances (VAR)

Within 30 days of application submittal, the Planning Department will review each application for completeness of required information & fees. A Notice of Incomplete Submittal will be mailed to those applicants whose submittal is incomplete. Applications cannot be set for public hearing until accepted as complete.

Project Site Address _____

Applicant/Owner _____

The following items must accompany all applications unless specifically waived by Planning staff¹. Upon submittal of the application, please submit this sheet back to the Planning Department with the appropriate boxes checked, to assure our receipt of all submittal requirements.

Office Use

- | | |
|---|--------------------------------|
| <input type="checkbox"/> Application - completed & signed by applicant & property owner. (Note: property owner may be different from business owner) | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Deposit or fee as established by resolution of the Council. | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Statement of required findings under the variance ordinance - (Section 18.72.010, Larkspur Municipal Code [LMC]) describing how the circumstances of the application satisfy the required findings. (See back of form for findings) | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Three (3) sets of plans (up to an additional 8 plans will be required when application is deemed complete) including the following: | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Location map –showing the general location of the parcel & the addresses of adjacent properties. | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Site Plan – | <input type="checkbox"/> _____ |
| <input type="checkbox"/> (a) shall be drawn to scale & dimension | <input type="checkbox"/> _____ |
| <input type="checkbox"/> (b) shall have a graphic bar scale, a statement of scale, a north arrow, title block & date | <input type="checkbox"/> _____ |
| <input type="checkbox"/> (c) shall include parcel area calculations & applicable zoning. | <input type="checkbox"/> _____ |
| <input type="checkbox"/> (d) shall show all treated portions of the lot (e.g., walkways, stairs, pools, hot tubs, patios, decks & paved driveways etc.) & the main structure & any accessory structures on the site. | <input type="checkbox"/> _____ |
| <input type="checkbox"/> (e) shall show adjacent building walls of neighboring structures along abutting lot lines. | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Building Floor Plans - showing existing floor area & proposed floor area at 1'=1/4" scale. Both shall be dimensioned at exterior walls. | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Architectural Elevations - if new construction is proposed with the variance, must be at 1'=1/4" scale. | <input type="checkbox"/> _____ |

¹ **NOTE:** Depending on the nature of the application, additional information may be required.

CITY OF LARKSPUR

Variance

➤ **What is a Variance (VAR)?**

A variance is a special allowance which may be granted by the Planning Commission for the relaxation of particular regulations in the Zoning Ordinance, in instances where the usual strict regulations hinder a particular property owner's enjoyment of their land where unusual physical circumstances apply. Only in circumstances where a property owner can prove that their property has unusual physical constraints, that no other conforming options for improvements to their property exist, and that the proposal would not be a grant of special privilege, will a variance be granted. The Planning Commission reviews a Variance and their decision is based on required findings (below).

➤ **What are the steps to apply for a Variance?**

1.) Consult with the Planning Department Staff: Upon applying, use the master application form to describe the scope of work. The **application** must be signed by the property owner and its representative, if any. A **deposit or fee** is required to cover city staff's time and expenses incurred in processing the application (See submittal requirements on back of form). During the process, additional money may be requested if the case involves more than one public hearing or if consultant services are required. The owner/representative will be required to sign an acknowledgement of permit processing costs. This form advises applicants of costs that may be involved in processing the application.

2.) Staff Review: Within 30 days of submittal of an application, the City will evaluate it for **completeness**. If it is found to be **complete**, it will be scheduled on an upcoming Planning Commission agenda; if it is **incomplete**, you will be so notified in writing & provided with a list of the items needed to render it complete. During processing, the property will be **visited** at least twice by City staff, once to investigate the site & once to post a public notice.

3.) Environmental Review: Within 30 days of determining the application to be complete, staff will determine the environmental status of the project pursuant to the California Environmental Quality Act (CEQA).

4.) Noticing & Staff Report: Local law requires public notice be given for Variance hearings. At least 10 days before the hearing, a notice will be posted on the property, mailed to all property owners within 300 feet, & posted on three official bulletin boards.

5.) Public Hearing: The Planning Commission hearing begins with a staff presentation, then the applicant's presentation & subsequent public comment. The public hearing is then closed and the Planning Commission deliberates the project & comes to a decision based on the required findings from Section 18.72.010, which are listed below:

- A. Because of special circumstances applicable to the property, application of this title would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification
- B. The variance requested would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
- C. The variance requested would not allow a use not otherwise expressly authorized by the zone regulation governing the property.
- D. The granting of the application, under the circumstances of the particular case, will not adversely affect the general health, safety or welfare, or be detrimental to persons or property in the vicinity.

➤ **Can the public or the applicant appeal the decision of the Planning Commission?**

Yes, anyone disagreeing with the Commission decision may file an appeal with the City Clerk within 10 calendar days of the date of the meeting at which the decision was made. A filing fee is charged. The City Council then will hold a new hearing.

➤ **When does the Variance expire?**

The permit must be acted upon (commencement or construction) within two years of the approval or the Variance would be rendered invalid. Applicants unable to meet this schedule should apply for an extension before the two-year period expires.

NOTE: The City strongly encourages the applicant/property owner to consult with the neighboring property owners regarding the proposed project before submittal.