



COMMUNITY DEVELOPMENT RESOURCE AGENCY Planning Services Division

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VARIANCE

The Placer County Planning Services Division accepts applications online and over the counter. To use the County's convenient automated online application system, visit the County's [Online Permit Services](#) page to get started. Alternatively, you may submit a [Universal Application](#) with the required supplemental application materials in person at the Community Development Resource Agency (CDRA) front counter. An appointment to submit your application may be made using the County's automated appointment scheduling system [here](#). Applications are also accepted without an appointment on a walk-in basis.

All supplemental application materials are required to be submitted electronically in accordance with the County's Electronic Document Submittal Requirements detailed in the [Electronic Application Filing Instructions](#), which specifies file naming conventions, formatting requirements, and file types that are accepted. For applications submitted at the CDRA front counter, all supplemental applications materials shall be delivered on a portable storage device, such as a flash drive or CD.

The following is a checklist of application materials required to submit a Variance application online or at the CDRA front counter.

- Completed Universal Application: Select the [Variance](#) entitlement authorization under section 1 of the application form.
- Completed [Exemption Verification Form](#).
Exempt Projects: Minor reductions in property boundary setbacks, setbacks from man-made canals, minor increases to building height and similar requests for Variance approval are commonly exempt from CEQA review with rare exceptions.
- Project description: (see [Project Description Requirements](#)) See Section D below pertaining to action on a Variance. Applications for Variance shall include information to describe special circumstances applicable to the property such as property size, shape, topography, location or surroundings that distinguish it from other properties in the same zoning classification, and for which the strict application of the zoning code would deprive the property of privileges enjoyed by other properties in the vicinity under identical zoning classification. Applications that do not include information to describe such special circumstances to justify Variance approval may be deemed incomplete until this information is provided.
- Site Plan of property subject to the Variance request: (see [Site Plan Requirements](#)).
- Elevations of all proposed structures subject to the Variance request: (see [Plan Set Requirements](#)).
- Application fees are required to be paid in full at the time of application submittal. The most current version of the Planning Services Division Fee Schedule is available [here](#).

VARIANCE PROCESSING

Approval of a Variance from the strict application of the requirements of Chapter 17 of the County Code Zoning Ordinance) may be requested and granted as provided below.

- A. **Limitations on the Use of a Variance.** A Variance shall not be used to:
1. Reduce the minimum lot area required for a new land division by Articles 17.06 through 17.52 of this chapter such that the project would increase densities above those specified by the general plan or any applicable community plan; or
 2. Waive any other requirement of Chapter 17 (Zoning Ordinance) or Chapter 16 of this code (Subdivisions) related to general plan consistency and other subdivision map requirements; or
 3. Authorize land uses other than those identified as allowed in the particular zoning district by Articles 17.06 through 17.52, as required by California Government Code Section 65906.
- B. **Application and Processing:** A Variance application shall be completed, filed with the planning division and processed as provided by Section 17.58.020 (Applications—Filing and initial processing).
- C. **Notice and Hearing.** After acceptance of a Variance application and completion of a staff report, the Zoning Administrator (or Planning Commission in the case of variances associated with projects for which the Planning Commission is the granting authority) shall conduct a public hearing on the Variance request. The notice and scheduling of the hearing shall be as set forth in Section 17.60.140 (Public hearing).
- D. **Action on a Variance.** The Zoning Administrator or Planning Commission shall approve, approve subject to conditions, or disapprove a Variance as set forth in this subsection.
1. **Findings.** Approval or conditional approval may be granted only when the granting authority first determines that the Variance satisfies the criteria set forth in California Government Code Section 65906 by finding that:
 - a. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
 - b. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
 - c. The Variance does not authorize a use that is not otherwise allowed in the zoning district.
 - d. The granting of the Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
 - e. The Variance is consistent with the Placer County general plan and any applicable community plan or specific plan.
 - f. The Variance is the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant, consistent with subsections a. and b., above.
 2. **Conditions of Approval.** In approving a Variance, conditions shall be adopted by the Zoning Administrator or Planning Commission as necessary to enable making the findings described in subsection (D)(1) of this section.
- E. **Effective Date of Variance.** The approval of a Variance shall become final and effective for the purposes of construction permit issuance or establishment of a nonstructural use, on the 11th day after approval by the granting authority, unless an appeal to the decision is filed as set forth in Section 17.60.110 (Appeal). In the event of an appeal, the decision of the granting authority shall be set aside and of no effect until final action by the appeal body pursuant to Section 17.60.110 (Appeal). If no written or oral testimony is provided as a part of the official record, except for such testimony as may have been provided by the applicant and/or the Development Review Committee (DRC), the hearing body may waive the ten-day waiting period and may establish an effective date for the Variance action at any time following the conclusion of the public hearing, not to exceed the original ten-day waiting period.

F. **Time Limits and Extensions.** A Variance is subject to the time limits, extension criteria and other provisions of Section 17.58.160 of this chapter.

OTHER INFORMATION ON VARIANCES

CDF approval may be required

If the property that is the subject of the Variance is one acre or larger and the request is for a variance to the side or rear setback, a letter from the California Department of Forestry and Fire Protection (CDF) and the local fire district stating that those agencies will approve the requested setback variance is required to be submitted along with this application.

Criteria for granting Variances

Applicants should be prepared to prove to the satisfaction of the Zoning Administrator that the proposed Variance meets the following criteria set forth in Section 17.60.100 of the Zoning Ordinance. The hearing body will not assume that an application meets these requirements; an applicant must demonstrate that it does.

1. The granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated; and
2. 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 classifications.

The following are the factors against which the hearing body will weigh a Variance application:

1. Where a hardship was created by the applicant's own acts, the applicant is not entitled to relief. Unpermitted work begun prior to the Variance request is not a hardship.
2. Neighboring violations do not constitute unnecessary hardship.
3. Personal or financial hardship is not a hardship within the meaning of the Variance laws (Please note: Personal or financial hardship may fall within the criteria for granting "Reasonable Accommodation". Please see County Code Section [17.56.185](#) for more information).
4. No one factor determines what is practical difficulty or unnecessary hardship.
5. The granting of a Variance does not set a precedent since each Variance is considered on its individual merits.