
The Extension may be approved if the conditions of the property and the surrounding area are the same as when the Variance was approved. Once in use, the Variance is permanent and remains in effect as long as its conditions continue to be met.

WHEN CAN YOU REAPPLY FOR A VARIANCE?

If your application is denied or revoked, you may not apply for the same or a similar Variance for one year. However, if you can show that there has been a change in the property or neighboring area that would greatly affect the reasons for the denial, you may be able to reapply sooner.

WHAT OTHER ACTIONS ARE REQUIRED?

If new construction or exterior remodeling is involved, you will need a Building Permit. (Please see a copy of the [Building Permit Brochure](#).) Commercial and multi-family construction will also require Design Review approval. A brochure explaining the [Design Review](#) process is also available at the front counter.



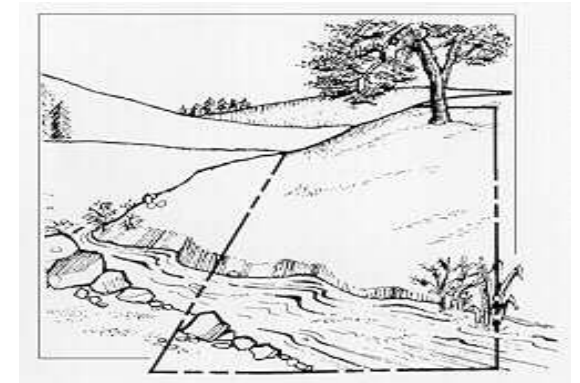
City of Waterford

Phone: 209-874-2328
Fax: 209-874-9656
Website: cityofwaterford.org



Variances

City of Waterford



City of Waterford
320 E Street
Waterford, CA 95386

Tel: 209-874-2328
Fax: 209-874-9656



Variations

WHAT IS A VARIANCE AND WHEN IS ONE APPROPRIATE?

The Zoning Code helps to regulate development in the City. Regulations include, in part, minimum lot sizes, building setback lines, lot coverage, building height and parking requirements. Each development must meet the regulations for its zoning district.

Sometimes there are unusual conditions on the property and it may not be possible to meet all the zoning requirements when you are planning new construction. Your property may be so shallow, narrow or oddly shaped that you might qualify for a Variance. Sometimes the use or development of an adjacent property could make your building project impossible. In these cases, a Variance may be the solution.

A Variance may allow relief from Zoning Code regulations if enforcement of the regulations would:

Deprive you of the privileges enjoyed by other nearby properties having the same zoning **AND** If unique conditions (such as those listed above) are present.

Your application for a Variance must stand on its own. A previous Variance does not set a precedent for granting other Variations.

WHEN IS A VARIANCE INAPPROPRIATE?

A zoning Variance may not allow a use

other than one permitted by the zoning district where the property is located.

HOW TO APPLY FOR A VARIANCE

You or your representative needs to submit a completed Variance application, along with copies of the site plan, a description of the project, and appropriate maps. The information you give us must show how property conditions keep you from meeting specific Zoning Code regulations.

Because a public hearing will be held, you also will need to give us a list of the names and addresses of all property owners within 300 feet of the property. This information will be used to notify the surrounding property owners of your Variance request.

WHAT IS THE REVIEW PROCESS?

We will check your application to see if it is complete. Next, we will assign it to a planner for review and a possible field inspection. The planner will prepare a staff report for Planning Commission review at a public hearing. After hearing comments from you, the public and staff the Planning Commission will approve or deny your request. If approved it will move on to the City Council for approval.

HOW WILL THE DECISION BE MADE?

The Planning Commission and City Council can only approve your request if ALL of the following can be found to be true:

- Conditions on the property causing a hardship are not common to all or most properties in the immediate area and zoning district; **AND**
- A hardship exists because of the conditions on the property and not by an act of an owner of the property; **AND**

- A Variance is needed to provide the same property rights enjoyed by other properties in the area with the same zoning. Granting a Variance may not give special privileges to the property; **AND**

- Granting a Variance will not create a problem for adjacent properties and will not conflict with public interests, the Zoning Code or the General Plan.

Hardship does not include situations such as personal, family or financial difficulties or loss of profits.

WHAT MIGHT PREVENT YOUR APPLICATION FROM BEING APPROVED?

A Variance will not be granted if the conditions on the property are not unique. Nor will it be granted if you cannot show that all the above requirements have been met.

CAN A PLANNING COMMISSION DECISION BE APPEALED?

Planning Commission decisions can be appealed to the City Council, but must be filed within 10 working days of the Planning Commission decision. An appeal application form is available in the City Manager's Office. Please check with staff for more information.

WHEN DOES A VARIANCE EXPIRE?

A Variance is usually valid as long as it is used within one year. If you can't use the Variance within that first year, you may be able to extend it for another year. To do so, you will need to submit an application for Extension before the Variance expires.