



CITY OF CAPITOLA

VARIANCE INFORMATION

CITY OF CAPITOLA COMMUNITY DEVELOPMENT DEPARTMENT
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Variance Overview

A Variance allows an adjustment to specific development standards of the Zoning Code. A Variance may be granted only when it can be demonstrated that there are unique circumstances applicable to a property such as lot shape or topography which make it impractical to meet zoning requirements. Variance applications are considered by the Planning Commission in a publicly noticed hearing.

Application Requirements

Applicants who request a Variance must submit a Master Application, Variance Application (including findings), and submit necessary fees as established in the City's adopted Fee Schedule.

Variance Eligibility

Applicants may request a Variance to limited development standards, including but not limited to, building setbacks, height, parking requirements, sign regulations, lot dimensions, open space requirements, and landscaping. Variances may not be granted to allow an unpermitted use type, allow additional density, to reduce required lot size, reduce the protection of an environmentally sensitive habitat area except as specifically provided in Chapter 17.64, or allow deviation from a requirement of the general plan.

Variance Findings

Findings as outlined in section 17.128.060 of the Capitola Zoning Code must be made in order to approve a Variance application:

1. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.
2. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

3. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.
4. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zone as the subject property.
5. That the grant of a variance permit would 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.
6. The variance will not have adverse impacts on coastal resources.

Variance Process

City staff will process Variance requests concurrently with any other discretionary permits such as a Design Permit or a Conditional Use Permit. Staff will review the Variance request to determine if there are special circumstances related to the property which warrant granting of a Variance. Staff will make a recommendation to the Planning Commission based on whether or not they believe findings can be made.

Time

Variance applications typically require 60-90 days to process.

Public Hearing Process

Applicants for a Variance should attend the Planning Commission hearing with their architect or designer and be prepared to present information to support their request. City staff will present its analysis of the request with a recommendation to approve or deny the Variance. Applicants and/or representatives will then have opportunity to present their case. The public also has opportunity to comment, either in support or in opposition to the proposal. After receiving all testimony, the Planning Commission the public hearing is closed, and the Commission deliberates on the proposal merits. The Commission then renders a decision to approve or deny the proposal. Decisions of the Planning Commission may be appealed to the City Council.