

CITY OF ANTIOCH

VARIANCE APPLICATION

Thank you for choosing the City of Antioch for your project. This application brochure contains important information regarding the process, required plans, and application/consent forms.

PURPOSE AND REQUIREMENTS

Variances are intended to resolve practical difficulties or physical hardships. Each zoning classification has specific development standards which projects must meet, such as setbacks or parking requirements. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics of the property or area. The variance procedure is designed to permit minor adjustments to the zoning regulations when there are special or extraordinary circumstances that apply to a parcel of land or a building that prevent the property from being used to the extent intended by the zoning. Variances can be granted when all of the four (4) following findings can be made:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.
2. The granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.
3. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.
4. The granting of such variance will not adversely affect the comprehensive General Plan.

A Planner can help you determine if a Variance is required. To submit a Variance application, please follow the instructions contained in this document.

PROCESS

Step 1 - Project Consideration

A prospective applicant should review the zoning requirements for the proposed project site and use with the Planning Division staff. You will typically be given a copy of this application at this time.

Step 2 – Pre-application Conference

A pre-application conference is required. Prior to this meeting the team of staff members that will be assigned to your project will be chosen, including representatives of the Planning, Engineering, and Building Divisions. These staff members will be with you throughout the life of your project and are a valuable resource as questions arise. The pre-application conference is your opportunity to receive



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comprehensive information from each Division regarding City requirements and possible alternatives that may eliminate the need for a variance or improve the chance of the variance being approved. You will also be given information on which outside agencies to consult prior to submitting your application such as the Fire Department or Environmental Health for example. It is strongly recommended that your design professional attend this meeting with you and that you bring any draft drawings that may have been prepared.

A pre-application conference can be scheduled by contacting the Planning Division at 925.779.7035.

Step 3 – Preliminary Review of Plans

This is an optional step. Your assigned staff member can informally review a draft copy of your plans. Note that because all Divisions will not be reviewing the draft plans, this is not a comprehensive review and comments may be made later in the process.

Step 4 – Submit your Application

Please make an appointment with your assigned staff member (contact information provided at pre-application conference) to submit your application. Necessary forms and material checklists are provided in this brochure.

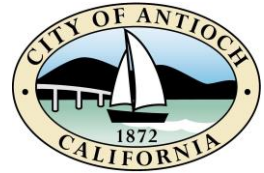
Step 5 – Processing the Application

- ✓ Staff will check your application for completeness against the requirements contained in the following pages. You will receive either a complete or incomplete letter from staff. **Please note the “complete” letter marks the point your application is deemed to be complete for processing timelines.** An “incomplete” letter will provide documentation of items that must be submitted/resubmitted prior to your project being deemed complete.
- ✓ Environmental review will start once the application is complete. State Law requires that all applications processed by the City be in compliance with the California Environmental Quality Act, known as CEQA. At your pre-application conference your assigned staff member will give you preliminary information about what type of CEQA document is expected to be required for your project if it is not exempt.
- ✓ Your plans will be routed to departments and divisions within the City and to applicable outside agencies for review and comment. Your assigned staff member will contact you with a summary of the comments that are received. At this point, depending on the comments, your project will either require adjustments or responses to comments or will be ready to be scheduled for a hearing(s).

Typically, it will take 10-12 weeks from the time an **application is deemed to be complete** for a project to be scheduled for a hearing. The exact timing will depend on the complexity of the project and the type of environmental review (see CEQA information above) required for the project.

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Step 6 – Public Hearings

Variances require a public hearing. Property owners within 300 feet will be notified of the hearing, and the notice will also be published in the newspaper. Variances are subject to the review of the Planning Commission or, in some instances, the Zoning Administrator. You will be informed by staff as to the appropriate hearing body.

At the hearing staff will present a summary of your project and the recommendation. Staff will take clarification questions from the hearing body. The selected project spokesperson will then have 10 minutes to speak. This can be the property/business owner, design professional, or any other person best suited to explain your proposal and answer questions. All other persons wishing to speak regarding your item will then have an opportunity to speak. This includes members of the public who may be for or against your project. Once all speakers are heard, the project representative will have an opportunity for a five minute rebuttal. In approving a variance, the Planning Commission or Zoning Administrator may impose such conditions as deemed necessary to protect the best interests of the surrounding area or neighborhood. **Prior to your hearing, you are strongly encouraged to read and understand all conditions staff has proposed for your project.** These conditions may have significant impacts on project cost and timeliness.

After the public has spoken on the item the public hearing will be closed and the hearing body will discuss the item. A decision will be made to do one of the following:

1. Approve or conditionally approve the project.
2. Postpone action pending receipt of additional information or amended plans.
3. Deny the application.

Right to Appeal

The decision on your project can be appealed within five working days of the hearing. The specific deadline for appeal will be on the hearing agenda. Appeals may be filed by the project proponent or a member of the public. Appeals must be submitted in writing to the City Clerk with the applicable fee. Appeals of Planning Commission items will be heard by the City Council and appeals of Zoning Administrator items will be heard by the Planning Commission.

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APPLICATION SUBMITTAL CHECKLIST

- SIGNATURES.** Development application form submitted and signed.
- FEE.** The fee is \$1,805.00. Costs to prepare environmental documents or necessary studies are required to be paid by the applicant. The Department of Fish and Wildlife CEQA filing fee is also required, if applicable.
- PROJECT DESCRIPTION.** A detailed written summary (on a separate sheet and attached to the application) explaining why the variance is needed and how the project is able to meet the four findings necessary for the variance to be granted. Much of this information will be used to explain the project to the reviewing body and to develop conditions for project approval.
- ENVELOPES.** Addressed and stamped (not metered postage) # 10 sized envelopes for the list of all property owners within a 300-foot radius of the project site. Do not put a return address on the envelopes; this will be done by staff. Property owner lists can be assembled using the Contra Costa County Assessor's web-based search tool <https://ccmap.cccounty.us> or by requesting a radius search from a title company.
- PHOTOS.** Several photos of the project site and adjacent development with the location noted.
- DEVELOPMENT PLANS.** (If the application is filed in conjunction with other applications, such as a Use Permit or Design Review, the submittal requirements from all applicable checklists shall be incorporated into one set of plans.)
 - Drawn to an engineer's scale, large enough to show all information clearly, but not smaller than 1" = 100', with scale noted, a graphic bar scale, and north arrow. The plan shall include the following:
 - Dimensions of setbacks from property lines and between structures.
 - Indicate the proposed feature(s) needing a variance.
 - Indicate the reason for the variance.
 - Identify and indicate any loss in landscape or parking or any other changes in the use of the property due to the variance.
 - The following numbers of plan sets are required: (staff may request additional plans if necessary)
 - One set of plans shall be submitted on a CD or flash drive in pdf format
 - 4 sets full size plan sets 24" x 36"
 - 10 sets reduced to 11" x 17"

ATTACHMENT:

A. Application Form

**CITY OF ANTIOCH
DEVELOPMENT APPLICATION**



Site Location	
Assessor's Parcel No. (s)	
Total Acreage	
Brief Description of Request:	

PROPERTY OWNER OF RECORD	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

APPLICANT	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

**CITY OF ANTIOCH
DEVELOPMENT APPLICATION**



AGENT/DESIGNER	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

ANY OTHER PERSON THAT YOU WOULD LIKE THE CITY TO NOTIFY OF THE PUBLIC HEARING	
Name	
Company Name	
Address	
Phone #	
Email	
Signature	

FOR OFFICE USE ONLY	
Date Received:	File No.:
Title:	Account No.:
Type of Application	Notes: