



# CITY OF ORINDA

## *Variance Permit Application*

### Planning

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A Variance is a discretionary permit to allow a deviation from the regulations of Title 17, the Planning and Zoning Code. A variance from any restriction, limitation or other requirement is discouraged unless it will result in a public benefit. In many cases deviations from requirements are granted as Exceptions. **Exceptions** can be granted for such restrictions as yard setbacks, building, fence, or retaining wall height and single-family residence parking requirements. **Variances**, on the other hand, are granted due to special situations created by property. Variances are granted for such restrictions as maximum floor area and commercial parking requirements.

### **A variance must comply with the following standards:**

1. The variance may be granted because of special circumstances concerning the subject property including size, shape, topography, location or surroundings. Such a property may be deprived of privileges due to strict application of regulations. With a variance, a property is allowed to enjoy the same privileges as other properties in the vicinity and in the same zoning district.
2. The variance will not constitute a grant of special privilege that is not generally available to other property in the vicinity and in the same zoning district.
3. The variance substantially complies with the intent and purpose of the zoning district to which the property is classified by not authorizing a use or activity that is not otherwise expressly allowed.
4. A variance from open space regulations may be granted if it is found that the variance will not conflict with General Plan policies governing orderly growth and development and the preservation and conservation of open space lands.

### **About the Process**

Complete this application and submit it along with a general application form. Take care to give responses to the findings that are requested in this application because they will be used by the decisionmaker to evaluate the compliance of the application with city code.

After you have submitted your application, it will be assigned to a project planner for processing. Your project planner, along with the Department of Engineering and the Moraga-Orinda Fire District, will then review your application for completeness. You will be notified within 30 days as to whether or not any additional information or plans will be required by staff to complete the processing of your application. Completed applications go before the Planning Commission for a public hearing.

# **APPLICATION CHECKLIST**

For all variance applications, the plans must be CLEARLY AND LEGIBLY DRAWN TO SCALE. A copy of this checklist with a checkmark next to each item will be required. ***The application will not be accepted for processing unless all pertinent information required by the attached checklist is provided.***

- \_\_\_\_\_ a. Completed General Application Form and the attached specific application form.
- \_\_\_\_\_ b. Completed checklist signed and dated (this list).
- \_\_\_\_\_ c. Fees payable upon submission.
  - When combined with another application or addition \$754
  - All other exceptions Staff hourly rate charges. A \$1,500 deposit will be required before work commences
  - Mailing (*City will prepare*) \$183
  - Time extensions \$431
  - 10% General Plan Update surcharge fee \_\_\_\_\_
- \_\_\_\_\_ c. One (1) full-size (24"x36"), one (1) 11"x17" and an electronic (.PDF) set of plans with a minimum of the following information:
  - \_\_\_\_\_ 1. The size, in square feet, of the existing structure and/or area of the proposed use.
  - \_\_\_\_\_ 2. The overall dimensions of the structure and its location (both existing and proposed) on the lot relative to property lines. For commercial or institutional properties where a change/expansion in or of use is proposed, a plan showing the parking access, layout and capacity is also required.
- \_\_\_\_\_ d. One (1) full-size, 1/4" = 1' scale, (24"x36"), one (1) 11"x17" and an electronic (.PDF) set of the floor plans providing a schematic layout of the interior uses being proposed. For commercial and institutional uses, such information shall include but not be limited to: differentiating areas for customers, storage, and for restaurant uses showing areas for dining and food preparation etc.

**NOTE: IF YOUR REQUEST FOR A VARIANCE INVOLVES: 1) THE CONSTRUCTION OF NEW FACILITIES, OR 2) REMODELING BEYOND THE SCOPE OF INTERIOR TENANT IMPROVEMENTS, OR 3) RESIDENTIAL CONSTRUCTION WHICH REQUIRES DESIGN REVIEW, YOU WILL BE REQUIRED TO APPLY FOR DESIGN REVIEW APPROVAL CONCURRENTLY WITH YOUR VARIANCE REQUEST, AND ADDITIONAL INFORMATION FOR DESIGN REVIEW WILL BE REQUIRED.**

I have read and understand my obligations regarding the information necessary for a variance permit application:

\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
Date

**REQUEST FOR A VARIANCE**

[PLEASE FILL OUT A SEPARATE "REQUEST" AND "STATEMENT" FORM FOR EACH CODE SECTION A VARIANCE IS REQUESTED].

- 1. Regulation from which an variance is requested: (Refer to specific code section by number)

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- 2. Reason for variance: [e.g. establishment of new restaurant use, in existing retail building, with less than required off-street parking of one (1) space per three (3) seats]

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**STATEMENT FOR FINDINGS**

**Complete the following statements as they relate to your project. They will be used by the decisionmaker to evaluate your request.**

- 1. The strict application of the zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity and in the same zoning district because of special circumstances concerning the subject property (including size, shape, topography, location or surroundings).

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- 2. The variance will not constitute a grant of special privilege which is not generally available to other property in the vicinity and in the same zoning district because...

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3. The variance substantially complies with the intent and purpose of the zoning district to which the property is classified by not authorizing a use or activity that is not otherwise expressly allowed because...

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4. In the case of a variance from open space regulations, it is also found that the variance will not conflict with General Plan policies governing orderly growth and development and the preservation and conservation of open space lands because...

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