

# How to Obtain a Variance

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**V**ariances are intended to grant property owners relief from certain provisions in the Zoning Regulations where strict compliance would result in a hardship as distinguished from a mere inconvenience.

## When are Variances Granted?

A variance may only be granted when:

1. *Special circumstances or conditions applicable to the development site, including size, shape, topography, location of structures or surroundings, where strict application of the Zoning Regulations would deprive a property of privileges enjoyed by other property in the vicinity and under an identical zoning classification.*
2. *It will not be detrimental or injurious to property or improvement's vicinity, or to the public health, safety, or general welfare.*
3. *It is consistent with the purposes of the Salinas General Plan and Zoning Code and will not constitute a grant of special privilege inconsistent with limitations on properties in the vicinity and same zoning district.*
4. *It is not granted for a use or activity which is not allowed in the zoning district.*
5. *The hardship peculiar to the property was not created by any act of the current or past owner.*
6. *Personal, family or financial difficulties and loss of prospective profits are not hardships or reasons justifying a variance.*
7. *Previous variances, either on or off the parcel, are not to be used as a precedent. Each case must be considered on its individual merits.*

## What is the Process for Obtaining a Variance?

Obtaining a Variance at the earliest possible time will depend on the completeness of the application and the extent to which the plans vary from applicable Zoning Regulations. Early consultation with Community Development Department is strongly recommended before an application is made. This consultation will provide essential information about the project.

The following steps generally apply in processing a Variance application:

**Step 1:** Obtain an application from:

City of Salinas  
Community Development Department  
65 West Alisal Street,  
Salinas, CA 93901  
Or  
[www.ci.salinas.ca.us](http://www.ci.salinas.ca.us)  
(Community Development Department page)

**Step 2:** Complete the application and attach 10 copies of the site plan, floor plans and elevation drawings. Plans must include all features listed on the "Discretionary Application Submittal Checklist." They need not include structural, electrical, and mechanical details which are usually necessary to obtain a Building Permit. Also include an 8 1/2" x 11" reduction of each page of the plans.

**Step 3:** Submit the completed application and attached plans along with an application fee to Community Development Department.

## INFORMATION BULLETIN

City of Salinas  
Community Development Department  
65 West Alisal Street  
Salinas, CA 93901  
(831) 758-7206

**Step 4:** The application will be reviewed by Community Development Department and other City departments to confirm the project conforms to City regulations.

**Step 5:** The application will also be reviewed in accordance with the California Environmental Quality Act (CEQA) to determine if the project may have significant impact on the environment.

**Step 6:** After the initial environmental review has been conducted, any additional environmental review fee that may be required must be submitted to Community Planning & Development.

**Note:** The application cannot be considered "complete" until all plans and environmental documents have been completed.

**Step 7:** Following the review of the project and environmental documents, notification may be sent that changes to the plans are necessary in order to comply with City regulations or to receive a favorable staff recommendation. If so, the necessary revisions must be made before the plans are resubmitted.

**Step 8:** Once the plans and environmental documents are completed, a notice will be published in the newspaper announcing that a public hearing before the Salinas Planning Commission will be held to consider approval of the proposed CUP. The applicant will be notified of the hearing date and recommendations of City staff. All property owners within 300 feet of the project site will be notified by mail of the public hearing date and time.

**Step 9:** During the public hearing, the Planning Commission will ask for comments from the applicant, the public and City Staff. The Planning Commission will then decide to approve, conditionally approve, or deny the application. The Commission's decision will become effective in 10 days following an appeal period.

**Step 10:** Following approval or conditional approval, the applicant and all property owners will be asked to sign the Variance. The applicant will receive a copy and the

original will be retained by the City as a permanent record of the project approval. Building Permits may be applied for at any time during the process. However, a Building Permit may not be issued until a 10-day appeal period following the Commission's decision.

### **Can a Variance be Obtained Without Planning Commission Approval?**

Yes, in those instances where the project is determined to be exempt from environmental review and there is no evidence of neighborhood opposition, the Planning Manager may issue a Variance.

### **Can a Decision of the Planning Manager or the Planning Commission be Appealed?**

Yes. A decision of the Planning Manager may be appealed to the Planning Commission and a decision of the Planning Commission may be appealed to the City Council. An appeal must be made within 10 days following the decision. Ask Community Development Department what the procedure is for filing an appeal.

### **Related Information Bulletins**

Information Bulletin	Description
9	Standard Permit Conditions
13	Submittal Checklist
14	Fee Schedule

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