**A Pre-Application is Required Prior to Submittal of Variance Application**

The following is a list of documentation required by the Planning Office in order to process your application for Variance. Your application will **not** be accepted unless it is signed by the property owner, accompanied by the current filing fee, and includes **all** the pertinent items described below. Following initial distribution and review of submitted materials additional information may be required. **Questions?** Contact: Planning Office (408) 299-5770

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### Checklist of Required Application Materials

The documents listed below are **required** for your Variance application and **must be submitted in electronic form on a CD or thumb drive, along with 2 copies of the plans on paper. Incomplete submittals will not be accepted.** All plans must be legibly drawn to an appropriate scale, and the paper copies must be sheet size **18”x 24” minimum to 24”x36” maximum, and folded.**

- **Site Plan** *(See “Sample Site Plan” for items that are required to be shown on the site plan.)*
- **Exterior Elevations** *(Elevations and floor plans must be submitted for all existing and proposed structures on site.)*
- **Floor Plans** *(See form included in packet)*
- **Statement of Circumstances** *(see form included in packet)*
- **Copy of Assessor’s Parcel Map** *(Available at the Assessor’s Office-5th Floor, County Government Center)*
- **Copy of Current Recorded Grant Deed**
- **Evidence showing legal creation of lot** *(See handout enclosed with application packet)*
- **Petition for Exemption from Environmental Assessment Form and & Applicable Fee**
- **Completed Well Information Questionnaire** *(enclosed with application packet)*
- **Acknowledgements and Agreements Form,** signed by owner.

### Additional Application Materials that may be Required

The documents listed below **may** be required for your Variance application. **Please consult staff to make an accurate determination.**

- **2 Geologic Reports & Applicable Fee** *(1 paper copy and 1 electronic copy)*
  A geologic report may be required, depending on the project and location. If a geologic report is required, submit one (1) original wet signed paper copy and one (1) electronic copy (PDF on CD). Contact County Geologist at (408) 299-5774.

- **1 Set of Mailing Labels** *(See mailing labels handout for details)*
  Mailing labels are only required if your property is within 300 feet of a County boundary line.

- **1 Septic System Plan** *(field checked and signed by Department of Environmental Health (DEH) field office)*
  If a septic system is existing or proposed, each site **must** be evaluated by DEH. The evaluation entails a site assessment, a soil profile trench and a percolation test. One copy of the site plan should be field checked, stamped, and signed by DEH field office and then submitted with the Architectural and Site Approval application. DEH charges an additional fee for site evaluations. Contact DEH at (408) 918-3400. South County office: (408) 779-0631

- **Other Reports/Studies**
  Your project may require a detailed report or study. For example, a biological, archeological, noise, or traffic study could be required depending on the location and/or intensity of the project.

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### Variance Pre-Application (PA)

A **Pre-Application meeting for Variance is mandatory before submitting for formal application.** **Questions?** Call the Planning Office (408) 299-5770.

### Checklist of Required Application Materials

The documents listed below are required for your Building Site Approval Pre-Screening, and **must be submitted in electronic form on a CD or thumb drive, along with 2 copies of the plans on paper. Incomplete submittals will not be accepted.** All plans must be legibly drawn to an appropriate scale, and the paper copies must be sheet size **18”x 24” minimum to 24”x36” maximum, and folded.**

- **Site and Floor Plans** *(See “Sample Site Plan” for items that are required to be shown on the site plan.)*
Instructions for Completing the Variance Statement of Circumstances/Justification

1. Include a title for the written Statement of Circumstance / Justification for the requested Variance.

2. Describe the project for which you are requesting consideration of a variance and the specific nature and scope of the variance requested (e.g.: request to reduce the front setback on north side of property from 25 to 21 feet).

3. Show on the preliminary plans the requested Variance and proposed setback encroachment areas (e.g.: shade and label the area(s) of development that is proposed to be within the required setback(s), with scaled dimensions, and clearly show and label the required setbacks).

4. Describe the unique physical characteristics of the property that can be considered as the basis for the proposed Variance. Such characteristics may include size, shape, topography, location, or similar characteristics that have an actual bearing on the reasonable use and development of the property.

5. Explain why the property characteristics or circumstances, together with the applicable regulation(s) of the zoning ordinance, represent a substantial and detrimental hardship that precludes reasonable use and development of the property.

6. Explain whether and to what extent other properties in the vicinity of subject property and under identical zoning designation possess similar characteristics or circumstances.

7. Granting a Variance requires the County to make State-mandated findings. Include statements that you believe directly support making the following findings.

§5.70.020 Findings
A variance may not be granted unless both of the following findings can be made:
A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification; and

B. The grant of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located.

8. **NOTE**: All Variance applications are subject to certain principles of law and zoning administration practice, including, but not necessarily limited to the following:

- Design/development preferences are not a basis for approval;
- The presence of commonly encountered development constraints that do not rise to the level of significant and unique hardship or that do not preclude reasonable use and development of the property are not necessarily a basis of approval;
- The mere existence of a peculiar situation or unusual circumstances if an ordinance or standard is enforced does not obligate a city or county to grant a variance;
- The grant of variance, where warranted, should be limited in nature and provide relief from a zoning standard only to the extent necessary to address the specific circumstances.