

VARIANCE GENERAL INFORMATION AND APPLICATION

Mariposa County Planning Department
 5100 Bullion Street, P.O. Box 2039
 Mariposa, CA 95338
 Telephone (209) 966-5151 FAX (209) 742-5024
www.mariposacounty.org planningdept@mariposacounty.org

To the Applicant:

The attached application package contains all the necessary information and materials needed to submit an application requesting a variance on a parcel. This package includes a list of materials and items that must be submitted by the applicant in order to meet the application filing requirements. In addition, general information is provided relating to costs and the processing of a variance application. This office strongly encourages the applicant to review all materials included in this application package.

General Information and Instructions:

When preparing the variance application, it is important to provide as much detail and information in the application as possible. Applications that are confusing, missing information or inaccurate may cause delays in processing. By providing complete and accurate information the applicant will lessen the chance for delays and requests for additional information. In order for the application to be considered complete, all the items listed in the "Required Materials and Items" section must be submitted with the required application form and fees to Mariposa Planning.

Applicants are strongly encouraged to have a pre-application meeting with Planning Department staff to discuss the application. Staff would review the application and discuss the application requirements, costs, and the processing of the application with the applicant. Such pre-application meetings are at no cost to the applicant and could save both application costs and time. Please call the Mariposa County Planning Department at (209) 966-5151 or toll free (866) 723-5151 if you wish to schedule a meeting to discuss the application or if you have any questions regarding the application package.

Applications may be mailed to our office. Please be aware, however, that incomplete applications will be mailed back to the applicant along with a written list describing information needing to be part of the application. This will cause a delay in the processing of the application. For this reason, we strongly encourage applicants to submit their application in person.

Purpose:

The purpose of a variance is to allow for a variation from the strict application of the standards contained in the Mariposa County Zoning Ordinance. An applicant could apply for a variance on a project if practical difficulties, unnecessary hardship, or extraordinary and/or unusual circumstances are found based on these standards.

The Mariposa County Zoning Ordinance and state law set forth five (5) mandatory findings that must be made by the Planning Commission in order to approve a variance. These findings are included in the application. The applicant must provide supportive information relating to each particular finding.

Property Posting:

The applicant shall stake and flag the subject project lines and corners, and also flag the location of any structure involved in the variance request. This is particularly important if the applicant is requesting a variance from the Zoning Ordinance setback requirements for the location of a structure or septic leach field from a property line or from a public street (easement) frontage. The posting requirements may be reduced by Mariposa Planning based on difficulties with terrain and/or brush on the property. If the property is not properly posted, this may cause delays in the processing of the application.

Application Fees:

A variance application has a variable fee that must be paid at the time the application is submitted.

Review and Approval Process:

The planning staff will review the application for completeness and if additional information or materials are required, the applicant will be notified in writing as to what the deficiencies are, and what is needed to complete the application for processing.

Once Mariposa Planning has determined the application is complete, a Planning Commission public hearing notice will be published in the local newspaper, and additional notices are sent to the affected property owners located within 600 feet of the project's parcel boundaries (within 300 feet if the project is in a Town Planning Area). A draft staff report is then written that includes Mariposa Planning's recommendations to the Planning Commission. Planning staff may recommend approval or denial of the variance application based on the information provided. Planning staff will provide the applicant with a copy of the draft staff report prior to the public hearing date. If Planning staff recommends denial of the variance application, the applicant will have an opportunity to present additional evidence in support of the variance at the public hearing.

At the public hearing, Planning staff will present the staff report with recommendations for approval or denial to the Planning Commission. The hearing will then be opened to the public to allow the project applicant or the general public to address the Planning Commission regarding the recommendations and materials presented relating to the variance application. Once public input is completed, the Planning Commission will deliberate on the variance application and approve or deny the variance based on whether the mandatory findings were made to support their decision. If the Planning Commission determines that the mandatory findings cannot be made, the application would be denied.

Mariposa Planning will approve any building or septic permit relating to the variance that is submitted within three (3) years of the variance approval. If the variance is denied, the applicant must wait six (6) months before the variance request may be resubmitted, unless the application was denied without prejudice. (Mariposa County Zoning Ordinance, Section 17.08.110)

Appeal Period:

Any determination made by Mariposa Planning relating to the completeness of the application, requirements for additional materials or information, and the fees relating to the processing of the application may be appealed to the Planning Commission or Board of Supervisors. **The appeal period to appeal a Planning Department determination is twenty (20) days from the date the written determination was made.**

Any action made by the Planning Commission relating to the approval, conditional approval, or denial of the application may be appealed to the Board of Supervisors. **The appeal period to appeal a**

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Planning Commission determination on a certificate of compliance application is twenty (20) days from the date of the Commission's action.

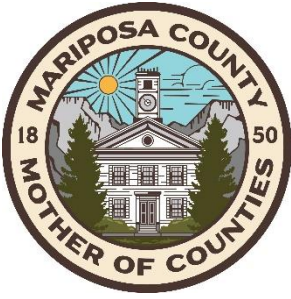
Appeals to the Planning Commission must be submitted to the Mariposa County Planning Department, while appeals to the Board of Supervisors must be submitted to the Board of Supervisors. Further information regarding the appeal process and appeal fees may be obtained from Mariposa Planning.

Any work or construction begun or completed by the applicant during the appeal period is at the applicant's risk. The County may issue a building or septic permit during the appeal period. However, if the variance is appealed and overturned, any work started must be halted, and any work completed may be required to be totally removed.

Attachments: Application
 Sample Variance Site Plan

Link to 17.120 Variance:

https://mariposa.municipalcodeonline.com/book?type=ordinances#name=17.120_Variances



VARIANCE APPLICATION

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FOR OFFICE USE ONLY

Date Submitted _____ Received By _____

Fees Paid \$ _____ Receipt No. _____ Received By _____

Application No. _____ Application Complete _____

Final Action _____ Date _____

Applicant:

Name _____

Agent: (if applicable)

Mailing Address _____

Daytime Telephone (_____) _____

(_____) _____

E-Mail Address _____

Property Owner Name(s)* _____

*If different than applicant, attach letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest.

Property Information:

Assessor's Parcel Number (APN) _____ Parcel Size _____

Address _____

General Plan Land Use _____ Zoning Districts _____

Proposed Project Information:

Specify the applicable section of the Mariposa County Zoning Ordinance to which the variance is requested, and describe what the variance is for.

Example: Section 17.108.130 (A) (1), I am requesting a variance to the setback requirement of 55' from the centerline of Oak Road in order to locate a garage 48' from the centerline of Oak Road; or, Section 17.108.030 (A) (2), I am requesting a variance to the 25' side yard setback requirement in order to install a septic leach field 10' from the side property line.

Reason for Variance:

Explain the reason for the variance. Please be specific. Provide additional information on why the variance is necessary (i.e., topographical problems, stream or drainage crossing the property, or other supportive information other than that which relates to the mandatory findings).

Mandatory Findings:

The Mariposa County Zoning Ordinance and state law requires that specific findings be met prior to approval of a variance. The findings are listed below. It is important that the applicant provide detailed information that will provide support for meeting the mandatory findings.

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the conditions applicable to the property involved, or to the intended use of the property, that do not generally apply to the property or class of use in the same zone or district.*

2. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the property is located.*

3. *The granting of such variance will not adversely affect the comprehensive General Plan.*

4. *There are special circumstances applicable to the property in which the strict application of Zoning Ordinance regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone.*

5. *The granting of such variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and zone in which such property is located.*

REQUIRED MATERIALS AND ITEMS FOR A COMPLETE VARIANCE APPLICATION

1. The attached variance application form filled out completely and signed by the applicant. If the applicant is not the property owner, the applicant must provide a letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. If there is more than one property owner, the applicant shall list the names and addresses of all other individuals who have an interest in the property.
2. Payment of application fees as determined by Mariposa Planning. Deposit fees are for applications that are to be charged time and materials and are estimated using the staff hour charge of \$123 per hour. All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at the disclosed rate at the time that services are rendered. On average, invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit falls below a balance of 20% of the initial deposit, the applicant will be asked to make a subsequent deposit in an amount estimated to be necessary to complete the processing. Applicants will be expected to pay the subsequent deposit within 30 days of the invoice date or prior to the public hearing, whichever comes first. In the event that the billing is not paid timely, processing will be suspended until payment is made. Any remaining balance will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to the applicant. If the application requires a public hearing, the public hearing will not be scheduled until payment in full is received. It should be noted that the fees do not include consultant fees, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

Check one:		
<input type="checkbox"/>	Minor Variance Application	\$1,410.00
<input type="checkbox"/>	Major Variance Deposit	\$2,146.00
Document Conversion		\$20.00
Public Noticing, Posted		\$61.00
Public Noticing, Affected Property Owners		\$61.00
Agency Review Fees:		
	Health Department	\$186.00
	(The Health Department review fee is required if a variance is requested relating to the location of a septic system or well from property lines or frontage setback. Health fees are based on 1 hour. Any additional time will be billed directly from Health to the applicant)	
	Public Works	\$277.00
	(The Public Works Department review is required for a variance to the Zoning Ordinance setback standards from a public street frontage setback or property line setback.)	
Total:		

3. Five (5) copies of an accurate site plan that indicates the affected parcels drawn to scale and containing the information listed on the *Variance Site Plan Requirements Checklist*. To ensure that all the required information is shown on the site plan, use the Variance Site Plan Requirements Checklist and check off each item drawn. The site plan must be drawn to scale in black ink or other non-erasable marker on a single sheet with a minimum size of 11"x17" and a maximum size of 18"x26". Planning staff recommends that applicants use the site plan form provided with this application packet. The site plan must be drawn to scale as follows:

<u>Combined Parcel Size</u>	<u>Scale</u>
Less than 1 acre	1 inch = 20 feet
1 to 2.5 acres	1 inch = 30 feet
2.6 to 5 acres	1 inch = 50 feet
5.1 to 20 acres	1 inch = 100 feet
Over 20 acres	Please discuss with Planning staff.

Note: Combined parcel size is the total acreage of all the parcels involved in the lot line adjustment process.

4. One 8-1/2" x 11" reduction of the site plan.
5. Stake and flag the project property lines and the location of any structure involved in the variance request. This is particularly important if the applicant requests a variance from the Zoning Ordinance setback requirements for the location of a structure or septic leach field from a property line.

VARIANCE SITE PLAN REQUIREMENTS CHECKLIST

- The applicant's name and address.
- The street address and Assessor's Parcel Number (APN) of the project site.
- A north arrow and scale.
- The property lines and dimensions of the parcel.
- The approximate acreage of the parcel (square feet for parcels less than one acre.)
- The location of all creeks, springs, intermittent streams or other drainages, and lakes or reservoirs on the property. This information must be shown on adjacent properties if the variance is related to the location of a septic system. If there are no water bodies or drainages on adjacent properties within 200 feet of a proposed sewage disposal system, this must also be stated on the site plan.
- The locations, sizes and dimensions of all existing and proposed structures on the property. Include houses, decks, additions, garages, sheds, mobile homes and travel trailers. Each structure must be identified and labeled as existing or proposed.
- The setback distance of existing and proposed structures from all property lines; the centerline of all state highways, County roads and road easements.
- The location of existing and proposed septic tanks and septic leaching fields on the property and on adjacent properties. Show and label the area of the septic tank, leach lines, and 100% replacement area for septic tank and leach lines. Each septic tank and leach field must be identified and labeled as existing or proposed.

10. The location of existing and proposed well sites on the property and on adjacent properties. Show the distance of any existing or proposed well from any existing or proposed septic system.
11. The location, widths, and purposes of all existing and proposed easements for utilities, drainage, and unimproved access located on the property.
12. The location, width, surface, grade, and length of existing and proposed access roads and driveways, including turnouts, turnarounds, and bridges or crossings. Identify and label as existing or proposed. Access must be shown from the project site to the nearest state highway, County road or easement road offered for dedication to the County.
13. The location, length, width, and surface of all existing and proposed parking spaces.

A sample site plan that has all the required information is included in this application packet. Please contact Mariposa Planning at (209) 966-5151 for clarification in preparing a site plan, or visit the office during business hours.

SIGNATURE(S)

Affidavit

I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

<u>Property Owner (printed name):</u>	<u>2nd Property Owner (printed name):</u>	<u>Applicant (printed name):</u>
<u>Property Owner (signature):</u>	<u>2nd Property Owner (signature):</u>	<u>Applicant (signature):</u>
Date:	Date:	Date:

If there are more than two property owners, additional copies of this page shall be provided.

IMPORTANT: This page must be signed by all property owners and any authorized applicant.

IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.

IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.

This page to be signed **IF** the property owner(s) is (are) authorizing someone to act as an agent or applicant for this application.

Affidavit

Applicant/Agent Authorization:

I/we, _____, Property Owner(s) hereby authorize _____ to act as a representative/Applicant and/or _____ to act as a representative/Agent in all matters pertaining to the processing and approval of this application, including modifying the project, and agree to be bound by all representations and agreements made by the designated Applicant and/or Agent.

I/we declare that if the Property Owner and/or Applicant is a Partnership, Limited Liability Corporation, Corporation or Trust, the individual(s) listed below certifies that he/she/they is/are authorized by that entity to execute the application form attached herewithin.

<u>Property Owner (printed name):</u>	<u>Applicant (printed name):</u>	<u>Agent (printed name):</u>
<u>Property Owner (signature):</u>	<u>Applicant (signature):</u>	<u>Agent (capacity/title):</u>
<u>Property Owner (capacity/title):</u>	<u>Applicant (capacity/title):</u>	
Date:	Date:	
<u>2nd Property Owner (printed name):</u>	<u>Co-Applicant (printed name):</u>	
<u>2nd Property Owner (signature):</u>	<u>Co-Applicant (signature):</u>	
Date:	Date:	

