



## City of Carmel-by-the-Sea

### Community Planning and Building Department

### Variance Application Requirements

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#### Introduction

A variance allows a waiver from zoning standards (e.g. setbacks, height, etc.) for properties that are unable to meet zoning requirements due to a physical hardship. Physical hardships result from the size, shape, or dimensions of a site or the location of existing structure thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

#### When can I apply for a Variance?

Variances may be granted by the Planning Commission for a variation to site coverage, street frontage, height, setback, and parking requirements.

The following special findings are required for approval of a variance (CMC 17.64.210):

- A. *That due to special physical circumstances applicable to the property, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the vicinity which were developed under the same limitations of the Zoning Ordinance;*
- B. *That the variance will not constitute a grant of special privilege inconsistent with limitations on other property in the vicinity and within the same zone;*
- C. *That the variance will not be detrimental to adjacent property or injurious to public health, safety or welfare;*
- D. *That the condition or situation of the property for which the variance is sought is not so general or recurrent in nature as to make reasonable or practical the formulation of a general regulation to address such condition or situation;*
- E. *That the situation or condition for which the variance is sought was not the result of actions of the existing or any prior owner of the property; and*
- F. *That granting the variance will not be in conflict with the General Plan, or the general zoning objectives of the district within which the affected property lies.*

#### Process

An application must be determined to be complete by City staff prior to consideration by the Planning Commission (PC) – Incomplete applications will not be scheduled for a hearing. Once complete, the application is generally scheduled for hearing within 30 days on a first-come, first-served basis. At the hearing, the PC may choose to approve the application, approve it with conditions, deny the application, or continue it for redesign. If the application is denied by the PC, it may be appealed to the City Council.

#### Submittal Checklist

1. General Planning Application Form
  - Property owner signatures are required on all applications
  - Variance Fee: \$785.30
2. Variance Explanation Letter
  - Provide a written letter that addresses all six of the required Findings listed above and explains how the requested variance is consistent with each Finding.

*Note: A Design Study or Design Review Application is required for any exterior changes and may be processed concurrently with a Variance application.*