



**CONTRA COSTA COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT**

**VARIANCE PERMIT APPLICATION**

TO BE FILLED OUT BY APPLICANT OR OWNER

<b>OWNER</b> Name: Address: City, State: Phone:	<b>APPLICANT</b> Name: Address: City, State: Phone:
By signing below, owner agrees to pay all costs, including any accrued interest, if the applicant does not pay costs. <input type="checkbox"/> Check here if billings are to be sent to applicant rather than owner.	By signing below, applicant agrees to pay all costs for processing this application, plus any accrued interest, if the costs are not paid within 30 days of invoicing.
Owner's signature _____	Applicant's signature _____

<b>CONTACT PERSON (optional)</b> Name: Address: City, State: Phone:	<b>PROJECT DATA</b> Total Parcel Size: Proposed Square Footage: Estimated Project Value:
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DESCRIPTION OF REQUEST (attach supplemental statement if necessary):

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**OFFICE USE ONLY**

Application description:

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Property description:

Ordinance Ref.:	TYPE OF FEE	FEE	S-CODE	Assessor's No.:
Area:	*Base Fee/Deposit	\$1000.00	S-	Site Address:
Fire District:	Late Filing Penalty (+50% of above if applicable)	\$	S-066	Zoning District:
Sphere of Influence:	Notification Fee	\$15.00 / \$30.00	S-052	Census Tract:
Flood Zone:	Fish & Game Posting (if not CEQA exempt)	\$75.00	S-048	Atlas Page:
Panel Number:	Env. Health Dept.	\$33.00	5884	General Plan:
x-ref Files:	Other	\$		Substandard Lot: YES / NO
				Supervisory District:
				Received by:
Concurrent Files:	<b>TOTAL</b>	\$		Date Filed:
	Receipt #			<b>File Number: VR</b>
*Additional fees based on time and materials will be charged if staff costs exceed base fee.				

INSTRUCTIONS ON REVERSE SIDE

**SUBMITTING YOUR APPLICATION**

1. PREPARE a plot (site) plan, floor plans and building elevations clearly and legibly drawn to a commonly used scale with the following information, and verify (by initialing) that the information is included on the plans:

Applicant's  
Initials

**Plot (site) Plan**

- \_\_\_\_\_ a. All existing property lines labeled and fully dimensioned.
- \_\_\_\_\_ b. All public and private roads, easements and drainage installations adjacent to the subject parcel(s).
- \_\_\_\_\_ c. All existing and proposed improvements (including drainage) with distances to all property lines.
- \_\_\_\_\_ d. Distance from property lines to existing improvements on parcels adjoining the subject parcel(s).
- \_\_\_\_\_ e. Names of adjoining property owner(s).
- \_\_\_\_\_ f. Topographic contours labeled with elevation, known geologic hazards, creeks/streams and drainage ditches.
- \_\_\_\_\_ g. Location, species, drip lines and trunk diameters of all trees with a diameter of 6 inches or greater, measured 4½ feet above ground whose trunks lie within 50 feet of any proposed improvements. This shall include all such trees on the subject property as well as trees on adjoining properties whose canopy extends onto the subject property. Number the trees for identification purposes and indicate if they are to be removed or altered in any way.
- \_\_\_\_\_ h. North arrow and scale.
- \_\_\_\_\_ i. Existing and proposed parking layouts, driveways and landscaped areas (all fully dimensioned).
- \_\_\_\_\_ j. Computations of lot coverage, gross floor area and landscaped areas (all indicated in square feet).
- \_\_\_\_\_ k. Area of the subject parcel(s) officially mapped within the boundary of a Special Flood Hazard Area (if applicable).
- \_\_\_\_\_ l. A vicinity map showing sufficient information such as streets, highways, railroad tracks, water bodies, landmarks etc. to locate the subject parcel(s).

**Floor Plans**

- \_\_\_\_\_ m. All rooms, hallways and other common areas with their dimensions and use (i.e. bedroom, kitchen, etc.).
- \_\_\_\_\_ n. Locations of doorways, stairways and landings, windows, permanent fixtures (sinks, toilets, showers, etc.) and major mechanical equipment (hot water heaters, furnaces, etc.).

**Building Elevations**

- \_\_\_\_\_ o. Exterior dimensions (height, width, depth) of all proposed improvements. Height is measured at the point within the building footprint that has the greatest distance between the ground and the top of the building directly above.
- \_\_\_\_\_ p. Proposed exterior ornamentation such as shutters, planting boxes, window trim, cornices, signs, railings, etc.
- \_\_\_\_\_ q. Proposed exterior materials (i.e. wood siding, stucco, stone veneer, concrete tile roof, etc.).

2. HAND DELIVER (do not mail) the following to the Contra Costa County Application & Permit Center:

- \_\_\_\_\_ r. Three (3) full size sets of plans (no larger than 24" x 36") and twelve (12) reduced sets (no larger than 11" x 17"). All sets must be folded to approximately 8½" x 11". **Rolled plans will not be accepted.**
- \_\_\_\_\_ s. Completed application form (reverse side of this sheet).
- \_\_\_\_\_ t. "Important Notice to Applicants" (blue form) signed and dated.
- \_\_\_\_\_ u. \*Required deposit and miscellaneous fees. Checks may be made payable to Contra Costa County.

**\* Please note that the fees described on this form are related only to the Contra Costa County Community Development and Public Works [(925) 313-2000] departments' costs for processing your application. Additional fees and requirements may be imposed by federal, state and local agencies that may be involved in reviewing your project. It is the applicant's responsibility to investigate whether additional fees and requirements will be imposed.**

**APPLICANT VERIFICATION**

I verify that all of the information submitted as indicated by my initials is complete and accurate to the best of my knowledge and further acknowledge that should it be found that any of the information is incorrect or incomplete it may result in increased processing time and/or costs. I acknowledge that all staff costs are borne by the applicant and if necessary, additional deposits will be required. I also acknowledge that I have completely read this form and understand all of the information stated herein

Signature

Name (print)

Date

Contra Costa County Community Development Department  
Application & Permit Center  
651 Pine Street, 2<sup>nd</sup> Floor – North Wing  
Martinez, CA 94553  
(925) 335-1381

## IMPORTANT NOTICE TO APPLICANTS

The purpose of this notice is to alert you to various issues which may affect your proposed project development. You are encouraged to research these requirements *before* submitting an application for development.

**MUNICIPAL ADVISORY COUNCILS (MAC):** MAC's have been formed for the communities of Bay Point, Bethel Island, Byron, Diablo, Discovery Bay, El Sobrante, Kensington, Knightsen, North Richmond, Oakley, Pacheco and Rodeo. They will receive a copy of your application for their review and approval. You may wish to contact them independently in advance of submitting your application.

**DISCLOSING PROJECT IMPACT ON TREES:** *Prior to accepting a development permit (e.g., subdivision, land use permit, development plan or variance) application as complete*, the County will require the following project and tree survey information on a site plan. (Except where no exterior improvements or alterations are proposed.)

The site (grading and development) plan shall *accurately and fully disclose* the location, species, tree dripline, and trunk circumference of all trees with a trunk circumference of 20 inches (50.8 cm; approximately 6 ½ inches in diameter) or greater, measured 4 ½ feet (1.37 m) above the ground whose tree trunks lie within 50 feet (15 m) of proposed grading, trenching, or other proposed improvements. The site plan shall include any multi-stemmed tree, the sum of whose circumferences measures 40-inches or more, measured 4 ½ feet from ground level.

- **Trees Along Property Lines** - The site plan shall include any qualifying trees whose trunks lie on adjoining property but whose canopy (dripline) extends onto the subject property.
- **Numbering of Trees for Identification Purposes** - If the proposed development is in proximity to two or more qualifying trees, then each tree shall be assigned a number for identification purposes (e.g., #3, #5, etc.). (Trees whose trunks are more than 50 feet removed from the proposed ground disturbance need be only denoted by the outline of the aggregate tree canopy.)
- **Identification of Project Impact on Individual Trees** - *The site plan shall also specifically and clearly indicate whether individual trees are proposed to be (1) removed, or (2) altered<sup>1</sup> or otherwise affected<sup>2</sup>.* The plan shall identify any proposed drainage ditches, sewer or water mains, drainage lines or other utility improvements which would result in trenching.

If mature trees are not shown on the site plan as proposed to be removed or altered, the County may assume that those trees are intended to be preserved without alteration, and a County development permit may be so conditioned. *Applicants should be aware that a subsequent ministerial permit (grading or building permits, or approval of improvement plans) by the County cannot be cleared unless it is consistent with the Tree Ordinance and any applicable development or tree permit.*

- **Tally of Trees to be Removed** - The site plan shall contain a tally of the total number of trees proposed to be removed, and their respective aggregate trunk circumference sizes.
- **Project Construction Activity Near Trees** - The site plan (or version thereof) shall disclose the location of any stockpiling, paving, compaction (which may be caused by maneuvering of construction vehicles), parking or storing of vehicles, equipment, machinery or construction materials, or construction trailers, or dumping of oils or chemicals which is proposed within the dripline of any above-described tree.<sup>3</sup>
- **No Trees Near Development** - If there are no qualifying trees on site (including along the site perimeter) or within 50 feet of proposed development, then that site condition shall be expressly noted on the site plan. In this circumstance, other project details specified in this form may not be needed.
- **Identification of Designated Heritage Trees** - Any tree that has been designated by the Board of Supervisors for "heritage" status shall be so labeled on the site plan.

*Failure to fully and accurately disclose information about trees and project impacts that can reasonably be anticipated (trenching for utility lines, drainage ditches, grading, etc.) may result in:*

- staff determining that the application is not complete, in which case the project will not be scheduled for hearing; and/or*
- subsequent interruption of development activity until such time as there is compliance with applicable tree ordinances.*

<sup>1</sup>For purposes of the Tree Ordinances, "alteration" does not necessarily mean removal of a tree branch or pruning. However, "alteration" does include any proposed trenching, grading, filling, paving, structural development, change in ground elevation within the dripline of a protected tree. Alteration also includes trim by topping (i.e., removal of the upper 25% or more of a protected tree's trunk or primary leader.)

<sup>2</sup>Though not required, an applicant may also choose to identify on the site plan a third classification of trees - (3) trees to be preserved (without alteration). However, any tree designated on an approved site plan for preservation, or so designated by condition of approval, automatically becomes a "protected" tree under the ordinance. No removal or (unauthorized) alteration of a protected tree is allowed without first obtaining a Tree Permit from the County.

<sup>3</sup>These construction related activities are normally prohibited by the Tree Ordinance.

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**The purpose of this notice is to alert you to various issues which may affect your proposed project development. You are encouraged to research these requirements *before* submitting an application for development.**

**FLOODPLAIN:** Your project must satisfy the requirements of the County's Floodplain Management Ordinance. If a site lies within or partially within a floodplain, flood zone information *must* be shown on the site plan. Before a development permit application within any area of Special Flood Hazards can be accepted as complete, the applicant must provide verification from the Floodplain Administrator that the required Flood Zone, Base Flood Elevation and minimum finished floor elevation have been determined. Contact the Public Works Department at (925) 646-1623 to determine the flood zone of your property.

**DRAINAGE IMPROVEMENTS AND ROAD IMPROVEMENTS:** Your parcel may require major drainage or road improvements under County ordinances and policies. Contact the Public Works Department at (925) 313-2000 as soon as possible to determine the scope of required drainage improvements and road improvements for your project. The counter at the Public Works Department is open from 7:00 a.m. to Noon and 12:30 - 5:00 p.m. Monday through Thursday, and is located at 255 Glacier Dr., Martinez.

**FEES:** **Development Application Fees** - The Community Development application fee schedule is structured to generally require sufficient filing fees to cover the cost of processing development applications. Where the application review costs exceed the initial deposit, applicants will be required to submit additional deposits. For additional information about application fees or for a copy of the Application Fee Schedule contact a Community Development Representative at the Application and Permit Center (925) 646-1600.

**Staff Costs for Processing an Appeal are Borne by the Applicant** - If an interested party files an appeal, the appeal must be accompanied by a filing fee of \$125. However, please note that the County fee schedule requires the applicant to pay fees for all staff costs of processing the appeal, even if the appeal is filed by a party that opposes the project.

**California Department of Fish & Game Fees** - An additional fee may be due at the time of the project decision and before permits are issued. Per Assembly Bill 3158, additional fees will be based on the California Environmental Quality Act (CEQA) determination as follows:

Categorically Exempt:	No additional fee
Negative Declaration:	\$1250
Environmental Impact Report:	\$ 850

**Post-Approval Fees** - Once a development permit is approved, most development still requires issuance of other types of ministerial permits (e.g., building permits, grading permits, parcel maps, etc.). Development fees and additional processing fees are normally payable at the time of the issuance of those permits. Development fees are often required for such area-wide infrastructure improvements as traffic improvements, park dedication, and child care. An estimate for many of the post-approval fees which will apply to your project may be obtained by contacting the Building Inspection Department at (925) 335-1192.

**PROPOSED COMMERCIAL OR INDUSTRIAL USES: Disclosure of Hazardous Materials** - Applications for development permits involving commercial and industrial projects, and uses where hazardous materials will be handled (in accordance with Sec. 65850.2 of the Government Code). To reduce the possibility that your application will be deemed incomplete, you are encouraged to follow the steps listed below:

- Complete a Hazardous Material Questionnaire form and submit it to the Health Services Department, Hazardous Materials Section. [4333 Pacheco Blvd., Martinez, CA 94553; Phone - (925) 646-2286; FAX (925) 646-2073.] Forms may be obtained from the Application and Permit Center, Building Inspection Department, or Hazardous Materials Office. They can assist you with any questions and additional materials for submittal with your development application.

**Notice to Bay Area Air Quality Management District (BAAQMD)** - The Air Permit requirements apply to all types of commercial and industrial projects which generate direct sources of air pollution. Copies of the BAAQMD Inquiry Form may be obtained from the Contra Costa Regional Permit Assistance Center (651 Pine Street, 2th Floor, North Wing, Martinez, 925-229-5950), Application and Permit Center, Building Inspection Department, or Health Services Department, Hazardous Materials Section.

**Requirement for Business License** - The approval of a development permit for a commercial or industrial operation *neither satisfies nor replaces* any County requirement to obtain a business license for the proposed use. Applicants may need to separately obtain a business license for their use. Questions on any County requirement for a business license should be directed to the County Treasurer/Tax Collector located at 625 Court Street, Martinez (925-646-4230).

### APPLICANT VERIFICATION

**I verify that I have read and understand the statements above and on the reverse and have contacted the departments suggested.**

Signature: \_\_\_\_\_ Name (print): \_\_\_\_\_ Date: \_\_\_\_\_

*Office Use Only*

Application File Number

DECISION MATRIX TO DETERMINE PUBLIC WORKS INTEREST  
VARIANCES AND SECOND UNITS

PROJECT NO. \_\_\_\_\_ PLANNER: \_\_\_\_\_

For determining Public Works Department interest for review of variance permits and second units. All types of large or complicated projects that are not categorically exempt, such as major and minor subdivisions, development plans, land use permits, etc., will be routed to Public Works for review. Public Works does not need to review Home Occupation permits, tree permits or heritage tree permits. Any questions below that are answered yes, will require Public Works review.

I. Information Provided by Applicant/Owner

- A. Are the proposed improvements within 50 feet of the top bank of a creek or drainage swale, that flows year round or intermittently, even if the creek or swale is located on a neighbor's parcel? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, the applicant may be required to observe creek structure setback requirements and/or provide a soils or geotechnical report on the proposed design of the structure foundation to the Building Inspection Department.

- B. Does the project propose to change or alter access to the street?  
Yes \_\_\_\_\_ No \_\_\_\_\_

- C. Does the project propose to construct improvements within the street (front yard) setback?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, is the proposed improvement closer to the street than the existing structure?  
Yes \_\_\_\_\_ No \_\_\_\_\_

- D. Are there any existing drainage easements/pipes, inlets, manholes, concrete ditches or other improved drainage facilities within 10 feet of the proposed improvements?  
Yes \_\_\_\_\_ No \_\_\_\_\_

- E. If the proposed improvement includes a garage, does the front of the garage face the street and is it (garage door) closer than 20 feet from the back of sidewalk, or 25 feet from the back of the curb or edge of the pavement?  
Yes \_\_\_\_\_ No \_\_\_\_\_

F. Will the project result in any work within a public road right-of-way, a natural watercourse or drainage easement? Yes \_\_\_\_\_ No \_\_\_\_\_

II. Information provided by Community Development Department

A. Does the property have frontage on any road shown on the County Roadway Network Plan? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, the applicant may have to dedicate right of way and construct frontage improvements, as required by Code Section 1006-2.402

B. Is this project located within a Special Flood Hazard Area (SFHA)? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, the project will be subject to the requirements of the County Floodplain Management Ordinance pursuant to Chapter 82-28 of the County Zoning Ordinance .

C. Is there less than a two car garage, with parking for at least two more cars off of the street for each unit? Yes \_\_\_\_\_ No \_\_\_\_\_

III. Certification

I certify, to the best of my knowledge, that the information stated in Section I above about my property is true and correct, and I have read and understand the information in Section II.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Applicant/Owner

RMA/df  
m2:dectree.doc  
Rev. 3/3/98  
Rev. 4/1/98  
Rev. 4/15/98  
Rev. 5-5-98

## A Guide for ***Variances***

### *What is a Variance?*

A Variance is a request for relief from the strict application of zoning regulations to alleviate an unusual hardship to a particular property. For example, a homeowner may request that a room addition be permitted closer to the property line than the Zoning Ordinance would normally allow.

Variances are exceptions to dimensional or numerical regulations such as building size, placement, height, lot size or average lot width, number of parking spaces or lot coverage. Variances are NOT exceptions to uses.

### *When would I need a Variance?*

Variances can restore to a property rights that other similar properties typically have, but which the subject property cannot enjoy because of some physical limitation. Such limitations include property size, shape, topography, location or surroundings. For example, a Variance may be requested for a reduced setback if your property is on a steep slope.

### *When can a Variance be granted?*

Special circumstances must exist before a Variance can be granted. A Variance cannot give special privileges that other properties do not have, nor can it approve a land use that is otherwise prohibited in the Zoning District.

By law (Section 26-2.2006), three findings must be made to grant a variance:

1. That any Variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located; and
2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district; and
3. That any variance authorized substantially meet the intent and purpose of the respective land use district in which the subject property is located. Failure to so find shall result in a denial.

### *Who decides whether to approve it?*

The Zoning Administrator.

### *What is the process?*

When your application is submitted it is assigned to a project planner who determine it's completeness and then refer copies of your application to agencies and departments that may wish to make comments. The project planner will review these comments along with plans and ordinances affecting the property and observations made on a site visit. This will result in a staff report and recommendation of approval subject to certain conditions or denial. Notification of our intent to render a decision is then sent out to all property owners within 300 feet.

### *Does it require a public hearing?*

A public hearing will be held if one is requested. Virtually anyone, i.e. neighbors, Homeowners' Associations or an aggrieved applicant (because the decision is for denial or they want to alter recommended conditions) may request a hearing. Any discussion on the merits of the request may only be considered in a public hearing forum.

### *How long does it take?*

If the application submitted is complete, not controversial, meets the required findings and no hearing is requested an application may take 8 to 10 weeks.

### *What must I submit?*

- ✓ A completed application form.
- ✓ A filing fee.
- ✓ 3 full size and 12 reduced (11 x 17) copies of a site plan, floor plan and elevations.
- ✓ A written statement explaining how you believe the three required findings (above) can be made. (You may include photographs, additional drawings or other pertinent factual information which may support your statement.)

### *Where do I submit my application?*

Submit your complete application package to the Application and Permit Center, 651 Pine Street, 2<sup>nd</sup> floor, North Wing, Martinez, CA. We strongly discourage submitting applications by mail. You may call us at 925-335-1360 for any further information. We accept applications Monday through Thursday and the 2<sup>nd</sup> and 4<sup>th</sup> Fridays from 10:00 a.m. to 3:00 p.m.

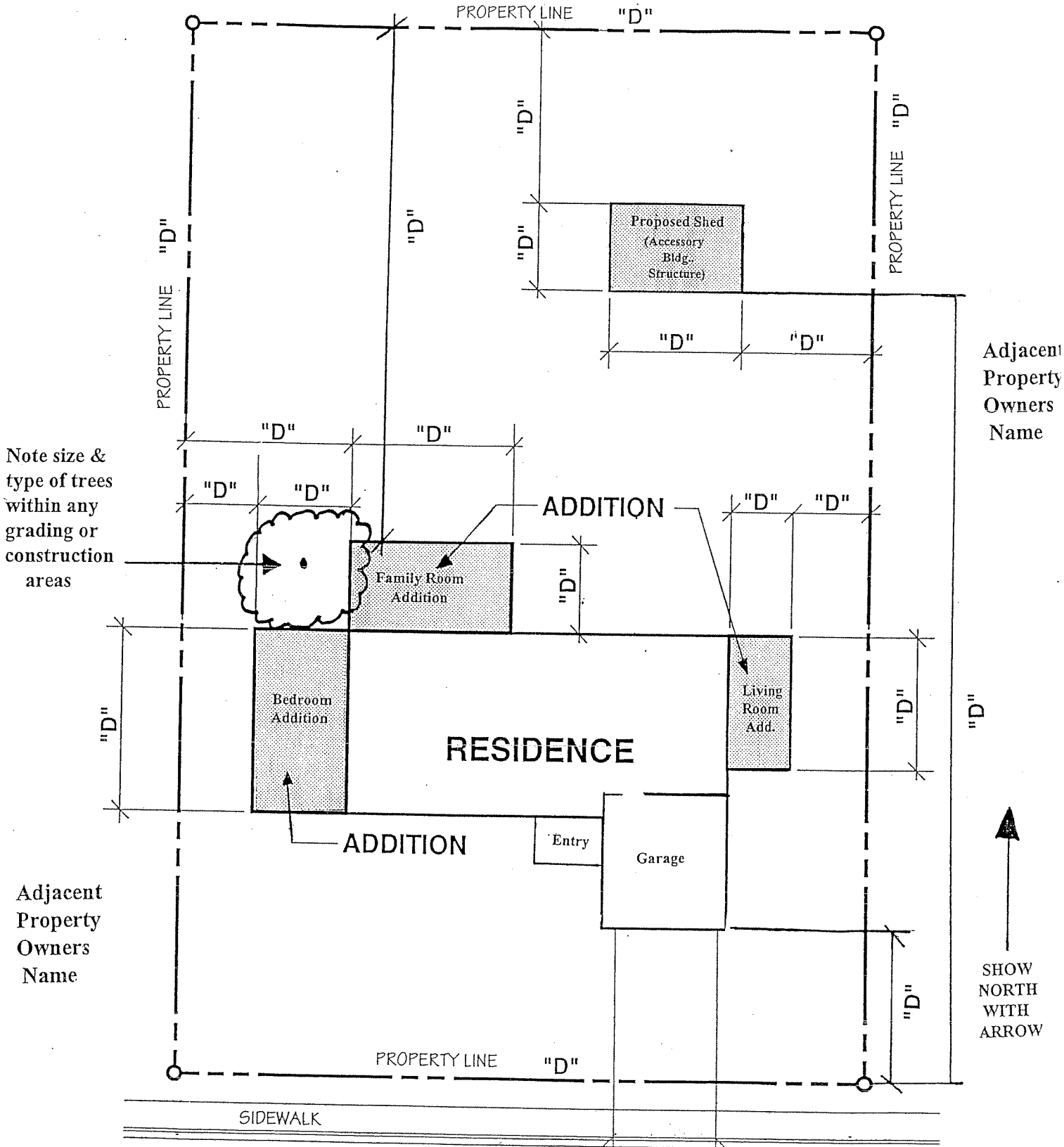
26-2.2006 Variance, conditional use and special permits – Variance permit standards. An application for a variance permit is an application to modify zoning regulations as they pertain to lot area, lot building coverage, average lot width, lot depth, side yard, rear yard, setback, auto parking space, building or structure height, or any other regulation pertaining to the size, dimension, shape or design of a lot, parcel, building or structure, or the placement of a building or structure on a lot or parcel. The division of the planning agency hearing the matter either initially or on appeal shall find the following conditions that must exist prior to approval of an application:

(1) That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located;

(2) That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district;

(3) That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located. Failure to so find shall result in a denial. (Ord. 1975: prior code § 2204.30: Ord. 917).

Adjacent Property Owners Name



NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_

"D" = DISTANCE

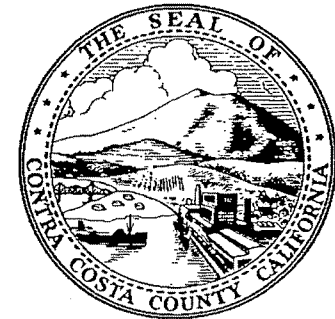
Lot Square Footage \_\_\_\_\_  
 Existing Residence Square Footage \_\_\_\_\_  
 Proposed Addition Square Footage \_\_\_\_\_  
 Accessory Structure Square Footage \_\_\_\_\_

# PLOT PLAN

SCALE \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER \_\_\_\_\_

**SAMPLE PLOT PLAN**



**APPLICATION  
AND  
PERMIT CENTER**

651 Pine Street  
Second Floor, North Wing  
Martinez, CA 94553  
(925) 335-1360  
Fax (925) 335-1372

**Hours**  
7:30AM - 5:00PM  
Monday - Friday