



City of Laguna Beach

Community Development
Department

INFORMATIONAL GUIDE FOR A

VARIANCE

Purpose

Each zoning district has specific development standards such as setbacks or building height limitations. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics on a particular property. The “variance” procedure is designed to permit adjustments to the zoning regulations when there are special or extraordinary circumstances applying to a parcel of land or building which prevent the property from being used to the extent intended by the zoning regulations.

Variations are granted only when the physical surroundings, shape or topographical conditions of a property result in a particular hardship to the owner, not a mere inconvenience or desire to make property development less costly or more intense.

Process

Step 1 – Applicant Consideration of Project: Early in the consideration of a project, the zoning ordinance should be carefully reviewed if all regulations are met. Nevertheless, the need for a variance is often discovered when an application is made for a building permit or other City approval. The applicant should thoroughly investigate alternatives to see if there is any way to accomplish the purpose of the project without requiring a variance.

Step 2 – Pre-Application Conference: Prior to submitting a formal application, the applicant is advised to make an appointment with a member of the Planning or Zoning staff to discuss the feasibility of the request as well as any possible alternatives that may eliminate the need for a variance or improve the chance of a variance being granted. In addition, staff and applicant can review the required data and procedures to be followed through the process.

Step 3 – Filing of Application: The applicant should submit the completed application, filing fee and other required information to the Planning or Zoning staff. This application should be submitted at the same time as any other applications for a project. A staff planner will be assigned to review the material to make sure all the required information is provided. The applicant will be notified within 30 days after filing as to whether the application is complete or what additional information is required.

Step 4 – Design Review Board Approval: The Design Review Board or Planning Commission will study the request by reviewing the size, shape, topography, location and surroundings of the site under construction. In addition, the Board or Commission will consider similar proposals in the area as well as make an investigation of the site. There are five mandatory findings that must be made by the decision makers. These findings are set forth in Section 25.05.025 of the Municipal Code and are described on the following page.

At least one public hearing must be held on the variance application. At least ten days prior to the meeting, **owners** of property within 300 feet of the subject site, and **tenants or residents** within 100 feet of the subject site, will be notified by mail of the forthcoming hearing, and a notice of the public hearing will be posted at City Hall and published in the local newspaper.

At the hearing, staff will first present an oral report describing the requested variance. This presentation will be followed by testimony from the applicant and then by any interested persons who may wish to comment on the application. The hearing will then be closed and a decision will be made either approving or conditionally approving the request, denying the request, postponing the decision to a later date, or continuing it to a specified time, date and place. The decision is final, unless an appeal is filed as described below.

A variance shall lapse and become void two years following the effective date of approval unless a shorter approval period is specified for the project or unless: (1) a building permit is issued and construction is begun and diligently prosecuted to completion; or (2) a reasonable extension of time is granted in addition to the 2 years initially provided. Such time extension shall be requested in writing by the applicant or authorized agent prior to the expiration of the variance.

Appeal to City Council

Any person may appeal the decision to the City Council by filing an appeal notice with the City Clerk within fourteen calendar days after the date of the decision. After the filing of an appeal and appropriate fee, a public hearing will be scheduled for the City Council, and a notice of the time, date and place of the hearing will be mailed to the appellant, the applicant, **owners** of the property within 300 feet of the subject site, **tenants and residents** within 100 feet of the subject site and to any other person requesting such notice. Following the public hearing of an appeal, the Council may refer the matter back to the Design Review Board or Planning for further consideration, or may reverse, affirm or modify the decision.

Required Variance Findings

1. There are special circumstances applicable to the property involved, including size, shape, topography, location or surroundings which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone.
3. The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property improvements in the vicinity in which the property is located.
4. The granting of such a variance will not be contrary to the objectives of the zoning ordinance or the General Plan.

**For more information contact:
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