

October 30, 2002

To: Sutter County Planning Commission

Re: Discussion of Variance practices and requirements.

Summary

Your Planning Commission has asked for a discussion on the practices and requirements for variances. Following is a brief explanation of the purpose of variances and how the variance application process works.

Purpose of variance: Variances are used to allow an exception, or modification, to the County's zoning standards. A variance can only be granted for the physical limitations of land, they do not address the use of the land (use permits serve that purpose). Some examples of physical limitations of the land that are suitable for variance requests are: setbacks from property lines, minimum parcel size and minimum parcel frontage requirements.

Approval requirements and process: Staff analyzes each application to determine that the request is the minimum amount required to comply with the codes. Staff suggests any necessary conditions to prevent a property owner from being granted a special privilege that does not apply to other property owners in the vicinity and the same zoning designation. This information is provided to the Planning Commission in the staff report along with necessary findings for approval or denial.

According to State law, findings must be made that indicate the property is unique from neighboring parcels and that uniqueness prevents the property owner from enjoying the same development opportunities as the neighboring parcels. Examples of the ways a property may be unique are size, shape, topography, location or surroundings. The findings must indicate which feature(s) are applicable to the request.

Discussion

The most common circumstances that trigger a variance request in Sutter County are parcels without the required minimum County road frontage, and requests to divide parcels into less than the minimum acreage size allowed.

In practice, staff provides an analysis (in the staff report) of the circumstances requiring the variance and how the criteria are met, or not, by the specific proposal. Staff's recommendation is supported by the findings in the staff report, whether the recommendation is for approval or denial.

Recommendation

It is recommended that your Commission discuss variance procedures and provide any necessary direction to staff on the use of variances and conditions of approval.

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Lisa Purvis Wilson
Senior Planner

Attachments: California Government Code Section 65906
Sutter County Zoning Code Section 1500-8410 et. seq.

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