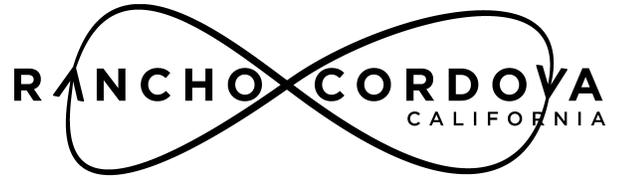


# Variance Application

Last Revised July 2017



**Variance:** allows for deviations from the development standards of the zoning code given special circumstances which strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity in the same zoning district. RCMC 23.143

## Submittal Requirements - Submit to Planning Department

- Completed Variance Application
- Variance Application Deposit \$10,000.00
- 11x17 Site Plan (2 Copies)
- Letter of Authorization
- 500 Ft. Radius Map and Labels
- Letter of Certification
- Preliminary Title Report

## Applicant Information

Applicant Name: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Project Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Parcel No. \_\_\_\_\_

Existing General Plan/Zoning: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Please Provide a Project Description: (If more space is needed, please attach additional page)

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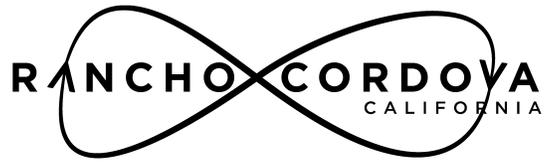
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Submittal Date: \_\_\_\_\_ Permit # \_\_\_\_\_ Received By \_\_\_\_\_ Paid Fee \$ \_\_\_\_\_

### PLANNING DEPARTMENT

2729 Prospect Park Drive | Rancho Cordova, CA 95670  
Phone: (916) 851-8750 | Fax: (916) 851-8762





Factors Relevant To the Issuance of a Variance

The Rancho Cordova City Council does not have unlimited discretion in deciding whether to grant a variance. In order to approve an application for a variance, the Council shall find the following:

- Special Circumstances Exist: There are special circumstances or conditions (for example; exceptional topographic conditions , narrowness, shallowness, or shape of the property) that are peculiar to the land or structure for which the variance is sought, which is not applicable to other land or structures in the same zone district;
- Not a Result of Action by Applicant: The special circumstances are not the result of the actions of the applicant;
- Strict Application Deprives Use: The literal interpretation and enforcement of the terms and provisions of the Code would deprive the applicant of rights commonly enjoyed by other land in the same zoning district , and would cause an unnecessary and undue hardship;
- Minimum Variance: The granting of the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and which would carry out the spirit of the Code.
- Not Adverse to Adjacent Land: The granting of the variance will not adversely affect adjacent land in a material way; and
- Consistency with the Code: The granting of the variance will be generally consistent with the purposes and intent of the Code.

**Entitlement Process Summary:**

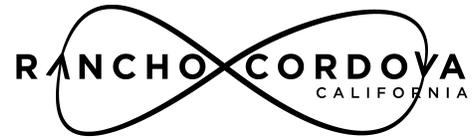
The following is a brief summary of the process:

1. Applicant meets with planner regarding the requested variance.
2. Application is submitted. Staff reviews the project submittals for completeness.
3. Staff distributes project information to City Departments for review and comments.
4. Staff receives comments and sends out comments to applicant.
5. Public Hearing Notification.
  - Sign is placed on site. Written notification sent to property owners within 500 ft of subject property.
6. Project is presented at City Council meeting. Decision is made at City Council.
7. Appeal period is 10 calendar days after final decision.

Agreement and Representations of Applicant

- 1) Under penalty of perjury, I certify that I am the legal owner(s) (all individual owners must sign as they appear on the deed to the land), corporate officer(s) empowered to sign for the corporation, owner's legal agent, or the owner's authorized representative (include a notarized consent form from the owner). \_\_\_\_\_(Initial)
- 2) Acknowledge and agree that by making this application, I have included all of the required items in hard copy (see submittal checklist) and digital format compatible with Microsoft Office Software. Applicant understands that missing items, inaccurate items, false information, or misleading items or information may delay the processing of the application or a permit revoked upon discovery. Furthermore, all application materials, and **any outstanding balances accrued above the original deposit**, must be submitted/paid prior to Public Hearing Notice publication. I further acknowledge and agree that by signing this document, I accept the responsibility of posting public site notification boards regarding the proposed project at the project site, if required by City staff. This Application shall be a public record. \_\_\_\_\_(Initial)





- 3) Government Code Section 65105 states that City staff may enter upon the subject property in the performance of their functions and make site inspections and surveys. I hereby grant City staff with such permission. \_\_\_\_\_(Initial)
- 4) Applicant(s) agree to defend, indemnify and hold harmless with Counsel selected by the City of Rancho Cordova ("City") and its agents, officers, consultants, and employees ("City's Agents") from any and all claims, actions, suits, or proceedings against the City or the City's Agents to attack, set aside, void, or annul an approval by the City, or the City's Agents concerning the project (collectively "Claim"). The City shall promptly notify the Applicant of any Claim and the City shall cooperate fully in the defense. Nothing in this paragraph obligates the City to defend any Claim and the City is not required to pay or perform any settlement arising from any such Claim not defended by the City, unless the settlement is approved in writing by the City. \_\_\_\_\_(Initial)

**Hazardous Waste Affidavit**

- 5) Government Code Section 65962.5 requires each applicant for any development project to consult the State Hazardous Waste and Substance Sites List. ([www.dtsc.ca.gov](http://www.dtsc.ca.gov) click on "Public" tab, click on "Envirostor: Database of sites and facilities" type in address. Or <http://calepa.ca.gov/sitecleanup/corteslist/> open each 5 listed link and check address. For water <http://geotracker.waterboards.ca.gov/sites> by County. Based on this list (available from the Planning Division of the Community Development Department) the Applicant is required to submit a signed statement to the City of Rancho Cordova indicating whether the project is located on a site which is included on the list before the City accepts the application as complete. If the project site is listed by the State as a hazardous waste or substance site, the Applicant must fully describe the nature of the attached hazard and potential impacts in the Initial Study, Part I. In either situation the Applicant must complete and sign the Affidavit in the space below.

I have been informed by the City of Rancho Cordova of my responsibilities pursuant to Government Code Section 65962.5 to notify the City as to whether the site for which a development application has been submitted is located within an area which has been listed as the location of a Hazardous Waste or Substance Site by the Office of Planning and Research, State of California.

- The project site is located in an area listed as a Hazardous Waste or Substance Site.
- The project site is not in an area listed as a Hazardous Waste or Substance Site.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

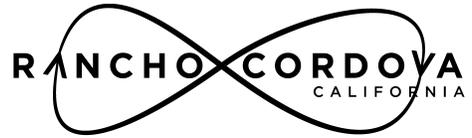
\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**Fees/Funds**

- 6) Applicant(s) do not have any past-due balances payable to the City for an previous project. \_\_\_\_\_ (Initial)
- 7) Applicant(s) acknowledge and agree that the Applicant(s) will fully reimburse the City for costs incurred in connection with the Application Process regardless of any action taken by the City with respect to the application. Applicant(s) also acknowledge and agree that the Fees (hereinafter "Funds") paid herewith may not be adequate to fully reimburse the City for costs incurred in connection with the Application Process, and that periodically, as the need arises, Applicant(s) may be called upon to make further deposit of Funds. Applicant(s) agrees that there shall always remain on deposit with the City sufficient Funds to cover the anticipated costs to be incurred with the Application Process through the Public Hearing Process. In the event, for any reason, a City request for further deposit of Funds from Applicant(s) is not fully satisfied, within fifteen (15) business days the City may cease processing of this application. The Applicant(s) is responsible to fully reimburse the City for costs incurred in connection with this Application regardless of whether the City requests additional deposits or stops processing the project. The advance of Funds shall not be dependent upon the City's approval or disapproval of the Applicant(s)' Application, or upon the result of any action, and shall in no way influence the Project. Neither Applicant(s) nor any other person providing funding for the Project shall, as a result of such funding, have any expectation as to the results of the Application Process or the selection of an alternative favorable to or benefiting Applicant(s). \_\_\_\_\_ (Initial)





8) Applicant(s) also acknowledge and agree that the failure to fully reimburse the City for costs incurred in connection with the Application Process as provided in this Application may result in the City placing a lien or assessment upon the subject property for the full amount of any outstanding Funds owed to the City for processing Applicant(s)'s application. Until all outstanding Funds are paid in full, the City may also refuse to process any future applications by the Applicant(s), including applications for unrelated projects. \_\_\_\_\_(Initial)

**Application Covenants, Conditions, and Understandings**

9) Applicant(s) acknowledges and agrees that this application is a contract between the Applicant and the City and that all obligations are enforceable against the Applicant regardless of the status or outcome of the Application process. This Application sets forth all covenants, promises, conditions and understandings between the parties regarding the advance of Funds and the uses thereof, and there are no promises, conditions or understandings either oral or in writing between the parties other than as set forth herein. No contemporary or subsequent alteration, amendment, change or addition to this application form shall be binding upon the City unless reduced to writing and signed by the City Manager, or his/her designee and the Applicant. No course of conduct shall be binding upon the City and waiver of one or more provisions or violations shall not be construed as a course of conduct to be relied upon and may not be the basis for any expectation of future waiver or estoppel of that or any provision. \_\_\_\_\_(Initial)

10) No employee, agent, independent contractor or other representative of the City, other than the City Manager or a majority of the City Council, has the authority to alter the terms or effect of this application and Applicant(s) acknowledge and agree that it/they have not relied upon any promises, representations, conditions or understandings other than those set forth in this Application. \_\_\_\_\_(Initial)

11) This Application is made under, and shall in all respects be interpreted, enforced, and governed by, the laws of the State of California. In the event of a dispute concerning the terms of this Application, the venue for any legal action shall be with the appropriate court in the County of Sacramento, State of California. Should legal proceedings of any type arise out of this Agreement, the prevailing party shall be entitled to costs, attorney's fees, and legal expenses, including but not limited to expert fees and costs. \_\_\_\_\_(Initial)

**It Is So Agreed:**

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date





CITY OF RANCHO CORDOVA
PLANNING
LETTER OF AUTHORIZATION

This form shall serve to notify the City of Rancho Cordova that I/we am/are the legal owner(s) of the property described in the attached application and do hereby authorize the person/firm shown below to file and represent my/our interest in the application(s) listed below.

Applicant/Authorized Person:

Name/Business
Address
City/State/Zip
Phone

Type of Application(s)

Legal Owners:

I we/are the legal owner(s) of the said property; have read the foregoing letter of authorization and know the contents thereof; and do hereby certify that the same is true of my/our own knowledge. I/we certify (or declare) under penalty of perjury under the laws of the State of California that the information contained in the above referenced application(s) is true and correct.

1) Printed Name
Signature Date
2) Printed Name
Signature Date
3) Printed Name
Signature Date





CITY OF RANCHO CORDOVA
PLANNING
LETTER OF CERTIFICATION

This form is to be completed by the person/firm preparing the map and list of property owners and residents of absentee owners within five hundred feet (500') of the project site.

State of California
County of Sacramento
City of Rancho Cordova

I, \_\_\_\_\_ hereby certify that attached list and labels contain the names and addresses of all persons having ownership, as they appear on the latest available assessment roll of the County of Sacramento and in the case of an absentee owner, the addresses of all renters or lessees of said address within the area described and for a distance of five hundred feet (500') from the exterior boundaries of the project site.

Please Note: Complete the items below only in the presence of a Notary Public.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California
County of \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_
Date Month Year

By (1) \_\_\_\_\_

(and (2) \_\_\_\_\_

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me,

Seal

Signature \_\_\_\_\_

(Place of Notary Seal Above)

Signature of Notary Public

