



Checklist for Variance



In accordance with California Government Code Section 65906, variances from the development standards and provisions of this Title shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, and location of surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and within the same Zoning District. A Variance approval is required to grant exception from any of the development standards and provisions of this Title. Any Variance granted is subject to such condition as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and zone in which the property is situated.

A Variance may not be granted to waive or modify any of the following requirements of this Zoning Ordinance:

1. Allow a land use not otherwise permitted in the zone;
2. Increase the maximum allowed residential density;
3. Waive a specific provision (e.g., prohibited sign); or
4. Waive or modify a procedural requirement.

The designated Approving Authority for a Variance is the Planning Commission. The Planning Commission may, upon its own motion or upon the verified application of any interested parties, initiate proceedings for the granting of a Variance. The Development Services Director provides a recommendation and the Planning Commission approves, conditionally approves, denies, or denies without prejudice the Variance in accordance with the requirements of this Title. A public hearing is required for a Variance.

The Approving Authority may approve and/or modify any Variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and within the same Zoning District.
2. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and Zoning District and denied to the property owner for which the Variance is sought.

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3. Granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
4. The Variance is consistent with the General Plan, any applicable Specific Plan or Development Agreement, and the intent of this Title.

In approving a Variance, the Approving Authority:

1. Shall impose conditions to ensure that the Variance does not grant special privileges inconsistent with the limitation on other properties in the vicinity and the Zoning District in which the property is located.
2. May impose any reasonable conditions (e.g., the placement, height, nature, and extent of the use, buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, hours of operation) to ensure that the approval complies with the findings required by this Chapter.

All approved Variances are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).

All submittal information shall be provided to the Development Services Department. All submittal information shall be presented along with the Uniform Application, related fees, and any additional information required by the Development Services Department before the application can be accepted as complete. After review of the submitted application, additional information (i.e special studies or addressing project issues) may be required. The Zoning Ordinance, Title 17, is available on the Planning Division's website which lists all development standards.

Some of the following requirements may be adjusted or waived according to the relevancy of the information to the application under request. Planning Staff will assist in making this determination.

For any questions regarding these submittal requirements, contact the Development Services Department at (209) 456-8500 or by email: planning@ci.manteca.ca.us

Size and Scale

All plans and documents submitted with this application shall be provided in electronic format (PDF) or sent by Dropbox to: planning@ci.manteca.ca.us

Plans shall be drawn to scale. The scale used on the plans shall generally be at a maximum 1/8" = 1'10" for the architectural plans and minimum 1" = 20' for site engineering plans. Please include a north arrow, and scale on all plans.

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	1) Uniform Application. <i>One (1) Electronic Copy Completed and signed.</i>	
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_____ a) Project Description. One (1) Electronic Copy _____
A letter describing the project in detail. The statement should clearly indicate the justification for the project and address the required findings listed below:

i) That there are peculiar and unusual conditions inherent in the property in question sufficient to cause a hardship and that such conditions are not common to all or most of the properties in the immediate area.

ii) That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family, financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a variance.

iii) That such variances is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the vicinity and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his/her neighbors.

iv) That the authorizing of such variance shall not be of substantial detriment to adjacent properties, and will not materially impair the purpose of this title of the public interest.

v) No variance shall be granted if the Planning Director or the Planning Commission finds that the condition of the specific piece of property, or the intended use of such property for which variance is sought, is so general or recurrent in nature as to make reasonably practical the formulation of a general regulation for such condition.

_____ b) Site Photographs. One (1) Electronic Set _____
Include photographs to clearly show the views of and from the project, including neighboring development. Include a key map indicating where the pictures were taken; from and in which direction they were taken. Label the pictures accordingly. It is sometimes desirable to take a series of overlapping photographs which, when taped together, show panoramic view. (Polaroid is acceptable).

_____ c) Title Report. One (1) Electronic Copy _____
A current conditional title report prepared within six (6) months prior to filing the application.

_____ d) Hazardous Materials Survey Form. One (1) Electronic Copy _____
Completed and signed.

_____ 2) **Fees.** See Schedule of Fees. _____
Check(s) payable to the "City of Manteca." A brief letter that illustrates the breakdown of the fees is required.

For small projects, the following requirements may be partially waived depending on the nature of the project. Check with the Development Services Department for more information.
Site Plans shall include the following information as relevant for the proposed Project:
Please contact the City of Manteca Planning Division at (209) 456-8500 with questions regarding requirements relevant to your project.

_____ 3) **Location/Vicinity Map.** One (1) Electronic Copy _____
An 11"x17" rendering that shows the subject parcel(s) and adjacent streets and parcels, and existing land uses (i.e. business name and type of land use) of adjacent parcels.

_____ 4) **Site Plans.** One (1) Electronic Copy _____
Site plans shall be fully dimensioned and drawn to scale. Use as many sheets as necessary. You may combine information, as long the plans are easy to read. The plans shall contain the following basic information unless additional information is necessary to properly evaluate the project.

_____ a) Legal Boundaries _____
All property lines or other boundary lines, easements (with size and type called out), existing utilities with size and type, right-of-ways, trails, paths, utility poles, etc.

_____ b) Information Data Table _____
A data table shall be included indicating the following:
-Lots Sizes (square feet or acres)
-Lot coverage percentage and floor area ratio (FAR)
-Existing Zoning and proposed zoning
-Existing General Plan designation and proposed
-Parking spaces
Required
Provided

_____ c) Street Access _____
Existing and proposed off-site improvements (curb, gutter, sidewalk and street dedication, driveway relocation, etc.)

- _____ d) Parking and circulation _____
Existing and proposed parking, loading, and circulation.
Include shared parking and cross access if applicable.

- _____ e) Utilities _____
Location, Type and size of all existing, new, and relocated
utility services.

- _____ f) Public Areas Within Project Boundaries _____
Parks, trails, schools, public or quasi-public buildings, and
other such uses.

- _____ g) Buildings _____
Clearly show all existing, proposed and accessories buildings
on-site. Include features, including balconies, decks, stairs,
carports, garbage enclosures, etc.

_____ Show all buildings on adjacent properties within 20 feet of _____
any property line of the subject property.

_____ Dimension each building, and indicate use and size in _____
square feet.

_____ Indicate setbacks and distance between buildings and _____
property lines.

_____ Show any structures that are proposed to be removed as _____
part of the development project.

- _____ h) Existing Trees _____
Species, common name, size, condition, location, and drip
line of existing trees. Any trees proposed removal should be
indicated on the plan.

- _____ i) Existing Walls, Fences and other Features _____
Location, height and details of fences and walls.

- _____ j) Phasing (If applicable) _____
Show phasing of project and provide in writing, the timing
and maintenance of future phases.

- _____ k) Lighting Plan. One (1) Electronic Copy _____
Show the location, height, size and type of exterior lighting.
A photometric layout for pole lighting in required parking
areas.

_____ 5) **Floor Plan.** *One (1) Electronic Copy* _____
Floor plans showing exterior doors and windows and design with stairways, mechanical rooms and shared hallways indicated, so that exiting, access, parking, and lot coverage calculations can be made.

_____ 6) **Building Elevations.** *One (1) Electronic Copy* _____

_____ • Elevations – _____
Show all elevations of all structures with materials, colors and dimensions specified. The purpose of such drawings is to specify the height, bulk and appearance of proposed buildings and structures. All visible mechanical equipment must be shown on the elevation drawing, as well as a detail of any screening proposed (i.e. fences, walls).

_____ • *Colors and Materials Board and/or Colored Rendering* _____

_____ • Typical building sections _____
Showing wall, eave, fascia, and roof-mounted mechanical equipment and penthouses shown.

_____ • *Perspective sketches/photosimulations* _____

_____ • Features _____
Indication the locations of identification signs and features, mailboxes, storage spaces, air conditioning units, transformers, utility meters, and other items that affect the exterior appearance and use of the proposed project and adjacent property.

_____ 7) **Landscape and Irrigation Plan.** *One (1) Electronic Copy* _____
A preliminary landscape plan shall be submitted showing major landscape structures such as fences, walls, walkways, pools, land trellises with dimensions, paving material designations, and a proposed planting plan. The plan shall include a planting legend describing the type of plants (both common and botanical names), their rate of growth, size at time of planting. The plans shall also demonstrate compliance with Section 17.48, Landscaping, of the Zoning Ordinance.

_____ a) *Water Efficient Landscape Application Checklist* _____

_____ i) Water efficient landscape project information and criteria. _____

_____ b) Grading/Drainage _____

Preliminary grading and drainage plan clearly showing existing and proposed grades (contours) carried a minimum of 50' beyond the project boundaries. Show direction and

path of existing and proposed drainage channels or facilities. Indicate building pad and finished elevations retaining walls (with height and materials specified). The boundary and topographic information (showing the existing topography) must be prepared by a civil engineer or land surveyor licensed by the State of California whose name, seal, and signature must appear on the sheet or plan indicating the boundary and topographic survey.

Note: All areas not specifically designated for building, parking or circulation must be landscaped. Approval of a preliminary landscaping plan will be subject to submittal of a final landscaping and automatic irrigation plan to be checked for conformance with preliminary plans and code requirements prior to issuance of a building permit.

_____ **8) Sign Program.** *One (1) Electronic Copy* _____

Sign Program, including illustrations, building elevations, and site plan with sign locations, types, and sizes. One 8.5"x11" reduction of all drawings.