

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CA 94611
TEL: (510) 420-3050
FAX: (510) 658-3167

RECEIVED BY _____
FEE PAID _____
DATE FILED _____
NUMBER _____
PLANNER _____
(For staff use only)

APPLICATION FOR A VARIANCE, reviewed by PLANNING COMMISSION

Please complete this application form if your project requires one or more variances:

Fees. Please add those that apply to your project (*a \$56 records management fee is already included*)

| | |
|--------------------|--|
| _____ (\$1,048) | Project requires a VARIANCE. |
| _____ (\$1,416) | Project requires a VARIANCE, without a separate Design Review Permit. |
| _____ (\$514 each) | Project requires _____ additional VARIANCES. |
| _____ TOTAL | <u>Please note that planning application fees are non-refundable.</u> |

IF THE PROPOSED PROJECT REQUIRES DESIGN REVIEW, PLEASE SUBMIT A SEPARATE DESIGN REVIEW PERMIT, REVIEW BY THE PLANNING COMMISSION. A design review permit requires separate fees. The design review permit application can be found on the City's website. Please submit both applications concurrently.

Property Owner Information

| | |
|--|--------------------------------|
| Name(s) of Property Owner(s) _____ | |
| Address of Property _____ | Zip Code: _____ |
| Mailing Address of Property Owner(s) (if different from above) _____ | |
| _____ City, State, Zip Code: _____ | |
| Telephone Number _____ | Preferred Contact Method _____ |
| Mobile Number _____ | Email _____ |

Design Professional/Property Owner Agent Information

| | |
|--|---------------------------------|
| Name of Design Professional/Agent _____ | |
| Address of Design Professional/Agent _____ | |
| _____ City, State, Zip Code: _____ | |
| Telephone Number _____ | Preferred Contact Method: _____ |
| Mobile Number _____ | Email _____ |
| Professional License Number _____ | Expiration Date _____ |
| Piedmont Business License Number _____ | Expiration Date _____ |
| (required for all design professionals/contractors/engineers/agents) | |
| (Please contact the City Clerk at 510-420-3040 for Piedmont Business License information.) | |

Description of proposed project _____

If your project proposes exterior changes you may need a design review permit. Have you applied for one?:
 Yes No

Please indicate what steps you have taken to discuss this project with your neighbors prior to submittal: _____

Please indicate what steps you have taken to discuss this project with city staff prior to submittal: _____

Authorization of Variance Permit Submittal

My signature below signifies that I:

- have read the background document and have provided all applicable information per the attached variance and/or design review permit checklist;
- have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan (*Please provide a description here of the easements and restrictions that were indicated on your property deed*) _____
_____;
- believe the information provided in this application is accurate to the best of my knowledge.
- agree to provide city staff and/or Planning Commissioners access to my property to view existing conditions and proposed construction. (*Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc.*) _____
_____;
- understand that if this application is approved, a building permit (issued within one year from the approval date) is required for construction and that no construction may commence prior to the issuance of the building permit. No changes to the approved construction may be made without city approval, and changes may require a new application; and
- understand that that I, the property owner, shall defend (with counsel acceptable to the city), indemnify and hold harmless the city (including its agents, officers, and employees) from any claim, action, or proceeding to challenge an approval of the Planning Commission, City Council, or any officer or department concerning a permit granted under City Code Chapter 17.

➤ SIGNATURE(S) OF PROPERTY OWNER(S) _____ date _____

Agent Authorization

This authorization permits City staff to contact your agent if necessary.

I authorize _____ to act as my agent (architect, contractor, engineer, etc.) in the processing of all matters pertaining to this application.

➤ SIGNATURE(S) OF PROPERTY OWNER(S) _____ date _____

ZONE A or ZONE E INFORMATION

Please complete all applicable zoning information below.

Zone A or Zone E
(Circle one) Lot Area _____ square feet Lot Frontage _____ feet

| Code Requirements Zone A See §17.20.040 Zone E See §17.28.040 | To Existing Structures | To Proposed Construction | Code Limit | Variance Required? (circle one) |
|---|---------------------------|-----------------------------|--|------------------------------------|
| Lot Coverage/Structures ¹ | _____ % | _____ % | <u>40%</u> | <u>Yes</u> <u>No</u> |
| Minimum Landscaped Area | _____ % | _____ % | <u>30% (A) / 40% (E)</u> | <u>Yes</u> <u>No</u> |
| Building Height | _____ | _____ | <u>35 ft</u> | <u>Yes</u> <u>No</u> |
| Street Yard Setback ² | _____ | _____ | <u>20 ft</u> | <u>Yes</u> <u>No</u> |
| _____ Side Yard Setback ^{2,3} | _____ | _____ | <u>5 ft (Zone A)</u> <u>20 ft (Zone E)</u> | <u>Yes</u> <u>No</u> |
| _____ Side Yard Setback ^{2,3} | _____ | _____ | <u>5 ft (Zone A)</u> <u>20 ft (Zone E)</u> | <u>Yes</u> <u>No</u> |
| Rear Yard Setback ^{2,3} | _____ | _____ | <u>5 ft (Zone A)</u> <u>20 ft (Zone E)</u> | <u>Yes</u> <u>No</u> |
| Floor Area Ratio ⁴ | _____ % | _____ % | <u>55% 0 - 5,000 sq.ft.</u> <u>50% 5,001 - 10,000</u> <u>sq.ft.</u> <u>45% 10,001 and up</u> <u>sq.ft.</u> | <u>Yes</u> <u>No</u> |

If new construction is proposed within the 20-foot street yard setback, please indicate the distance from the face of curb to the lot line or describe how the lot line was determined. Distance from face of curb to lot line is _____.

(Feel free to contact city staff for assistance in determining the distance from the curb to the lot line.)

What is the total square footage of the addition(s)? _____

¹ A site feature is not calculated in the lot coverage if (1) the feature is not more than 7 feet high and (2) the total area of all site features on the lot is 400 square feet or less.

² *Setback* means the required distance that a building, structure or other designated item must be located from a lot line. Setbacks are measured from the *lot line to the footprint of the structure or building.* (§17.90.020)

³ An accessory structure in both Zones A and E may be located anywhere within the side and rear setback areas except that it: (a) must be located within 35 feet of the rear lot line; (b) must be located at least 5 feet from a habitable structure on an abutting property, and, for a corner lot, at least 5 feet from a side lot line of an abutting lot to the rear; (c) may not exceed 15 feet in height; and (d) may not be habitable.

⁴ The floor area ratio standard is not applied to finishing an area into habitable space if: (1) there is no expansion of the exterior building envelope; and (2) the owner has not obtained a final inspection within the prior three years on a building permit issued for an expansion of the building envelope.

§17.90.010 Bedroom includes any room with features generally characteristic of bedrooms, regardless of its designation on a building plan. A bedroom has adequate privacy and meets the minimum size and habitation requirements of the Building Code. It includes and is not limited to a room with: (a) access to a full bathroom on the same floor or within half a floor, if the house has a split level; (b) access to a full bathroom through a common hallway or other common space such as a kitchen, living room and/or dining room. A *bedroom* need not have a closet.

Based on the definition above, how many *bedrooms* are existing: _____

What is the total number of *bedrooms* under the current proposal: _____

If this application results in the net addition of one or more *bedrooms*, additional conforming parking spaces may be required on the property. The number of conforming parking spaces required is as follows:

| | |
|--|---|
| Dwelling unit is 700 square feet or less | 1 conforming parking space required |
| 1 – 4 <i>bedrooms</i> ⁵ | 2 conforming parking spaces required |
| 5 – 6 <i>bedrooms</i> | 3 conforming parking spaces required ⁶ |
| 7 or more <i>bedrooms</i> | 4 conforming parking spaces required ⁶ |

A conforming parking space is covered, non-tandem, and at least 8-½ feet wide by 18 feet deep, 7-½ feet wide by 15 feet deep for a compact space. A minimum 1-foot clearance must be provided between the length side of a parking space and the nearest wall or similar obstruction.

How many existing conforming parking spaces are there on the property? _____

Please describe any additional parking on the property that does not meet the definition of a conforming parking space: _____

If this application results in the net addition of a room eligible for use as a bedroom, please describe how this application proposes to meet the parking requirements: _____

Please describe the proposed parking on the property that is covered, non-tandem, and at least 8-1/2 feet wide by 18 feet deep: _____

⁵ An applicant may increase the primary dwelling unit up to four bedrooms without adding additional parking, as long as:

- a. no existing parking space is eliminated if it creates a nonconformance;
- b. the required number of parking spaces are provided, even if uncovered or tandem;
- c. the parking spaces are not within the required 20 foot street setback; and
- d. the project does not fall under the provisions of City Code Section 17.30.010(B)(4).

⁶ In Zone A, one of every three required parking spaces may be for a compact car

APPLICANT'S VARIANCE FINDINGS

The hearing body (the Planning Commission or City Council) may approve a variance only if it makes the findings listed below. Please describe how the proposed project meets the variance criteria of City Code Section 17.70.040.A.

1. The property and existing improvements present unusual physical circumstances of the property (including but not limited to size, shape, topography, location and surroundings), so that strictly applying the terms of this chapter would keep the property from being used in the same manner as other conforming properties in the zone; *(Describe specific, unique problems with the property, such as location, surroundings, mature trees, natural obstacles or formations, and explain why the improvements cannot be made in conformity with codes and regulations. Issues of personal hardships -- such as family size, finances, and medical condition -- should not be considered.)*

2. The project is compatible with the immediately surrounding neighborhood and the public welfare; and *(Explain why, without the variance, the owner cannot use the property in the same manner as others in the same zone, and explain how the variance will not give the owner an advantage over others in the same zone.)*

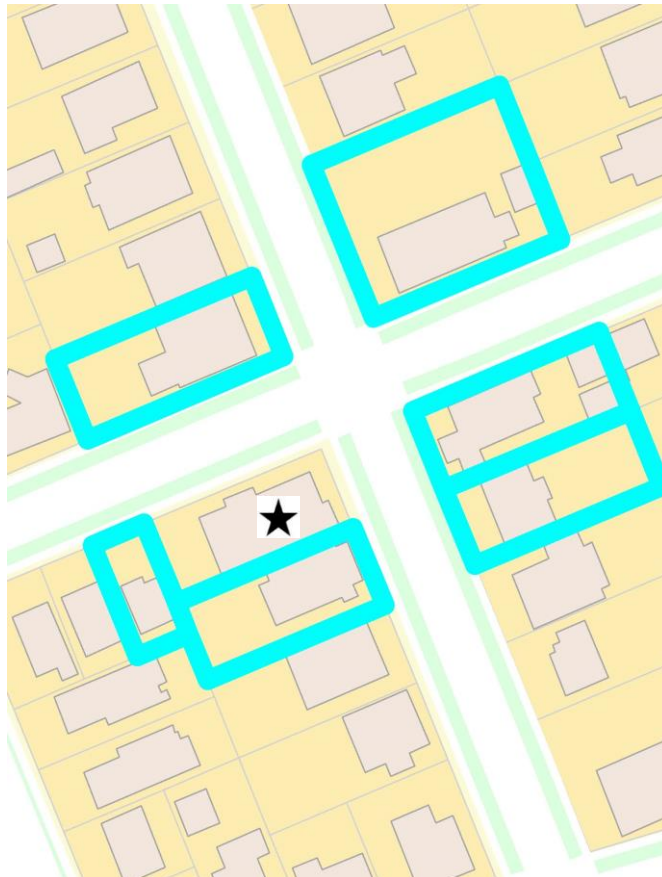
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction. In this subsection 3, *unreasonable hardship* refers to the unusual physical characteristics of the property and existing improvements, and not to conditions personal to the applicant.: *("Unreasonable hardship" for purposes of this subsection refers to the unusual physical characteristics of the underlying lot and existing improvements on the lot which prohibit development of the lot in a manner consistent with lots conforming to City standards. "Unreasonable hardship" shall not refer to any conditions personal to the applicant.)*

INSTRUCTIONS for NOTICE BY APPLICANT (§17.62.030.B)

1. Complete the attached notice and make one photocopy to be provided to each adjacent neighbor, and one photocopy to be submitted with this application.
2. Hand deliver or mail one copy of the notice to each *adjacent* neighbor at least 30 days before the initial hearing. *Adjacent* means next to, or against. For notification purposes it includes a property directly across the street (§17.90.010). You may address the notices to "Property Owner" if you do not know the names of your adjacent neighbors.
3. Complete the attached affidavit of service and return it along with one copy of the notice to the Planning Director at least 30 calendar days before the hearing. Please note the affidavit of service is not required to be notarized.
4. If the project seeks a variance and a design review, one combined notice can be mailed to the neighbors provided that the project description reflects that the proposed project seeks a variance and a design review.
5. Please call or email the Planning Department at (510) 420-3050 or ondutyplanner@piedmont.ca.gov, if you have any questions or would like help in determining the addresses or names of your adjacent neighbors.

Example Map of Neighbor Notices:

If the applicant lives at the “star” property, the applicant shall notify the adjacent affected (highlighted) properties.



NOTICE BY APPLICANT
of
AN APPLICATION SUBMITTED FOR VARIANCE,
Review by PLANNING COMMISSION

Dear Neighbor:

I/ We have submitted an application for variance permit for consideration by the Piedmont Planning Commission. I am seeking City approval of an application to (description of project) _____

The purpose of this form is to notify you of my application. My application is expected to be considered by the Planning Commission on or after (date) _____.

This notice will be followed by a notice from the city confirming the date of the hearing and inviting you to comment on the application. The Planning Commission regularly meets at 5:00 p.m. on the second Monday of every month in the council chambers at City Hall, 120 Vista Avenue. Please contact the Planning Department at (510) 420-3050, if you have any questions regarding my application.

Signed,

Signature of applicant

Print name of applicant

Address of project (number and street)

Date

AFFIDAVIT OF SERVICE BY APPLICANT/ AGENT

(To be attached to a copy of the notice and returned to the Planning Director.)

_____ being sworn, says that he or she is over 18 years of age
Print affiant (applicant/agent) name

and a resident of _____
County, Country

That affiant's **residence address** is _____.

That affiant served a copy of the attached notice of an application for variance and/or design review permit, review by the Planning Commission by placing said copy in an envelope addressed to (please list the names and addresses of all the property owners to whom the notice was served):

which envelope was then sealed and postage fully prepaid thereon, and thereafter was on _____,
date
deposited in the United States mail or delivered personally by hand.

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

Executed on _____ at _____, California.
date address

Signed _____
Affiant's signature

VARIANCE and/or DESIGN REVIEW PERMIT SUBMITTAL CHECKLIST

- ___ Application form signed by property owner(s)
- ___ Application Fee + any additional fees advised by staff (check or online credit card payment)

Digital copies of plans and application materials must be submitted to ondutyplanner@piedmont.ca.gov

If submitting both a variance permit and a design review permit, please review the submittal checklist found on the design review permit application form. **A design review permit submittal in tandem with a variance permit application may use the same set of plans.** For an application that is only submitting a variance permit application (without design review), please see the checklist below. Please contact the Planning Department and staff will assist you with application submittal requirements.

If you wish to submit hard copies of plans, they may be no larger than 24"x 36", and to scale. For a complete list of submittal requirements please see [section 2.06](#) of the Piedmont Design Guidelines.

Please label all drawings and supporting documents with the property's address.

- ___ **Existing Site Plan** (preferred scale 1/8")
Please indicate the location of all existing structures, retaining walls, fences, site features, trees, landscaping, hard-surface areas, lot lines, front, side and rear yard setback lines, and easements. Please outline the locations of structures on adjacent properties (up to 25 feet from the property line) and label their uses. Provide setback dimensions from all existing structures to lot lines (*Setback* means the required distance that a building, structure or other designated item must be located from a lot line. Setbacks are measured from the *lot line* to the *footprint* of the *structure* or *building*. See Zoning Ordinance [Sec. 17.90.020.](#)). Please show all curbs, sidewalks, street trees and the street right-of-way bordering the subject property. Please show a North arrow, label adjacent streets, and call out existing features. It is preferred that the site plan shows the roof of structures on the property rather than the interior floor plans. See "proposed" below for formatting instructions.

- ___ **Proposed Site Plan** (preferred scale 1/8")
Please indicate the location of all existing and proposed structures, retaining walls, fences, site features, trees, landscaping, hard-surface areas, lot lines, front, side and rear yard setback lines, and easements. Please outline the locations of structures on adjacent properties (up to 25 feet from the property line) and label their uses. Provide setback dimensions from all existing and proposed structures to lot lines (*Setback* means the required distance that a building, structure or other designated item must be located from a lot line. Setbacks are measured from the *lot line* to the *footprint* of the *structure* or *building*. See Zoning Ordinance [Sec. 17.90.020.](#)). Please show all curbs, sidewalks, street trees and the street right-of-way bordering the subject property, and any changes proposed to these features. Please show a North arrow, show grade changes at the property line, label adjacent streets, and call out existing features and proposed modifications. It is preferred that the site plan shows the roof of structures on the property rather than the interior floor plans. **Please show each proposed site plan either side by side on the same page as the corresponding existing floorplan or in a manner where a contrasting outline of the existing construction is shown on the proposed plan, if possible.**

- ___ **Existing Floor Plans** (preferred scale 1/4")
Please provide plans for all floor levels including basements and attics, and include room names, window and door locations, built-in cabinets, appliance and fixture locations, ceiling heights, exterior light fixture locations and parking space dimensions. Show the removal of any existing features, including roofs, walls, ceilings, windows, doors, built-in-cabinets, appliances, fixtures and parking spaces. Please show a north arrow and label the floor level. See "proposed" below for formatting instructions.

- ___ **Proposed Floor Plans** (preferred scale 1/4")
Please provide plans for all floor levels including basements and attics, and include room names, window and door locations, built-in cabinets, appliance and fixture locations, ceiling heights, exterior light fixture locations and parking space dimensions. Please show a north arrow, label the floor level, and call out proposed modifications. **Please show each proposed floorplan either side by side on the same page as the corresponding existing floorplan or in a manner where a contrasting outline of the existing construction is shown on the proposed plan, if possible.**

— **Existing Elevations** (preferred scale 1/4")

Please provide North, South, East and West elevations (proposed to be changed or affected by new construction) including all existing materials (including roofing materials), styles and operational characteristics of windows and doors and roof slopes. Please include exterior vents, downspouts, gutters and exterior light fixtures. Additionally, if the height of the building is changing, please show the average existing building height (See Zoning Ordinance Sec. 17.90.020). Please do not abbreviate architectural terms. Label each elevation as “existing” and indicate the direction of view (i.e. North, South, East, West or Front, Rear, Left Side, or Right Side). See “proposed” below for formatting instructions.

— **Proposed Elevations** (preferred scale 1/4")

Please provide North, South, East and West elevations (proposed to be changed or affected by new construction) including all proposed materials (including roofing materials), styles and operational characteristics of windows and doors and roof slopes. Please include exterior vents, downspouts, gutters and exterior light fixtures. Additionally, if the height of the building is changing, please show the average proposed building height (See Zoning Ordinance Sec. 17.90.020). Please do not abbreviate architectural terms. Label each elevation as “proposed” and indicate the direction of view (i.e. North, South, East, West or Front, Rear, Left Side, or Right Side). **Please show each proposed exterior elevation either side by side on the same page as the corresponding existing exterior elevation, or in a manner where a contrasting outline of the existing construction is shown on the proposed elevation, if possible.**

— **Graphic Calculations (1 set only)**

Please submit plans which graphically illustrate the required calculations with an itemized list of existing and proposed structures, landscape areas and floor area. Calculations are expressed as percentages and must be recorded on the permit application form. Please request a graphic calculations sample for your reference. Separate graphic calculations are to be submitted, as follows:

— **Existing and proposed lot coverage/structures** equals the number of square feet of structures covering the lot divided by the number of square feet in the lot. For a complete definition of structure coverage, please see Zoning Ordinance Sec. 17.90.020.

— **Minimum landscape coverage** equals the number of square feet of landscaped area divided by the number of square feet in the lot. For a complete definition of landscape please see Zoning Ordinance Sec. 17.90.020.

— **Existing and proposed floor area ratio (FAR)** equals the number of square feet of floor area divided by the number of square feet in the lot. For a complete definition of floor area, please see Zoning Ordinance Sec. 17.90.020.

— **Photographs**

Please provide photographs of the front (street), rear and side views of the existing structures on the subject property. Please also provide a front (street) view of the structures on the two adjacent properties. The photographs may be placed either on a standard permit application sheet size and be part of the submittal package, or may be placed on 8 ½” x 11” sheets as an accompanying submittal package.

— **Story Pole Certification** when required. Please see the attached Story Pole Protocol.

— **Reach Code Compliance**

If your proposed project has a stated value cost of over \$25,000, expands the roof area by at least 30%, affects the electrical panel, or alters the kitchen or laundry room; you may be affected by building code requirements for energy efficiency. Please visit the webpage below and click on “Checklist for requirements” to see if your project is affected:

Webpage: (https://piedmont.ca.gov/services_departments/planning_building/about_building)

Or **PDF:**

(https://piedmont.ca.gov/UserFiles/Servers/Server_13659739/File/Government/Departments/Planning%20Di vision/Climate%20Action%20Program/Piedmont%20Checklist%20for%20Homeowners.pdf).

Prior to Submitting an Application

If you believe that any of the above requirements do not pertain to your project, please call the Planning Department at (510) 420-3050 and make an appointment to meet with a planner. Applicants and their agents (architect, contractor, engineer, etc.) are encouraged to discuss the application with the Planning staff early in the planning process. Planning staff will be happy to review all procedures with you and answer any questions you have. There is no fee charged for any meetings or discussions prior to the submittal of an application fee. *Please note that all design review applications will require a [building permit](#) application if approved.*