



TOWN OF HILLSBOROUGH
California

PROCEDURE TO REQUEST A VARIANCE

July 2020

Property owners have the right to apply for a Variance, but the filing of this application does not guarantee its approval. State Planning Law requires specific findings of hardship (see attached application) in order for the City Council to grant a Variance. Property owners and their designers are urged to work with the Planning Staff to develop plans so that a Variance is not necessary.

The Town follows the following procedures for Variances:

1. The Applicant submits an application for the Variance, including:
 - A completed application form (attached);
 - A digital plan set via Dropbox or other file sharing link;
 - The application fee is \$5,181 to cover the Town's costs to process the application; and
 - A letter of request including the following information:
 - Why is this Variance necessary?
 - What are the hardships?
 - What are the physical circumstances of the site which require a Variance (size, shape, slope, trees, etc.)?
 - Is it possible to achieve your desired results in a manner consistent with the Zoning Ordinance?
 - Are there any other findings you would like Council to consider for your Variance request?
2. Once a complete application is filed, the variance request will be scheduled for the next available City Council meeting.
3. The Applicant will be notified of the date and you will be instructed to submit ten (10) set of reduced plans (11"x17") for Council packets.
4. After the public hearing, the City Council will approve, conditionally approve, or deny the Variance request, based on findings. The Applicant will be notified in writing of the Council's decision.
5. If the Variance is approved, a separate application and additional plans must usually be submitted, depending on the nature of the project, for Town Architecture and Design Review Board consideration.

If you have any questions, please call the Planning Office, 375-7422.

Planning Division

Town of Hillsborough
Variance Application

(Please Type or Print Legibly)

Property Address: _____

Property Owner(s): _____

Mailing Address: _____

Phone(s): _____ Email: _____

Project Contact (agent, architect, contractor): _____

Mailing Address: _____

BUSINESS LICENSE #: _____

Phone(s): _____ Email: _____

A Variance is a request for permission to vary from the regulations in the Hillsborough Municipal Code. The statutory justification for a Variance is that, without it, the owner would suffer unique hardship under the regulations because his/her particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location or surroundings. Variances cannot grant a "special privilege" which is inconsistent with the limitations on other nearby properties. Variance applications are carefully considered by the City Council and are only granted when there is a true legal hardship.

DEFINITION OF HARDSHIP. California's Government Code (Section 65906) provides that "Variances...shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity..."

This language means that, in general, there must be some unique feature of the land itself which makes applying the zoning regulation unjustified. Examples of hardships **not** relating to the land and therefore, absent other factors, not justifying a variance are hardships relating to the owner's personal circumstances (financial or otherwise), hardships arising from some condition the owner or his predecessor created, hardships relating to the amount of economic return development will bring, etc.