

## Variances

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### Description:

A variance is an exception to the normal requirements to the City's Zoning for the development of property.

### The Process:

- **Submit Application**  
Submit Variance application, Questionnaire and supporting documents to City Planning.
- **Project Review**  
All application packets must be received by a Planning Technician or Planner to determine if all submittal criteria have been met. A Project Planner will be assigned to process the application.
- **Surrounding Property Owner Notification**  
A letter of notification to the applicant and surrounding property owners will be mailed. A copy of the staff report is provided to the applicant prior to the hearing before the Board of Zoning Adjustment.
- **Project Approval**  
Staff will present the project request to the Board of Zoning Adjustment with a recommendation for approval or denial and/or with proposed conditions in a Public Hearing where the applicant and other interested parties will have the opportunity to speak.

The Board's decision is subject to appeal to the City Council within 15-days of the Commission's decision.

## Development Resources

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### Departments & Divisions:

#### Community & Economic Development

Planning (209) 577-5267  
Building Safety (209) 577-5232  
Land Development (209) 577-5462  
Engineering  
Infrastructure Financing (209) 577-5211  
Programs Administration

#### Fire Department

Fire Prevention (209) 571-5553

#### Parks, Recreation & Neighborhoods

Parks Planning & Development Division (209) 571-5573

#### Public Works

Main Number (209) 571-5569

### Online Development Information:

Development Center  
[www.modestogov.com/development](http://www.modestogov.com/development)

Community & Economic Development  
[www.modestogov.com/ced](http://www.modestogov.com/ced)

Fire Department  
[www.modestogov.com/mfd](http://www.modestogov.com/mfd)

Parks, Recreation & Neighborhoods  
[www.modestogov.com/prnd](http://www.modestogov.com/prnd)

Public Works  
[www.modestogov.com/pwd](http://www.modestogov.com/pwd)

City of Modesto Web Site  
[www.modestogov.com](http://www.modestogov.com)



CITY OF MODESTO  
**DEVELOPMENT**CENTER

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# Variances

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[www.modestogov.com/development](http://www.modestogov.com/development)

This brochure is provided by the:  
Community & Economic Development Dept.  
1010 Tenth Street, Suite 3300  
Modesto, CA 95354  
(209) 577-5267

## What is a Variance?

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A variance is an exception to the normal requirements of the City's Zoning for the development of property. As an example, an owner may wish to build a fence or structure closer to the property line than allowed by the Code.

### Requirements for a Variance

A variance is typically sought when a regulation restricts the use of property in relation to some unique feature of the property such as its shape or topography.

A Variance cannot be granted to allow a use that is not already permitted in the zoning district in which the property is found.

In order to grant a variance, the following three facts (or "findings") must be the case:

- (a) There are special circumstances or conditions applicable to the property or building in question, which do not exist for other property or buildings in the same zone and immediate vicinity.
- (b) The special circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of practical use of the property or buildings.
- (c) Granting the variance will be consistent with the intent and purpose of this chapter and will not be detrimental to the neighborhood or public welfare.

## Determination of Approval

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### Who determines if I am granted a Variance?

In the City of Modesto, the City Council has given the Board of Zoning Adjustment (BZA) the approval authority over Variances.

### What is the process and how long does it take?

Following the filing of a completed application, Planning staff will review the documents and refer them to other departments and agencies for comment, as necessary. When comments are received, Staff will provide a set to the applicant. These comments may necessitate revisions to the application, and will usually result in conditions of approval.

Staff will then prepare a staff report for the Board of Zoning Adjustment with a recommendation for approval or denial and/or proposed conditions (if approved). Staff will schedule a hearing and will publish a Notice of Hearing and mail notice to surrounding properties, as required by State Law. A copy of the staff report is provided to the applicant prior to the hearing before the Board.

Next, the request will come before the Board in a public hearing. At this hearing, the applicant and any other interested parties (such as neighbors) will have an opportunity to speak. You may have others speak on your behalf if you wish. After considering the written and oral evidence, the Board will make a decision. The Board's decision is subject to appeal to the City Council within fifteen days of the decision.

This process normally takes about 3 months if not appealed.

## How to Apply

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In order to apply for a variance, you will need to submit the following items. For further guidance, please see the Variance Submittal Requirements, which can be found online at [www.modestogov.com/development](http://www.modestogov.com/development).

- Completed application form signed by the property owner
- Environmental Information form
- Application fee (refer to fee schedule)
- Financial Interest Disclosure
- Variance Questionnaire
- 30 copies of site plan, folded to 8-1/2" x 11" (refer to site plan requirements)
- Six (6) sets of maps reduced to 8½" X 11" and ten (10) sets reduced to 11" X 17"
- Supplemental materials, such as photographs, which help provide additional information to the decision making body, may also be required

### Have questions?

We're here to help!  
Contact Planning at  
**(209) 577-5267**

