

**NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY**  
**PLANNING DEPARTMENT**  
ERIC ROOD ADMINISTRATION BUILDING  
950 Maidu Avenue, Suite 170  
Nevada City, California 95959-8617  
Phone: (530) 265-1222

**APPLICATION PACKET for a  
VARIANCE to ZONING REGULATIONS**

This packet contains filing forms and instructions for submitting a complete application for a Variance application. Variances are authorized by State Government Code Section 65906 Section, and Sec. L-II 5.7 of Zoning Regulations. A Variance is defined as “A departure from any provision of this Chapter for a specific parcel, except use, without changing the provisions of this Chapter or the zoning of the parcel. It may only be granted upon demonstration of a hardship based on the peculiarity of the property in relation to other properties in the same zoning district.” Variances *cannot be granted to allow a use that is not already permitted within the zoning district nor can a Variance be used to provide relief from a self-induced hardship or be based solely on economic hardship.*

You must complete all forms and submit all required supplemental documents or your application will not be accepted. Applications must be filed in person in the Planning Department before 4:30 p.m., Monday through Friday. Once a complete application has been filed, it will be assigned to a Planner and routed to applicable agencies for comment and review. Approximately 60 days after filing your application, you will receive a copy of a Staff Report prepared for your project which will include any recommendations for your project. Please read the Staff Report carefully so you understand what conditions will be attached to your approval. If you have questions you should call the project planner as soon as possible so that problems can be resolved before the hearing takes place. **You or your authorized representative must attend the public hearing or no action will be taken.** Surrounding property owners will also be notified of the hearing. During the hearing, the Zoning Administrator will consider the staff recommendation, your comments, and any input from the public. The ZA may either 1) approve your project; 2) approve it with conditions; 3) deny it; or 4) continue it for additional information if necessary. If there is specific ordinance criteria for the type of use you are proposing, you should obtain a copy of that ordinance. If you need general information regarding area variances or the process, or you need to discuss other options, please make an appointment with a Planner.

Immediately after filing your application please post your property with the pink Planning sign so it is easily identifiable by the agency representatives that will be inspecting your site.

**SUBMITTING A COMPLETE AND ACCURATE APPLICATION AND SITE PLAN  
WILL HELP TO MAINTAIN YOUR DESIRED HEARING SCHEDULE.**

**APPLICANT'S VARIANCE JUSTIFICATION**

*please type or print in black ink*

Pursuant to Sec. L-II 5.7 of Zoning Regulations, and Sec. L-XVI 2.6 Fire Safe Regulations (if applicable), of the County Land Use and Development Code, the following listed findings must be made by the hearing body in order to grant a variance. Please provide written explanation of why your request satisfies the required findings (attach a separate sheet for this information if necessary):

1. The variance, if granted, does not constitute the granting of a special privilege inconsistent with the limitations placed on other properties in the vicinity and in the same zoning district in which the subject property is located, because:

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2. There are special circumstances applicable to the subject property including size, shape, topography, location or surroundings and because of these circumstances, the strict application of the provisions of this Chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and in the same zoning classification, because:

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3. The variance does not authorize a use not otherwise authorized by the zoning district in which the property is located, because:

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4. The granting of the variance does not, under circumstances and conditions applied in the particular case, adversely affect the public health, safety, or welfare, the integrity and character of the District, nor the utility and value of nearby property, because:

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5. The variance is consistent with the Nevada County General Plan because:

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6. The variance is the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant, because:

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7. (*Applicable only to variances to fire protection measures, i.e., side and rear yard setbacks*) The granting of a variance provides the same practical effect of fire protection because the following substitute measures have been incorporated in to the project:

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**VARIANCE**  
**FILING INSTRUCTIONS & CHECKLIST**

This form must be filed with your application. Please check off (✓) each item to verify that the required information is attached. Your application will not be accepted if any required item is missing.

- ( ) 1. The signed and completed Application form, including a letter of authorization from the property owner(s) if forms are signed by a Representative.
- ( ) 2. Completed "Applicant's Variance Justification" form.
- ( ) 3. Filing fees pursuant to the most recently adopted Resolution of the Board of Supervisors.
- ( ) 4. The signed and completed Agreement to Pay Form.
- ( ) 5. Two copies of the property Grant Deed, verifying ownership and the legal description of each affected parcel.
- ( ) 6. The Hazardous Waste Statement forms.
- ( ) 7. Photos of the site and a site plan reduction indicating where photos were taken.
- ( ) 8. Two copies of building elevations and floor plans; including square footage calculations. Plans must be drawn to a recognizable scale.
- ( ) 9. 10 folded copies of a site plan drawn per instructions. All **plans must be folded** to a maximum 8 ½" X 14" size. Unfolded plans will not be accepted.
- ( ) 10. One 8 ½" x 11" reduction of the site plan.
- ( ) 11. If the project site is located within the very high wildland fire hazard area severity zone the applicant shall submit a Fire Protection Plan to be approved by the Nevada County Fire Marshal and/or his/her designee, per the requirements outlines in the Nevada County Land Use and Development Code Section L-11 4.3.18.

**FORM/CONTENT OF SITE PLAN**

The following information shall be provided on the site plan, if applicable.

- ( ) 1. The site plan shall be fully dimensioned and drawn to a commonly recognized architect's or engineer's scale, IN INK. The legal lot size shall be shown.
- ( ) 2. Provide a vicinity map showing the general project location (1" = 2000' scale) in relationship to the surrounding area with the mileage from the nearest County road shown. Include Section, Township, and Range.
- ( ) 3. Provide a North arrow and the scale to which the plan is drawn..
- ( ) 4. Provide a legend which includes:

- a. the project proposal ( Variance for .....
  - b. property owner(s)/applicant name(s)
  - c. applicant's representative, if any
  - d. date of Site Plan preparation
  - e. Assessor's Parcel Number
- ( ) 5. Show the location and names of all abutting roads, including rights-of-way boundaries, road centerlines, width of traveled way, type of surfacing and grades.
- ( ) 6. Show location of sewage disposal systems and wells.
- ( ) 7. Show all required setbacks for buildings, waterways, sewage disposal and well sites.
- ( ) 8. Show the location and purpose of all existing public and private utility easements.
- ( ) 9. Show location of all existing and proposed structures on the property; show their setbacks from property lines, label their use and show their size (gross square footage by floor).
- ( ) 10. Delineate any *applicable* environmentally sensitive areas as listed in Sec. L-II 4.3.3 of Zoning Regulations. Mapping should reflect any resources identified and mapped in any specialized studies that have been prepared for this project.

Note that applicability will vary, dependant on the type of land use. For example, variances for single family residential use will not be subject to the same Resource Standards that apply to other discretionary projects.

**NEVADA COUNTY PLANNING DEPARTMENT  
LAND USE APPLICATION**

*Please print or type in black ink*

<i>Type of application(s) for which you are applying:</i>		
<input type="checkbox"/> Tentative Map	<input type="checkbox"/> Ordinance Amendment	<input type="checkbox"/> Certificate of Compliance
<input type="checkbox"/> Use Permit	<input type="checkbox"/> Zone Change	<input type="checkbox"/> Voluntary Merger
<input type="checkbox"/> Development Permit	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Home Business
<input type="checkbox"/> Administrative Dev. Permit	<input type="checkbox"/> Variance	<input type="checkbox"/> Temporary Commercial Permit
<input type="checkbox"/> Boundary Line Adjustment	<input type="checkbox"/> Setback Easement	<input type="checkbox"/> Management Plan
<input type="checkbox"/> Other (specify): _____		
<b><u>PROJECT DESCRIPTION:</u></b> _____		
_____		
_____		

Assessor's Parcel No(s): \_\_\_\_\_

Applicant Name(s): \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

Telephone #: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_ FAX#: \_\_\_\_\_

Property Owners Full Names: \_\_\_\_\_

Property Owner Mailing Address: \_\_\_\_\_

Telephone #: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_ FAX#: \_\_\_\_\_

Name of Representative (if applicable): \_\_\_\_\_

Address of Representative: \_\_\_\_\_

Telephone #: ( ) \_\_\_\_\_ E-Mail: \_\_\_\_\_ FAX#: \_\_\_\_\_

Site address(es): \_\_\_\_\_ Acreage(s): \_\_\_\_\_

Water Source: \_\_\_\_\_ Method of Sewage Disposal: \_\_\_\_\_

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I hereby acknowledge that I have read the instructions for filing this application and state under penalty of perjury that the information provided on all attached documents is correct.

Signature of ( ) Property Owner(s) or ( ) Authorized Representative\*

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**\*Representative may sign application if a Letter of Authorization from the owner(s) is provided.**



# COUNTY OF NEVADA COMMUNITY DEVELOPMENT AGENCY

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-9854 <http://mynevadacounty.com>

Planning Department Environmental Health Building Department Sanitation Department Dept. of Public Works Agricultural Commissioner

## **AGREEMENT TO PAY FORM**

Nevada County Community Development Agency fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services in excess of a minimum fee collected, including re-inspections, are billed to the applicant based on the Board approved fee schedule in effect at the time the work is performed by staff. This *Agreement To Pay Form* must be signed and original signatures submitted to the NCCDA along with the completed permit forms and the initial payment of fees. Copies of current fee schedules are available from our Customer Service Staff or on the web at <http://www.mynevadacounty.com>

I/We understand that the NCCDA will bill as services are rendered, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing for the project/permit. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, does not guarantee the granting of any permits, approvals, or land use entitlements for which I/We are applying.

### **Site Information:**

### **Invoices and/or notices to be mailed to:**

APN: _____	Name: _____
Property Owner/Business Name (if applicable): _____	Address: _____
Address: _____	_____
_____	Telephone: _____
Email: _____	Email: _____

I would like to opt out of receiving County emails related to this project.

NCCDA Staff is authorized to consult with necessary governmental agencies concerning this project. They are also authorized to consult with the following individuals concerning this project:

*I certify under proof of perjury that I am the property owner or that I am authorized to enter into this fee agreement on his/her behalf. I have read the conditions concerning Nevada County Community Development Agency Fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date that the letter is received by the Nevada County Community Development Agency.*

\_\_\_\_\_  
Signature Dated: \_\_\_\_\_ CDL# \_\_\_\_\_  
\_\_\_\_\_  
Printed Name Tel #: \_\_\_\_\_

### **THIS SECTION FOR OFFICE USE ONLY**

Service: _____	Program: _____	Job No: _____
DPW #: _____	Project File #: _____	Billing Code: _____
Amount Collected: \$ _____	Receipt #: _____	Date of Receipt: _____
Service: _____	Program: _____	Job No: _____
DPW #: _____	Project File #: _____	Billing Code: _____
Amount Collected: \$ _____	Receipt #: _____	Date of Receipt: _____

**NEVADA COUNTY**  
**HAZARDOUS MATERIALS / WASTE STATEMENT**

APN: \_\_\_\_\_ Property Owner: \_\_\_\_\_

**Hazardous sites:** General Plan policy requires the County pursue the cleanup of sites contaminated by mine waste or other hazardous materials prior to approving land use projects. Where hazardous waste or hazardous materials may occur on a project site, a Phase I site assessment may be required prior to processing or approving your project. Respond to the following questions and provide the requested information:

1. Is there evidence of any past, potentially hazardous use on or near the project site, including underground fuel storage tanks, dumpsites, artillery ranges, surface or subsurface mining activity?

**Yes** Provide a Memo from the County Dept. of Environmental Health that adequate information is on file to accept the project for processing.

**No** List the research and/or source of information justifying your response.

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**Hazardous use.** It is the applicant's responsibility to understand the definition of "hazardous material" and "hazardous waste," as defined in the California Health & Safety Code, Chapter 6.5. The storage of hazardous materials and the generation of hazardous waste are regulated under federal, state and county codes. The storage of hazardous materials in quantities equal to or greater than, a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas; or the generating of hazardous wastes in any quantity, requires a permit from the Nevada County Department of Environmental Health.

2. **Will hazardous materials be used, or will hazardous waste be generated from the facility resulting from this project? Check the appropriate response and provide the listed information.**

**Yes** A Hazardous Materials Inventory Statement (HMIS), obtained from the Department of Environmental Health, must be filed with this project application.

**No** Explain why no hazardous materials are used for the proposed use or business:

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