

CHAPTER 14.81

VARIANCES

14.81.010 Intent and Purpose.

California Government Code Section 65906 establishes the authority of the City to grant variances to the development standards and provisions of the Zoning Code in cases where, because of special circumstances applicable to the property, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zones.

14.81.020 Applicability.

- A. A variance application shall be limited to deviations from any provision of Title 14 of the Los Altos Municipal Code is proposed, including, but not limited to, those standards related to height, lot area, yards, open spaces, setbacks, lot dimensions, signs and parking, unless otherwise specified. Deviations from code requirements not contained within Title 14 shall not be authorized to submit for a variance request.
- B. Variances may not be approved for uses or activities not otherwise expressly authorized by the Zoning Code. A variance is not a substitute for a zone change, zone text amendment, or conditional use permit.
- C. Personal, family, medical, and financial hardships and neighboring violations or legal non-conformities do not represent grounds on which to file a variance application.
- D. Variances to use provisions of the Zoning Code are prohibited.

14.81.030 Submittal Requirements and Review.

- A. Filing. An application for a variance shall be filed and processed in compliance with all applicable provisions of Title 14 of the Los Altos Municipal Code. The application shall include the information and materials specified in the Development Services Department handout for variance applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by this chapter.
- B. Project Review Procedures. Following receipt of a completed application, the Zoning Administrator shall investigate the facts necessary for action consistent with the purpose of this chapter.
- C. Notice, Hearings, and Appeals.
 - 1. A public hearing shall be required on a variance application. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 14.01.130 (Public Notice Requirements).
 - 2. The Commission's decision is appealable to the Council in compliance with Chapter 14.01.100 (Appeals).

14.81.040 Findings and Decision.

- A. A variance may be granted provided that the Zoning Administrator or Planning Commission, or the City Council on appeal, finds, after a full investigation and public hearing, that all the following are true:
 - 1. The variance does not grant or authorize a use or activity that is not otherwise allowed in the zone; and
 - 2. Special circumstances exist applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and the same zoning district; and
 - 3. The granting of the variance does not constitute a grant of special right or privilege inconsistent with the limitations upon other properties in the vicinity and the same zoning district; and
 - 4. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.
- B. Failure to make all the required findings shall require denial of the variance.

14.81.050 Conditions of approval/guarantees.

- A. In granting a variance, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.
- B. The conditions attached to variance may include such provisions concerning height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristic, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction authorized, revocation dates, and other conditions the Zoning Administrator or Planning Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.

14.81.060 Precedents.

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior variance is not admissible evidence for the approval of a new variance.

14.81.070 Runs with the Land.

Variations shall run with the land and confer the rights granted to and conditions placed upon the applicant onto subsequent property owners.