



## Planning & Community Development Department

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## Variances

**Purpose:** The purpose of a Variance is to provide relief from specific development regulations included in the zoning ordinance when there are circumstances unique to an individual lot that would make the productive use of the lot impracticable if the zoning regulations (such as yard setbacks or building height) were strictly applied.

**When Required:** A Variance is required to deviate from the specific development standards included in the zoning ordinance. A Variance cannot be issued for land uses or lot size requirements.

**Filing An Application:** Applications for a Variance are required to include: a completed and signed Planning Permit Application form; the submittal requirements identified on the application form; and the required fee. Applications are submitted to the Planning and Community Development Department.

**Project Review:** Projects are reviewed to determine: the unique circumstances associated with the property (such as size, shape, location, topography) that necessitate the request for a variance; that granting the variance would not be detrimental to neighboring property owners; and that the variance would result in granting a special privilege to the property owner inconsistent with the limitations on properties in the vicinity of the project that are subject to the same zoning regulations. Projects are referred to City Departments (such as Building, Public Works, Fire Department, Police Department, and Electric Utility) for review and comment. Projects are also sent to outside agencies that may have review or permitting authority over the Project.

**Environmental Review:** As part of reviewing the project, the planner assigned to the project will determine if environmental review is required. Minor projects may be exempt from the California Environmental Quality Act (CEQA). Larger projects may not be exempt from CEQA and may be required to provide additional information needed to complete the required environmental review.

**Public Hearing:** After the project has been reviewed by the City and outside agencies and environmental review has been completed, the project will be scheduled for a public hearing for review of the project by the decision maker. This includes publishing a public notice in the newspaper, posting notice on the project site, and mailing a public notice to property owners within 300 feet of the project site.

**Decision Making:** Variances requesting less than 50% relief from a yard setback requirement or a height increase of 5 feet or less over what is allowed by the applicable zoning district are reviewed and decided upon by the Zoning Administrator. All other variances are reviewed and decided upon by the Planning Commission. Staff will prepare a staff report for the project and make a recommendation to the decision maker to approve, conditionally approve, or deny the project. In order to approve a Variance, the project must be consistent with the findings required for approval (Ukiah City Code Section 9264(D)). The decision maker has the authority to approve, approve with conditions, or deny a variance.