



HOW TO APPLY FOR A VARIANCE

WHEN IS A VARIANCE REQUIRED?

An application for a variance is required when an exception to specific requirements of the Zoning Ordinance, Parking Regulations, and Sign Regulations is sought.

WHAT IS ITS PURPOSE?

A variance is a way of providing some flexibility in the application of regulations where they would result in a hardship due to physical peculiarities of a property. Applications cannot be accepted for variances due to density or land use.

WHAT DOES IT COST?

For an Administrative approval the initial application fee is a \$7,000.00 deposit to be used for the cost of staff review time and materials (no maximum) billed on a monthly basis. If the Variance has to go to the Planning Commission for approval the initial deposit is \$15,000.00. [See Planning Fee Schedule].

WHO APPROVES A VARIANCE APPLICATION?

The Planning Director or the Planning Commission acts on variance requests. Planning Director action may be appealed within 15 days to the Planning Commission; and Planning Commission action may be appealed within 10 days to the City Council.

WHAT ARE THE STEPS?

1. Make an appointment with a Planner to determine where your project varies from regulations, and to help identify any special circumstances that might apply to your property (or to identify ways your project could be designed comply).
2. Submit a completed application, filing fee, and required materials to the Planning Division.
3. A Planner will review your proposal to ensure the information is adequate, and refer the plans to effected departments, governmental agencies, and homeowners or business associations.
4. If findings can be made to support the variance and if it is minor in nature, the Planning Director may approve or deny the variance. Otherwise, a project planner will prepare a report analyzing your variance request and a public hearing will be scheduled before the Planning Commission.

WHAT MATERIALS DO I SUBMIT?

Obtain a copy of "Development Application Instructions" from the Permit Center or on-line at www.hayward-ca.gov.

HOW LONG DOES APPROVAL/DENIAL TAKE?

Administrative action on a variance request takes place 2 to 4 weeks after the application is deemed complete. A more lengthy time is necessary if a Planning Commission review is necessary.

WHAT IS INVOLVED IN A VARIANCE APPROVAL?

The applicant, the owner of the project site and property owners and residents within 300 feet of the boundaries of the project will be notified of the project early in the development review process. They are also notified of any approval action by the Planning director or of public hearings before the Planning Commission and City Council. At a Planning Commission hearing, the Planning Division staff report will be considered, along with applicant and public testimony, and the project may be conditionally approved or denied, or referred to City Council.

MAY A DECISION BE APPEALED?

An applicant or anyone who would be impacted by the decision of the Planning Director or Planning Commission may appeal the decision. To appeal, a written statement explaining one's objections must be filed with the Planning Division within 15 days of the Planning Director's decision or within 10 days after the decision has been made the Planning Commission. The appeal will be considered at a public hearing in approximately 4 to 6 weeks of its receipt.

WHEN ARE HEARINGS HELD?

The Planning Commission holds public hearings on Thursdays at 7:30 p.m. in the City Council Chambers, City Hall, 777 B Street, Hayward. The City Council holds public hearings on the first four Tuesdays of each month at 8:00 p.m.