

TOWN OF SAN ANSELMO

ORDINANCE 826

AN ORDINANCE AMENDING TITLE 10 CHAPTER 3, ARTICLE 21,
VARIANCES, OF THE SAN ANSELMO MUNICIPAL CODE

The Town Council of the Town of San Anselmo does hereby ordain:

Section 1. Article 21, Chapter 3, Title 10 of the San Anselmo Municipal Code is hereby amended to read as follows:

Section 10-3.2101. ~~Authorized.~~ When Authorized

When practical difficulties ~~unnecessary-hardships~~, or results inconsistent with the purposes and intent of this chapter, may result from the strict application of certain area, height, yard, parking, and space requirements thereof, variances from such requirements may be granted as provided in this article.
(Ord. 485, eff. January 10, 1963)

Section 10-3.2102. Application: Fee.

Applications for ~~variances~~ shall be made in writing, signed by the property owners on a form prescribed by the Planning Commission, and shall be accompanied by a fee established by resolution, no part of which shall be returnable to the applicant, and by statements and eight (8) sets of plans and other evidence showing:

~~(a) That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district;~~

~~(b) (a) That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and~~

~~(c) (b) That the granting of such application, under the circumstances of the particular case, will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.~~

(Ord. 485 eff. January 10, 1963, as amended by § 1, Ord. 502, eff. December 19, 1963, and § 6, Ord. 707, eff. June 22, 1976)

Section 10-3.2103. ~~Public hearings~~ Hearings.

~~The Planning Commission shall hold public hearings on all applications for variances. Notice shall be given as provided in Section 10-3.2003 of Article 20 of this chapter.~~

(Ord. 485, eff. January 10, 1963, as amended by Ord. 731, eff. May 26, 1977)

Section 10-3.2103. Hearings(continued)

(a) All variance applications shall be heard as a public hearing before the Planning Commission except as hereinafter provided in Section 10-3,2104 below. All notices for such hearings shall be given as provided in section 10-3.2003 of this Code.

(b) Following a public hearing, in approving or disapproving the application, the Planning Commission shall make findings of fact determining whether the necessary elements for the granting of a variance exist in the matter under consideration.

Section 10-2104. ~~Action-by-the-Planning-Commission-~~

~~Following the public hearing the Planning Commission shall have entered in the minutes the findings of facts showing whether the qualifications of Section 10-3-2102 of this article apply to the land, building, or use for which the variance is sought and whether such variance shall be in harmony with the general purposes of this chapter. Such findings of facts shall be the basis for approval or disapproval by the Planning Commission.~~

(Ord. 485, eff. January 10, 1963)

Section 10-2104. Administrative Variances

The Town Council, by resolution, may establish categories and types of variances to be heard and acted upon by the Planning Director who shall apply the same criteria as the Planning Commission.

Notice of applications for an Administrative variance shall be given to abutting property owners, including properties directly across from the subject property.

Any interested party may appeal the decision of the Planning Director to the Planning Commission.

Section 10-2105. Revocation.

(a) In any case where the conditions of granting a variance have not been complied with or are being violated, the Planning Commission Director shall give ~~notice-in-writing~~ written notice to the permittee ~~of-its~~ of the Town's intention to revoke such variance at a public hearing before the Planning Commission. Notice shall be given at least ten (10) days prior to ~~the-hearing-thereon~~ said hearing. ~~The procedure for~~ Notification shall be the same as provided in Section 10-3,2003 ~~of-Article-20~~ of this chapter. Pending the hearing, the Planning Director may issue a stop work order ~~shall-be-issued~~ ordering all further work, use or activity directly related to the variance to cease and desist, immediately. ~~After-the-hearing,-the-Planning-Commission-may-revoke-such-variance-~~

(b) In any case where a variance has not been used or accomplished within one year after the date of the granting thereof, ~~then, without~~

Section 10-2105. Revocation. (continued)

further action by the Town, the variance granted shall expire and become null and void. the variance granted shall automatically expire and become void without further action by the Town provided, however, that prior to expiration of a variance, the Planning Commission Director may, upon written application showing good cause, grant an extension of time not exceeding one additional year.

Section 10-3.2106. Exceptions

(a) In the event of a major natural occurrence, such as a flood or earthquake, after the Town Council has made a formal declaration of disaster, structures which have been damaged as a direct result of said occurrence may be reconstructed substantially as they existed prior to the occurrence without the necessity of a variance. The Planning Director shall have sole discretion to determine whether such reconstruction is in accord with the intent of this section, and shall require an approved variance when significant changes from the original structure are proposed.

(b) In the event a legal non-conforming structure is removed solely to provide access for purposes of construction or reconstruction of another structure, and where the structure removed is to be restored identically to its then condition, modified only by current building code requirements, the Planning Director may authorize the replacement without the necessity of a variance.

Dated: June 22, 1982

ATTEST:

Caroline Foster
CAROLINE FOSTER, Town Clerk

George Buckle
GEORGE BUCKLE
MAYOR

The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on May 25, 1982, and was thereafter at a regular meeting of the Town Council held on June 22, 1982, duly passed and adopted by the following vote:

AYES: Councilmembers Toal, Capurro, Wooliever, Ollinger, Buckle

NOES: None

ABSENT: None

Caroline Foster
CAROLINE FOSTER, TOWN CLERK