

SEWER PERMIT VARIANCE APPLICATION **Information, Checklist & Forms**

Development proposed on parcels which are either nonconforming or antiquated, or which include a non-buildout living unit (see the *Definitions* below) in the unincorporated areas of San Mateo County, must obtain a Variance from the District before applying for a sewer permit. This packet provides information, instructions, and forms to submit an application for a Variance. Please note that you *do not* need to obtain any approvals from the County of San Mateo prior to submitting a Variance Application to the District.

DEFINITIONS

NON-CONFORMING PARCEL: A legal parcel with an area, width and/or frontage that does not conform with the minimum building site area, width or frontage required by the zoning regulations currently in effect. Including but not limited to; a parcel less than 5,000 square feet in the S-17 Zone District; a parcel less than 10,000 square ft in the S-94 Zone District.

ANTIQUATED PARCEL: A parcel which is; shown on a map first recorded prior to August 14, 1929 and the parcel has not subsequently been approved by a recorded final subdivision map, and it has not been lawfully created for land use purposes by having been the subject of a legal conveyance into ownership separate from all contiguous parcels; or not shown on any recorded map, but is shown on a deed recorded prior to March 4, 1972, or the effective date of the first ordinance requiring approval of a minor land division by the County of San Mateo, whichever is earlier, but it has not been lawfully created for land use purposes by having been the subject of a legal conveyance into ownership separate from all contiguous parcels.

NON-BUILDOUT: A mixed use, caretaker and other residential unit not included in County of San Mateo Local Coastal Program buildout calculations, or any proposed dwelling unit not included in buildout calculations, including but not limited to any dwelling unit in the RM/CZ, COSC, and C-1 Zone Districts.

The Granada Sanitary District adopted Ordinance No. 139 to clarify the authority of the District Board to deny an application for a sewer permit for a nonconforming or antiquated parcel, or non-buildout dwelling unit where the District lacks sufficient approved improvements to eliminate wet weather sewage overflows or where the District's ability to serve a conforming parcel in the future would be adversely affected. As a result, the District implemented a Variance Application procedure for projects on nonconforming or antiquated parcels, and projects proposing a non-buildout dwelling unit.

Applications for parcels under 4,750 square feet, zoned S-17 or S-3, and under 8,800 square feet, zoned S-94, are considered on a semi-annual basis only. No more than one semi-annual variance from among such variance applications submitted during the preceding six months will be granted. All other variance applications are considered on an unlimited basis.

Before you start, please carefully read the Variance Application Checklist and the General Provisions provided in this packet. The Checklist itemizes the documents that you must have to submit a complete application, and the General Provisions outline the *findings* that must be met for the Variance to be granted.

To start your application, complete, sign and date the Variance Application Form provided in this packet. Compile the other documents on the checklist. When you have all of the required items, contact the District office at (650) 726-7093 to schedule an appointment to submit your application. Please be prepared to pay the application fee of \$750.00 by check or money order. The District does not accept credit cards.

Please use the Checklist to ensure that you have all of the necessary documentation required for your application. Applications without all of the required information and documents will not be accepted.

After submitting your application, the District will review the data and prepare a *Findings Report*. This process will take approximately three to four weeks. Be advised that the District may need to contact you to obtain additional information during the processing period, which can extend the processing time. Otherwise, you will be contacted by staff member once a meeting date is scheduled with your Variance consideration. Variances are considered at regular meetings of the Board of Directors, held on the third Thursday of each month. At the meeting, the District Board will evaluate your application and the evidence submitted by you, to determine whether the required findings have been met in order to grant the Variance. Feel free to contact the District office at (650) 726-7093 to obtain the status of a pending application.

If a Variance is granted for your project, please obtain a standard application form and the **General Information Sheet for Sewer Permit Applications**. You may submit a standard application after your project is approved by the County Planning Department.

Please note that in the event there are any adverse or significant changes made to your project, including a change in use after a Variance is granted, your project must be re-approved by the Board of Directors. Please notify the District office as soon as possible if your approved project undergoes any changes.

VARIANCE APPLICATION CHECKLIST

All applicable items on checklist must be provided:

(Check off Items)

- _____ A completed Variance Application Form. (Provided - Attachment "B")
- _____ A Complete set of Building Plans, which include the location of the sewer lateral, building footprint (or percentage of impervious surfaces), building elevations, and topographical map indicating the type and size of all trees located on the parcel and those, if any, to be removed. (Plans must be legible).
- _____ A copy of the latest recorded Grant Deed including a legal description of the subject parcel.
- _____ A written statement of relevant facts comparing contiguous or nearby properties. (This must be provided by the applicant. Please reference your name, mailing address, and the Assessor's Parcel Number (APN) of the parcel the application is for).
- _____ A Chain of Title Report showing all transactions claimed to constitute sale, lease or financing of the subject parcel from the date applicant contends the parcel was first legally created to the date of the Variance application being submitted. (Approximate start date for report will be 8/14/29. Report may be provided by a Title Insurance Company).
- _____ Verification of Parcel Square Footage. (If ascertainable, an Assessor's Parcel Map and Deed will be acceptable. If the parcel square footage is either unclear or less than two percent from the stated minimum parcel sizes for a variance, then a survey or a written evaluation from a licensed surveyor or engineer is required).
- _____ Parcel size and setback for each contiguous parcel, and the name and address of each such contiguous parcel owner.
- _____ Owner's Designation of Agent form, if applicable. (Provided - Attachment "C")
- _____ A signed "No Acceptance of Fees" Statement. (Provided - Attachment "D")
- _____ Payment of \$750.00 Variance Application Fee. By check or money order payable to the "Granada Sanitary District."

THE ITEMS BELOW ARE REQUIRED ONLY IF THE SUBJECT PARCEL SHARES A PROPERTY LINE WITH A VACANT PARCEL, OTHERWISE PLEASE DISREGARD.

- _____ A Chain of Title Report for any undeveloped contiguous*^(SEE FOOTNOTE BELOW) parcel. (This is not applicable if contiguous parcel is developed and in separate ownership).
- _____ Evidence that each contiguous parcel owner has been offered fair market value for a portion of their property, such that the subject parcel would be rendered conforming. (This is not required if contiguous property is not vacant or is developed and does not exceed minimum parcel size under the County Zoning Ordinance).
- _____ Verification that the subject parcel does not qualify for a merger, if applicable. (The property owner may satisfy this finding by obtaining a merger from the County, recording a merger by deed, or recording a deed restriction precluding development of the property as two separate parcels).

* FOOTNOTE: A CONTIGUOUS PARCEL IS ANY PARCEL SHARING A BOUNDARY LINE WITH THE SUBJECT PARCEL.

Only applications with all required documents will be accepted.

Attachments:

- General Provisions – “A”
 - Variance Application Form – “B”
 - Owner’s Designation of Agent Form – “C”
 - No Acceptance of Fees Statement – “D”
-

Additional documents provided upon request:

(A coping fee may apply)

- GSD Ordinance No. 139: Clarifying the Authority of the District Board to deny an application for a sewer permit for a nonconforming or antiquated parcel, or non-buildout dwelling.
 - GSD Ordinance No. 140: Relating to Permit Issuance.
 - GSD Ordinance No. 142: Amends Ord. No. 139 to reduce the minimum size of parcels which may be granted.
 - GSD Ordinance No. 145: Established a Variance procedure for Mixed Use and non-buildout residential units.
 - GSD Ordinance No. 154: Variance procedure changes.
 - General Information - Sewer Permit Applications.
 - Sewer Lateral Specifications.
-

**GENERAL PROVISIONS
VARIANCE APPLICATIONS**

DISTRICT CODE SECTION 603 (Excerpts)

VARIANCE APPLICATION: General Provisions.

(A) A variance application (or reapplication) may only be processed after payment of an application fee to the District in the amount established in the District Fee Resolution and submittal of a complete application containing all evidence relevant and necessary (whether or not supportive of variance approval) for the District Board to evaluate whether the required findings are supported by a preponderance of the evidence.

(B) Nothing in the District Ordinance Code shall require the District to grant any variance if the District Board determines that the required findings cannot be made.

(C) Recordation of the sewer permit may be required by the District Board, including all conditions of approval for such permit, or any variance issued, in a manner satisfactory to the District.

Nonconforming Parcels.

(A) A variance may only be issued for nonconforming parcels based on evidence submitted to the District Board which the District Board determines to be sufficient for it to make each of the following findings:

(i) Where the property is shown on a map first recorded prior to August 14, 1929 and has not been approved after March 4, 1972 by a recorded final subdivision map, it has been lawfully created for land use purposes by having been the subject of a legal conveyance into ownership separate from all contiguous parcels. Where a parcel is 4,750 square feet or greater in the S-17 or S3 Zoning Districts, or 8,800 square feet or greater in the S-9 Zoning District, a chain of title shall not be required to establish a basis for this finding unless determined to be necessary by the District Board.

(ii) Where the property is not shown on any recorded map, but is shown on a deed recorded prior to July 20, 1945, it has been lawfully created for land use purposes by having been the subject of a legal conveyance into ownership separate from all contiguous parcels.

Where a parcel is 4,750 square feet or greater in the S-17 or S3 Zoning Districts, or 8,800 square feet or greater in the S-9 Zoning District, a chain of title shall not be required to establish a basis for this finding unless determined to be necessary by the District Board.

(iii) Where the property is in the Coastal Zone, it has not been conveyed into ownership separate from all contiguous parcels for the first time after the February 1, 1973 effective date of vested rights under the California Coastal Act without a Coastal Development Permit approving a land division for the creation of such parcel.

(iv) Unless a parcel is 4,750 square feet or greater in the S-17 or S-3 Zoning Districts, or 8,800 square feet or greater in the S-9 Zoning District, a Certificate of Compliance or Conditional Certificate of Compliance has been issued for the property, and if the property is in the Coastal Zone, a Coastal Development Permit process was conducted for the issuance of such Certificate, if required by law or regulation.

(v) There are no features of the property or the development proposed thereon which have the potential to have a greater than usual contribution to wet weather sewage overflow.

(vi) Provision of sewer service to the parcel which is the subject of the application would not significantly adversely affect the ability of the District to serve a conforming parcel in view of the applicable buildout limits in the County of San Mateo Local Coastal Program.

(vii) Granting of the variance would not constitute a special privilege not available to other property owners similarly situated.

(viii) The property owner has demonstrated by a preponderance of the evidence presented to the District Board that the parcel cannot be rendered conforming (without rendering any contiguous parcel nonconforming) by acquisition of one or more contiguous parcels by payment of fair market value for such contiguous parcel(s).

(ix) The component lots comprising the property do not qualify for merger or will be merged or rendered undevelopable as a condition of the issuance of the variance.

(x) The current property owner will not voluntarily accept a refund of fees, charges and/or assessments paid in exchange for agreement that the parcel will not ever be used to generate wastewater or garbage and there is no adopted District policy to unilaterally implement such a refund.

(xi) For parcels which are less than 4,750 square feet in the S-17 or S-3 Zoning Districts, and for parcels which are less than 8,800 square feet in size in the S-9 Zoning District, the variance application was considered at a semi-annual meeting of the District Board held to consider and grant a total of no more than one semi-annual variance from among such variance applications submitted during the preceding six months based on the comparative merits of such application.

Residential Units Not Counted in Buildout Calculations.

(A) A variance may only be issued for mixed use, caretaker and other residential units not included in County of San Mateo Local Coastal Program buildout calculations, based on evidence submitted to the District Board which the District Board determines to be sufficient for it to make each of the following findings:

(i) The size of such a residential unit does not exceed 35 percent of the square footage of the main building or 750 square feet, whichever is less

(ii) Those findings required in subsection (03) (v) through (vii) above have been met.

(iii) The variance application was considered at a semi-annual meeting of the District Board held to consider and grant a total of no more than one semi-annual variance from among such variance applications submitted during the preceding six months based on the comparative merits of such variance applications.

GRANADA COMMUNITY SERVICES DISTRICT

504 Avenue Alhambra, Third Floor · P.O. Box 335 · El Granada, CA 94018
Telephone: (650) 726-7093 · Facsimile: (650) 726-7099

VARIANCE APPLICATION

Parcel Information: Assessor's Parcel Number: _____/_____/_____ Lot(s): _____ Block: _____
Parcel Address or Location: _____

Owner: Name(s) _____ Phone: _____
Address: _____ Fax #: _____
_____ Cell #: _____

Owner's Agent: Name(s) _____ Phone: _____
Address: _____ Fax #: _____
_____ Cell #: _____

Contractor: Name(s) _____ Phone: _____
Address: _____ Fax #: _____
_____ Cell #: _____

Parcel Sq. Footage.: _____ Zoning District: _____ Structure(s) Sq. Footage: _____
(Total)

Type of development (Check one): Single Family Dwelling: _____ Multiple Unit/Apartments: _____
Mixed Use (Commercial Use Structure with a Living Unit): _____

Are there any trees on the parcel (Yes/No)?: _____ If yes, how many?: _____ # to be Removed: _____

Additional Comments: _____

For Single Family Dwellings Only:

Dwelling Sq. Ft.: _____ Garage: _____ No. of Bedrooms: _____ No. of Baths: _____

For Mixed Use Only:

Check or Enter No.: Warehouse(s): _____ No. of Offices: _____ Square footage of Living Unit: _____

Applicants Signature: _____ **Date:** _____

Printed Name: _____ Address: _____

FOR DISTRICT USE ONLY (Please do not write below this line)

Attachments Provided:			DATE RECEIVED: _____	
<input type="checkbox"/> Grant Deed	<input type="checkbox"/> Sq. Ft. Verified	<input type="checkbox"/> Contig Owner Info	<input type="checkbox"/> Agent Form	
<input type="checkbox"/> Chain of Title	<input type="checkbox"/> Contig Vac Parcel Setbk	<input type="checkbox"/> No Acpte Stmt	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Building Plans	<input type="checkbox"/> Contig Fair Mkt Doc	<input type="checkbox"/> Merger Docs	Complete?: YES NO	
No. of NCA's: _____ No. Needed: _____		NCA Pur App Needed?: YES NO		Application Fee: \$ _____

GRANADA COMMUNITY SERVICES DISTRICT
504 Avenue Alhambra, Third Floor ~ P. O. Box 335 ~ El Granada, California 94018
Telephone: (650) 726-7093 ~ Facsimile: (650) 726-7099 ~ E-mail: gsd@granada.ca.gov

DESIGNATION OF AGENT (OPTIONAL)

The property owner may designate an agent to act on his or her behalf by completing and signing this form, and submitting it with a permit application. When a Designation of Agent form is submitted, the property owner authorizes the designated the agent to do the following:

1. Complete and file a permit application for the owners property,
2. To represent the Owner in all transactions with the District regarding the permit application,
3. To take receipt of the permit issued in the property owners name.

To designate an agent, please complete the following:

Agent's Name: _____
 Street Address: _____
 City & Zip: _____
 Mailing Address: _____
 City & Zip: _____
 Telephone/Cell: (____) _____ (____) _____
 Fax: (____) _____

Is the agent an attorney in good standing and licensed to practice law in the State of California? Y or N (circle one)

Is the agent a real estate broker or salesperson in good standing and licensed as such by the State of California? Y or N (circle one)

Owner(s) signature(s) designating the person identified above as the Owner(s) agent:
(All property owners must sign if more than one)

Signature: X _____ **Date:** _____

PRINTED NAME: _____

Signature: X _____ **Date:** _____

PRINTED NAME: _____

Agent's Signature accepting Owner(s)' designation as the Owner(s) agent:

Agent's signature: X _____ **Date:** _____

PRINTED NAME: _____

Granada Community Services District

PROPERTY OWNER STATEMENT
"NO ACCEPTANCE OF FEES"

I / we _____ have submitted a sewer permit Variance Application to the District regarding the Property described as _____, (Enter address or, if vacant, enter "Vacant" with the street name, parcel lot number and block number), Assessor's Parcel No(s). _____-_____-_____, and hereby voluntarily make the following declaration in order to comply with District Ordinance Code section 603c.2(k):

I / we will not agree to the removal of any Granada Sewer Bond assessment levy and the refund of fees, charges and prior paid assessments in exchange for an agreement not to ever develop the property and not to ever generate wastewater or garbage from the property.

Current Property Owner(s):

Signature:

Date:

X _____

(NAME PRINTED)

Signature:

Date:

X _____

(NAME PRINTED)

**REQUIRED FINDINGS FOR RESIDENTIAL UNITS NOT COUNTED IN SAN
MATEO COUNTY LCP BUILD-OUT CALCULATIONS.**

- (1) **REQUIRED FINDING:** There are no features of the property or the development proposed thereon which have the potential to have a greater than usual contribution to wet weather sewage overflow.

INFORMATION REQUIRED: Site Plan, Topographic Map and Building Permit plans for the subject parcel including calculations by the drafter of the plans showing the percentage of the subject parcel covered with impervious surfaces.

- (2) **REQUIRED FINDING:** Provision of sewer service to the parcel which is the subject of the application would not significantly adversely affect the ability of the District to serve a conforming parcel in view of the applicable buildout limits in the County of San Mateo Local Coastal Program.

INFORMATION REQUIRED: The District already has or can obtain this information in the form of documentation showing the number of parcels in the District which have merged or which had their development rights transferred or otherwise eliminated since the completion of the Parcel Inventory and Development Potential Assessment for the Granada Sanitary District (prepared by J. Laurence Mintier & Associates in association with Kennedy/Jenks Consultants (District Engineer)). The District will apply the information to the application before it.

- (3) **REQUIRED FINDING:** Granting of the variance would not constitute a special privilege not available to other property owners similarly situated.

INFORMATION REQUIRED: Written statement of relevant facts from Applicant comparing contiguous or nearby properties.