

COUNTY OF NAPA  
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

**VARIANCE**

**APPLICATION PACKET**

1. Information/Application Procedures
2. Application Completeness Checklist
3. Application Form
4. Indemnification Form
5. Adjoining Property Owner List Requirements
6. Site Plan Requirements with Samples
7. Excerpts from County Code

**PRE-SUBMISSION REQUIREMENTS**

Prior to the submission of your application materials, please call Planning Division Secretary at (707) 253-4417 to schedule a pre-submittal application review meeting (See Completeness Checklist). The purpose of the meeting is to review your application to make sure it is complete for submittal. According to state law, your application will receive a determination of completeness within thirty (30) days after submittal.

NAPA COUNTY  
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

VARIANCE APPLICATION INFORMATION AND PROCEDURES

A VARIANCE is a procedure to be considered when the planned construction does not conform to established zoning requirements and where practical difficulties or unnecessary hardship results from the strict application of the standards and provisions of the Napa County Zoning Ordinance. Variances may be sought to such regulations as height and setbacks, but not to increase project density or use limitations.

A VARIANCE application must be supported by evidence of genuine hardship. Three (3) findings must be made to grant a variance:

1. 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 use in the same Zone or in the immediate area.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.
3. That the granting of such application will not, under the circumstances of the particular case, adversely effect, the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

FOR ADDITIONAL OR DETAILED INFORMATION, WRITE OR CALL THE:

**NAPA COUNTY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**  
**1195 Third Street, Suite 210**  
**Napa, California 94559**  
**(707) 253-4417**

# VARIANCE

## APPLICATION COMPLETENESS CHECKLIST

1.    \_\_\_    Completed and Signed Application Form.
2.    \_\_\_    Narrative describing the project.
3.    \_\_\_    To-Scale Site Plan (including one black-line 8 1/2" by 11" reduction).
4.    \_\_\_    Title Insurance Co. Certified List of Property Owners within 1000 feet of the Subject Parcel, Specifying Name, Address, and Parcel Number.
5.    \_\_\_    Assessor's Pages Used in Compiling Adjoining Property Owners List.
6.    \_\_\_    Check for \$\_\_\_\_\_ made out to County of Napa.
7.    \_\_\_    Additional Information Required by the Planning Division.

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A Tradition of Stewardship  
A Commitment to Service

FILE # \_\_\_\_\_

**NAPA COUNTY**  
**PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**  
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

**APPLICATION FORM**

FOR OFFICE USE ONLY

ZONING DISTRICT: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
TYPE OF APPLICATION: \_\_\_\_\_ Date Published: \_\_\_\_\_  
REQUEST: \_\_\_\_\_ Date Complete: \_\_\_\_\_

TO BE COMPLETED BY APPLICANT

PROJECT NAME: \_\_\_\_\_

Assessor's Parcel #: \_\_\_\_\_ Existing Parcel Size: \_\_\_\_\_

Site Address/Location: \_\_\_\_\_  
No. Street City State Zip

Property Owner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
No. Street City State Zip

Telephone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-Mail: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
No. Street City State Zip

Telephone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-Mail: \_\_\_\_\_

Status of Applicant's Interest in Property: \_\_\_\_\_

Representative Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
No. Street City State Zip

Telephone # (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_ E-Mail: \_\_\_\_\_

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

\_\_\_\_\_  
Signature of Property Owner Date Signature of Applicant Date

\_\_\_\_\_  
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES  
Total Fees: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

**REASONS FOR GRANTING A VARIANCE**

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

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2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

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3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.

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## INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

\_\_\_\_\_

Applicant

\_\_\_\_\_

Property Owner (if other than Applicant)

\_\_\_\_\_

Date

\_\_\_\_\_

Project Identification

## **ADJOINING PROPERTY OWNER LIST REQUIREMENTS**

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **1000 feet** of the property boundary of the project site. The list shall include the property owner's names, their addresses and the assessor's parcel numbers of the property owned.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. Each such list must be certified by a title insurance company as reflecting the most recent County tax roll information.

### **INSTRUCTIONS TO TITLE COMPANY**

Please prepare the property owners' list as follows:

1. Type the property owners' names, parcel numbers and mailing addresses on an 8½" by 11" sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by Planning, Building and Environmental Services
2. Submit a full page copy of the assessors' parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.

If you should have any questions, please contact Planning, Building, and Environmental Services at 707/253-4417.

## SITE PLAN REQUIREMENTS

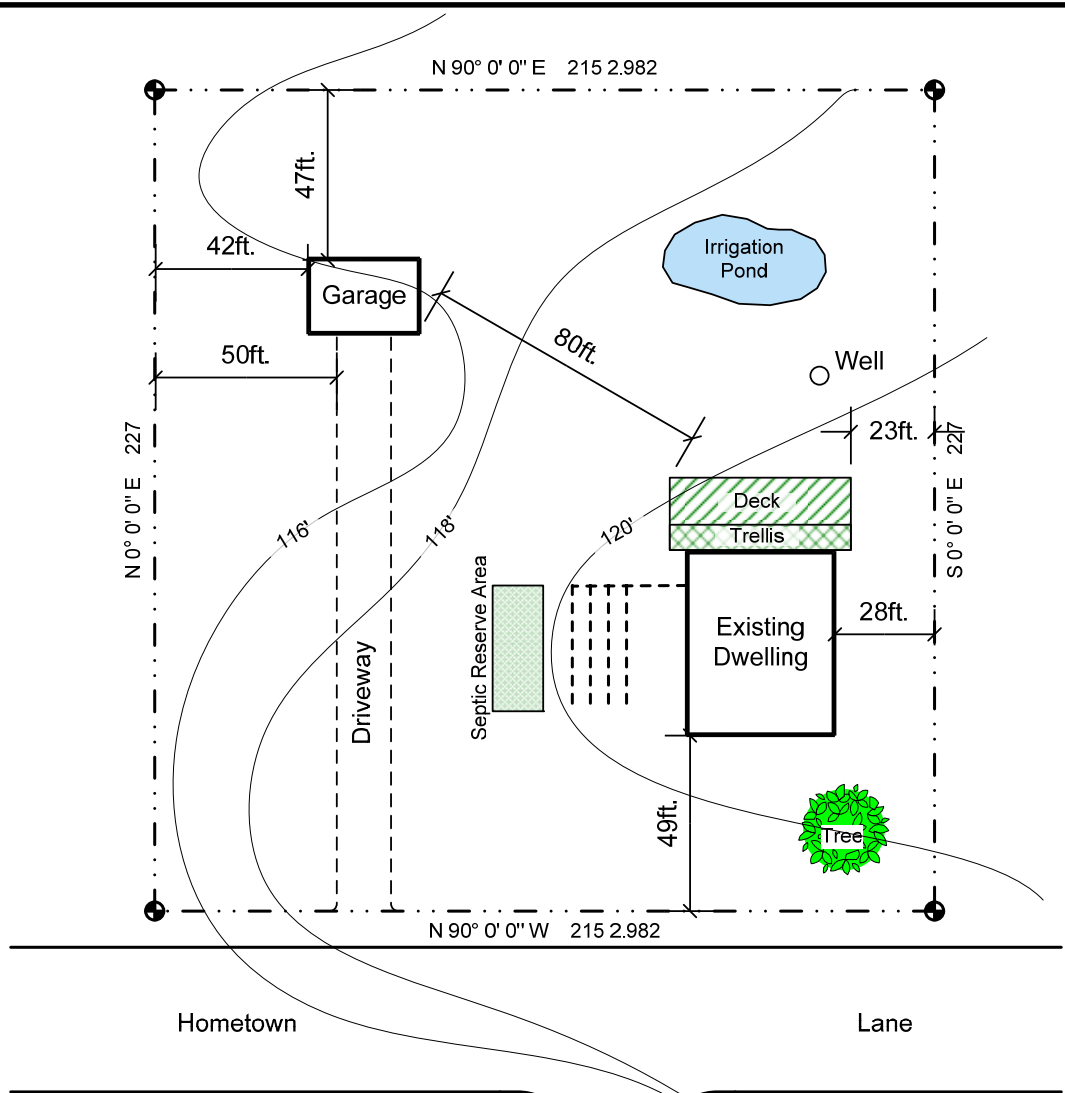
### SITE PLAN REQUIREMENTS

Four (5) copies of a plot plan drawn to scale showing the following information:

- a) Property lines of the subject parcel.
- b) Name of property owners and assessor's parcel numbers.
- c) Location and names of all streets and rights-of-way serving the parcel(s).
- d) Topography in sufficient detail to properly assess the relationship of the proposed project and/or use to the contour of the land.
- e) Location of any drainage courses, ponds or reservoirs on or adjoining the parcel(s).
- f) Location and setbacks of existing and proposed property improvements (structures, waste disposal systems, wells, access roads and parking, etc.) from the property line(s) of the subject parcel.
- g) North arrow, graphic map scale, date plan prepared, and applicant's name.

**Plans on sheets larger than 8½" by 11" shall be accompanied by one (1) clear, clean, readable, black-line reduction on 8½" by 11" paper. A graphic scale of the reduced plan shall be indicated.**



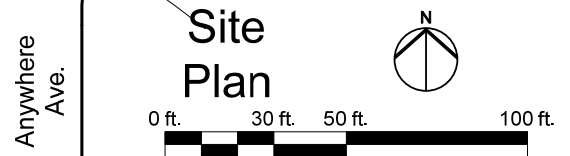


Each different plan shall fill a minimum 11" x 17" sheet of paper.  
 Plans and notes shall be legible.  
 Provide all of the information requested in the title blocks.  
 Indicate the scale and show a North Arrow on each site plan.  
 Did you remember to:

- Show access to property.
- Show all property lines and the distances of all structures to those property lines.
- Show all roads, streets, driveways, rivers, reservoirs, dams, creeks, streams, paths and the distance from centerline of roads, streets and highways.
- Show all buildings and/or structures on the property, existing and proposed and the distances between those buildings and/or structures.
- Show all easements.
- Show all water wells, fire hydrants, water storage tank(s), LP gas tank(s).
- Show all septic system(s) and required 100% expansion area (reserve area). \*
- Show stock pile(s) of dirt, soil, rocks and/or earth.

Five copies of the site plan are required for all building permits.

\*Reserve area is a County code requirement. You must identify an adequate reserved area on your site plan.  
 This reserve area will be reviewed on a case by case basis. If you have a very small parcel or a parcel with unusual site constraints you may be required to prove reserve area before a clearance on your building permit may be issued.



APN:
Name:
Address:
Phone:



**COUNTY of NAPA**  
 OFFICE OF PLANNING, BUILDING & ENVIRONMENTAL SERVICES  
 Sample Site Plan for Permit Submission

## 18.126.060 Permit—Issuance prerequisites.

Issuance of an administrative permit is subject to the following standards:

- A. An administrative permit for a temporary event shall not be issued unless the application complies with [Chapter 5.36](#) and the standards set forth in the Temporary Events Manual.
- B. An administrative permit for a home occupation shall not be issued unless the application complies with the standards contained in [Section 18.104.090](#)
- C. An administrative permit for certain entry structures and fences shall not be issued unless the application complies with the standards contained in [Section 18.104.270](#) or [Section 18.104.275](#)
- D. An administrative permit for a directional sign shall not be issued unless the application complies with the standards contained in subsections (A) and (B) of [Section 18.116.030](#)
- E. An administrative permit for an identification sign shall not be issued unless the application complies with the standards contained in [Section 18.116.035](#)
- F. An administrative permit for a comprehensive sign plan shall not be issued unless the application complies with the standards contained in [Section 18.116.035](#)
- G. An administrative permit for an agricultural sign shall not be issued unless the application complies with the standards contained in subsection (C) of [Section 18.116.030](#)
- H. An administrative permit for a temporary off-site sign shall not be issued unless the application complies with the standards contained in subsection (G) of [Section 18.116.030](#)
- I. An administrative permit for a construction trailer shall not be issued unless the application complies with the following standards:
  - 1. A building permit for a residential use has been issued for the property upon which the trailer will be located;
  - 2. The trailer is for use by the owner/builder;
  - 3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
  - 4. The trailer meets applicable county setback requirements.
- J. An administrative permit for a medical or caregiver trailer shall not be issued unless the application complies with the following standards:
  - 1. The property owner or occupant of the property has provided written documentation from a licensed physician indicating the property owner's or occupant's need for twenty-four-hour, in-home medical care;
  - 2. The trailer meets applicable county department of environmental management requirements for sewer and water; and
  - 3. The trailer meets applicable county setback requirements.
- K. An administrative permit for an office trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted for the property upon which the trailer will be located and a building permit for the office is either in process for issuance or has been issued;
  2. The trailer will be used during the daytime for business purposes only and no overnight lodging will occur;
  3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
  4. The trailer meets applicable county setback requirements.
- L. An administrative permit for a watchman trailer shall not be issued unless the application complies with the following standards:
1. A use permit has been granted and a building permit (if required) is either in process for issuance or has been issued for the property upon which the trailer will be located;
  2. There is a need for security on-site because the property is located in an isolated area or there is a risk of theft, vandalism, burglary, or unauthorized entry upon the property;
  3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
  4. The trailer meets applicable county setback requirements.
- M. Except as provided in [Section 18.104.295](#), a permit for a farm labor trailer shall not be issued unless the application complies with the following standards:
1. A use permit has been granted for the property upon which the trailer will be located;
  2. A building permit for a permanent structure is either in process for issuance or has been issued;
  3. There is a demonstrated need for a temporary trailer to be onsite prior to completion of construction of the permanent structure;
  4. The trailer meets applicable county department of environmental management requirements for sewer and water; and
  5. The trailer meets applicable county setback requirements.
- N. An extension of time for an administrative permit for any temporary trailer shall not be issued unless the director determines that the original findings identified in [Section 18.126.060](#) have not changed.
- O. A permit for hot air balloon launchings shall not be issued unless the application complies with the following standards:
1. The proposed launch site is located more than five hundred feet from any off-site residence or if the launch site is proposed within five hundred feet of any off-site residence, the permittee has submitted written consent to the planning department from the property owners or residents of any off-site residences within five hundred feet stating that they have no objection to the proposed launch site;
  2. The permittee has submitted a signed statement which acknowledges that the permittee: (a) has read the county's adopted code of conduct; (b) agrees that all users of the launch site will be bound by the county's adopted code of conduct; and (c) certifies that all activities within the last

- year at any other sites operated by the permittee have complied with the county's adopted code of conduct;
3. The permittee has provided written authorization from either the property owner where the launch site is proposed or the property owner's authorized agent together with a statement from the property owner or the property owner's authorized agent confirming that balloon launchings will not interfere or conflict with any existing or planned agricultural uses on the property;
  4. The site is proposed for use only between the hours of five-thirty a.m. and nine-thirty a.m.;
  5. The permittee has provided the planning department with a certificate of insurance naming the county and the property owner as additional insureds on the personal injury/property damage insurance in an amount acceptable to the county's risk manager which is consistent with the county's corporation yard license requirements currently existing or as amended;
  6. The permittee has provided a list of intended landing areas that are both reasonable given the launch location and prevailing winds and permitted or allowed;
  7. The permittee and each balloon operator utilizing the permittee's launch site agree to conduct their operations so as to remain in good standing with the county. For purposes of this section, "in good standing with the county" means that within the last twelve-month period, the county has not received more than three verified complaints or a number of verified complaints equivalent to three percent of the total number of launches, whichever is greater. All complaints must be: (a) submitted on a form provided by the planning department for verification; and (b) submitted by a property owner or resident who has certified that the permittee or a balloon operator using the launch site has landed on the property owner's or resident's property without permission; and
  8. Notice of the tentative approval of a hot air balloon launching site pursuant to this chapter shall be given by the director of planning in accordance with subsection (B)(4) of [Section 18.136.040](#). All notices under this section shall inform the persons notified of their right to appeal the decision under [Section 18.126.060](#), including the time within which any such appeal must be filed.
- P. An administrative permit for agriculture association signs and American viticulture area signs shall not be issued unless the application complies with the standards contained in subsection (F) of [Section 18.116.030](#)
- Q. (Reserved.)
- R. An administrative permit for off-site sign(s) identifying a hospital with emergency room facilities shall not be issued unless the application and proposed signage complies with the standards contained in subsection (H) of [Section 18.116.030](#)
- S. An administrative permit for a cottage food operation shall not be issued unless the application complies with all of the standards contained in [Section 18.104.095](#)

#### 18.126.070 Expiration and renewal.

- A. A permit for a construction trailer, farm labor trailer, medical or caregiver trailer, office trailer or watchman trailer shall be valid for one year from the date of issuance. Upon expiration of the permit, the trailer shall be immediately removed from the property. A permittee with a valid permit for a temporary trailer may, at least thirty days prior to expiration of the permit, apply for a one-year extension of said permit in the same manner and according to the same procedures as herein provided for issuance of the original permit. An application for renewal shall be accompanied by a fee in the amount established by resolution of the board of supervisors.
- B. Except as provided in subsection (A) or (C) of this section, all other administrative permits issued pursuant to this chapter shall be valid for an indefinite period of time unless otherwise indicated.
- C. A permit for a hot air balloon launching site shall be valid from the date of issuance until the permit is revoked. A permit may be revoked or suspended by the zoning administrator upon ten days prior notice to the permittee of a hearing before the zoning administrator for a violation of any of the standards contained in subsection (O) of [Section 18.126.060](#) or if the continued use of the property for hot air balloon launchings will be injurious to the public health, safety or welfare and/or if the permittee or a balloon operator using the permittee's site is no longer in good standing with the county as defined in subsection (G) of [Section 18.104.400](#)