



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Homeowner Variance Application Packet

Dear Applicant:

In an effort to improve customer service and insure development projects are processed as quickly as possible, the Planning Department finds it necessary to remind its clients that complete application submittals are crucial to the plan review process. In the past, accepting incomplete applications has led to errors and time delays at the end of the review process. I do not want this to happen to you.

Therefore, the Planning Department staff will only accept complete applications at time of submittal. All items listed on the enclosed *Minimum Filing & Public Notice Requirements Checklist* must be provided before the counter staff can accept your application for filing. Please thoroughly review these minimum requirements prior to submitting your application, as the counter staff does not have the authority to waive these requirements.

Please remember that failure to provide all of the required plans and information will result in significant time delays in the processing of your application. If you have any questions regarding the necessity of any particular item on the *Minimum Filing & Public Notice Requirements Checklist*, please feel free to contact the Planning Department to discuss your questions with us.

The Planning Department looks forward to a continued efficient and professional relationship with you in the future. If you have any questions, comments, or concerns regarding this matter, please feel free to contact the Planning Department at (909) 395-2036.

Respectfully,

Scott Murphy
Planning Director

Attachments: Homeowner Variance Minimum Filing & Public Notice Requirements Checklist
Homeowner Variance Application Form
Fee Schedule

ATTENTION!

The City of Ontario strives to provide you with efficient and effective service in a businesslike manner. We are committed to the principle that every interaction you have with the City must be based on honesty and integrity.

City employees are prohibited by law from soliciting or accepting money, services, or gifts of any kind in connection with the discharge of their duties.

If you are approached or are aware of any violation of this policy, please immediately contact any of the following:

- Al C. Boling, City Manager (909) 395-2396 or aboling@ontarioca.gov
- Brad Kaylor, Ontario Police Chief (909) 395-2710 or bkaylor@ontarioca.gov
- Ethics Line (800) 500-0333



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Homeowner Variance Minimum Filing & Public Notice Requirements Checklist

WHAT IS A HOMEOWNER VARIANCE?

The purpose of the Variance is to allow for departures from the numerical development standards established by the Development Code, to provide for the resolution of practical difficulties, unnecessary physical hardships, or results inconsistent with the general purpose of the Development Code regulations, which result from the size, shape, topography, location, or surroundings of a property, thereby depriving the property development rights possessed by other properties in the vicinity, and in the same zoning district. Such difficulties or hardships may relate to geographic, topographic, or other physical conditions on the project site or in the immediate area, which result from the proposed construction of, or additions to, single family homes. Homeowner Variances may be approved by the Zoning Administrator if the foregoing conditions deprive the owner of the property of substantially the same use and enjoyment of the property as that of other properties in the area.

Variances may only be granted by the Zoning Administrator with respect to minimum and/or maximum dimensions, area (size), mass, and quantity, and includes, but is not limited to, the following development standards: lot size, coverage, and dimensions; building setbacks, separations, height, and projections into setback areas; and landscape coverage and dimensions. A Variance cannot be granted for increases in maximum density or floor area ratio.

A Variance cannot be used to authorize a use or activity that is not otherwise expressly authorized by the zoning district governing the affected lot, nor does the power to approve a Variance extend to any public health or safety standard, as this authority has been precluded by state laws.

MINIMUM FILING REQUIREMENTS

The minimum requirements for filing a Homeowner Variance application are listed below. An application that does not include the following plans and information will not be accepted for processing:

- Completed *Homeowner Variance Application* and filing fees.
- Fourteen (14) complete sets of plans, including a site plan and floor plans. Each set shall be stapled together as a single package and folded to 8½"X11".
- Public hearing information prepared in accordance with the *Public Notice Requirements* of this checklist.
- Photographs of the site and surrounding area.
- Any other plans or information that the Planning Director deems necessary to facilitate processing of the application.
- A complete description of the proposed Homeowner Variance, including, but not limited to, the improvements proposed for the property, the Code requirement not being met, and provide supporting reasons for each of the below-listed statements. The application will be denied if one or more of the below-listed statements cannot be clearly established.
 - (1) The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development regulations contained in this Development Code;
 - (2) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the vicinity and in the same zoning district;
 - (3) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district;
 - (4) The granting of the Variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity; and
 - (5) The proposed Variance is consistent with the goals, policies, plans and exhibits of the Vision, Policy Plan (General Plan), and City Council Priorities components of The Ontario Plan, and the purposes of any applicable specific plan or planned unit development, and the purposes of this Development Code.

Homeowner Variance
Minimum Filing & Public Notice Requirements Checklist

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PUBLIC NOTICE REQUIREMENTS

The materials and information listed below must be submitted with applications requiring a public hearing or public notification.

- Property Ownership List:** A list provided on CD or flash drive, in Microsoft Excel or compatible database format, which contains the names, addresses, and assessor's parcel number of all owners of real property located within 300 feet of the project site (within 500 feet of the project site for Wireless Telecommunications Facilities located within residential zoning districts), measured from the exterior boundaries of the subject property. This information shall be obtained from the latest equalized assessment rolls of San Bernardino County (*property ownership information may be obtained from the San Bernardino County Assessor's Office, 172 West Third, Third Floor, San Bernardino, CA 92415*). Property ownership information may also be obtained from the following web site:

(<http://cms.sbcounty.gov/assessor/index.aspx>)

The Property Ownership List shall also include the name and address of the project owner, project applicant, and project representative. The City will mail public hearing notices when the project is ready for review.

- Radius Map:** Provided on a CD or flash drive, a map illustrating the 300-foot radius boundary (500-foot radius boundary for Wireless Telecommunications Facilities located within residential zoning districts), and all parcels within the boundary (copies of the assessor's parcel maps may be used). *Note: The 300-foot (500-foot if required above) radius boundary shall be clearly shown on map.*

Homeowner Variance Application Form

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APPLICANT AFFIDAVIT

STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

I, the undersigned, being duly sworn, depose and say that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof, and state that the same is true and correct to the best of my knowledge and belief.

Furthermore, I hereby agree to defend, indemnify, and hold harmless the City of Ontario or its agents, officers, and employees, from any claim, action or proceeding against the City of Ontario or its agents, officers or employees, to attack, set aside, void, or annul any approval by the City of Ontario, whether by its City Council, Planning Commission, or other authorized board or officer, as it pertains to this application. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

Date: _____ Signature: _____

Name (print or type): _____

NOTARY ACKNOWLEDGMENT

Note: A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

On _____ before me, _____,
(Date) (insert name of Notary Public)

Notary Public, personally appeared _____,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Place Seal Above

PROPERTY OWNER AFFIDAVIT

STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

I, the undersigned, being duly sworn, depose and say that I am the owner of the property in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge and belief.

Date: _____ Signature: _____
Name (print or type): _____

NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

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(Date) (insert name of Notary Public)

Notary Public, personally appeared _____,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Place Seal Above

Homeowner Variance Application Form

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MAILING LIST CERTIFICATION (must be completed for applications requiring a public hearing)

STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

I, the undersigned, hereby certify that the mailing list herewith provided pursuant to the Public Notice Requirements for the application, contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County of San Bernardino within the area described and for a minimum distance of 300 feet, 500 feet, from the exterior boundaries of the property described in this application.

Date: _____ Signature: _____
Name (print or type): _____

NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

On _____ before me, _____,
(Date) (insert name of Notary Public)

Notary Public, personally appeared _____,
Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Place Seal Above

HAZARDOUS WASTE & SUBSTANCE AFFIDAVIT

Instructions:

1. This Hazardous Waste and Substance Affidavit must be completed in conjunction with an application requesting a discretionary permit or action that will affect a specific property.
2. Consult the current list of hazardous waste sites identified on the State of California, Water Resources Control Board website: <http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Ontario>, and specify on the Hazardous Waste & Substance Affidavit, below, whether or not the project site is identified on the Geo Tracker map.

STATE OF CALIFORNIA)
 COUNTY OF _____)
 CITY OF _____)

I, the undersigned applicant, owner or officer of the property(ies) for which this application is made, being duly sworn, depose and say that pursuant to State of California Government Code Section 65962.5(e), I have consulted the list of identified hazardous waste sites on file with the State of California Water Resources Control Board, and certify that the property(ies) is/are, is not/are not, identified on such list.

Date: _____ Signature: _____

Name (print or type): _____

NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA)
 COUNTY OF _____)
 CITY OF _____)

On _____ before me, _____,
 (Date) (insert name of Notary Public)

Notary Public, personally appeared _____
 Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Place Seal Above

CALIFORNIA GOVERNMENT CODE SECTION 65932.5

**List of Hazardous Waste and Substance Sites;
Submission to California Environmental Protection Agency
Hazardous Materials Data Management Program**

- (A) The Department of Toxic Substances shall compile and update as appropriate, but at least annually, and shall submit to the California Environmental Protection Agency (Cal/EPA), Hazardous Materials Data Management Program, a list of all of the following:
- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.
 - (2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.
 - (3) All information received by the Department of Toxic Substances Control Pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.
 - (4) All sites listed pursuant to Section of the Health and Safety Code.
 - (5) All sites included in the Abandoned Site Assessment Program.
 - (6) A list of all public drinking water which contain detectable levels or organic contaminants and which are subject to water analysis pursuant to Section 4026.2 or 4026.3 of the Health and Safety Code.
- (B) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the California Environmental Protection Agency, a list of all of the following:
- (1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.
 - (2) All solid waste disposal facilities from which there is a migration hazardous waste and for which California Regional Water Quality Control Board has notified the State Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.
 - (3) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, which concern the discharge of wastes, which are hazardous materials.
- (C) The local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Administrative Code, shall compile as appropriate, but at least annually, and shall submit to the California Waste Management Board, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The California Waste Management Board shall compile the local lists into a statewide list, which shall be submitted to the California Environmental Protection Agency and shall be available to any person who requests the information.
- (D) The California Environmental Protection Agency shall consolidate the information submitted pursuant to this section and distribute it in a timely fashion to each city and county in which sites on the lists are located.
- (E) Before a local agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project is located in a site which is included on any of the lists compiled pursuant to this section. If the site is included on a list, the list shall be specified on the statement.
- (F) This section shall be become operative on July 1, 1987.

HOUSING ELEMENT AVAILABLE LAND INVENTORY AFFIDAVIT

Instructions:

- 1. This certificate must be completed in conjunction with all applications.
2. The applicant shall consult the most current list of properties shown on the Housing Element Available Land Inventory (see Table A-3: Available Land by Planning Area), and shall specify whether or not the proposed project is located on a site included on the list. The current list can be found on the Planning Department's "Applications" web page at http://www.ontarioca.gov/planning/applications.

STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

I, the undersigned applicant, owner or officer of the property(ies) for which this development project application is made, being duly sworn, depose and say that, I have consulted the list of Available Land Inventory sites on file in the City of Ontario Planning Department and certify that the property [] is; [] is not, located on a property identified on said list.

If the project is listed on the Available Land Inventory, the proposed project [] does; [] does not, meet the minimum number of units specified in the Available Land Inventory.

Date: _____ Signature: _____

Name (print or type): _____

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