

CITY OF

303 EAST B STREET, CIVIC CENTER ONTARIO



ONTARIO

CALIFORNIA 91764-4105

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CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

RE: 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.

Consequently, the Planning Department staff will only accept complete applications at time of submittal. All items listed on the enclosed *Homeowner Variance Application Form* and the *Minimum Filing Requirements* must be provided before the Planning Department counter staff can accept your application for filing. Please review these minimum requirements prior to submitting your application, as counter staff do 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 *Homeowner Variance Application Form* or the *Minimum Filing Requirements*, please feel free to contact the Planning Department counter supervisor to discuss your questions.

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,



Cathy Wahlstrom
Planning Director

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:

Scott Ochoa, City Manager (909) 395-2396 or sochoa@ontarioca.gov
Derek Williams, Police Chief..... (909) 395-2710 or dwilliams@ontarioca.gov
Ethics Line.....(800) 500-0333



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

Homeowner Variance Minimum Filing Requirements

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”.
- 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.



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

Homeowner Variance Application Form

GENERAL INFORMATION (PRINT OR TYPE)

Property Owner: _____
 Address: _____

 Phone: _____ Email: _____
 Applicant: _____
 Address: _____

 Phone: _____ Email: _____
 Applicant's Representative: _____
 Address: _____

 Phone: _____ Email: _____

(For staff use only)

File No.: _____

 Related Files: _____

 Date: _____
 Rec'd by: _____
 Fees Paid: _____
 Cash Check (# _____)
 Credit Card
 Receipt No.: _____

PROJECT LOCATION

Property Address: _____
 Assessor's Parcel No.: _____

POLICY PLAN (GENERAL PLAN), ZONING & LAND USE INFORMATION

Existing Policy Plan (General Plan) Land Use Designation(s): _____
 Existing Zoning Designation(s): _____
 Existing Land Use(s): _____

PROJECT DESCRIPTION

Describe the improvements proposed for the property and the Development Code standards not being met: _____

APPLICANT AFFIDAVIT

I, the undersigned, do hereby certify and state that I am the applicant in the foregoing application, that I have read the foregoing application, and that I know the content thereof, and do further 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: The notary public completing this certificate is verifying only the identity of the individual signing the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

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

On _____ before me, _____,
Date 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 _____

(Seal)

PROPERTY OWNER AFFIDAVIT

I, the undersigned, do hereby certify and state that I am the owner of the property in the foregoing application, that I have read the foregoing application, and that I know the content thereof, and do further 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)
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On _____ before me, _____
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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.

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WITNESS my hand and official seal.

Signature _____

(Seal)