



## MINOR VARIANCE PROCEDURES

This application is required when a minor variance from a development standard is requested. The variance procedure is provided pursuant to Section 65906 of the California Government Code to grant relief from zoning provisions when, because of special circumstances applicable to a property, including size, shape, topography, location, or surroundings, the strict application of the Chino Hills Development Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification. Variances shall not be granted to authorize a use or activity by the provisions of the Chino Hills Development Code governing that property. A variance is not a substitute for a zone change or zone text amendment.

**APPLICATION FEE:** Refer to the Community Development Fee/Deposit Schedule for application fee amounts.

### **MINOR VARIANCE INFORMATION AND PROCEDURES:**

1. A Minor Variance may be requested to modify the following requirements of Chapter 16.72 of the Chino Hills Municipal Code:
  - a. Up to a thirty (30) percent reduction in the number of required parking or loading spaces;
  - b. Up to a forty (40) percent reduction of the required front yard setback, provided that a setback of at least fifteen (15) feet to the front property line is maintained;
  - c. Up to a forty (40) percent reduction of the required side yard setback, provided that a setback of at least three feet is maintained, consistent with the requirements of the applicable fire overlay;
  - d. Up to a thirty (30) percent reduction of the required rear yard setback;
  - e. Up to a thirty (30) percent increase of the maximum lot coverage standard;
  - f. Up to a thirty (30) percent increase in the maximum height;
  - g. Any wall height increase (excluding walls within the front yard setback) that does not exceed six feet above the highest adjacent grade shall be considered a minor variance;
  - h. Up to a fifty (50) percent increase in the maximum coverage in front yard by impervious surfaces for properties with a lot width of less than fifty (50) feet or with an irregular frontage (such as a cul-de-sac lot), as reasonably required to provide a driveway and walkway; and
  - i. Any request to provide a carport as opposed to a garage in the RS Low Density Residential zoning district, including the Small Lot Overlay zone.
2. The Community Development Director or his or her designee will review your application, may conduct a field inspection, may ask other departments to comment and will mail a notification letter to contiguous property owners.
3. An approval or denial decision is based upon the findings per Chapter 16.72 of the Chino Hills Municipal Code.

4. In addition to the application information required under the Submittal Checklist, an application for a Minor Variance shall include the following:
  - a. A description of the special circumstances or conditions applicable to the property;
  - b. The reasons as to why a Minor Variance request has been filed; and
  - c. A statement that the application meets the Findings specified in Section 16.72.060 of the Chino Hills Development Code.
5. Please allow thirty (30) working days for the application to be processed. The applicant will be notified in writing of the decision. The decision is final and granted for a period of thirty-six (36) months, unless the applicant or any other interested individual wishes to appeal the decision to the Planning Commission.
6. If a minor variance is not used (i.e., if construction in conformance with the minor variance is not completed, or a use is not established) within thirty-six (36) months of the date of issuance, the minor variance shall expire.
7. A minor variance that is valid and in effect and granted pursuant to the provisions of Chapter 16.72 and acted upon within thirty-six (36) months of the date of issuance shall run with the land and shall continue to be valid upon change of ownership of the land or any lawfully existing building or structure on the land.

### **APPEAL PROCESS:**

1. Appeals of any decision by the Community Development Director or his or her designee must be filed within ten (10) working days after the written decision has been mailed. The appeal forms can be obtained from the Community Development Department and must be accompanied by the filing fee.
2. The applicant and the individual initiating the appeal will be notified in writing ten (10) working days prior to the Planning Commission hearing date. All interested parties should be present to explain their position.

### **SUBMITTAL CHECKLIST:**

The following items must be included at the time of filing. Failure to submit a completed application may result in a delay or return of the application. Please allow 30 working days for processing.

- **One (1) copy** of a completed Minor Variance Application.
- **One (1) copy** of the signed Certified Surrounding Property Owners' Certification (property owner information must be obtained from Assessor's parcel books in the County Assessor's Office). Please contact the Assessor's office at (909) 387-8307.
- **One (1) copy** of the completed Findings necessary for the granting of a Minor Variance. Findings must be TYPED on a separate piece of paper.
- **One (1) copy** of the completed information required by Section 4 of the Minor Variance Information and Procedures as listed on the previous page. All responses must be TYPED on a separate piece of paper.
- **One (1) set and one (1) Xerox copy of mailing labels** for all contiguous property owners. Mailing labels must be typed and must include the applicant, representative, and the owner of record.
- **One (1) plot plan** illustrating the variance being requested, drawn to scale on a minimum size sheet of 8 1/2"x11" paper (may be longer). For specific plot plan requirements, see checklist below.

Applications and fees are subject to change. Please visit our website for the most current version of this application.

## **SPECIFIC PLOT PLAN REQUIREMENTS:**

ALL ITEMS LISTED BELOW MUST BE ON THE PLOT PLAN. ATTACHMENTS ARE NOT ACCEPTABLE.

- Indicate names, addresses AND telephone numbers of the Record Owner, Applicant, AND the person preparing the map.
- **COMPLETE** legal description of the property involved including number of acres. **INCLUDE ASSESSOR PARCEL NUMBER**. If a portion of a large parcel is being developed, **include a detailed description of that portion**.
- Provide detail description of the project including the use of each existing and proposed structure and/or open storage areas.
- Indicate north point, date of drawing and scale. Use an **ENGINEERS SCALE** (i.e. 1" to 10', 1" to 20', 1" to 30', etc.). The direction of the "north" arrow should be shown pointing towards the **TOP OF RIGHT HAND SIDE** of the Plot Plan.
- Indicate location, names, widths of boundary streets, and recorded road, utility, or drainage easements on property. Where none exist, indicate by a note that no easements exist. If property is not on a road or easement, show access to property.
- Dimension of the property lines or boundary lines of the project.
- Zone/District classification and the type of development on all adjacent properties, including across any streets. Show distance of structure(s) on adjacent properties from the project property lines.
- Locate by distance where all existing and proposed structures, including fences, trash enclosures, signs, curbs and driveways are in relation to other structures and all property lines.
- Indicate doors that open onto a street or property line.
- Vicinity Map showing location of project.
- Locate all signs, including a side elevation for all proposed signs showing the face dimensions, overall height, and height above grade from bottom of sign.
- Indicate height, dimension, square footage and number of stories, including basements, of all existing and proposed structures. Include fences, trash enclosures, towers, etc.
- Show parking spaces in detail. Refer to the Chino Hills Development Code Chapter 16.34 for detailed information regarding parking requirements for your use and for handicap requirements.
- Indicate any drainage or hilly terrain by flow-line arrows and contour lines. If none exist, indicate by a note that no hilly terrain or drainage problems exist.
- If applicable, compute all building coverage, open space and sign area requirements as established by a "T" Standard or a Community Plan.
- Illustrate all native and non-native trees on the plot plan or state on the plot plan that no such trees exist on the site. Indicate whether any trees are to be removed.



Community Development Department  
 14000 City Center Dr., Chino Hills, CA 91709  
 (909) 364-2740 Fax (909) 364-2795  
 www.chinohills.org

## MINOR VARIANCE APPLICATION

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

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Assessor's Parcel Number: \_\_\_\_\_

Individual to be notified other than owner:

Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_

Address: \_\_\_\_\_

Address or general location of property: (**Important:** Indicate which side of the street, property's location from nearest street or intersection)

\_\_\_\_\_  
 \_\_\_\_\_

Project Description: (Please provide as much detail as possible.)

\_\_\_\_\_  
 \_\_\_\_\_

I certify under penalty of perjury that I am the (check one):

- Legal Owner (all individuals must sign their names, names appear on the deed to the land, or)
- Owner's Legal Agent, and that the foregoing is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

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### FOR OFFICE USE ONLY

Zone: \_\_\_\_\_ General Plan: \_\_\_\_\_ Filing Date: \_\_\_\_\_  
 Fee \$: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Received By: \_\_\_\_\_

## **FINDINGS NECESSARY FOR THE GRANTING OF A MINOR VARIANCE:**

It is the applicant's responsibility to provide specific justification for each of the following six (6) findings. An approval of the requested variance (justification) should include specific evidence, details and/or qualities of the proposed use, structure, or other project.

Please **type** findings on a separate page and attach to this application. Additional pages or supporting documentation (photographs, previous variance approvals, etc.) may also be attached.

Prior to approving a request for a Minor Variance, the reviewing authority shall find that the following are true: (CHDC, Section 16.72.060)

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties in the same vicinity and zone;
- B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity and zone but which is denied the property in question;
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity;
- D. That in granting the variance, the spirit and intent of this development code will be observed;
- E. That the variance does not grant special privilege to the applicant; and
- F. That the variance request is consistent with the General Plan of the City of Chino Hills. (Ordinance 68, Section 9.140.070, 1995)



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## PROPERTY OWNERS AUTHORIZATION APPLICATION CERTIFICATE

All property-owners of record must sign this application certificate.

I/we the undersigned owner(s) or officer(s) in the organization owning the lands for which this application is made, state that I/we are aware that the application is being filed with the City of Chino Hills Community Development Department and I/we certify under penalty of perjury that the information contained in the application is true and correct.

I/we further agree that if any such information proves to be false or incorrect, the City and any special purpose or taxing district affected thereby are and shall be released from any liability incurred if the application is approved.

Any persons signing with Power of Attorney for the property-owners must print the names of those individual in the signature block and attach a Notarized copy of the Power of Attorney.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name of Applicant(s)  
or Legal Agent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name of Applicant(s)  
or Legal Agent

**Property Owner(s) of Record:**

**Assessor Parcel Number(s):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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## CERTIFIED SURROUNDING PROPERTY OWNERS LIST DECLARATION

The list is valid for six (6) months. A new list must be provided if the original list is more than six (6) months old for public hearing notification.

I certify under penalty of perjury that, to the best of my knowledge, the enclosed list contains the name and addresses of all persons to whom all property is assessed as they appear on the latest equalized assessment roll maintained by the County Assessor or Tax Collector. This list includes all properties /\_\_\_/300\* feet of the applicant's property; /\_\_\_/ only touching property.

The undersigned owner(s) or officer(s) in the organization owning the lands for which this application is made, states that he or the organization is aware that the application is being filed with the City of Chino Hills Community Development and certifies under penalty of perjury that the information contained in this application is true and correct.

I (we) further agree that if any such information proves false or incorrect, the City of Chino Hills and any special purpose or taxing district affected thereby are and shall be released from any liability incurred if the application is approved.

Any persons signing with Powers of Attorney for others must print the names of those individuals in the signature block and attach a notarized copy of the Power of Attorney.

Signature	Date
Example Assessor's Parcel Name Address City, State, Zip Code	

\* Automobile Maintenance, Automobile Service Stations and Car Wash Uses require 500 feet of notification.