



## Homeowner Variance Application Form— Minimum Filing Requirements

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

### 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 and shall be submitted through our Citizen Portal Access website at <https://automation.ontarioca.gov/onlinePermits>. Unless noted below, each item below shall be labeled accordingly and must be in **PDF file format**. An application that does not include the following documents and information will not be accepted for processing:

- Completed *Homeowner Variance Application*.
- A complete sets of plans in PDF format, including a site plan and floor plans.
- Photographs of the site and surrounding area.
- 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.
- Filing fee (see Planning Department Fee Schedule found here: <https://www.ontarioca.gov/Planning/Applications>). This fee will be invoiced upon confirmation by staff that all minimum filing requirements were provided.
- Any other plans or information that the Planning Director deems necessary to facilitate processing of the application.



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## 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

## 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 ACKNOWLEDGMENT**

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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): \_\_\_\_\_

**PROPERTY OWNER ACKNOWLEDGMENT**

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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): \_\_\_\_\_