

## VARIANCE

Before you file a request for a Variance, you must discuss your preliminary plans with one of the planners in the Community Development Department. In most cases, you must also complete the City's Environmental Assessment Questionnaire. Such an assessment is used to determine whether the project's impacts are sufficient to require a full Initial Study. You will be notified when the environmental assessment procedures have been completed and if further environmental analysis is required.

In completing the Variance application, you should take particular care in answering the "Burden of Proof" statements. In order for the Planning Commission to grant a Variance, it must make four findings. It is these findings to which the Burden of Proof statements refer:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same zoning district.
3. That the granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the area in which the property is located.
4. That the granting of such a variance will not be contrary to the objectives of the General Plan.

Please direct your responses to questions #1, 2, 3 and 4 to these findings. If you have any questions about the Burden of Proof statements, please contact one of our staff members. It is very important that these questions be answered thoroughly and accurately; by doing so, you will enable the staff and Planning Commission to better assess the merits of your proposal.

When you are ready to file your application, make certain the entire application is completed and that you have all the required materials. This will allow us to process your application without unnecessary delay.

### Submittal Requirements:

- Residential Planning Application, completed and signed by the property owner
- Burden of Proof Statements
- Three (3) copies of a site plan showing boundaries of the property all easements, all existing and proposed structures and improvements, and accurate contours of existing topographic conditions.
- Three (3) copies of elevations of all structures, including section drawings, indicating:
  - The maximum height of any proposed structure, measured from the highest point of existing grade covered by the structure to the ridge of the structure (including any roof

tiles, roof shingles or other proposed roof material), and measured from the finished grade adjacent to the lowest foundation to the ridge.

- If determined necessary by the Director, three (3) copies of a grading plan.

All plans must be assembled in complete sets and folded no larger than 9 1/2" X 14". If so desired by the applicant, only one copy of the site plan, elevation drawing and floor plan may be submitted as part of the initial application package. Once it is determined by the Director that the submitted plans contain all the necessary information described in this application, then the appropriate number of plans (12 copies) will be requested from the applicant. Three (3) reduced copies (no larger than 11" X 17") of all regular sized plans must also be submitted (Note: For applications that are to be reviewed by the Planning Commission, once the application has been deemed complete, you will be required to submit an electronic version of the plans).

- Two (2) copies of a "vicinity map", prepared to scale, which shows all neighboring properties within a **500 foot radius** of the subject property (applicant). The "Vicinity Map" must be prepared exactly as described in the attached instruction sheet.
- Two (2) sets of self-adhesive mailing labels and one (1) photocopy of the labels which list the property owner of every parcel which falls within a **500 foot radius** of the subject property (applicant). The name and address of every property owner (including applicant) and the local Homeowners' Association, if any, must be typed on 8 1/2" X 11" sheets of self-adhesive labels. The mailing labels must be keyed to the corresponding lots, as shown on the vicinity map described above. The property owners mailing list must be prepared exactly as described in the attached instruction sheet. If the property owners mailing list is not prepared by a Title Company or other professional mailing list preparation service, the applicant must sign and submit the attached "Certification of Property Owners Mailing List" form.

- Filing fee: \$4,630 plus a \$4 Data Processing Fee = **\$4,634**

Please remember that if all of these materials are not submitted, **the application cannot be accepted for filing.**

Once the application has been accepted, staff will evaluate your project in preparation for a public hearing before the Planning Commission. If staff determines that further information is necessary, you will be contacted. It is your responsibility to provide the additional information.

You will than be notified of the date of the public hearing on your project. Staff will prepare a report and recommendation to the Commission. It is important that you plan to attend the hearing so that you may answer any questions the Planning Commission may raise.

(More detailed information regarding variance is contained in Section 17.60 of the Rancho Palos Verdes Development Code.)

➤Important<

- Notice: CC&R's are private restrictions or agreements. Therefore the City is not responsible for a property owner's compliance with any CC&R's that may govern their property and the City does not enforce private CC&R's. The City recommends that property owners review their title report to see if any CC&R's govern their property, and if so, consult such CC&R's prior to submittal of their application. Additionally, property owners should review their title report for any other private property restrictions (Deed Restriction, Private Easement, etc.) that may govern their property.

**BURDEN OF PROOF STATEMENTS**

1. Explain why the variance is necessary because of exceptional or extraordinary circumstances or conditions which are applicable to the property or to the intended use of the property, but which do not apply generally to other property in the same zoning district.

---

---

---

---

2. Explain why the variance is necessary for the preservation and enjoyment of a substantial property right which is enjoyed by other property owners under similar conditions in this zoning district. Be specific.

---

---

---

---

3. Granting this variance will not be materially detrimental to the public welfare or injurious to property and improvements in the area because:

---

---

---

---

4. Granting this variance will not be contrary to the objectives of the General Plan because:

---

---

---

---