



# VARIANCES

**Purpose:** The purpose of the variance is to allow variation from the strict application of the terms of this title where, because of special circumstances applicable to the property, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other properties in the vicinity and an under identical zoning classification. In no case, however, shall a variance be granted to permit a use that is not permitted in that zoning district.

**Code Reference:** Fremont Municipal Code Chapter 18.270.

**Incomplete Applications:** An application is considered to be incomplete if any of the items checked on this application submittal checklist have not been included. Processing of the application will be delayed until the submittal is determined to be complete.

**This Submittal Checklist is a part of your application:** This checklist shall be signed and returned with your other application materials. An application is considered to be incomplete if any of the items checked on this information sheet have not been included. Processing of the application will be delayed until the submittal is determined to be complete.

I understand that my project review may be delayed if required materials are missing from the submittal package.	
_____	_____
Project Applicant	Date

## Submittal Requirements:

<p><b>NOTE:</b></p> <ul style="list-style-type: none"><li>■ Indicates an item that is always required.</li><li>☑ Indicates an item that may be required, depending on the project. The staff person who provides you this sheet will check the box if the item is required for your application.</li></ul>
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- A. A completed application form including:
  - Part I: Project information and the current property owner(s) signature authorizing the project proposal.
  - Part II: Reimbursement Agreement with signature of the billing party acknowledging responsibility for charges.
  - Part III: A list of all consultants proposed to be involved with the project, or a

statement that none are proposed to be involved.

Part IV: A statement signed by the applicant indicating whether the project site is found on the Hazardous Waste and Substances Sites List pursuant to California Government Code Section 65962.5.

Part V: Development Statistics.

- B. A “Justification Statement” indicating the factual reasons that the proposed variance meets the criteria established by law. See Attachment “A” to this checklist.
- C. Plans submitted in conjunction with the application shall include the following items:
  1. Vicinity map showing a one-half mile radius from the project site.
  2. A site plan showing:
    - (a) Property lines.
    - (b) General topography.
    - (c) Location, configuration and setbacks of all existing and proposed buildings and intended uses for the buildings both on site and within 300 feet of the site. Additionally, for buildings on site, include the occupancy classification and type of construction as defined in the building code.
    - (d) Existing and proposed streets, driveways and walkways.
    - (e) Existing and proposed open space and/or recreation areas.
    - (f) Existing and proposed fences.
    - (g) Toe of the Hill and/or Ridgeline, where applicable.
    - (h) Easements on the property as identified in the preliminary title report.  
(See item 6 for title report requirements).
    - (i) Existing utilities (location of water, sewer, storm drainage, gas lines etc.)
    - (j) Existing buildings to remain and those proposed for removal. All buildings over 50 years of age may require analysis to determine if they are potential or eligible historic resources.
    - (k) Existing trees with a six-inch or larger DBH (trunk diameter at 4.5 feet above ground level) to remain or that are proposed for removal. The plan shall also identify the outline/dripline of the tree canopy and the tree species.
    - (l) All fire hydrants within 300 feet of the project site.
  3. Elevations showing each side of all existing and proposed buildings. For small additions, photographs of the existing building elevations will suffice but a drawing will be required for changes to existing elevations.
  4. Detail and description of material finish and color treatments for all surfaces/structures. This information should be keyed to elevations.
  5. Floor plans, indicating all intended uses of each area of buildings on site.
  6. Two (2) copies of a current preliminary title report for projects that involve construction of a new building or expansion of an existing building footprint

and/or new site improvements such as landscaping, special paving, utilities and/or accessory structures.

- D. Project Submittals. The number of plans and other items required to be submitted:
  - Five (5) copies of the statement justifying the variance request (Attachment “A”).
  - One (1) set of full size plans (30” x 42” sheets maximum size and folded no larger than 8” x 13”.
  - One (1) set of plans reduced to 11” x 17”, collated and folded to 8-1/2” x 11”
  - One (1) pdf format copy of the plan set formatted to read as an 11” x 17” sheet and one (1) pdf format copy of “Attachment “A.”

**Hearing & Other Notifications:** The City may require that you post a courtesy sign to notify passers by once an application has received preliminary City comments and the applicant has elected to proceed with the review process. When an application is ready for public hearings, the City will notify all property owners, as well as business and residential tenants within the appropriate radius of your project site. Most projects require a 300-foot radius, while some require 1,000-foot based on the sensitivity of the project and the level of community input anticipated or required. As with all other costs, you will be charged for staff time to research, create and label the required postcards. If the public hearing is delayed for an extended period of time after notices for your project have been mailed, you will be charged the cost to re-mail postcards.

**Appeals:** Any interested party may file an appeal. An appeal shall be submitted in writing on forms available from the City and shall be accompanied by the required fee. Appeals must be filed within ten calendar days following the date of the decision that is being appealed. The time limit will extend to the next business day when the day falls on a day that the city is not open for business. Appeals shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. The Planning Commission considers appeals of Zoning Administrator actions. For more information please consult the Appeal Application available at [www.fremont.gov/permit](http://www.fremont.gov/permit).

**Fees:** The minimum deposit for your application for a variance is \$\_\_\_\_\_ and is due at the time of submittal. The actual charge will be based on staff time required to process the application. Progress billings will be invoiced during the review of the project if charges exceed the minimum deposit. A refund will be invoiced at the completion of the project review if excess funds have been paid.

If you need additional information or clarification to prepare your submittal please contact the staff person who furnished you this sheet for further assistance.

Information sheet furnished by: \_\_\_\_\_ Phone: (510) 494-\_\_\_\_\_  
For proposal: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_



**Attachment “A”**  
**Justification Statement for a Variance Request**

Justification for any requested variance must be submitted with the application and must meet standards required by State law. Please be as specific and use complete sentences as your statements may be quoted during public hearings or in the staff report.

1. Describe the special circumstances applicable to your property (e.g., size, shape, topography, location or surroundings) wherein the strict application of the Planning and Zoning regulations would deprive your property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification.

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2. Identify any project design features or other conditions/limitations that will assure that the requested variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and identical zoning classification.

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