

TOWN OF HILLSBOROUGH

SAN MATEO COUNTY

Planning Office
650/375-7411
Fax: 650/375-7415



1600 Floribunda Avenue
Hillsborough
California 94010

VARIANCE PROCEDURE

July 2010

Property owners have the right to apply for a Variance, but the filing of this application does not guarantee its approval. State Planning Law requires specific findings of hardship (see attached application) in order for the City Council to grant a Variance. Seeking a Variance may result in substantial expenditures of time and money. Property owners and their designers are urged to work with the Planning Staff to develop plans so that a Variance is not necessary.

The Town follows the following procedures for Variances:

1. The Applicant submits an application for the Variance, including:
 - A completed application form (attached).
 - Ten (10) sets of plans (eight (8) reduced [12" x 15" or 11" x 17"] and two (2) full-size [24" x 36"]), including location map (see attached example), site plan, elevations, floor plans and calculations, etc. Photos and a photo key should be attached to each plan set. See attached instructions. For specifics information about the plans required for your particular application, review your proposal with a Planner. Plans must be folded and addressed as per the attached instructions.
 - The application fee is \$4,860 to cover the Town's costs to process the application.
2. Once a complete application is filed, it will be scheduled for the next available City Council meeting. The Applicant will be notified of the date and provided instructions for preparing the required public notices.
3. The City Council typically conducts a site visit, at which the applicant should be available, immediately prior to the Council meeting. The week preceding the Council meeting please contact the City Clerk (375-7400) for the scheduled time of the site visit and to request a staff report and meeting agenda.
4. After the public hearing, the City Council will approve, conditionally approve, or deny the Variance request, based on findings. The Applicant will be notified in writing of the Council's decision.
5. If the Variance is approved, a separate application and additional plans must usually be submitted, depending on the nature of the project, for Town Architecture and Design Review Board consideration.

If you have any questions, please call the Planning Office, 375-7411.

Town of Hillsborough
Variance Application

(Please Type or Print Legibly)

Property Address: _____

Property Owner(s): _____

Mailing Address: _____

Phone(s): _____

Contact Person (agent, architect, contractor): _____

Mailing Address: _____

BUSINESS LICENSE #: _____

Phone(s): _____ Fax : _____

The proposed _____ do/does not comply with the requirements of

Section(s) _____ of the Hillsborough Municipal Code, for which this Variance request is made.

A Variance is a request for permission to vary from the regulations in the Hillsborough Municipal Code. The statutory justification for a Variance is that, without it, the owner would suffer unique hardship under the regulations because his/her particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location or surroundings. Variances cannot grant a "special privilege" which is inconsistent with the limitations on other nearby properties. Variance applications are carefully considered by the City Council and are only granted when there is a true legal hardship.

DEFINITION OF HARDSHIP. California's Government Code (Section 65906) provides that "Variances...shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity..."

This language means that, in general, there must be some unique feature of the land itself which makes applying the zoning regulation unjustified. Examples of hardships **not** relating to the land and therefore, absent other factors, not justifying a variance are hardships relating to the owner's personal circumstances (financial or otherwise), hardships arising from some condition the owner or his predecessor created, hardships relating to the amount of economic return development will bring, etc.

Either in the space provided, or on a separate sheet, please provide the following information for the City Council to consider:

1. Why is this Variance necessary? What are the hardships?

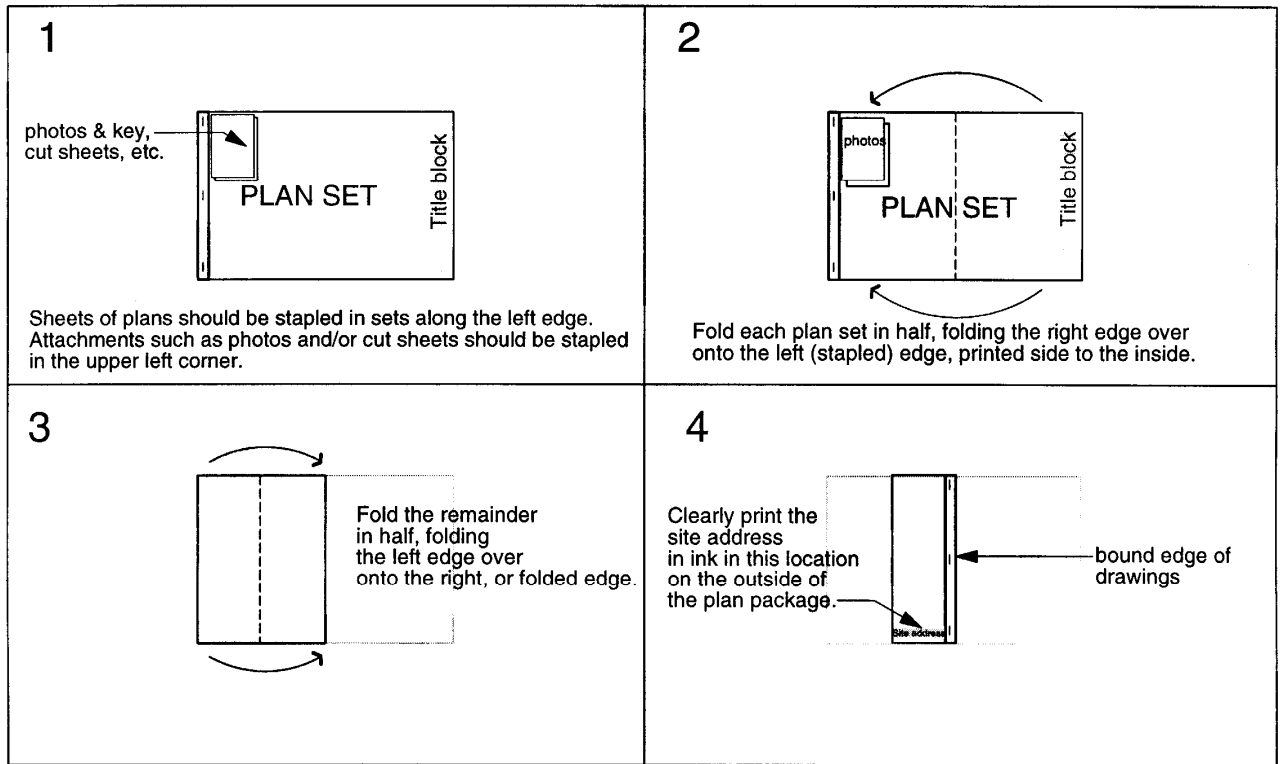
2. What are the physical circumstances of the site which require a Variance (size, shape, slope, trees, etc.)?

3. Is it possible to achieve your desired results in a manner consistent with the Zoning Ordinance?

4. Are there any other findings you would like Council to consider for your Variance request?

Plan Folding Instructions

All plans shall be folded and addressed on the outside in the following manner:



For reduced plans:

1. Staple photos, cut sheets and other attachments in the upper left corner.
2. Fold the plan sets in half, either way, depending on the orientation.
3. Clearly print the site address on the outside, as in Step #4, above.
4. Plan sets should open like a book, from right to left.

Sample Location Map

This is an example of a location map which must be on the first page of each plan set. Show the project site relative to nearby properties and streets. Include the addresses of all adjacent (including to the back and across the street) properties. If a pre-printed map is used, be sure that the entire street name is included for all adjacent streets. The location map should be oriented on the page in the same manner as the project site plan.

