

How to Request a Variance

A variance is a method by which a property owner may seek relief from the development standards of the zoning code. Examples of a variance include deviations from height limitations, lot coverage, open space, off-street parking, and setback requirements. The Zoning Administrator or the Planning Commission, depending on the type of variance requested, may grant variances.

The purpose of the variance procedure is to consider deviations to the zoning requirements when it can be shown that all of the following exist with respect to the development being proposed:

- A. The granting of a variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.
- B. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- C. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights.
- D. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan.

What to do

1. Visit the Zoning Counter on the 3rd Floor of City Hall and meet with the Planner on duty. During this session you will be given the appropriate application forms and instructions, advised of any additional materials that are required, and informed which judicial body will decide on your application.
2. Submit application materials, which includes: application form, list of surrounding property owners, 12 sets of site and floor plans and elevation drawings, filing fee, and any other materials listed on the application form.
3. After staff has reviewed your application and (if necessary) advised you of any additional material required to process the application, the application will be

Variance Application Fees:

Planning Commission: \$3,455
Zoning Administrator: \$2,446
Waiver of Standards: \$937

considered by the appropriate judicial body at a public hearing. The applicant is strongly advised to attend this hearing to promote their project and answer questions.

4. If the application is approved, there is a 10-day period for any aggrieved party to file an appeal. If no appeal is filed during this 10-day period, the application becomes effective. If the application is denied, you can file an appeal with the subsequent judicial body.
5. Once the application is becomes effective, the applicant can submit a building permit application to the Building Department. Building permits are required to begin work.

Public Judicial Bodies with authority over entitlement applications (highest to lowest)

1. City Council (on appeal)
2. Planning Commission
3. Zoning Administrator

Waiver of Development Standards

An Administrative Permit may be considered for waiver of up to 10 percent of the development standards for setbacks, open space, separation between buildings, height of buildings or fences, site coverage and landscaping, only if such a waiver improves the overall project design. Additional information is available in Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance located on the City's website at <http://www.surfcity-hb.org/electedOfficials/CityClerk/ZoningCode/>

Decision

The Decision of the Zoning Administrator or Planning Commission is mailed to the applicant in a Notice of Action letter. The decision is final ten (10) calendar days after the date of the Notice of Action letter, unless an appeal is filed within the appeal period. If your variance is granted and no appeal is filed, you may then apply for a building permit or otherwise use the variance as specific in the Notice of Action letter.

Information on applications, zoning requirements, etc. is available by visiting the Third Floor of the Civic Center at 2000 Main Street (Corner of Yorktown and Main) or calling (714) 536-5271, or on the Planning Department website <http://www.surfcity-hb.org/citydepartments/planning>.