



# Town of Apple Valley Application for Variance/Deviation



The Town of Apple Valley encourages prospective applicants to schedule a Development Advisory Board meeting prior to formal submittal of a permit application. The conference should take place prior to any substantial investment.

Listed below are the fees and materials that must be submitted with your application for a Variance or a Deviation Permit. The project application will not be accepted for processing unless all requested information and materials have been submitted and determined to be complete and adequate. Upon initial review of the project, additional technical studies may be required prior to determining that the application is complete. **Project submittals which do not include these items will not be accepted for processing. All plans must be collated, stapled and folded to 8 1/2" x 11" notebook size.** Upon submittal, filling fees will be collected as listed below. Make checks payable to the Town of Apple Valley. Please feel free to contact the Planning Division at (760) 240-7000 Ext.7200 if you have any questions.

### APPLICATION PROCESSING FEES:

Deviation Permit review is done at actual cost

	<u>Initial Deposit</u>	<u>Actual Cost not to exceed</u>
<input type="checkbox"/> Variance	\$3,786	Actual Cost
<input type="checkbox"/> Deviation Permit	\$497	Actual Cost

***\*Should processing time exhaust the initial deposit amount, the applicant will be required to deposit additional funds.***

### GENERAL REQUIREMENTS

- \_\_\_\_\_ 1. Completed General Application and Supplemental Variance Statement
- \_\_\_\_\_ 2. Completed Finding Required to Grant a Variance form
- \_\_\_\_\_ 3. Items on the attached "Property Owner's Mailing List" Form (Page 7)
- \_\_\_\_\_ 4. Two (2) sets of typed adhesive labels containing the mailing address of the owner(s), applicant(s) and of all surrounding property owners according to the attached instructions.
- \_\_\_\_\_ 5. Variance = Fifteen (15) sets  
Deviation = Ten (10) sets  
of plans drawn to scale, preferably 1"-20', 1"=30', or 1"= 40' scale.

**Plans shall include but are not limited to:**

- Scale, north arrow, and vicinity map
  - Location and size of existing and proposed buildings.
  - Number of parking and loading spaces required and provided.
  - Location and width of all easements and dedicated right-of-ways and offers of dedication.
  - Footprint of all existing and proposed structures on the site and within twenty-five (25) feet of the boundaries of the site.
  - Required setbacks and distances between buildings and/or structures.
  - Location and heights of all walls or fences with details, materials, construction and height differentials from abutting property if fence/wall is located on a property line.
  - Utility locations including easement dimensions and drainage courses, etc.
  - Septic location/relocation.
- \_\_\_\_\_6. Building elevations of all sides of all proposed structures, with dimensions (typicals may be used) which will illustrate the variance or deviation.
- \_\_\_\_\_7. One (1) reduced (8 1/2" x 11") site plan.
- \_\_\_\_\_8. Three (3) copies of a detailed slope analysis if the project contains any slopes of 15 percent or greater.

Other planning approvals, such as a Development Permit or a Conditional Use Permit, may be required and may be applied for at the same time. Building permits will probably be required.



## GENERAL APPLICATION

FOR TOWN USE ONLY

Date Submitted: \_\_\_\_\_ Case No. \_\_\_\_\_ Received by: \_\_\_\_\_  
Planning Fee: \_\_\_\_\_ Other Fees: \_\_\_\_\_ Case Planner \_\_\_\_\_

*Please type or print legibly in ink*

**TYPE OF APPLICATION:**

Conditional Use Permit	_____	Specific Plan	_____
Development Permit	_____	Temporary Use Permit	_____
Deviation Permit	_____	Tentative Parcel Map	_____
Modification or Amendments	_____	Tentative Tract Map	_____
General Plan Amendment	_____	Variance	_____
Special Use Permit	_____	Zone Change	_____
Other _____	_____	Site Plan Review	_____

Case No. (Staff) \_\_\_\_\_

Project Address/Location Description \_\_\_\_\_

**APPLICANT INFORMATION:**

Property Owner \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Applicant \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Contact Person \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_ Fax \_\_\_\_\_

**PROJECT INFORMATION:**

Related Projects \_\_\_\_\_

Assessor's Parcel No. (s) \_\_\_\_\_ Tract \_\_\_\_\_ Lot \_\_\_\_\_

Property Size: Gross Acres \_\_\_\_\_ Net Acres \_\_\_\_\_ Square Feet \_\_\_\_\_

Total Square Footage of Proposed Building(s) \_\_\_\_\_ No. Of Units \_\_\_\_\_

General Plan Designation \_\_\_\_\_ Zoning \_\_\_\_\_

Proposed Use of Land/Building(s) \_\_\_\_\_

Detailed Description of Project (**Required**) \_\_\_\_\_

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**OWNER'S AUTHORIZATION AND AFFIDAVIT:**

I am/We are the legal owner(s) of said property and do hereby certify that all the foregoing information is true and correct and recognize that if any information proves to be false or incorrect the Town shall be released from any liability incurred and any permits or approvals may be null and void.

Printed Name(s) of Legal Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Signature(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

This will serve to notify you and verify that I am/we are the legal owner(s) of the property described in the project application and do hereby authorize the listed representative to file this and represent my/our interest in the application.

Signature \_\_\_\_\_

(A letter of authorization form may be submitted in lieu of the legal owner's signature.)

Signature of Representative \_\_\_\_\_ Date \_\_\_\_\_

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**SUPPLEMENTAL VARIANCE STATEMENT**

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The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Specific Development Code Section for which relief is being sought:

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2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

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3. What is the alternative means of compliance being proposed?

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4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?

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5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?

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Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

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**FINDINGS REQUIRED TO GRANT A VARIANCE**

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The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

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2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

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3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

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4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

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5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

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6. Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

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Please read and initial the following statement:

I understand that in lieu of a Variance I have the option of altering my plan and requesting a Deviation Permit in conformance with Section 9.03.0500 of the Town of Apple Valley Development Code. \_\_\_\_\_

**FINDING REQUIRED TO GRANT A DEVIATION**

1. Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

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Signed \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

**DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY**

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;

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2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations;

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3. That there are no reasonable alternative sites available to provide the services offered;

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4. That the submitted information and testimony from the applicant, staff and public illustrates a reasonable probability that allowance of the Deviation will have minimal or no adverse impacts to the site, surrounding area or the community in general; and

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5. That the Commission finds that the proposed deviation will not be materially detrimental to the public health, safety or general welfare, or injurious to the property or improvements in the vicinity and land use districts in which the property is located.

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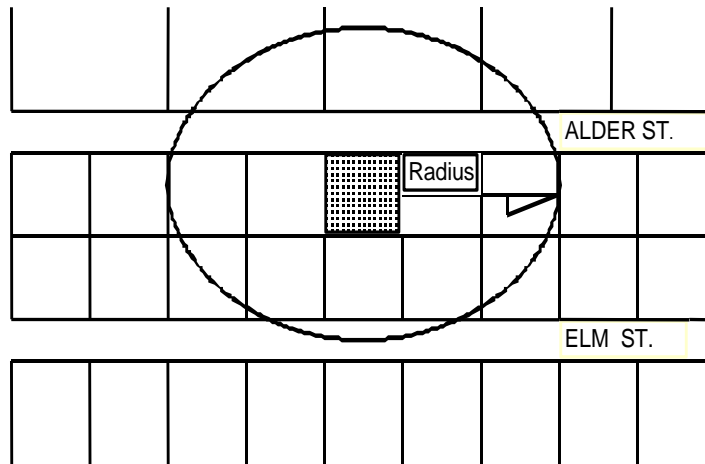


## PROPERTY OWNERS MAILING LIST

The surrounding property owner information must be obtained from the most current San Bernardino County Assessor's roll or shall be prepared and verified by a Title Company doing business in San Bernardino County. The County Assessor's office is located at 15900 Smoke Tree, Suite 221, Hesperia, CA. 92345.

- Two (2) sets of adhesive labels containing the mailing address of the owner(s), applicant(s) and of all surrounding property owners, including vacant properties. Mailing labels must contain: assessor's parcel number, property owners name, address and zip code.  
 Site of 5 acres or less properties within a radius of 300 feet.  
 Site of 5 - 20 acres properties within a radius of 500 feet.  
 Site of 21 - 160 acres properties within a radius of 700 feet.  
 Site of 161 acres or more properties within a radius of 1,300 feet.  
 Mailing address should contain: assessor's parcel number, property owners name, address and zip code.
- One (1) copy of the labels sheets.
- One (1) radius map showing the subject property and all surrounding properties. The appropriate radius shall be drawn from the exterior boundaries of the subject property as shown in the sample below. The scale of the radius map shall be large enough to clearly show all surrounding properties.

Sample Vicinity/Radius Map  
(See above for required radius)



### SURROUNDING PROPERTY OWNERS LIST CERTIFICATION (To be submitted with application)

I, \_\_\_\_\_, certify that on \_\_\_\_\_ the attached property owners list was prepared by \_\_\_\_\_ pursuant to the requirements of the Town of Apple Valley. Said list is a complete compilation of the owner(s), applicant(s) and representative of the subject property and all owners or surrounding properties within a radius of \_\_\_\_\_ feet from the exterior boundaries of the subject property and is based on the latest equalized assessment rolls of the San Bernardino County Assessor's Office dated \_\_\_\_\_. I further certify that the information filed is true and correct to the best of my knowledge; I understand that incorrect and erroneous information may be grounds for refection or denial of the development application.

Signed \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_