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Filing Requirements For VARIANCE

PURPOSE

A Variance is a discretionary permit that allows for deviation from physical development standards in the zoning code. The City may grant a variance only when the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property.

To approve a Variance, the Planning Commission shall make all of the following findings:

1. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.
2. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.
3. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.
4. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zone as the subject property.
5. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

FILING REQUIREMENTS

An application shall be made by the property owner or agent thereof and must be accompanied by the following information in order to be accepted for processing:

1. **Completed Uniform Application:** Complete all sections of the application. If a section of the application is not applicable to your project, please write, "Not applicable," or N/A. Please do not write in the staff-only section of the application.
2. **Planning Entitlement Project Information Sheet:** This application will provide important project information that will help to expedite the application review process. Please complete all sections, providing as much detail as possible regarding the scope of your

proposal. If a section of the application is not applicable to your project, please write, "Not applicable," or N/A.

3. **Project Narrative/Letter of Request:** Provide a letter outlining the request for a Minor Exception.
 - State the code requirement that cannot be met and explain the proposed Minor Exception request
 - Describe the special circumstances of this property (such as size, shape, topography or location) which deprive it of privileges enjoyed by other properties in the vicinity and under the identical zoning classification
 - Give reasons why the Minor Exception for this property would not constitute a grant of special privileges of the owner, not enjoyed by neighbors
 - Explain how approving this Minor Exception would not be materially harmful to the public health, safety, welfare, properties or improvements in the vicinity
 - Identify how the strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary physical hardship which is inconsistent with the objectives of the General Plan and intent of the Zoning Ordinance

The applicant has the burden of producing evidence to demonstrate that all standards are met, and the intent and purpose of the applicable regulations, goals and objectives of the General Plan will be satisfied. The letter must include information that supports the findings to approve the Minor Exception. Failure to provide sufficient information may result in project delays and/or denial.

4. **Santa Clara Valley Habitat Plan (SCVHP) Application:** Application materials can be found online at: [Santa Clara Valley Habitat Agency website.](#)
5. **Additional Filing Requirements:** See Application Filing and Plan Specifications handout and Submittal Matrix.
6. **Application Fees:** Fees to be paid to the City of Morgan Hill at the time of submittal.
7. **Public Hearing Notice:** Fee to be collected.