

INSTRUCTIONS FOR FILING A FENCE VARIANCE APPLICATION

APPLICANT:

- Obtains Fence Variance Application from the Planning Divisions of the Department of Planning, Building and Code Enforcement.
- Reads Part 11, Chapter 20.100, Section 20.100.1320(B) of the San Jose Municipal Code Regulations and on page 3 of the application addresses the special circumstances applicable to the property.
- Completes application and includes items requested on the application form.
- Calls (408)535-3555 for an appointment and submits application **in person** on the 3rd floor of City Hall.
- If application is deemed complete, application is accepted by the Planning Divisions. Incomplete applications and plans will not be accepted for processing.
- Pays application fee and public noticing fee (see fee schedule).
- **Noticing the Neighborhood.** Refer to the Public Outreach Policy for a full description of the City's public notification procedures. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents within 300 feet for Very Small projects, 500 feet for Standard Development Proposals and a minimum of 1,000 feet for large or controversial projects as detailed in the Public Outreach Policy.

PLANNING STAFF:

- Review application and plans for conformance to filing instruction requirements.
- Places application on earliest available agenda of Director.
- Researches relevant zoning and building information.
- Makes a field inspection and prepares a report for the Director.
- Presents application, maps and other pertinent data to the Director.

- Director sets public hearing within period of ten (10) to sixty (60) days from application acceptance, and mails notices to petitioner and all owners and occupants per the Public Outreach Policy.

DIRECTOR OF PLANNING:

- Conducts hearing, considers all submitted information, and makes a decision.
- Director's decision will be mailed to the applicant and a copy sent to any person who requests one in writing.
- An **appeal** of the Director's decision may be filed by the applicant, or any property owner or occupant within 1,000 feet of the perimeter of the subject property within ten (10) days after the written decision is placed in the mail. If no **appeal** is filed, the decision becomes effective on the eleventh (11th) day after the decision date.

APPEAL:

- Appellant obtains Permit Appeal Application from the Planning Divisions. Applicant submits completed application to the Planning Division. If application is deemed complete, applicant files application and pays applicable fees.
- Appeal is set for public hearing and placed on Planning Commission agenda.
- Notices are mailed to appellant and all owners and occupants per the Public Outreach Policy.

PLANNING COMMISSION:

- Conducts a public hearing on appeal of denial/approval by the Director of Planning.
- If appeal is denied, the decision of the Planning Commission shall be final.
- If appeal is granted, the decision shall be effective forthwith.

**PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.
THIS APPLICATION APPOINTMENT IS LOCATED ON THE 3RD FLOOR OF CITY HALL.**

The following items are required to be submitted with this application for a fence variance:

- Filing Fee and Public Noticing Fee
- Two copies of the Assessor's Parcel Map marked with the project location. These maps can be obtained from the County Assessor's Office located at 70 West Hedding Street, San Jose, CA. 95110 or from the Development Services Center, City Hall. Parcels within 300 feet of subject property will be noticed.
- Two copies of the Tract map showing the project location, building setback line, and roadway sections with distance from face of curb or edge of sidewalk to property line. These maps may obtained from the County Assessor's Office located at 70 West Hedding Street, San Jose, CA. 95110 or from the Development Services Center, City Hall.
- Two copies of the Site plan to scale, showing the following:
 - a. All property lines with dimensions from the sidewalk, curb, etc;
 - b. Adjacent streets, sidewalks and any landscape strip between the sidewalk and street curb;
 - c. An outline of all structures and driveways located on the subject parcel and lot(s) adjacent to the location of the proposed fence;
 - d. The location of the proposed fence with written distances from the fence to the adjacent property line, the face of curb, the City sidewalk and the house;
 - e. Any easements shown on the grant deed;
 - f. Any fence restrictions shown on the grant deed;
 - g. Location of any existing or proposed changes in grade, including any existing or proposed retaining walls and fill to level a sloping yard;
 - h. Height and materials of proposed fence including any existing or proposed retaining walls (as appropriate).
- Photograph(s) of the proposed location.
- Provide a letter from the Property Owner's Association for your subdivision commenting specifically on the proposed fence variance application. If the association will not comment on the plans, evidence of its having received your request must be provided. If no such association exists, the property owner(s) should sign the certificate below.

PROPERTY OWNER

I warrant that there is no Property Owners' Association to comment on the requested fence variance application.

PRINT NAME OF PROPERTY OWNER

DAYTIME TELEPHONE #
()

SIGNATURE

X

DATE

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Please use this space to explain the reasons why the fence variance should be granted (typewritten please). Attach additional sheets if necessary.

[Empty space for typewritten explanation]

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