



**Planning Division of the
Community Development Department**

INSTRUCTIONS FOR FILING A MODIFICATION REQUEST

Applications for a Modification are required for requests for waivers from certain development standards, and are processed in conjunction with a Site Plan Review (SPR) or Conditional Use Permit (CUP).

Request for modifications are limited to the following:

1. A decrease of not more than ten percent (10%) of the required building site area (coverage) or width.
2. A decrease of not more than twenty percent (20%) of the required width of a side yard or the yard between buildings.
3. A decrease of not more than twenty percent (20%) of the required rear yard.
4. A decrease of not more than twenty percent (20%) of the distance required between the front property line and the building line.
5. A decrease of not more than ten percent (10%) of the required parking spaces.
6. An increase of not more than ten percent (10%) of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces, into any required front, rear, or side yard between buildings.
7. An increase in the size, height, number and location or new or existing signs. The increase in size or height of a sign not to exceed thirty (30%) percent.

Note: Requests that would result in larger intrusions, extensions, or reductions than listed above are not considered a Modification request, and require a variance.

The Community Development Department Director serves as the reviewing authority to grant or deny applications for Modifications, except for signage exemptions (#7 above), for which the Planning Commission is the reviewing authority. A Modification may only be approved when unique circumstances applicable to the property, including size, shape, topography, location, or surroundings, as determined by the Director or Planning Commission, prohibit the applicant from complying with the provisions of the Zoning Ordinance. Any Modification granted is subject to conditions, which will ensure that the Modification will not constitute a grant of special privileges inconsistent with the

limitation upon other properties in the vicinity and zone in which the property is situated. A Modification may be granted by the Director or Planning Commission for a limited time period, or may be granted subject to conditions as prescribed by the Director or Planning Commission. The Director or Planning Commission must be able to make all of the following findings before approving a Modification, as required in Section 9676.2.(E) of the Zoning Ordinance:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;
2. That the granting of the Modification will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;
3. That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance;
4. That the granting of the Modification will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity; and
5. That the granting of the Modification will be consistent with the character of the surrounding area.

Modifications will be processed in conjunction with an SPR or CUP. Please see those application packets for additional submittal requirements. In the event that no SPR or CUP is warranted for the project, follow Section 9676.1 for submittal requirements:

- A. Name and address of applicant.
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variance or modification is being requested.
- C. Address and legal description of the property.
- D. Colored renderings and photos of all four (4) sides of the building and the roof.
- E. Statement of the precise nature of the variance or modification requested and the reasons therefor, together with any other data pertinent to the findings prerequisite to the granting of the variance or modification prescribed by Section 9676.
- F. An accurate scale drawing of the site, and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than two (2) feet, and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking facilities, and landscape areas.
- G. The director may require additional information or plans, if they are necessary, to enable a determination as to whether the circumstances prescribed for the granting of a variance or modification exist. The director may authorize omission of any or all of the plans and drawings required by this chapter, if they are not necessary.

**MODIFICATIONS
BURDEN OF PROOF FORM**

In addition to the information required in the application, the applicant shall substantiate, in writing, the following required findings of fact to the satisfaction of the Director. Please provide detailed answers and use additional sheets of paper, as necessary.

1. That because of special circumstances applicable to the subject 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 and under identical zoning classification;

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