



**Planning Division
Community Development Department**

INSTRUCTIONS FOR FILING A MODIFICATION REQUEST

Modification applications are required for waiver requests from certain development standards. Modifications are processed in conjunction with a Site Plan Review (SPR) or Conditional Use Permit (CUP). Submittal requirements can be found in the SPR and/or CUP handouts. Some submittal items may be waived depending on the project. Please speak with Planning staff about the items that will be required for your project.

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 may require a Variance.

The Community Development Department Director serves as the reviewing authority to grant or deny applications for Modifications, except for signage (#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. 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.

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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;

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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

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