



Department of Planning and Community Development

INSTRUCTIONS FOR FILING A MODIFICATION REQUEST

Applications for a Modification are required for request for waivers from certain development standards.

Request for modifications are limited to the following:

1. A decrease of not more than ten percent (10%) of the required building site area 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 size or height of a sign not to exceed thirty (30%) percent.

Note: Requests which would result in larger intrusions, extensions or larger reductions than listed above are considered a Modification request, which requires a different application.

The Director of Planning and Community Development serves as the reviewing authority to grant or deny applications for Modifications. 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, prohibit the applicant from complying with the provisions of the Zoning Ordinance. Any Modification granted is subject to conditions, which will assure 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 for a limited time period, or may be granted subject to conditions as prescribed by the Director. The Director must find in favor of 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.

SUBMITTAL REQUIREMENTS

- Completed Planning Application Form.
- Completed Modification “Burden of Proof”.
- Two copies a legal description of the subject property (no older than one year).
- Photo simulations and photographs of the site are highly recommended.
- Applicable Fees (a formal application will not be accepted unless fees are provided).
- SITE PLAN (Folded accordion style to no larger than 8.5”x14”) [3 sets]
 - Vicinity Map locating the proposed development or use;
 - Scale: 1” = 20 feet and North Arrow;
 - Property boundaries, dimensions and area (square feet and acres);
 - Location, dimensions and total square footage of existing and proposed structures;
 - Building setback dimensions from all property lines and adjacent structures;
 - When applicable, existing and proposed contours at intervals of not more than two (2) feet, and all existing and proposed locations of streets, driveways, pedestrian walks and landscaped areas;
 - Type and use of each structure, both proposed and existing;
 - Location and dimensions of walls and fences;
 - Location and identification of existing trees;
 - Dimensions of proposed landscape planter and total square footage of each planter;
 - Number of parking spaces required and number of parking spaces provided by type;
 - Location and dimensions of existing or proposed parking spaces;
 - Location and size of monument signs;
 - Type of paving materials proposed, including scored concrete and other enhanced pavement;
 - Location of above ground utility vaults, transformers and other facilities;
 - Name and street address or Assessor’s Parcel No. of the project;
 - Name, address, telephone number, and wet stamp of the architect or other licensed professional who prepared the plans and the date of plan; and
 - Name, address and telephone number of the applicant.

ELEVATION PLANS (Folded accordion style to no larger than 8.5"x14") (3 sets]

- Scale: ¼" = 1' min.;
- All elevations shall be shown, indicating proposed and existing colors and materials;
- Height and width of buildings; and
- Signature of Registered Architect.

SIGN PROGRAM [3 sets]
(if applicable - folded accordion style to no larger than 8.5"x14")

- Location, dimensions, area, color, letter style, type and materials for all existing and proposed signs;
- Building signs shall be accurately dimensioned on elevation plans; and
- Elevation view of proposed monument signs shall be shown.

COLOR AND MATERIAL BOARD [1]
(if applicable - no larger than 8.5"x11"x 0.5" thickness)

- Exterior color and product specifications with description of location on proposed building. (Sample color chips must be provided)

