



MODIFICATION OF DEVELOPMENT STANDARDS APPLICATION

CITY PLANNING DIVISION

General Information

- Completion of this application does not guarantee approval of your modification request. All applications will be reviewed on the merits of the request alone, regardless of the application fee. The application fees are non-refundable, except for applications that are withdrawn within five (5) working days of the withdrawal deadline. No refunds shall be issued after a decision on modification has been made. Please allow approximately 2-3 weeks for processing of your application.

Submittal Checklist:

- Application Form including ownership affidavit*
- Fee: Owner Occupied Single Family Residence- **\$100**; all others- **\$450**
- Accurate as-built survey
- Site Plan (A site plan description that clearly shows the property line, the existing development, the proposed development, identifies the dimensions of the proposed development, and identifies the distances that the proposed development will be from the property line. Typically, this can simply be accomplished with a hand drawing on a copy of a recent survey. Make sure the hand drawing is "to-scale" and you identify the dimensions and the setbacks).
- Project Description (A written narrative letter describing what you want to build and the specific zoning code the proposed development will violate. (i.e. "my proposed screen room will be 5 ft. from my side yard and the code requires a 6 ft. setback").

Project Information

Project Name _____

Project Address _____

Applicant/Owner Information

Name of Applicant _____

Name of Owner(s) _____

Street Address _____

Street Address _____

City State Zip _____

City State Zip _____

Phone Number _____

Phone Number _____

Applicant Status

E-Mail _____

Owner _____ Tenant _____

Agent _____ Other _____

* Staff will provide a blank affidavit form.

FOR OFFICE USE ONLY

Pre-Application Conference _____ Date _____

Zoning _____ District _____ Date Received _____ Mod Case # _____

TYPE OF MODIFICATION		REQUIRED	PROPOSED
PRINCIPAL STRUCTURE (up to 20% of requirement)	Front Yard Setback	_____ Feet	_____ Feet
	Rear Yard Setback	_____ Feet	_____ Feet
	Side Yard Setback	_____ Feet	_____ Feet
	Street Side Yard Setback	_____ Feet	_____ Feet
ACCESSORY STRUCTURE (up to 20% of requirement)	Front Yard Setback	_____ Feet	_____ Feet
	Rear Yard Setback	_____ Feet	_____ Feet
	Side Yard Setback	_____ Feet	_____ Feet
	Street Side Yard Setback	_____ Feet	_____ Feet
VEHICULAR USE AREAS (up to 10% # of spaces or 2 Spaces, whichever is greater)	Number of Parking Spaces	_____ Feet	_____ Feet
	Location of Parking Spaces	_____ Feet	_____ Feet
	Dimension of Parking Spaces	_____ Feet	_____ Feet
	Driving Aisle Width	_____ Feet	_____ Feet
BUFFER YARDS (up to 50% of the required)	Width of Landscape Area	_____ Feet	_____ Feet
	Number of Tree Points	_____ Feet	_____ Feet
	Number of Shrubs	_____ Feet	_____ Feet
	Solid Fence, Wall or Hedge	_____ Feet	_____ Feet
SIGNS	Sign Height	_____ Feet	_____ Feet
	Sign Area	_____ Feet	_____ Feet
	Sign Setback	_____ Feet	_____ Feet
FENCE/WALL HEIGHT	Front Yard	_____ Feet	_____ Feet
	Street Side Yard	_____ Feet	_____ Feet
	Rear Yard	_____ Feet	_____ Feet
	Side Yard	_____ Feet	_____ Feet
AIR CONDITIONING UNIT LOCATION	Rear Yard Setback	_____ Feet	_____ Feet
	Side Yard Setback	_____ Feet	_____ Feet
	Street Side Yard Setback	Prohibited	_____ Feet
	Front Yard Setback	Prohibited	_____ Feet
LOT DIMENSIONS	Minimum Mean Lot Width	_____ Feet	_____ Feet
	Minimum Mean Lot Depth	_____ Feet	_____ Feet
CERTAIN ADDITIONS TO PRINCIPAL BUILDINGS	No heating, ventilation or air conditioning	_____ Feet	_____ Feet

JUSTIFICATION FOR THE MODIFICATION

The applicant must provide information which justifies approval of the request based upon Section 65.310 of the Land Development Code, Specific Standards for approval of modifications of development standards. Section 65.310 states that no modification of standards may be approved unless the applicant clearly shows the existence of the following circumstances.

SUPERIOR ALTERNATIVES

The applicant must prove that the proposed development will achieve the purposes of the requirement through clearly superior design. **HOW DOES THE PROPOSED DEVELOPMENT CONSTITUTE A DESIGN ALTERNATIVE THAT IS SUPERIOR TO STANDARD DEVELOPMENT PRACTICE?**

TECHNICAL IMPRACTICALITY

The applicant must prove that strict application of the requirements would be technically impractical in terms of design or construction practices or existing site conditions. The degree of existing non-conforming conditions and the extent to which the proposed modification would lessen the non-conforming conditions shall be specifically considered. **HOW WOULD APPLICATION OF THE REQUIREMENT BE TECHNICALLY IMPRACTICAL AND/OR HOW WOULD THE MODIFICATION ASSIST IN REDUCING EXISTING NON-CONFORMING CONDITIONS?**

ADJACENT DEVELOPMENT CONDITIONS

The applicant must prove that the proposed modification is necessary to provide consistency with the positive design elements of an existing adjacent development. Positive design elements shall be those identified by the urban Design Element of the GMP and Chapter 62 of the LDC. **HOW IS THE PROPOSED MODIFICATION CONSISTENT WITH THE POSITIVE DESIGN ELEMENTS OF THE ADJACENT PROPERTY?**

TREE PROTECTION REQUIREMENTS

The applicant must prove that the modification is necessary to meet the Tree Protection Requirements specified in Chapter 60, Part 2. **HOW WOULD STRICT APPLICATION OF THE REQUIREMENT IMPACT TREE PROTECTION?**

CERTIFICATION

By my signature below, I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I certify that the information contained in this application is true and correct to the best of my knowledge at the time of application. If further understand that an incomplete application submittal may cause my application to be rejected.

Applicant Signature

Date

COMMON REASONS WHY MODIFICATION OF STANDARDS ARE EITHER DENIED OR DELAYED

1. **Plans** —No Survey or Plot Plan that clearly shows:
 - The existing buildings and improvements
 - The proposed additions or improvements, and
 - Identifies (“calls out”) the distances from the buildings and improvements to the property lines.
 2. **Improvements** —The application is unclear on exactly what is being built or improved.
 3. **Reason for the Request/Project Description**—The application is unclear on exactly what part of the proposed improvement is the Modification of Standards being requested. (i.e. “This Modification of Standards is being requested to construct an A/C pad in the required easterly side yard setback.” or “This Modification of Standards is for a new 300 s.f. addition to be constructed within the side yard setback on the east side of my house”).
 - Existing condition (i.e. “the property contains a house. Attached is a survey showing the exact location of the house”).
 - The proposed improvement (i.e. “We desire to add an additional bedroom to the back of the house. Attached is a plot plan showing the location of the addition”).
 - Purpose of the Modification of Standards (“the new addition will be 22 ft. from the rear lot line, where the code requires a 25 ft. rear yard setback)
 - Reason why a Modification of Standard should be given (i.e. “We have designed the addition in the Current configuration to avoid removing a 30 in. oak tree that is also in the back yard. Please see the Survey for the location of the oak tree”).
 4. **Reason for Approval** —The application does not provide at least one of the following reasons why the Modification of Standards should be granted.
 - Superior Alternative
 - Technical Impracticality
 - Adjacent Development Conditions
 - Tree Protection Requirements
- Please note that a Modification of Standards is a discretionary approval that requires justification.
5. **E-Mail Address**—The application does not include an email address. Many times the Zoning Official will have follow up questions. We desire to keep all aspects of the Modification of Standards Application in writing. If no email address is provided, the Zoning Official will follow up with any additional request for additional information by mail.