

# Digital Plans – Application Supplement

## Modification of Standards (MOD-type)

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. <b>HOW DOES THE PROPOSED DEVELOPMENT CONSTITUTE A DESIGN ALTERNATIVE THAT IS SUPERIOR TO STANDARD DEVELOPMENT PRACTICE?</b>
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. <b>HOW WOULD APPLICATION OF THE REQUIREMENT BE TECHNICALLY IMPRACTICAL AND/OR HOW WOULD THE MODIFICATION ASSIST IN REDUCING EXISTING NON-CONFORMING CONDITIONS?</b>
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. <b>HOW IS THE PROPOSED MODIFICATION CONSISTENT WITH THE POSITIVE DESIGN ELEMENTS OF THE ADJACENT PROPERTY?</b>
Tree Protection Requirements	The applicant must prove that the modification is necessary to meet the Tree Protection Requirements specified in Chapter 60, Part 2. <b>HOW WOULD STRICT APPLICATION OF THE REQUIREMENT IMPACT TREE PROTECTION?</b>

See the following page for reasons why Modifications of Standards are either denied or delayed.

Why Modifications of Standards are either denied or delayed:

1. Plans — No Survey or Plot Plan that clearly shows:
  - a. The existing buildings and improvements
  - b. The proposed additions or improvements, and
  - c. 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”).
  - a. Existing condition (i.e. “the property contains a house. Attached is a survey showing the exact location of the house”)
  - b. 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”).
  - c. 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)
  - d. Reason why a Modification of Standards 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:
  - a. Superior Alternative
  - b. Technical Impracticality
  - c. Adjacent Development Conditions
  - d. 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.