

Chapter 18.230**MODIFICATIONS****18.230.010 Modifications Authorized.****18.230.020 Applications.****18.230.030 Approving/ Appeal Authority.****18.230.010 Modifications Authorized.**

Modifications from the improvement requirements of this Title may be granted pursuant to the procedures set forth in this Chapter. (Ord. 7026 §4, 2009; Ord. 6968 §1, 2007)

18.230.020 Applications.

An application for a modification shall be made by a petition of the subdivider on forms as may be prescribed by the Planning Division. The petition shall set forth the nature and extent of the requested modification, the grounds of the application and the facts relied upon by the petitioner for the request for a modification. The petition shall be filed together with the administrative discretionary or discretionary map or permit. (Ord. 6968 §1, 2007)

18.230.030 Approving/Appeal Authority.

The Approving or Appeal Authority shall consider the application for a modification and the drawings and documents filed with an application at the same time as the map or permit is considered. The modification may be granted or may be granted subject to prescribed conditions, provided that the Approving or Appeal Authority shall make the following findings:

- A. That the property is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical or undesirable for the petitioner to fully conform with the regulations prescribed by this Title, and required conformance would result in undue hardship;
- B. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- C. That the modification will not be detrimental to the public health, safety or welfare, or be injurious to other properties in the vicinity;
- D. That granting the modification is in accordance with the purposes set forth in this Title;
- E. That granting the modification is not contrary to the objectives of the Zoning Code set forth in Title 19 of this Code and the General Plan. (Ord. 6968 §1, 2007)