

BERNALILLO COUNTY

Zoning, Building, Planning & Environmental Health
111 Union Square SE, Suite 100
Albuquerque, NM 87102
(505) 314-0350 Fax: (505) 314-0480



ZONING ADMINISTRATION APPLICATION

VARIANCE

OWNER		PHONE
MAILING ADDRESS	CITY	ZIP

AGENT		PHONE
MAILING ADDRESS	CITY	ZIP

SITE ADDRESS		
DIRECTIONS		
LEGAL DESCRIPTION		
MAP #	CURRENT ZONE(S)	PROPERTY ACREAGE
UPC #	PROPOSED ZONE(S)	SUBDIVISION NAME
EXISTING BUILDINGS & USE		
PROPOSED BUILDINGS & USE		

Variance Criteria

IT IS THE BURDEN OF THE APPLICANT TO PROVE:

- there are peculiar, exceptional and unusual circumstances in connection with the land; and
- the unique circumstances of the property are not generally found within the locality or neighborhood concerned.

I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

Printed Name

Signature

Date

Discussion with County staff members regarding your request is strongly recommended prior to filing an application. The discussion will help to advise you of the relevant facts and criteria concerning the request. The Zoning Administrator cannot comment on the merits of the request prior to the hearing.

APPLICATION REQUIREMENTS FOR VARIANCE REQUESTS

A variance is a discretionary waiver from certain zoning requirements that allows property owners to vary or modify standards of the ordinance. Variances are granted only in situations where there are unique circumstances in connection with the subject property. Self-created, personal or economically based hardships are not grounds for granting a variance.

Approved variances often include conditions and standards. These conditions make possible the development of Bernalillo County in an orderly, efficient manner, and in conformity with the intended purpose of the Zoning Ordinance. Conditions may include the addition of landscaping, walls, parking areas, or other requirements to avoid noise, vibration, odor, and health hazards. Applicants are required to meet the approved conditions. Failure to do so will result in the revocation of the approval.

It is the burden of the applicant to prove:

1. There are peculiar, exceptional and unusual circumstances in connection with their land.
2. These circumstances are not generally found within the locality or neighborhood concerned.

Applications for a variance must include the following:

_____ **5** copies of an accurate site plan indicating ALL existing and proposed buildings, structures, property dimensions and site conditions. Plans are to be DRAWN TO SCALE and of SUFFICIENT CLARITY to convey the scope of the proposal.
(see attached example)

_____ Corresponding zone atlas page indicating the location of the subject property.

_____ Completed application signed by the applicant or their designated agent.

Applications must contain:

_____ Owner's name and address

_____ Agent's name and address (if applicable), accompanied by a letter of authorization signed by the property owner

_____ Site address and Uniform Property Code number

_____ Written statement justifying the scope of the request and addressing the criteria for decision

_____ Complete and understandable directions to the property

VARIANCE CHECK LIST

Indicate request

_____ Height

_____ Nonconforming use provision

_____ Area

_____ Wireless telecommunications requirements

_____ Lot size

_____ Other. Please describe.

_____ Lot width

_____ Setback distance

_____ Parking

_____ Density

SIGN POSTING INSTRUCTIONS

As required by the Comprehensive Zoning Ordinance of Bernalillo County, persons scheduled for hearing are required to post and maintain one or more signs on their property to assist in advertising the application and describing its purpose. Applicants, or their agents, will receive their signs at the time their application is filed.

1. LOCATION

- a. Signs shall be conspicuously located on the property and within twenty (20) feet of any property line that abuts a street. Signs must be placed at the edge of the property closest to the street if the property does not abut a street.
- b. The face of the sign shall be parallel to the street. The bottom of edge of the sign shall be at least two (2) feet, but not more than seven (7) feet, above grade.
- c. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.

2. NUMBER

- a. A sign shall be placed on each street frontage abutting the subject property.
- b. If the property does not abut a street, a sign must be placed at the edge of the property nearest the public street.

3. DURATION OF POSTING

- a. Signs are to be posted 15 days before and after the hearing date.
- b. Failure to properly post and maintain the sign(s) is grounds for deferral or denial of the request.

Posting Suggestions:

Heavy stakes with crossbar supports or plywood backing typically works best to keep the sign in place, especially during high winds. Signs will tear less easily if they are attached to the support system with large-headed nails or staples.

I acknowledge that I have read and understand the "Sign Posting Instructions". I also understand my obligation to post the provided signs for the required period of time, as well as their proper posting location(s).

Signature of applicant / agent

Date

APPLICANTS / AGENTS WILL RECEIVE A COPY OF THIS DOCUMENT

Staff: _____

Number of signs issued: _____

Case number: ZA-_____

SIGNS MUST BE POSTED FROM _____ TO _____.

THE SCHEDULED PUBLIC HEARING FOR THIS REQUEST WILL BE HELD ON

_____.