



ZONING VARIANCE APPLICATION

Community Development Department

VILLAGE OF LOS LUNAS

660 Main Street NW
Los Lunas, NM 87031
(505) 839-3842

1. CONTACT INFORMATION

Applicant(s) or Agent(s) _____
Address _____ City _____ State _____ Zip _____
Email _____ Phone _____
Are you the property owner? ☐ Yes ☐ No *If no, please complete the following section:*
Property Owner(s) _____ Phone _____
Address _____ City _____ State _____ Zip _____

2. PARCEL INFORMATION

Property Identification Number (UPC) _____
Legal Description _____
Street Address or Location _____
Council District _____ Present Zoning _____ Present Land Use _____
Main Street Overlay District? ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ N/A Are you in the Transit Oriented District area? ☐ Yes ☐ No

3. EXPLANATION OF REQUEST

I am requesting a variance of:

- ☐ Minimum Lot Size ☐ Minimum Lot Width ☐ Maximum Building Height ☐ Maximum Sign Height
☐ Front Minimum Setback ☐ Side Minimum Setback ☐ Rear Minimum Setback ☐ Minimum Distance Between Structures
☐ Landscaping Requirement ☐ Screening Requirement ☐ Off-Street Parking Requirement ☐ Off-Street Loading Requirement

Applicable Village of Los Lunas Municipal Code Section _____

Requirement _____

Requesting Variance of _____ to be at _____

Provide a brief explanation:

4. SIGNATURE OF OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):

Accompanying this application are all required documents. I have examined and am familiar with the zoning regulations - Title 17 - as adopted by the Village of Los Lunas. I understand the Planning and Zoning Commission or Village Council will not assume any liability for possible lack of understanding on my part. Application requires public hearings and a fee. I understand that in addition to the application fees listed below, the Village of Los Lunas will subsequently bill the applicant for public notice mailing and newspaper publication costs.

Printed name _____ Signature _____ Date _____

Printed name _____ Signature _____ Date _____

OFFICE USE ONLY

Received Date: _____

Case: _____

APPLICATION FEE: \$150.00

P & Z REVIEW DATE: _____

(6:00 pm, Council Chambers, Village Hall Building)

For Cashier's Use Only

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Required Documentation



PRE-APPLICATION MEETING

The applicant shall meet with a staff planner to discuss the application and process. The pre-application meeting is valid for three (3) months from the date of the initial pre-application meeting.



APPLICATION FOR A VARIANCE

All sections of this application must be completed, and all required documentation must be submitted before the application will be accepted for processing. Submission of an application does not guarantee acceptance; the Department must first review it for accuracy and completeness.



SITE PLAN OR DEVELOPMENT PLAN

The applicant shall provide a site plan. Plans shall be drawn to scale and be in accordance with Section 17.14.010 of the Municipal Code.

17.14.010(F)(3)(ii) - Variance Application

1. Site address, UPC, and legal description as applicable.
2. Scale (numeric and graphic).
3. North arrow.
4. Public right-of-way adjacent to and within 150 feet of the site.
5. Location of proposed and/or existing site access.
6. Location of all proposed and existing structures, off-street parking areas, loading areas, drainage ponds, dumpster location, and landscape areas as applicable.
7. Location and measurements of front, side, and rear setbacks measured in feet and inches as applicable to the project proposal.
8. Existing and proposed easements within the subject property.
9. Existing and proposed utilities within and adjacent to the subject property.
10. Existing zoning and land use on the subject and adjacent properties.



RESPONSES TO ZONING VARIANCE CRITERIA

The applicant shall provide written responses to the Variance criteria in accordance with Section 17.14.020 of the Municipal Code. More information on this item is found on Page 3 of this application.



PROOF OF OWNERSHIP

One (1) copy of a legal document demonstrating that the individual(s) or corporation making certain the application for a variance is the current property owner. If the ownership is a corporation, group, entity, or other such organization, an additional document demonstrating authority to sign on behalf of the ownership is required.



AGENT AUTHORIZATION

If the applicant is an acting agent for the property owner, an additional document authorizing the applicant to represent the property owner is required.



CASHIER'S VALIDATION

Upon review and acceptance of the application by the Department, the required fee shall be paid at the Cashier. Fees are nonrefundable.



NOTICE OF PUBLIC HEARING

The applicant is required to post notice of the public hearing in the vicinity of the property proposed for a variance. The notice shall be in accordance with Title 17 Article VI Section 17.14.020(I) of the Municipal Code. The notice for posting shall be obtained from the Community Development Department.



ADDITIONAL COSTS FOR PUBLIC NOTICE

The applicant will subsequently be billed for costs incurred by the Village of Los Lunas for public notice mailing and newspaper publication costs.



REVIEW OF MUNICIPAL CODE

Requirements and procedures for Variance applications are covered in the following section of the Los Lunas Municipal Code:

- Article VI Section 17.14.020(F)(3)

Applicants may review the Municipal Code in the Village of Los Lunas Administrative Office, 660 Main Street NW Los Lunas, New Mexico from 8:00 to 5:00 p.m. Monday through Friday. The Municipal Code is also available for review on the Village of Los Lunas website, at www.loslunasnm.gov.

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How are Variances granted?

WHAT IS A HARDSHIP?

Variances are granted by the Village of Los Lunas Planning and Zoning Commission, and are regulated by Section 17.14.020 of the Los Lunas Municipal Code. Anyone is welcome to submit an application for a zoning variance. However, the applicant must be prepared to prove that there is a hardship which necessitates the variance. Please read carefully the following information to better understand hardships, and additionally any other section of the Municipal Code listed on the application to better understand the application process.

17.14.020 - VARIANCES

A Variance application shall be authorized only for minimum lot size, lot width, building height, setback, landscape and screening, off-street parking, and off-street loading requirements. A land use shall not qualify for a Variance and shall only be considered under the provisions of a Zone Map Amendment or Special Use application. An application for a Variance shall be submitted to the Community Development Department for review and consideration by the Planning and Zoning Commission.

- 17.14.020(F)(3)(i): An application for a Variance shall be approved if it meets all of the following stringent criteria:
- a. There are special circumstances or conditions applicable to the property that are not self-imposed and do not generally apply to other properties in the same zone district, including but not limited to size, shape, topography, location, surroundings, natural forces, or by government actions for which no compensation was paid.
 - b. Strict compliance with the provisions of this Ordinance would deprive the applicant of development rights commonly enjoyed by other properties in the same zone district, causing extraordinary hardship resulting in a substantial limitation on the use of the property or practical difficulties.
 - c. The Variance is the minimum necessary to overcome the extraordinary hardship and provide reasonable use of the property.
 - d. Financial gain or loss to the applicant shall not be the determining factor in the decision whether to approve or deny a Variance.
 - e. The Variance shall not cause a significant adverse impact on adjacent or nearby properties or materially endanger the public health, safety, or welfare.
 - f. The Variance shall not undermine the intent or purpose of this Ordinance or the zone district in which the property is located.
 - g. The Variance shall not result in the expansion of a nonconforming use or structure, and no nonconforming use of adjacent or surrounding properties or structures shall be considered grounds for granting a Variance