

Village of Los Ranchos de Albuquerque
6718 Rio Grande Boulevard NW
Los Ranchos de Albuquerque, NM 87107
Phone: (505) 344-6582

FOR OFFICIAL USE		
Zone _____	V # _____	Date: _____
Related Cases _____	Receipt # _____	
Character Area _____		

Application fee of \$150.00 due at submittal. Additional public notice fees will apply. Complete application must be submitted with all required documents by the deadline for the next Planning & Zoning Commission meeting. Incomplete applications without all required supplemental documents will not be processed. No revisions (edits to submitted documents, removing submitted documents, or additional documents) are accepted after the deadline.

VARIANCE APPLICATION

Address: _____ **Zip:** _____
Los Ranchos de Albuquerque

Property Acreage _____ **Nature of Variance Request:** _____

Legal Description (Only if property has no formal address)

Subdivision _____ **Block** _____ **Lot No.** _____ **Tract No.** _____ **MRGCD Map No.** _____

PROPERTY OWNER

Name: _____

Mailing address: _____
Street City Zip

Telephone: _____ **Email:** _____

CONTRACTOR/AGENT OR FIRM

Representative for property owner who will handle application processing in lieu of property owner. If not applicable, leave blank.

Contact Name: _____ **Title:** _____

Business Name: _____

Mailing address: _____
Street City Zip

Telephone: _____ **Email:** _____

REQUIRED DOCUMENTS

*** Must be submitted with application form.**

- Grant/warranty deed or other proof of ownership*** (Confirm with staff other proof is acceptable prior to submittal)
- Verification of paid property taxes (e.g. tax bill)*** (From <https://www.bernco.gov/treasurer/property-tax-search.aspx>)
- Letter of intent** – Nature of request and why requested, consisting of:
 - Section(s) of code requesting variance from** – View at www.losranchosnm.gov/village-code
 - Hardship criteria** – Must reference at least one. If no numerical hardship (1-5) identified, staff will recommend denial.
 - Site plan** – To scale (include dimensions). Identify location of request.
 - Floor plan/design and elevations** – If applicable. To scale (include dimensions).
 - Photographs/diagrams** – If applicable.

In addition to the \$150.00 variance fee, the application will generate public notice fees for postings in the newspaper, a posted sign, and mailings sent to all neighbors within a 300-400 foot area from the subject property. Fees generated by this application are the applicant's responsibility, due and payable upon notification of fees by the Village.

The Planning & Zoning Department will notify the applicant to pay the public notice fees and pick up the sign to post on the property. The sign must be posted visible from the roadway; if along two roads, the applicant may pick which road to post the sign along. The applicant is responsible for posting the sign on the property for the duration of the public comment period, according to application public notice requirements.

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of restrictive covenants on the subject property.

By submitting this application, I certify that all statements herein are true and correct to the best of my knowledge.

Signature of Property Owner (or submit affidavit of agent) **Date**

Signature of Applicant (Contractor/Agent) (if applicable) **Date**

FOR OFFICIAL USE

Planning & Zoning Commission Application Hearing Date: _____

Disposition: Approved Denied Withdrawn on _____
Date

Conditions:

Attest: _____
Planning and Zoning Director Date

Letter with special conditions of approval or basis for denial specified in letter (notice of decision) mailed on _____
Date

See below for code excerpt on Variances. Variances must address one or more of the hardships from Section 9.2.25(E)(7)(b) below.

(7) Variance. This provision applies to applications for variances from the terms of this Chapter 9.

(a) A variance may be granted if:

1. The variance is in conformance with the goals and policies of the Village Master Plan; and
2. It is not contrary to the public interest in protecting and fostering the character of the vicinity and the Village, and will not cause material adverse impacts on adjacent property, the neighborhood, or the community; and
3. Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.

(b) Unnecessary Hardship Criteria. Enforcement of this Chapter 9 may be deemed to cause unnecessary hardship if:

1. When compared with other land in the vicinity and located in the Village, subject to the same provisions, the parcel is exceptional by reason of physical characteristics of the land that existed when the provisions were adopted or which were created by natural forces or by government action for which no compensation was paid; or
2. When compared to other land in the vicinity and located in the Village, subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted; or
3. The parcel is irregular or unusually narrow in shape, and the condition existed when provisions were adopted or was created by natural force or government action for which no compensation was paid; or
4. Circumstances have created a condition under which no reasonable use can be made of the land without the requested variance, provided however, that the fact that the affected parcel might have a greater value with the variance is not sufficient or justification in itself to authorize a variance; or
5. Other relevant factors exist that when taken into account indicate that granting of the variance is substantially justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering the character of the vicinity and the Village, and the intent and purpose of the Master Plan and Zone Code.

(c) General principles applicable to all variances:

1. The requested variance shall not effectuate or be deemed to have authorized a zone change or in any manner affect the zoning of any property; and
2. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property; and
3. The requested variance differs from that allowed in this Chapter 9 only enough to relieve the alleged hardship; and
4. The alleged hardship was not self-imposed by the property owner; and
5. An application for a variance for the same property will not be considered if another application has been filed within six (6) months from the date of the final action on a prior application; and
6. Each and every variance is unique to the circumstances of the property for which it was granted; the granting of one variance does not set precedence for later variances.

Village of Los Ranchos de Albuquerque Application Public Notice Requirements

1. Applications for Administrative Approval

Your application will be noticed for administrative approval in two ways: letters sent to all property owners within 300-400' from your property and a posted notice sign on the front of your property. The Village will handle the mailed notice and forward the cost to you as the applicant. You must post the sign per the below instructions. Failure to do so may constitute reason to defer or deny your application. If your application is not administratively approved, you will be charged for the Commission public hearing notice. Please contact the Planning & Zoning Department with any questions.

2. Applications for Approval by the Planning & Zoning Commission or Board of Trustees

Your application will be noticed as on the Planning & Zoning Commission or Board of Trustees agenda in three ways: a notice in the Albuquerque Journal newspaper, letters sent to all property owners within 300-400' from your property, and a posted notice sign on the front of your property. The Village will handle the newspaper and mailed notice, and will forward the cost to you as the applicant. You must post the sign per the below instructions. Failure to do so may constitute reason to defer or deny your application. If your application will go before the Commission or Board multiple times, each meeting requires a new notice. You will be charged accordingly and be required to post a new meeting sign. Please contact the Planning & Zoning Department with any questions.

Public Notice Sign

As the applicant, you are responsible for posting and maintenance of a sign on the property that describes the application. The Village will contact you via phone or email.

You are responsible for ensuring the sign remains posted throughout the designated period (dates and times) noted on the sign. Failure to maintain the sign during the entire period may be cause for deferral or denial of the application.

Location:

- The sign must be conspicuously located. It must be within twenty feet (20') of the edge of the front property line, and Village staff may indicate a specific location.
- The face of the sign must be parallel to the street, and the bottom of the sign must be two (2) to seven (7) feet from the ground.
- No barrier shall prevent a person from coming within five feet (5') of the sign in order to read the content.

Posting:

- The Village provides zip ties to attach the sign to a fence. Alternatively, nailing or stapling the sign to a heavy stake with two (2) crossbars or a full plywood backing works best to keep the sign in place, especially during high winds. In the event the sign is lost or damaged to the point

that it is unreadable prior to the meeting, inform Village staff to obtain a new sign as soon as possible.

Removal:

- Do not remove the sign before the hearing or administrative approval of the request.
- You must remove the sign no later than five (5) days after the Director, Commission, or Board issues its decision.

Public Notice Fees

You must pay the public notice fees when you pick up the public notice sign. The invoice will be comprised of the following:

- **Albuquerque Journal Notice:** Forwarded cost from the newspaper for the cost of the posting, divided by the number of applications on the agenda. Only applicable for public hearing items.
- **Mailed Letter Notice:** \$0.58 (cost of stamp) * number of letters sent
- **Public Notice Sign:** \$2