



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) _____ Phone _____
Address _____ city _____ state ___ zip _____
Email address _____ fax _____
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 _____ Square feet of structure _____
Council District _____ Present zoning _____ Present land use _____

3. EXPLANATION OF REQUEST

Please review Los Lunas Municipal Code Section 17.20.020 for a full explanation of the circumstances under which the Village of Los Lunas would consider a zoning variance.

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 - Chapters 17.20 and 17.24 - as adopted by the Village of Los Lunas. I understand the 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 _____
Printed name _____ Signature _____ Date _____

****OFFICE USE ONLY****

Case #: _____ Received Date: _____ APPLICATION FEE: \$75.00
P&Z REVIEW DATE: _____ (6:00 pm, Council Chambers, Village Hall Building)

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Required Documentation

PRE-APPLICATION MEETING

The applicant shall meet with a staff planner to discuss the application and process.

APPLICATION FOR A ZONING VARIANCE

Each item on this application shall be completed and all documentation required on this form shall be submitted before this application is accepted for processing. Submittal of an application does not constitute acceptance for processing until the Department reviews the application for accuracy and completeness.

PROOF OF OWNERSHIP

One (1) copy of a certificate from a title company, warranty deed, or other legal document demonstrating that the individual(s) or corporation making certain the application for a zoning variance is the current property owner.

CASHIER'S VALIDATION

Upon review and acceptance of the application by the Department, the required fee shall be paid at the Cashier. After validation of the payment, the application form shall be returned to the Community Development Department. Fees are nonrefundable.

NOTICE OF PUBLIC HEARING

Applicant is required to post notices of the public hearing in the vicinity of the property proposed for a zoning variance. The notice shall be in accordance with Chapter 17.24.020 of the Municipal Code. Notice of Public Hearing sign may be obtained from the Community Development Department at the time of application.

ADDITIONAL COSTS FOR PUBLIC NOTICE

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 zoning variance applications are covered in the following chapters of the Los Lunas Municipal Code:

- Chapter 17.20: Appeals, Variances, Interpretations
- Chapter 17.24: Hearing Procedures for Appeals and Applications

Applicants may review the Municipal Code in the Village of Los Lunas Administrative Office, 660 Main Street N.W. 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, under the *Residents* heading.

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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 17.20.020 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.

17.20.020 - VARIANCES

B. A variance may be granted by the planning commission if it concludes that strict enforcement of this title would result in practical difficulties or unnecessary hardships for the applicant and that the spirit of this title will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

1. If the applicant complies strictly with the provisions of this title, he can make no reasonable use of his property;
2. The hardship relates to the applicant's land, rather than personal circumstances;
3. The hardship is unique, rather than one shared by many surrounding properties;
4. The hardship is not the result of the applicant's own actions; and
5. The variances will not result in the extension of a non-conforming use or structure.