BERNALILLO COUNTY
Planning & Development Services
111 Union Square SE, Suite 100
Albuquerque, NM 87102
(505) 314-0350 Fax: (505) 314-0480
www.bernco.gov

ZONING ADMINISTRATOR

ADMINISTRATIVE AMENDMENT

Existing SUP #:_____
Application Number:_____
Hearing Date:_____

OWNER		E-MAIL	PHONE
MAILING ADDRESS	CITY		ZIP

APPLICANT/ AGENT		E-MAIL	PHONE
MAILING ADDRESS	CITY		ZIP

SITE ADDRESS		
LEGAL DESCRIPTION		
ZONE #	CURRENT ZONE(S) & SUP-	PROPERTY SIZE IN ACREAGE
UPC #		
EXISTING STRUCTURE & USE		
PROPOSED STRUCTURE & USE		

Administrative Amendment to an existing Special Use Permit:

IT IS THE BURDEN OF THE APPLICANT TO PROVE:

- the result of the proposed amendment will result in an equal or less intense use of the land as compared to that first approved by the Board of County Commissioners (BCC)

NOTE: Administrative amendment proposals cannot be heard for requests which seek to change or modify any of the specific requirements or conditions imposed by the BCC, or which seek to change one Special Use for another Special Use.

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 filling 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.

AS COMPARED TO THE SPECIAL USE PERMIT AND SITE DEVELOPMENT PLAN FIRST APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LIST THE SPECIFIC CHANGES REQUESTED WITH THIS ADMINISTRATIVE AMENDMENT AND NOTED DIFFERENCES FOR THE PERMIT:

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.

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ZONING SECTION

ADMINISTRATIVE AMENDMENT

The Zoning Ordinance authorizes the Zoning Administrator to make requested changes to existing Special Use Permit development plans if an applicant is able to meet the criteria as listed in Sec. 24.A.2.j.

Applicants must prove:

- That the proposed changes would result in an **equal** or **less** intense use of the land when compared to what was originally approved by the Board of County Commissioners; and
- That the proposed changes would not alter a requirement that was placed on the permit when the Board of County Commissioners originally approved it.

The Application Process

STEP 1. Submitting the application

All requests for Administrative Amendments should include the following information:

1. Name and mailing address of the applicant
2. Address and SUP number of the subject site
3. Letter of authorization from the property owner (if necessary)
4. Detailed site plan reflecting the proposed changes and justification
5. Detailed written explanation describing the proposal
6. Any other pertinent information

The burden of supplying adequate and detailed information rests with the applicant. Those who have in-depth questions concerning their requests should be advised of the availability of staff members, supplemental handouts, and scheduled consultations.

STEP 2. Reviewing of materials and Special Use Permit

After County staff has accepted the application, the Zoning Administrator begins the necessary research and review of the submitted materials and SUP. Scheduled for public hearing, applicant must be present to justify request based on the information presented and the conditions tied to the existing permit, a determination is made by the Zoning Administrator and the Planning Department.

STEP 3. Issuing the notice

The Zoning Administrator will prepare a Notice of Administrative Decision and mail it to all interested parties. A fifteen (15) day appeal period is established with the decision. Anyone may appeal the decision to the Board of Adjustment. If an appeal is not filed, the determination of the Zoning Administrator is final.

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PLANNING SECTION

Zoning Administrator Schedule 2016

HEARING DATE	APPLICATION DEADLINE	SIGN POSTING BEGINS	SIGN POSTING ENDS	LEGAL AD TO PAPER	LEGAL AD PUBLISHED	APPEAL DEADLINE
Wed., January 13, 2016	December 8, 2015	12/29/15	01/28/16	12/23/15	12/27/15	February 4, 2016
Wed., February 10, 2016	January 12, 2016	01/26/16	02/25/16	01/21/16	01/24/16	March 3, 2016
Wed., March 9, 2016	February 9, 2016	02/23/16	03/24/16	02/18/16	02/21/16	March 31, 2016
Wed., April 13, 2016	March 8, 2016	03/29/16	04/28/16	03/24/16	03/27/16	May 5, 2016
Wed., May 11, 2016	April 12, 2016	04/26/16	05/26/16	04/21/16	04/24/16	June 2, 2016
Thur., June 9, 2016	May 10, 2016	05/25/16	06/24/16	05/19/16	05/22/16	July 1, 2016
Wed., July 13, 2016	June 8, 2016	06/28/16	07/28/16	06/23/16	06/26/16	August 4, 2016
Wed., August 10, 2016	July 12, 2016	07/26/16	08/25/16	07/21/16	07/24/16	September 1, 2016
Wed., September 14, 2016	August 9, 2016	08/30/16	09/29/16	08/25/16	08/28/16	October 6, 2016
Wed., October 12, 2016	September 13, 2016	09/27/16	10/27/16	09/22/16	09/25/16	November 3, 2016
Thur., November 10, 2016	October 11, 2016	10/26/16	11/25/16	10/20/16	10/23/16	December 2, 2016
Wed., December 14, 2016	November 8, 2016	11/29/16	12/29/16	11/23/16	11/27/16	January 5, 2017

Applications and appeals are accepted until 12:00 noon on the deadline day.

Zoning Administration hearings begin at 9:00 a.m. at the City/County Building, Vincent E. Griego Chambers, Concourse Level Two, located at One Civic Plaza NW.

Discussion with County staff members concerning your request is strongly recommended prior to filing an application. The discussion will help to advise you of the relevant regulations and criteria concerning your request.

The Zoning Administrator cannot comment on the merits of the request prior to the hearing.

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ZONING SECTION

ADMINISTRATIVE AMENDMENT

What is appropriate for an AA application?

The Comprehensive Zoning Ordinance of Bernalillo County limits what can be approved administratively by the Zoning Administrator as it affects an existing Special Use Permit. Applicants should be familiar with the specific requirements and limitations of their Special Use Permit, as well as consult with a member of the Planning Department prior to filing an application.

Administrative amendments can be made to:

- **Decrease the area controlled by a Special Use Permit.**

  Notwithstanding any other provision of this Ordinance, an application that proposes to increase the acreage of the use of the affected property shall be processed as a new application. An application that proposes to decrease the acreage of the use shall be processed as an administrative amendment to the Special Use Permit, and reviewed by the Zoning Administrator at a public hearing following the procedures in Section 24. of this Ordinance. [Sec. 18.C.2.]

- **Change, modify or alter the layout of the property as reflected on the originally approved site plan for the permit.**

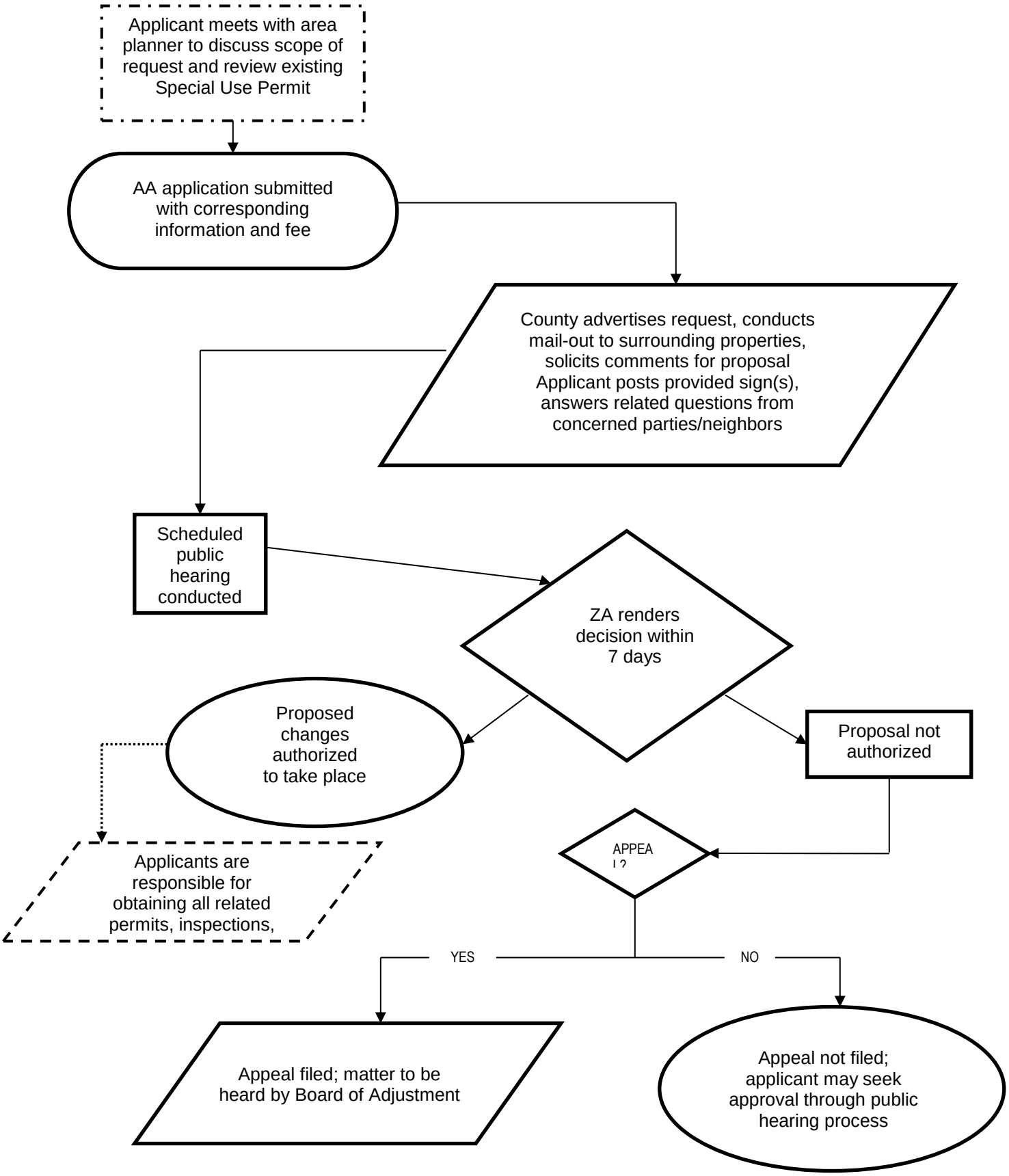
  The Zoning Administrator may authorize amendments to approved special use development plans with the concurrence of the Planning Department . . . [Sec. 24.A.2.j.]

Requests which seek to replace or swap an approved use for another should be addressed through the standard public hearing process, requiring approval from the County Planning Commission (CPC) and the Board of County Commissioners (BCC).

Notwithstanding any other provision of this Ordinance, an application that proposes to change a Special Use for another Special Use shall be processed as a new application. [Sec. 18.C.3.]

APPROPRIATE	INAPPROPRIATE
Reduce the area of an existing Special Use Permit	Increse the area of an existing Special Use Permit
Change location of an entrance/ exit on the site	Converting the use of existing Special Use Permit into another
Modify the placement of the structures on the site to be setback further from the street	Eliminating requirements
Arrangement of buildings	Adding more buildings
Adjusting the area of the lot	Reducing parking spaces

ADMINISTRATIVE AMENDMENT PROCESS



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ZONING SECTION

HOW TO PREPARE A SITE PLAN

A site plan, also called a plot plan, is a drawing that shows a bird's-eye-view of your property.

1. The drawing includes the exact size and shape of your property, all existing buildings and structures placed on the property, and any proposed construction or additions.
2. The plan must be legible.
3. Drawn to scale.
4. Enough detail to clearly outline the scope of your proposal.

STEP 1:

Determine your property boundaries.

There are several ways to determine where your property lines are located. Please be aware that the edge of the sidewalk, street, alley, irrigation ditch, fence, etc., MAY NOT be the location of your property line.

Method #1:

Refer to the surveyor's map that often accompanies your real estate deed or the title to your property. This document shows the dimensions and configuration of your property, its relationship to abutting streets and sidewalks, the location of any easements, and other similar restrictions on the site.

Method #2:

If available, obtain a copy of the recorded plat of your property from the Bernalillo County Clerk's Office. The information you obtain will show you the shape and dimensions of your property. The Clerk's Office is located on the 6th floor of the Albuquerque/Bernalillo County Government Building, One Civic Plaza NW (SE corner of 5th & Marquette).

STEP 2:

Determine location of all structures, setback and separation distances.

You will need to measure the size of the buildings and structures on your property, including all houses, mobile homes, garages, sheds, porches, carports, and decks. You will also need to determine the distances between the structures, as well as the distances between the structures and your property lines. In order to measure these distances, you will need to accurately locate your property lines on the ground.

After all of the structures and distances are measured, the information can be transferred to the final scaled drawing.

STEP 3:

Draw the plan.

First, plans should be drawn on a single piece of paper large enough to show the entire property, but should not be drawn on anything smaller than 8½" by 11".

Next, determine the scale of the drawing that will be used. "Scale" is a word used to denote how many inches on the plan will be equal to a given length on the actual property. For example, if the plan is drawn to a 1" = 20' scale, one inch on the plan equals 20 feet on the property. Using this scale, a 100' x 150' lot will be drawn as a 5" x 7½" rectangle on the plan.

Be sure to select a scale that will allow you to draw the site plan so that the information is not crowded together, but is large enough to easily be read by someone who is not familiar with your property. For most requests, you may be able to use a standard ruler to prepare your plan. One inch on your site plan would therefore equal 2, 4, 8, or 16 feet on your property. It may also be useful to use a tool called an "architect's scale" or "engineer's scale".

The final task is to draw the plan. Begin by drawing the property lines. Be sure to include all of the existing buildings and structures, as well as any proposed or future buildings or structures. Finally, add the measurement dimensions and any clarification notes or additional details.

STEP 4:

Check the drawings and make copies.

Double-checking the site plan and measurement to reduce the likelihood of your request being deferred.

Check if:

- You have included all of the measurements and dimensions?
- Is your plan neat and accurate?
- Are all of the buildings and structures on your property shown on the drawing, including any proposed buildings or structures?

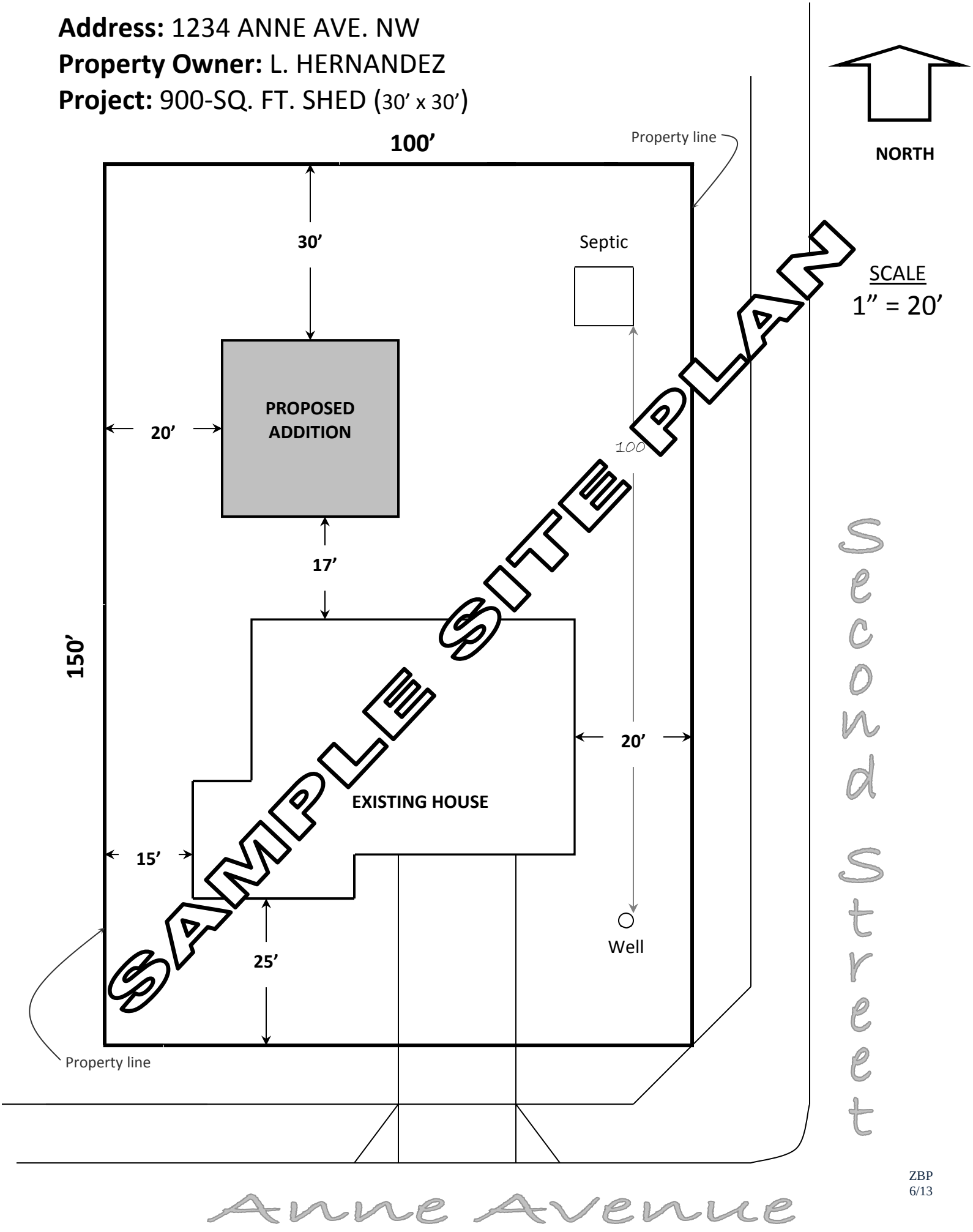
You will need to provide a copy of your site plan when you submit your information to the County. It is recommended that you keep your original drawing so that you have a record of what you have submitted.

Questions?

Do not hesitate to contact Bernalillo County if you have questions concerning this information. You may contact our department at 314-0350, or visit us in person at 111 Union Square SE, Suite 100.

***(Applicants are responsible for supplying all necessary materials, as Bernalillo County staff members are not available to prepare drawings for your request.)**

Address: 1234 ANNE AVE. NW
Property Owner: L. HERNANDEZ
Project: 900-SQ. FT. SHED (30' x 30')



ZBP
6/13

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ZONING SECTION

THE ZONING ADMINISTRATION PROCESS

Zoning regulations for Bernalillo County are established to allow for the safe, healthy development of the community while protecting the property rights of its citizens. In certain cases, exceptions to these regulations may be granted.

The purpose of this document is to explain the procedures involved in seeking approval for your request. Material contained in this document was taken from the Comprehensive Zoning Ordinance of Bernalillo County. Please refer to the ordinance for specific information or contact our department for a scheduled consultation.

Applicants are strongly encouraged to meet with County staff members before submitting an application

Representation

You may choose to represent yourself or have an agent represent you at any stage in this process. Agents include development professionals, attorneys, family members, or any other knowledgeable individual familiar with your request. Prior to submitting an application, agents must have a signed letter from you stating that you have authorized them to act on your behalf.

Pre-Application Discussion

All applicants are **strongly encouraged** to meet with County staff members before submitting an application. The purpose of this meeting is to make you aware of all aspects of your request. Applicants are able to meet with County inspectors, planners, or the Case Review Committee (CRC) to discuss your pending application and ask questions about the process. Please bring a detailed site plan of your property and contact our department to determine the availability of staff members.

Submitting the Application

Because confusing or incomplete information may result in the delay or denial of your request, please take your time in completing the application. Be sure to include the following items:

- Completed application form.
- 1 copy of an accurate site plan of the property, drawn to scale and indicating all necessary dimensions.
- Written explanation of the request, including all pertinent information and facts.
- Letter of authorization from the property owner, if an agent is to present the request.
- Filing fee.

Processing the Application

When your application is accepted, you will be assigned a case number and a hearing date. You will also receive one or more signs to be posted on the property 15 days before and after the scheduled hearing. You are responsible for posting and maintaining the signs. Failure to do so may delay your hearing.

Other County agencies will be given a copy of your request. If they have comments on you case, those comments will be come a part of your application. You will be given a copy of the comments at the scheduled hearing and will be given the opportunity to ask questions about them. Our department will advertise your request in the newspaper and send notification of your request to your neighbors.

The Hearing

Prior to the hearing, you will be mailed a copy of the agenda. The date, time, and location of the hearing will be stated on the notice. Typically, hearings conducted by the Zoning Administrator are held in the Council/Commission Chambers in the basement of the City/County Government Building. Please be on time for the hearing. If you are not present when your case is called, your request will be deferred or possibly denied.

When the Zoning Administrator calls your case number, you will be asked to come forward, state your name and address, and will be sworn in. You will be given enough time to explain why your request should be granted and answer any questions from the Zoning Administrator**. It is your responsibility to fully explain why your request should be granted.** Failure to do so will result in the denial of your request.

Decisions

The Zoning Administrator will make a decision for your request in writing within seven days after the hearing. Conditions are established for all approved requests, some of which are generated from the comments from other County agencies. It is your responsibility to meet the conditions of approval. Failure to meet the conditions may result in enforcement action against you and the loss of your approval.

Time Limits

Approval of a variance or conditional use request does not become effective until after the appeal period has expired. Any approval that is not exercised within six months from the date of the approval becomes null and void. Applications affecting the same property cannot be filed within 12 months from the date of advertisement of the original request.

Appeals

You or any interested party may file an appeal for a decision of the Zoning Administrator. Appeals must be field in writing within 15 days after the date of the decision. The Board of Adjustment hears the appeals. Information needed for filing an appeal can be obtained from our department. The Zoning Administrator cannot discuss the case until after the appeal period has expired.

If you are requesting **CONDITIONAL USE** approval, it is your burden to prove:

- The site for the proposed use is adequate in size and shape to accommodate the proposed use, including all yards, open spaces, walls and fences, parking areas, loading and unloading areas, landscaping and other features required by the ordinance.
- The site for the proposed use can be developed in such a manner that excessive traffic congestion and hazards will not be created.
- The proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area.

If you are requesting a **VARIANCE**, it is your burden to prove:

- There are peculiar, exceptional and unusual circumstances in connection with your land that are not generally found within the area or neighborhood concerned.

If you are requesting an **ADMINISTRATIVE AMENDMENT**, it is your burden to prove:

- The proposed amendment will result in an equal or less intense use of the land as first approved by the Board of County Commissioners
- The proposed amendment will not modify any requirement that has been imposed on the development plan.