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 SECTION

VARIANCE

Application Date:_____
Application Number:_____
Hearing Date:_____

OWNER		PHONE
MAILING ADDRESS	CITY	ZIP

APPLICANT/AGENT		PHONE
MAILING ADDRESS	CITY	ZIP

SITE ADDRESS		
DIRECTIONS		
LEGAL DESCRIPTION		
ZONE #	CURRENT ZONE(S)	PROPERTY SIZE IN ACREAGE
UPC #		SUBDIVISION NAME
EXISTING STRUCTURE & USE		
PROPOSED STRUCTURE & 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.

SUBMIT APPLICATION IN PERSON

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.

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ZONING SECTION

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 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 conditional use approval must include the following:

_____ **1** copy 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 sample)

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

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

_____ Indicate request

_____ 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

TYPE OF REQUEST

_____ Height

_____ Area

- _____ Lot size
- _____ Lot width
- _____ Setback distance

_____ Parking

_____ Density

_____ Nonconforming use provision

_____ Wireless telecommunications requirements

_____ Other. Please describe.

_____

_____

_____

WRITTEN STATEMENT

Based on the criteria for approval, please state why you are seeking approval to this request and give us the specific details concerning your proposal (height of building, lot area, size of sign, etc.). Use separate sheets if necessary

The peculiar, exceptional and unusual circumstances in connection with the land include:

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.

FILING FEES
$75.00 for all other conditional use requests

EMPLOYEE REVIEWING APPLICATION

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ZONING SECTION

ISSUING A SIGN FOR POSTING

When an application has been submitted and preceded, the applicant is given a required orange sign to post at the site. The sign helps to notify surrounding property owners and neighbors that the County has received a request that may affect their property, and provides information relative to the request. The sign also assists staff members in locating the property during the site visit to verify that the sign has been posted. Signs that aren't posted or aren't posted the correctly will cause the request to be deferred or denied by the Zoning Administrator.

Equally important is the County's responsibility to properly indicate the request on the sign. Because the sign helps to advertise and convey necessary information about the request, detailed attention should be given when preparing a sign to be issued to an applicant. The description of the requested activity can be written one of two ways; generally or specifically.

What does my sign state?

General written description

- The "FOR" space only indicates the type of special exception requested.
- Conditional use requests are simply listed as "conditional use approval".
- Variance requests only reference the type of request and the applicable standard. For example, an application for a variance to allow a 34' high house in the R-1 zone would be listed as "variance to height limitation".

NOTICE OF PUBLIC HEARING
BERNALILLO COUNTY
REQUEST FOR SPECIAL EXCEPTION

FOR _____CONDITIONAL USE APPROVAL_____
CURRENTLY ZONED _____R-1_____
The Zoning Administrator will hold a public hearing in the City/County Chambers, 1 Civic Plaza NW, Basement Level, Albuquerque, NM on ___OCT. 12th___, 20 04, at 9:00 A.M. All persons have the right to appear at such hearing. For information call 314-0350.
REFER TO FILE # __ZA-30452_____.
Required to be posted from __SEP. 27, 2004____ to _OCT 27, 2004_
Applicant/Agent ____J. DOE_____ Phone __888-5555___

Specific written description

- The "FOR" space references the type of special exception and the specific regulation.

NOTICE OF PUBLIC HEARING
BERNALILLO COUNTY
REQUEST FOR SPECIAL EXCEPTION

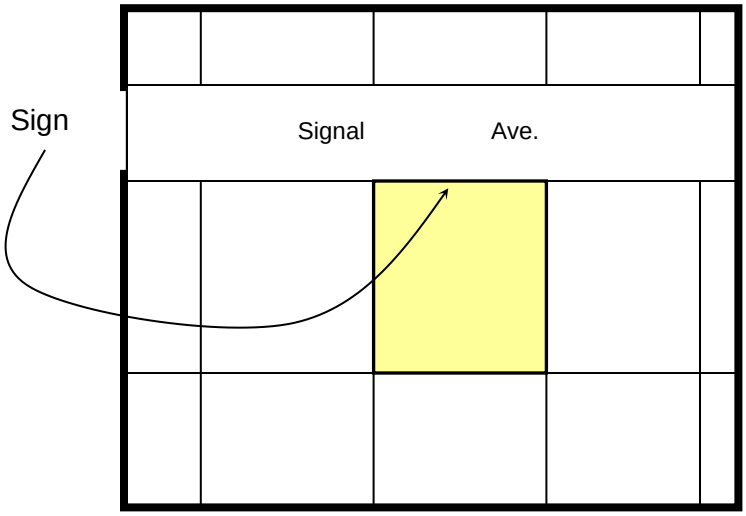
FOR ___CONDITIONAL USE APPROVAL TO ALLOW A SCHOOL___
CURRENTLY ZONED _____A-1_____
The Zoning Administrator will hold a public hearing in the City/County Chambers, 1 Civic Plaza NW, Basement Level, Albuquerque, NM on ___DEC. 9th___, 20 03, at 9:00 A.M. All persons have the right to appear at such hearing. For information call 314-0350.
REFER TO FILE # __ZA-30452_____.
Required to be posted from __NOV. 31, 2003____ to _DEC. 24, 2003_
Applicant/Agent ____J. DOE_____ Phone __888-5555___

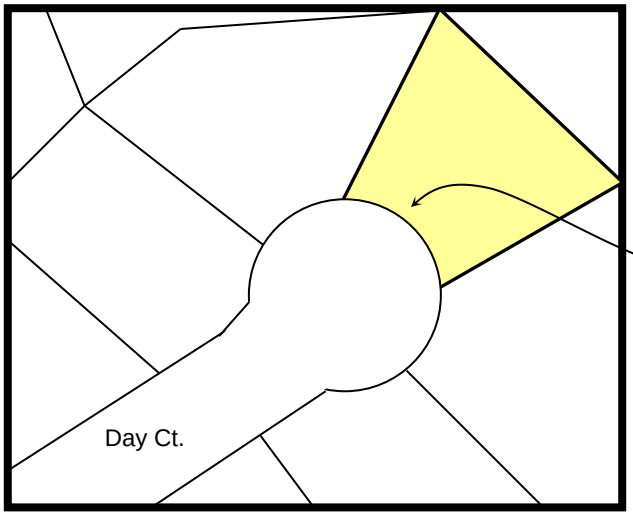
NOTICE OF PUBLIC HEARING
BERNALILLO COUNTY
REQUEST FOR SPECIAL EXCEPTION

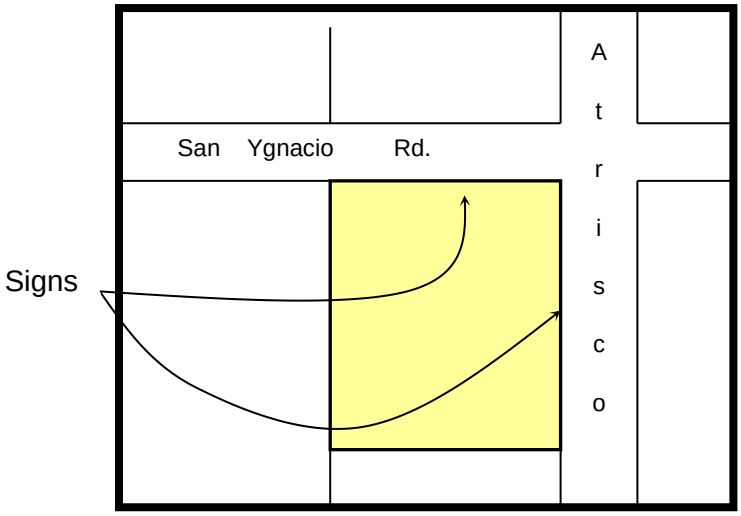
FOR A VARIANCE OF 10' TO THE REQUIRED LANDSCAPING SETBACK
CURRENTLY ZONED _____C-1_____
The Zoning Administrator will hold a public hearing in the City/County Chambers, 1 Civic Plaza NW, Basement Level, Albuquerque, NM on ___JAN 8th___, 20 03, at 9:00 A.M. All persons have the right to appear at such hearing. For information call 314-0350.
REFER TO FILE # __ZA-30452_____.
Required to be posted from __DEC. 24, 2002____ to _JAN. 23, 2003_
Applicant/Agent ____J. DOE_____ Phone __888-5555___

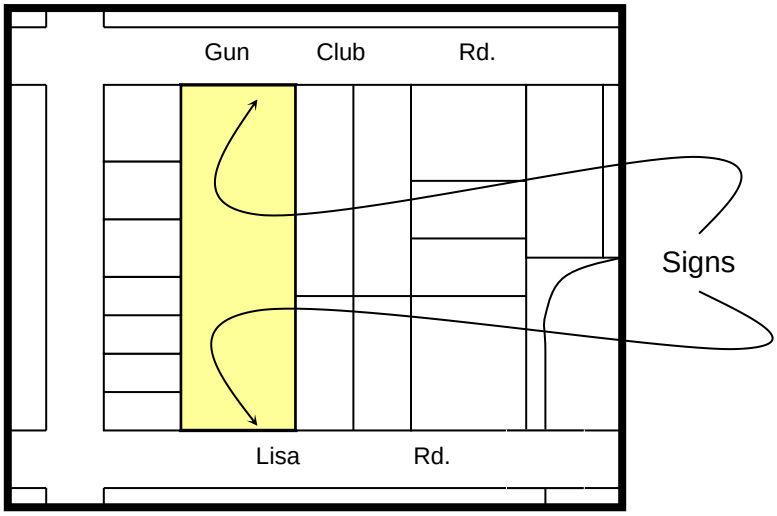
Sign Posting Examples

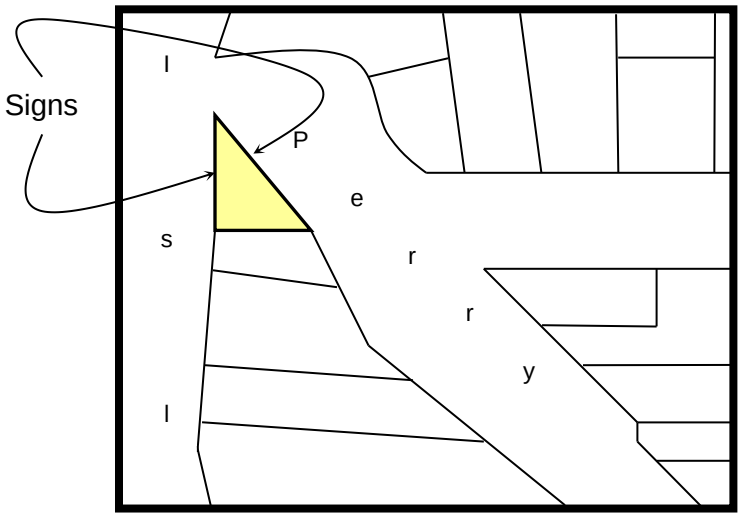
At least one sign should be issued for each public right-of-way
or private drive that abuts the property.

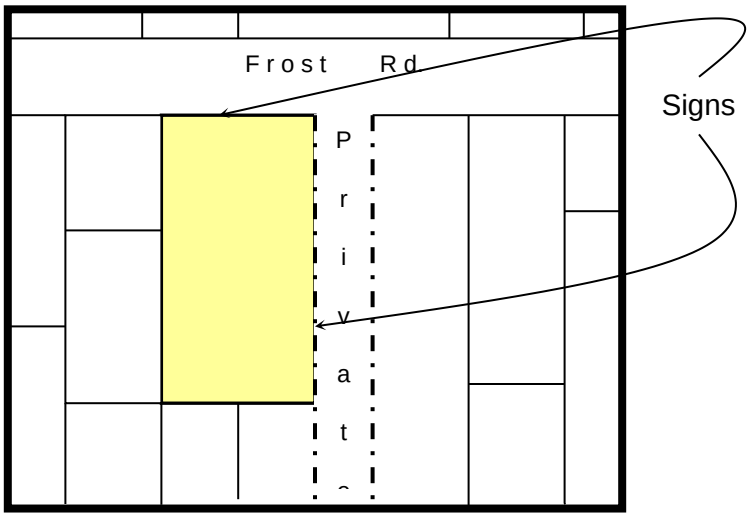




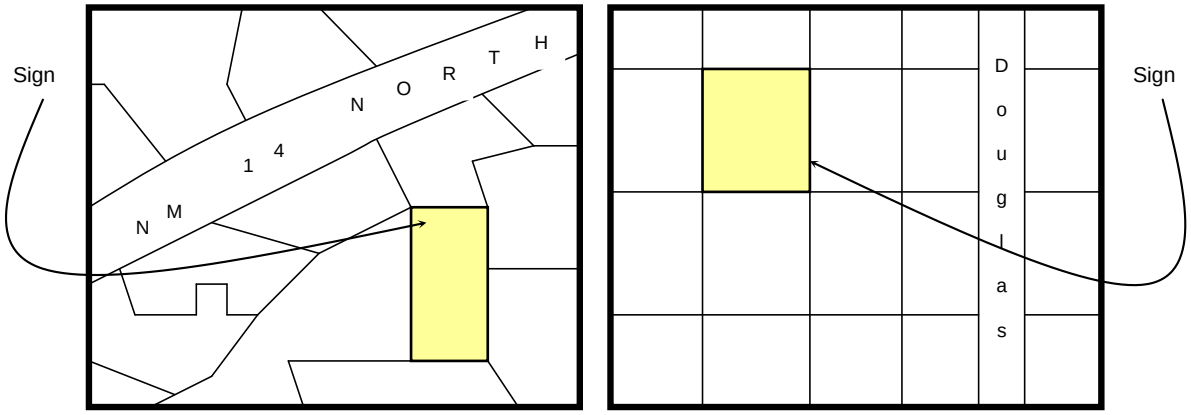




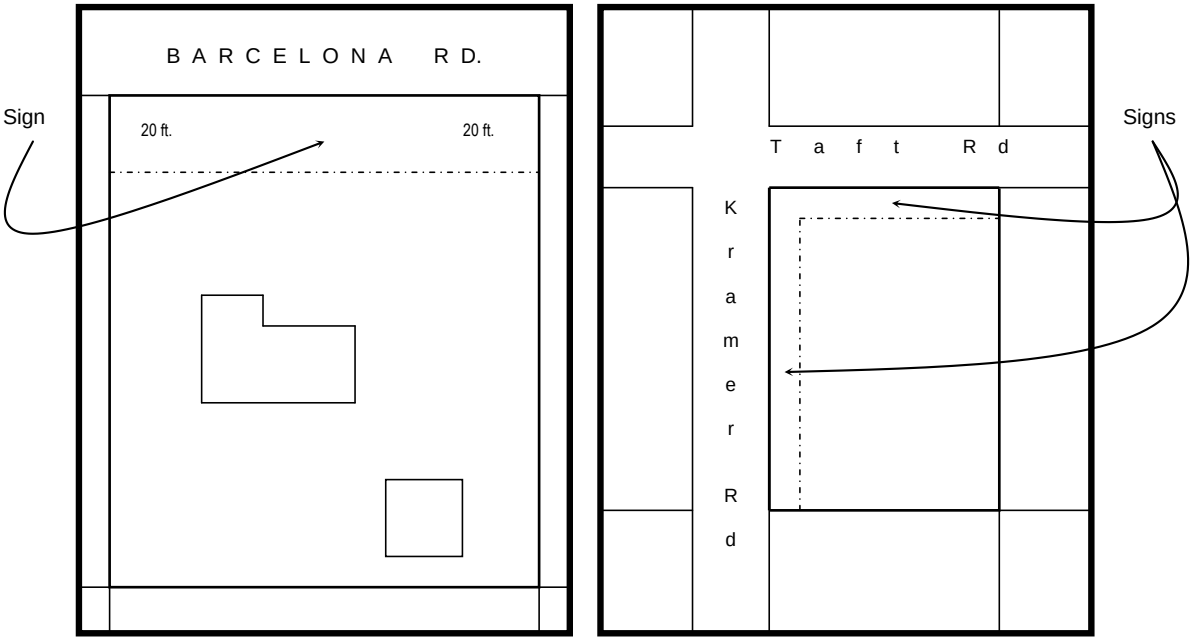




For properties not abutting a street, signs need to be posted
at the edge of the property nearest a right-of-way.



Signs need to be conspicuously posted within twenty (20) feet of the adjacent property line(s).



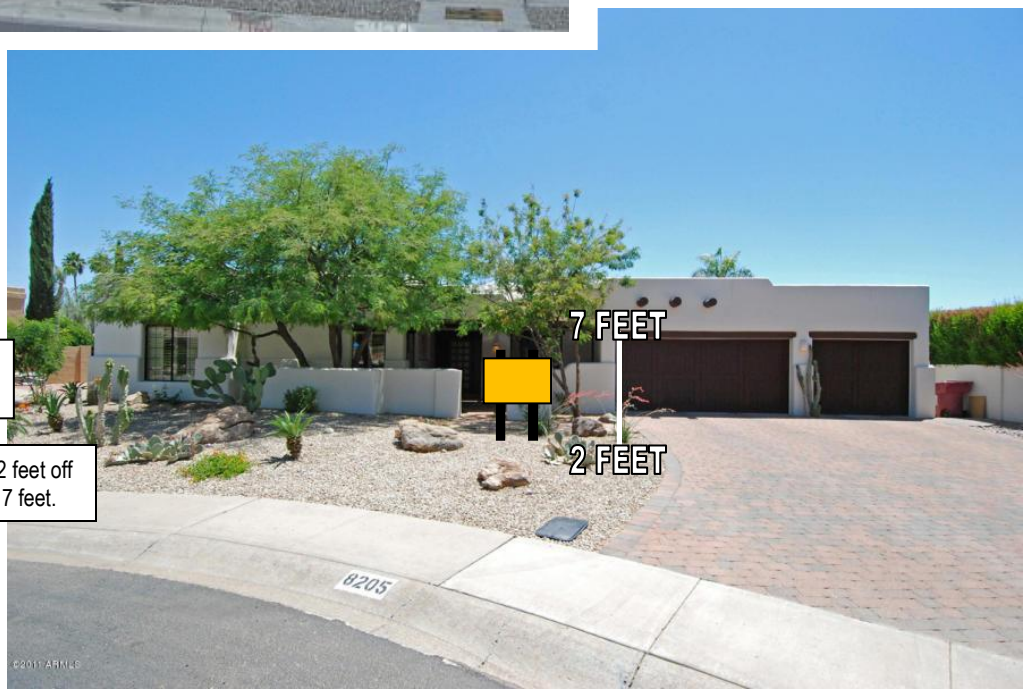
Heavy stakes with crossbar supports or plywood backing typically works best to keep the sign in place, especially during high winds. Signs will tear less easily if they are attached to the support system with large-headed nails or staples. Usually, it's not a good idea for an applicant to post their sign in the window of a structure on the property, as they are often difficult to read or see clearly. Again, the reason signs are posted on the site is to notify surrounding neighbors. The applicant should be instructed to make every effort to help make the sign easy to read from the sidewalk or street.

Sign Posting Examples

Signs are required to be conspicuously located on the property. People should be able to easily read the sign from the street.

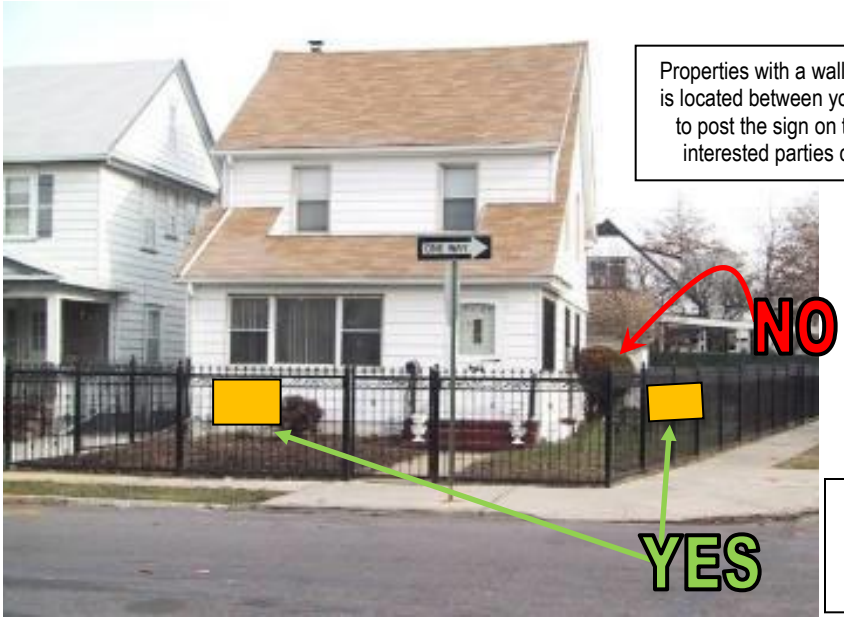
Don't post the sign in a window or on the front porch. Make sure the sign is easily noticed to properly advertise the request.

Signs are required to be within 20 feet of the property line.



Signs are required to face the street (be parallel to the road).

Signs should be posted at least 2 feet off the ground, but no higher than 7 feet.



Properties with a wall, fence, hedge, or other feature which is located between your property line and the sign, it's best to post the sign on the outside of the feature so that all interested parties can easily notice and read the sign.

No barrier can be located between the sign and the property line which would prevent a person from coming within 5 feet of the sign.

Properties facing with more than one street (including private drives, access easements and public rights-of way) are required to have at least one sign along each street frontage.

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SIGN POSTING INSTRUCTIONS

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: Z-_____

SIGNS MUST BE POSTED FROM _____ TO _____.

THE SCHEDULED PUBLIC HEARING FOR THIS REQUEST WILL BE HELD ON

_____.

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PLANNING SECTION

Zoning Administrator Schedule 2020

HEARING DATE	APPLICATION DEADLINE 12:00 PM	SIGN POSTING BEGINS	SIGN POSTING ENDS	LEGAL AD TO PAPER	LEGAL AD PUBLISHED	APPEAL DEADLINE 12:00 PM
Tues., January 7, 2020	December 10, 2019	12/23/19	01/22/20	12/19/19	12/22/19	15 days from NOD
Wed., February 12, 2020	January 7, 2020	01/28/20	02/27/20	01/23/20	01/26/20	15 days from NOD
Wed., March 11, 2020	February 11, 2020	02/25/20	03/26/20	02/20/20	02/23/20	15 days from NOD
Wed., April 8, 2020	March 10, 2020	03/24/20	04/23/20	03/19/20	03/22/20	15 days from NOD
Wed., May 13, 2020	April 7, 2020	04/28/20	05/28/20	04/23/20	04/26/20	15 days from NOD
Wed., June 10, 2020	May12, 2020	05/26/20	06/25/20	05/21/20	05/24/20	15 days from NOD
Wed., July 8, 2020	June 9, 2020	06/23/20	07/23/20	06/18/20	06/21/20	15 days from NOD
Wed., August 12, 2020	July 7, 2020	07/28/20	08/27/20	07/23/20	07/26/20	15 days from NOD
Wed., September 9, 2020	August 11, 2020	08/25/20	09/24/20	08/20/20	08/23/20	15 days from NOD
Wed., October 14, 2020	September 8, 2020	09/29/20	10/29/20	09/24/20	09/27/20	15 days from NOD
Tues., November 10, 2020	October 13, 2020	10/26/20	11/25/20	10/22/20	10/25/20	15 days from NOD
Wed., December 9, 2020	November 10, 2020	11/24/20	12/24/20	11/19/20	11/22/20	15 days from NOD

Applications and appeals are accepted until 12:00 PM on the deadline day
Appeal deadline is 15 days from Notice of Decision (NOD)

- Unless otherwise stated, Zoning Administration hearings begin at 9:00 am at the City/County Building, One Civic Plaza NW, in the Vincent E. Griego Chambers, Concourse Level Two.

- Discussion with County staff members concerning your request is strongly recommended prior to filing an application. This 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 or during the appeal period.

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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.

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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?

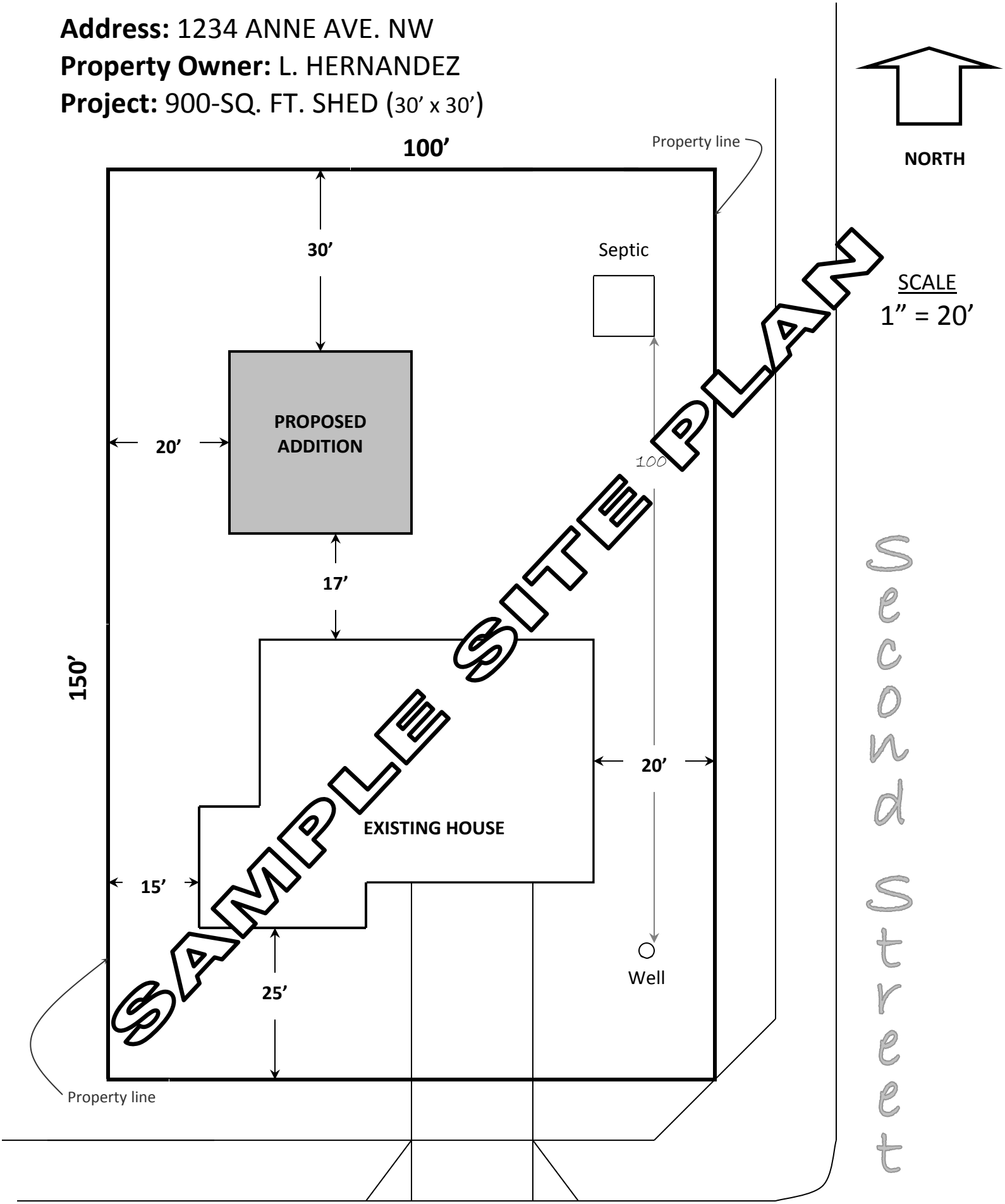
You will need to provide a copy of your site plan when you submit your information to the County. It is recommended that you keep your original drawing so that you have a record of what you have submitted.

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’)



Rev 10/13