

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

APPEAL TO BOARD OF ADJUSTMENT

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

OWNER		PHONE
MAILING ADDRESS	CITY	ZIP

AGENT		PHONE
MAILING ADDRESS	CITY	ZIP

APPEALANT		PHONE
MAILING ADDRESS	CITY	ZIP

SITE ADDRESS	Case #
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DIRECTIONS

LEGAL DESCRIPTION

ZONE #	CURRENT ZONE(S)	PROPERTY SIZE IN ACREAGE
UPC #	PROPOSED ZONE(S)	SUBDIVISION NAME

CASE # & SCOPE OF APPEAL

DETAILED INFORMATION

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 _____

APPEALS TO THE COUNTY BOARD of ADJUSTMENT (ZBA)

Bernalillo County's ordinances, codes and policies mandate that proposed development follows a review and approval process. Staff or commission decisions can be appealed to the next higher level of authority as long as the appeal deadlines are met and appropriate fees are paid (\$75.00 on lots of one acre or less; \$100.00, for all others). The County's process has two major appeal bodies; the Board of Adjustment /County Planning Commission (BA/CPC), and the Board of County Commissioners (BCC). All decisions can be ultimately appealed to a judicial review (District Court).

A ruling or determination to any application or any matter under the Zoning Administrator's (ZA) jurisdiction may be appealed to the Board of Adjustment.

POWERS OF THE BOARD OF ADJUSTMENT

- To hear and determine appeals where it is alleged there is error of abuse of discretion in any order, requirement, decision or determination made by the ZA in the enforcement of the provision of the ordinance.
- To hear and determine appeals from the ruling, decision and determination of the ZA in granting or denying application for Variance from any requirements of the Zoning Ordinance, or granting or denying application for a Conditional Use.

APPLICATION PROCESS

- An application for appeal must be submitted to the Zoning, Building, Planning, and Environmental Health Department fifteen (15) days from the date of the Notice of Decision letter. Written justification for the appeal must be provided.
- The Board of Adjustment shall then set the matter for hearing and give notice by mail to include time, place, and purpose thereof to the appellant and to any and all interested parties who has request in writing to be so notified.

SIGN POSTING PROTOCOL

- Prepare the BA/CPC sign(s) and complete the attached Sign Posting Instructions for the property of the original Special Exception (Variance or Conditional Use).
- If someone (other than the original applicant) appeals a Special Exception, Contact the original applicant and inform them of the appeal and the sign-posting requirement. They must also complete the Sign Posting Instructions for the file.

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SIGN POSTING INSTRUCTIONS

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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

_____.