VARIANCE

COMMUNITY DEVELOPMENT DEPARTMENT
1203 N. HUDSON/PO BOX 1188
SILVER CITY, NM 88062 (575)534-6349 FAX (575)534-6381

A variance allows a building, structure, or sign not in compliance with the Land Use Code to be built if strict enforcement of the code would result in practical difficulties or unnecessary hardships for the applicant. A variance for a use is not allowed. A variance request must be heard by the Planning and Zoning Commission. The application fee is $75.

*NOTE:* Please fill out entire application and submit with ten (10) copies of all required documents listed below. DO NOT include copies of applications.

REQUIRED DOCUMENTS:
- Site plan of project showing setbacks and footprint of all structures within property boundary; for a sign Variance a master signage plan is required
- Proof of ownership (copy of deed)
- Paragraph explaining the reason for the variance request. The proposal must comply with Section 6.3.19 of the 2010 Land Use and Zoning Code

VARIANCE to (cite section from Land Use Code):

PROJECTED PROJECT AND REASON FOR VARIANCE:

PROPERTY INFORMATION:

Property street address:

Adjacent streets:

Zoned (please circle one): Rural Res A Res B Res C Commercial Industrial Mixed Use

Located in floodplain? □ No □ Yes: FEMA map #

Gross floor area of all structures located on the property:

LEGAL DESCRIPTION:

Platted: Lot(s) Block(s)

Subdivision/Addition:

Section Township Range

Total area: __________ square feet Property code: 3-____-____-____

(The property code # can be obtained from the County Assessor’s Office or from the tax bill)

See other side
APPLICANT INFORMATION:
Name: ___________________________ Proprietary interest in property: ___________________________
Mailing address: ____________________________________________________________
Phone: ___________________________ Alternate phone: ___________________________ Email: ___________________________

OTHER CONTACT (Agent/Surveyor/Other):
Name: ___________________________ Title: __________________________________________
Name of business: __________________________________________________________
Mailing address: __________________________________________________________
Phone: ___________________________ Alternate phone: ___________________________ Fax: ___________________________

_________________________________ ______________________________
Signature of Applicant Date

FOR PLANNING STAFF USE ONLY
Fee:$ __________ cash/ck.# __________ Paid: __________ Receipt #: __________________________
To be heard by the Planning and Zoning Commission on ____________________________

Decision of Planning and Zoning Commission

______ Approved
______ Denied
__________________________________________ Date of Planning and Zoning Commission hearing
__________________________________________ Staff initials

Conformance with conditions of approval verified:

By ___________________________ Date ___________________________
For a Variance request to be approved by the Planning and Zoning Commission, all seven findings below must be met. Please answer how you meet each one to the best of your ability. Refer to Section 6.3.19 of the Land Use Code.

1) The hardship of which the applicant complains is one that is unique to the applicant rather than one suffered by the neighbors or the general public.

2) The hardship relates to the applicant's land or property

3) The hardship was not created by the deliberate action of the applicant, or by one under his control, and reasonable remedies are not presently available

4) The granting of the variance is consistent with the Town's Comprehensive Plan

5) The granting of the variance is in harmony with the purposes and intent of the Land Use Code

See other side
6) The granting of the variance will not be injurious to the neighborhood surrounding the property where the variance is proposed, and otherwise is not detrimental to the public welfare.

7) The variance will not result in the extension, expansion or enlargement of a non-conforming structure in violation of Article VII, and will not authorize the initiation of a non-conforming use of land.

11-29-18