



*A desirable place to live, work and play; rich in history and small town values!*

Dear Applicant,

Thank you for taking the time to consult the Community Development Department in regards to an application for a Variance.

If you decide to proceed with the application, we need you to schedule a meeting with the Community Development Director prior to submitting your application. We have prepared an overview of the application process to assist you.

Planning and Zoning Board meetings are held on the third Thursday of each month in the City Commission Room at 2:00 p.m.

City Commission meetings are held on the second and fourth Tuesday of each month in the City Commission Room at 6:00 p.m.

By City of Aztec Code, we are required to issue notifications to all landowners within 100 feet of your property boundary and place a legal advertisement prior to your request going before the Planning and Zoning Board.

Your request will also go through a review process within the City of Aztec departments prior to notifications being sent out. We will then place this request on the Planning and Zoning Board agenda once time for review and notification have been identified.

If you have any questions, please do not hesitate to call. We look forward to hearing from you.

Sincerely,  
Community Development Office  
(505) 334-7604



# CITY OF AZTEC VARIANCE APPLICATION

Permit #: \_\_\_\_\_ Date Started: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Fees Paid: \_\_\_\_\_

## PROPERTY OWNER CONTACT INFORMATION

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

## PROPERTY INFORMATION / DEVELOPMENT SITE

Address: \_\_\_\_\_  
Tax ID: \_\_\_\_\_ Parcel Size (ac): \_\_\_\_\_  
Zone District: \_\_\_\_\_  
Current Use: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_  
Flood Zone Designation: \_\_\_\_\_

## REASON FOR REQUESTING A VARIANCE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPLICANT SIGNATURE

I, \_\_\_\_\_ representing \_\_\_\_\_ hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## CITY of AZTEC USE ONLY

City Commission Meeting Date: \_\_\_\_\_

City Commission Action: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED

**FEES ARE DUE PRIOR TO COMMISSION MEETING**  
Fees are: \$10 Administration Fee + \$250 Variance Fee = **Total \$260**

October  
2018

2. Publication and Notification. All variance requests shall be published as provided for in Section 26-4-504-2(3) of this code and also the following:
  - (1) A signed petition of approval by a majority of surrounding neighbors within 100 feet is required.
3. Fees. A non-refundable fee of fifty dollars (\$250.<sup>00</sup>) is required.
4. Approval or Denial. Approval of a variance shall be granted by the City Commission if the following conditions are met:
  - (1) That the variance will not allow a use other than a use permitted for the district;
  - (2) That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;
  - (3) That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;
  - (4) That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;
  - (5) That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development district;
  - (6) That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;
  - (7) That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;
  - (8) That the variance will not adversely affect the public health, safety or welfare;
  - (9) Administration and Fees
5. Duration. Every variance authorized shall not belong to the applicant or owners but shall run with the land and be transferable from owner to owner.  
(Code 2007, 26-552)



## CITY OF AZTEC VARIANCE PROCESS

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- Step 1** Schedule a meeting with the Community Development Director to review your variance request (505) 334-7604.
- Step 2** Turn in completed application and items on the attached *Variance Application Checklist* to the Community Development Department.
- Step 3** The Community Development Department will send out land notifications to property owners within 100 feet of your property boundary.
- Step 4** Once all fees and documentation has been received, the Variance Application will be put into the review process and then placed on the Planning and Zoning Board agenda as a Land Use Hearing item.
- Step 5** Planning and Zoning Board meetings are held the third Thursday of the month at City Hall Commission Room at 2:00 p.m. The City Commission meetings are the second and fourth Tuesday of the month and will meet at City Hall Commission Room at 6:00 p.m.
- Attendance is required by the applicant or by an authorized representative; applicants wishing to be represented by another party must submit this authorization to the Community Development Department in writing.
  - Failure to appear at the meeting may cause the Variance Application to be postponed until the next regularly scheduled Commission meeting.
  - The Planning and Zoning Board will make a ruling upon the Findings of Fact and Conclusions of Law and will issue a Land Use Hearing Order recommendation to the City Commission to approve or deny the Variance request.
  - Recommendation from the Planning and Zoning Board will be placed on the Commission Consent Agenda for final approval from the Commission.
- Step 6** Duration of Permit. Every variance authorized shall not belong to the applicant or owners but shall run with the land and be transferable from owner to owner.



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## CITY OF AZTEC VARIANCE CHECKLIST

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### **Applicable Fees**

Administrative Fee	\$10
Variance Fee	\$250

### **Detailed site map which includes the following:**

- \_\_\_\_\_ Address of property and adjacent properties
- \_\_\_\_\_ Property boundary (all sides)
- \_\_\_\_\_ Existing or proposed street(s) adjoining property (labeled)
- \_\_\_\_\_ North arrow and scale
- \_\_\_\_\_ All utility easements
- \_\_\_\_\_ All utility lines
- \_\_\_\_\_ All utility meters
- \_\_\_\_\_ Existing and/or proposed structures
- \_\_\_\_\_ Location of improvement(s)
- \_\_\_\_\_ Setbacks for front, side and rear yards
- \_\_\_\_\_ Driveway location (required for new addresses)
- \_\_\_\_\_ Proposed parking area (if different than driveway)
- \_\_\_\_\_ Location of all drainages

### **Ownership**

\_\_\_\_\_ A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

### **Legal Description**

\_\_\_\_\_ Includes the legal description or physical address of the property.

### **Proposed Use**

\_\_\_\_\_ Statement describing the proposed use of the buildings, structures, premises, etc.



# CITY OF AZTEC VARIANCE EVALUATION

Permit #: \_\_\_\_\_

1. Does the Variance allow for a use not permitted within the district?  No  Yes
2. Without the Variance is there undue hardship imposed?  No  Yes
3. Without the Variance are there practical difficulties imposed?  No  Yes
4. Are the circumstances created by the owner of the property?  No  Yes
5. Is the Variance detrimental to the property?  No  Yes
6. Is the Variance detrimental to surrounding property?  No  Yes
7. Does the Variance alter the character of the surrounding neighborhood?  No  Yes
8. Does the Variance set a precedent which may alter the intent of the regulations?  No  Yes
9. Does the Variance impose a health issue on the public?  No  Yes
10. Does the Variance impose a safety issue on the public?  No  Yes
11. Does the Variance have the approval of surrounding neighbors?  No  Yes