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## VARIANCE

Application Packet  
Town of Taos  
Planning and Zoning Department

Ordinance 99-05  
Land Use Development Code

PLANNING  & ZONING

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# VARIANCE APPLICATION

## SUBMITTAL CHECK LIST

The following submittals are required in order to be placed on Planning and Zoning Commission agenda for their next regularly scheduled monthly meeting. Please complete and submit sixteen (16) copies on 8 1/2 x 11 paper of the requested information. Information will be due as seen fit by the Site Development Review Staff of the Town of Taos Planning and Zoning Department. Incomplete, inadequate or late submittals will result in delay or rejection of the request for a Variance. Please contact staff with questions regarding the submittals required herein.

### **\*NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE**

- Completed Variance application
- Findings of Fact form
- Vicinity Map
- Site plan and survey plat (minimum scale: 1" = 20'). Site plan shall depict all existing and proposed structures, setbacks, parking area and other applicable strict/standard requirements. Please see "Site Development Plan" in Section 5-8 of the Town of Taos Land Use Development Code.
- Floor plans (minimum scale 1/8" = 1') depicting:
  - A) Existing conditions
  - B) Proposed conditions
- Exterior building elevations depicting:
  - A) Proposed construction
  - B) Photos may be substituted for existing construction
- Property Owner information on file with the County Assessor as follows:
  - A) Copy of the tax map (including map number) depicting subject property and adjacent property
  - B) List of owners of record listed on file for adjacent properties
- A \$100.00 filling fee payable to the Town of Taos

# APPLICATION FOR VARIANCE

Town of Taos  
Planning and Zoning Department  
400 Camino de la Placita  
Taos, New Mexico 87571  
Phone: (505) 751-2016 Fax: (505) 751-2026

Date: \_\_\_\_\_ Case Number \_\_\_\_\_

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

Zoning: \_\_\_\_\_ Acreage of Subject Property: \_\_\_\_\_

***\*Attach a legal description of property and a copy of registered deed.***

## VARIANCE REQUESTED:

	Required	Requested
Front Yard Setback	_____	_____
Side Yard Setback	_____	_____
Rear Yard Setback	_____	_____
Lot Size	_____	_____
Lot Width	_____	_____
Lot Coverage	_____	_____
Number of Parking	_____	_____
Sign Variance	_____	_____
Other (Please state)	_____	_____

## SUBMITTAL CERTIFICATION

I hereby certify that the documentation submitted for review and consideration by the Town of Taos Planning and Zoning Commission has been prepared in accordance with the Town of Taos Land Use Development Code and the Variance application submittal checklist and that failure to include the minimum submittals may result in the delay or rejection of my application. I also certify that the signature(s) affixed to this application are those of the property owner and authorized agent.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent's Signature

\_\_\_\_\_  
Date

# VARIANCE APPLICATION

## FINDING OF FACT

CASE NUMBER \_\_\_\_\_

Pursuant to Section 2-4.204 of the Town of Taos Land Use Development Code (copy attached), applicants seeking variance consideration by the Town of Taos Planning and Zoning Commission shall demonstrate how failure to grant the variance would result in such practical difficulties as to make it unreasonable to apply the strict letter of the Code. A variance from such terms shall not be granted by the Commission unless and until the applicant demonstrates the following:

**A.**

1. State how the variance is the minimum action necessary to afford relief to the applicant.  
\_\_\_\_\_  
\_\_\_\_\_
2. State facts to establish that there are no other means available to the applicant to achieve the benefit sought by the applicant.  
\_\_\_\_\_  
\_\_\_\_\_

**B.**

1. State facts to establish that the applicant has good and sufficient cause for the variance.  
\_\_\_\_\_  
\_\_\_\_\_
2. The Variance requested is not substantial.  
\_\_\_\_\_  
\_\_\_\_\_

**C.**

1. State how failure of the Commission to grant the variance would result in such practical difficulties as to make it unreasonable to apply the strict letter of the Code to the property which is the subject of the variance application.  
\_\_\_\_\_  
\_\_\_\_\_

**D.**

1. The practical difficulties were not created by the applicant.  
\_\_\_\_\_  
\_\_\_\_\_

**E.**

1. The granting of the variance will not create a danger to the public health, safety, or welfare.  
\_\_\_\_\_  
\_\_\_\_\_
2. The granting of the variance will not cause extraordinary public expense, create a nuisance or cause a significant detriment to nearby properties.  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE NOTE:** in evaluating the variance application, the Commission shall ensure that reasonable consideration is given to the character of the zone, the conservation of property values, the applicable provisions of the Town's Master Plan, and to promote the general purposes and intent of the Code so that its spirit is observed, public health, safety and welfare are protected and substantial justice done.

# CRITERIA FOR APPROVAL OF VARIANCE

## 2-4.204. Variance

An approved deviation or departure from the development standards of the zone in which the property is located or the performance standards of Article V of this Code, or the expansion of a permitted use in the zone in which the property is located under this Code. Variances cannot be sought for uses that are not permitted by this Code. In evaluating a variance application, the Commission shall ensure that reasonable consideration is given to the character of the zone, the conservation of property values, the applicable provisions of the Town's Master Plan, and to promote the general purposes and intent of the Code so that its spirit is observed, public health, safety and welfare are protected, and substantial justice done. The Commission shall not grant a variance unless it determines that:

- A. The variance is the minimum action necessary to afford appropriate relief and no other means are available to achieve the benefit sought by the applicant;
- B. The applicant has shown good and sufficient cause and the variance sought is not substantial;
- C. Failure to grant the variance would result in such practical difficulties as to make it unreasonable to apply the strict letter of the Code to the property which is the subject of the variance application;
- D. The practical difficulties were not created by the applicant; and
- A. The practical difficulties were not created by the applicant; and the granting of the variance will not create a danger to the public health, safety, or welfare, cause and extraordinary public expense, create a nuisance or cause a significant detriment to nearby properties.

**The Commission shall approve, approve with conditions or modifications, or deny, Variance applications. The Commission may require or impose such conditions on the decision as will, in its judgment, be reasonably necessary to meet and secure the requirements and factors enumerated in this Code, and to secure substantially the objectives of this Code. The Commission, may, for cause, and upon either the request of the Code Administrator or of its own motion, revoke, amend, modify or continue an approved Variance**