



CITY OF ELEPHANT BUTTE

P. O. Box 1080
Elephant Butte, New Mexico 87935
(575) 744-4892
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"New Mexico's Diamond in the Desert"

Variance Request Form

Date Filed: \_\_\_\_\_

Name(s) of applicant: \_\_\_\_\_

Mailing Address of Applicant: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Property for which variance is requested:

Legal description: Subdivision: \_\_\_\_\_ Unit: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

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

Project for which variance is requested (Please be as specific as possible):

Four horizontal lines for project description.

Reason for variance under City Ordinance 87, Section 6, I.2 e, (or its successor).

(Check one.):

\_\_\_ e. 1. "Strict or literal interpretation and enforcement of the specific performance standard or regulation would result in extreme and unnecessary physical hardship inconsistent with the purpose of this code."

\_\_\_ e. 2. "Exceptional or extraordinary circumstances or conditions resulting for size, shape, or from topographic or physical conditions that do not apply generally to other properties in the same land use district in the City."

"Cost and inconvenience to the applicant of strict or literal compliance with the regulation shall not be a reason for granting a variance." (Section H 3.)

\_\_\_\_\_

Applicant(s) Signature

Date

If a variance request is not approved, the variance is denied.

## Process for a Variance

After the Zoning Officer denies your application for a Zoning Permit:

1. Property owner submits to the City Planning and Zoning Commission:
  - a. Copy of the Denied Zoning Application.
  - b. Completed Variance Request Form.
  - c. Proof of ownership or proof of legal right to apply for the permit if not the owner.
  - d. Copy of Subdivision Plat which includes your lot(s).
  - e. Original survey of lots to be combined done by a NM licensed surveyor.
2. All of the above items must be submitted no later than 20 days prior to the next regularly scheduled Planning and Zoning meeting so it can be properly posted before the Variance Hearing is to take place.
3. A sign stating that you requested a variance will be posted for no less than 15 days prior to the Variance Hearing.
4. Required Finding: Before APPROVING a variance the Planning and Zoning Commission must make the following findings:
  - A. Approval of the variance request will not allow a use which is not permitted by right, by conditional use permit, or by temporary use permit;
  - B. Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same land use district and in the immediate vicinity of the variance request;
  - C. Granting of the variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the immediate vicinity;
  - D. By granting the variance, the spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done; and
  - E. The variance is warranted for one or more of the following reasons;
    1. Strict or literal interpretation and enforcement of the specific performance standard or regulation would result in extreme and unnecessary physical hardship inconsistent with the purposes of this code,
    2. Exceptional or extraordinary circumstances or conditions resulting from size, shape, or from topographic or physical conditions that do not apply generally to other properties in the same land use district in the City.
    3. Cost and inconvenience to the applicant of strict or literal compliance with the regulation shall not be reason for granting a variance.
    4. A variance may be issued for an indefinite duration or for a specified time.
5. Planning and Zoning Commission reviews submittal at their next regular meeting and **Approves** your variance request

**OR**

**Denies** your request and sends letter to property owner giving reason.  
You have 15 days to submit a Letter of Appeal to the City Council.