VARIANCE APPLICATION
SUBMITTAL CHECKLIST

The following submittals are required in order to be placed on the Board of Adjustment or Planning Commission agenda for their next regularly scheduled monthly meeting. Please complete and submit one (1) copy for staff review on 8 1/2” x 11” paper of the requested information. Incomplete, inadequate or late submittals will result in delay in the scheduling of the public hearing for either a Bulk, or Sign Code 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.

_____ Floor Plans (minimum scale: 1/8” = 1”) depicting:
A) Existing Conditions
B) Proposed Conditions

_____ Exterior building elevations depicting:
A) Proposed construction; or
B) Photos may be substituted for existing construction

_____ Proposed Sign(s) Drawing(s) depicting:
A) Dimensions, colors, and proposed fonts
B) Photos may be substituted for a drawing

_____ 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 $200.00 filing fee payable to the Taos County Treasure
APPLICATION FOR VARIANCE

DATE: ___________________________ FILE No. ___________________________

Property Owner No. __________________ Property Code No. ___________________________

Applicant Name: ____________________________________________________________

Address: _________________________________________________________________

(mailing address)

(subject property physical address)

Phone Number(s):

___________________________________________

Agent: _______________________________________

Address: _______________________________________

Phone Number(s):

___________________________________________

Acreage of Subject Property: ________________

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

APPLICANT: ___________________________________________ DO HEREBY AFFIRM UNDER OATH THAT

(PRINT NAME/S)

THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.

(AFFIANT) ______________________ DATE ______________________

(AFFIANT) ______________________ DATE ______________________

NOTARY

SUBSCRIBED AND SWORN TO BEFORE ME THIS ___________ DAY OF ________________________, 20 _____________________

MY COMMISSION EXPIRES ON ________________________

NOTARY PUBLIC
BULK VARIANCE REQUESTED:

<table>
<thead>
<tr>
<th>Required</th>
<th>Requested</th>
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<tbody>
<tr>
<td>Front Yard Setback</td>
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<tr>
<td>Side Yard Setback</td>
<td></td>
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<tr>
<td>Rear Yard Setback</td>
<td></td>
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<tr>
<td>Maximum Lot Coverage</td>
<td></td>
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<tr>
<td>Acequia Setback</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Required</th>
<th>Requested</th>
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<tbody>
<tr>
<td>Number of Parking</td>
<td></td>
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<tr>
<td>Water Source Setback</td>
<td></td>
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<tr>
<td>Height of Structure</td>
<td></td>
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<tr>
<td>Steep Slope</td>
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<tr>
<td>Sign Variance</td>
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<tr>
<td>Other (Please State)</td>
<td></td>
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</tbody>
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**SUBMITTAL CERTIFICATION**

I hereby certify that the documentation submitted for review and consideration by the Board of Adjustment or Taos County Planning Commission has been prepared in accordance with Taos County Ordinance 2018-02 (Taos County Land Use Regulations) 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.

<table>
<thead>
<tr>
<th>Property Owner's Signature</th>
<th>Date</th>
<th>Agent’s Signature</th>
<th>Date</th>
</tr>
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</table>
Section 8.1.1 Variances may be granted by the Board of Adjustment or Planning Commission such that an applicant will be allowed to depart from the literal requirements of these regulations in appropriate situations, including applications for Residential Zoning Clearance permit, Commercial Zoning Clearance permit, Administrative Zoning Clearance permit, Special Use Zoning permit and Major Development Zoning permit. For Special Use Zoning permit and Major Development permit applications, the applicant may concurrently or separately apply for a variance. If the variance is approved separately from the Special Use Zoning permit or Major Development Zoning permit application, the applicant shall submit a Special Use Zoning permit or Major Development Zoning permit application within ninety (90) calendar days after the approval of the variance or the approved variance shall be deemed void.

A. Applications for Variances: A completed application for a variance shall be submitted to the Planning Director by the owner of the property or by the owner's agent with the non-refundable filing fee. All applications for variances shall bear the notarized signature of the owner of the property. The Planning Director shall submit all applications for variances from performance standards to the Board of Adjustment for a public hearing when associated with: A Residential Zoning Clearance permit, a Commercial Zoning Clearance permit, an Administrative Zoning Clearance permit, a Special Use Zoning permit, or a Major Development Zoning permit. Variance requests associated with Special Use Zoning permits or Major Development Zoning permits may be submitted to the Planning Commission for a public hearing. It is required that the variance application be submitted with a site plan and proof of payment of the required filing fee, at which time it shall be reviewed for completeness.

B. Submittal Checklist:
1. Letter of Explanation (Explain why the variance needed)
2. Variance application
3. Deed to property
4. Site Plan
5. Building Elevations
6. Proof property taxes and solid waste fees are paid.
7. Colored and Labeled Photos of site
8. Written Responses to Bulk Variance Findings of Fact
9. Area of Notice Map identifying adjacent property owners
10. List of adjacent owners and their respective mailing address
11. Taos County Zoning Clearance Application. If applicable
12. Fee: $200
C. Findings and Recommendation: The Planning Director or designee must submit findings of fact relevant to a variance request and a recommendation to the Board of Adjustment or Planning Commission before it may hear or act on the application.

D. Public Notice: Public notice of a public hearing before the Board of Adjustment or the Planning Commission on a variance application shall be consistent with the requirements of Article 6: Public Notice. In addition, adjacent property owners shall be notified by certified U.S. Mail, return receipt requested.
BULK VARIANCE
FINDINGS OF FACT

Section 8.1.2 (A) Variance: A bulk variance refers to a request for relief from a dimensional requirement of the land use regulations, such as a setback or other performance requirement. These are generally minor in nature and only affect the immediately adjacent property owners. When granting a bulk variance, the Board of Adjustment or Planning Commission should seek, if possible, as a condition of approval, an offsetting correction from the applicant, such as eliminating other non-conforming conditions on the property. The applicant shall have the burden proving facts regarding the application meet the following criteria, without which a variance shall not be granted:

1. Does not constitute a grant of special privilege inconsistent with limitations on other Properties in the area of notice.

2. Upholds the intent of these regulations, is consistent with the County Comprehensive Plan, and will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the area of notice

3. Is justified, because of the existing size or shape of the site, lot, or existing structures thereon, or topographic or physical conditions on the site or in the area of required notice make compliance not literally or economically feasible or advisable and such conditions are neither the fault of, nor reasonably remediable by, the applicant; and that the exceptional or extraordinary or circumstances or conditions applicable to the site do not apply generally to other properties in the vicinity
4. Strict or literal interpretation and enforcement of the specified performance standards or regulation would result in unnecessary hardship inconsistent with the purpose of these regulations

5. That the hardship the applicant is asking to be relieved from was not self-created

PLEASE NOTE: In evaluating the variance application, the Board of Adjustment or the Planning Commission shall ensure that reasonable consideration is given to the character of the zone, the conservation of property values, the applicable provisions of the County's Plan and to promote the general purposes and intent of the Regulations so that its spirit is observed, public health, safety and welfare are protected and substantial justice done.
SIGN VARIANCE

When applying for a variance from the requirements of the Taos County Sign Code Regulations (Ordinance 1996-2) the following criteria shall apply:

Sec. 1-26 Taos County Planning Commission shall have authority.

The Taos County Planning Commission, in addition to other duties set forth in this chapter, shall have the power to grant variances of this chapter as long as the general purpose and intent of this chapter is complied with. The Taos County Planning Commission shall have the power to recommend extensions of time to comply with this chapter if they are satisfied that the person seeking the extension has put forth good faith effort to comply within the time allowed in the compliance schedule in Sec. 1-4 of this chapter.

Sec. 1-27 Written notice to adjoining and other property owners of a hearing on request for a variance.

In all cases where requests are to be considered by the Taos County Planning Commission, notices by mail will be sent to adjoining property owners, as well as owners of property located directly across the street from the location of the requested variance.

Sec. 1-28 Standard to be considered for granting variances and extensions of time.

Among standards to be considered by the Taos County Planning Commission in the granting of a variance or extension of time under this chapter are economic hardship, circumstances where enforcement would be inequitable and the overall intent of this chapter, the sign regulations, as well as any other matter they may feel has a bearing on the request.

Sec. 1-29 The Taos County Planning Commission shall grant or deny requested variance or extension; Appeal; form of the notice of appeal. The Taos County Planning Commission, shall either grant or deny the variance or extension requested. Any party aggrieved by the decision of the Taos County Planning Commission may appeal their decision to the Board of County Commissioners by filing a notice of appeal with the Taos County Clerk within ten (10) days of the date of Taos County Planning Commission decision. The Notice of Appeal form is available at the Taos County Planning Department.
INFORMATION REQUIRED ON SITE PLAN: Name of Road; Drive-way Location; Property Dimensions; Location of proposed and existing structures; Utility Easements; Location of Well and Septic Tank; Location of lakes, rivers, streams, irrigations ditches, ponds and intermittent streams (arroyos) on or adjacent to the property; Show distances from all structures to property boundaries; Show electrical lines, either buried or overhead; Show gas lines; Show the direction of water run-off. **NOTE:** The site plan does not have to be to scale, but it must be a fairly accurate description of your proposal.