



LAND DEVELOPMENT CODE REFERENCE

VARIANCES (SECTION 14-3.16 SFCC)

Purpose and Applicability:

Variations may be granted to provisions regulating the size, location, and appearance of structures; the location and extent of open space; the extent of grading the width of configuration of public and private roads, driveways, and trails; and to similar standards for development established by Chapter 14. No variance shall be granted to provisions that restrict the type, intensity or principal or accessory uses permitted within a district, including limits on maximum residential density, and no variance shall be granted to any procedural rule.

Approval Criteria:

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

- 1. One or more of the following special circumstances (a-d) applies:
a. unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
b. the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
c. there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
d. the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).
2. The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.
3. The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.
4. The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:
a. whether the property has been or could be used without variances for a different category or lesser intensity of use;
b. consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.
5. The variance is not contrary to the public interest.
6. There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Approval Limited: A variance applies only to the type & extent of development shown on the plans approved at the variance hearing. All other development on the property shall comply with the terms of Chapter 14 or shall require a new or amended variance.

Note: If application is being made for Development in Special Flood Hazard Areas, then justification must be provided with the above approval criteria and the criteria found in Section 14-3.10(E) SFCC 1987.

SUBMITTAL CHECKLIST

Submittal requirements may vary based on the individual application. The City reserves the right to request additional information any time during the review process. Please submit each of the following submittal items as separate PDF files.

Application letter (intent, location, acreage)

Proof of compliance with conditions of annexation approval (if applicable)

Statement addressing approval criteria

ENN Notes (if applicable)

Legal lot of record, legal description



PARCEL INFORMATION

Project Name:
Address:
Property Size: Uniform Parcel Code Number:
Zoning: Proposed Use of Land:
Does this project have a Final Development Plan approval? Yes No Case Number:
Pre-application Conference Date: Early Neighborhood Notice (ENN) Meeting Date:
Code Section from which the Variance is sought:

PROPERTY OWNER INFORMATION

Name (First, Last):
Address: Street Address Suite/Unit #
City State ZIP Code
Phone: E-mail Address:

APPLICANT/AGENT INFORMATION (IF DIFFERENT FROM OWNER)

Company Name:
Name (First, Last):
Address: Street Address Suite/Unit #
City State ZIP Code
Phone: E-mail Address:
Correspondence Directed To: Owner Applicant Both

AGENT AUTHORIZATION (IF APPLICABLE)

I am/We are the owner(s) and record title holder(s) of the property located at:
I/we authorize to act as my/our agent to execute this application.
Signed: Date:
Signed: Date:

SIGNATURE

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a pre-application meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.
Signature: Date: