Project Property Address: _____

City Planning & Zoning Administrator: Crystal R. Ball, CFM, CZO
Email- cball@lovington.org
Phone: (575) 396-9301

City Variance Request

The following check list provides additional requirements for your specific application. Please attach all of the requested documentation, sign, and date.

Variance Request Requirements

1) Submit a completed Planning and Zoning Application. All fields must be completed and legible in order to process the application. This document provides the basic information required for all permitting applications. ☐

2) Provide proof of ownership or interest in the property. A deed with a legal description or property lease will meet this requirement. If the applicant is not the owner, an Affidavit by Property Owner(s) is required. ☐

3) A site plan, submitted on paper or in an electronic format, showing ☐
   - North arrow
   - Location of site with respect to streets and adjacent properties
   - Property lines and dimensions
   - Location and dimensions of buildings
   - Building setback distances from property lines
   - Any proposed features of the site which are applicable to the requested variance

4) A written statement documenting the reason for the variance, including evidence that the request complies with the criteria identified on page 2 ("Criteria for Variance Approval") ☐

5) Submit the completed Variance Support Petition. ☐

6) Pay the City Variance processing fee. $_____Date paid_____ ☐

What is a Variance?

A variance is a limited exception to the usual requirements of local zoning. If approval for a variance is obtained, the property owner may make minor deviations to the property that are not in conformance with zoning ordinances. Examples of variances that may be granted can include:

- Use
- Physical requirements such as dimensions or setbacks
- Yard and space requirements
- Requirements applied to all districts
- City---wide design standards

Continued form on next page

Criteria for Variance Approval

Variance requests must comply with the following criteria as required for approval of a variance:

1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from enforcement of the ordinance;
2. The condition or characteristic noted above is not caused by an action or choice of the property owner, occupant, or applicant;
3. The variance is the minimum amount necessary to allow a reasonable use of the property;
4. The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship.
5. The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district;
6. The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance; and
7. There are no other remedies.

Variance Request Procedure

a) Submit completed Planning and Zoning Application, Variance Request, and all required documentation to City Code Enforcement. Variance requests must be received no later than 21 days prior to the scheduled Lovington Planning and Zoning Commission.
b) City staff will send notification letters to each owner of property within 100 feet of the property requesting the variance.
c) The first public hearing in which this matter will be considered is conducted during the Lovington Planning and Zoning Commission meeting. You or authorized representatives are required to attend this hearing.
d) The recommendation from the Lovington Planning and Zoning Commission will be presented to the Lovington City Commission during a regular meeting. This will serve as the second public hearing. You or authorized representatives are required to attend this meeting.

Continued form on next page

PROPERTY

Address or General Location: _____

Legal Description (if platted): _____

Zoning Classification: ☐ A ☐ B ☐ C ☐ D

Existing use of land and/or buildings:

REQUESTED ZONING VARIANCE

Variance to Lovington Municipal Code Zoning Ordinance Section(s):

Current Ordinance Requirements:

Requested Variance(s)

Continued form on nest page

City of Lovington Variance Support

I have been informed of the variance request(s) "as stated below" and I have NO objection.
(DO NOT SIGN PETITION IF SECTION IS BLANK)

Neighbors Name	Neighbors Signature	Address

Continued form on next page

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative must be present at all public hearings concerning this application.

Applicant Name: _____ **Date:** _____

Applicant Signature: _____

Notes or recommendations to applicant from Planning & Zoning, Code Enforcement, or City Staff.

CITY USE ONLY
Planning, Zoning, Code, or Staff Name: _____
Signature: _____ **Received:** _____