



**CITY OF CARLSBAD**  
*Licensing and Permits Department*  
101 N. Halagueno St. (PO Box 1569)  
Carlsbad, NM 88220  
Phone (575) 887-1191  
Fax (575) 885-9871

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**BOARD OF APPEALS APPLICATION**  
**(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)**

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PROCESS FOR ACCEPTANCE AND REVIEW  
OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the **FIRST MONDAY OF THE MONTH**. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Special Property Use, etc.) from the City of Carlsbad, Licensing and Permits Office.
2. **Applicant must submit a completed Application to the Licensing and Permits Office on, or before, the SECOND FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A plot plan showing the property boundaries, dimensions, and setbacks of existing and proposed structures is required. If desired, a letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.

3. The Licensing and Permits Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the Application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of four months from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.



Receipt Date Stamp

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Application Date: \_\_\_\_\_

Fee Paid (\$50): \_\_\_\_\_

**APPLICANT INFORMATION:**

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CITY STATE ZIP PHONE EMAIL

**PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):**

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CITY STATE ZIP PHONE EMAIL

**LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED):** \_\_\_\_\_

**TYPE OF REQUEST (CHECK ONE):**

\_\_\_\_\_ VARIANCE FROM THE **SUBDIVISION REGULATIONS** (CHAPTER 47 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 47-7, VARIANCES.

**SPECIFY REGULATION AND/OR SUBSECTION:** \_\_\_\_\_

\_\_\_\_\_ VARIANCE FROM THE **ZONING ORDINANCE** (CHAPTER 56 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 56-481 et. seq., BOARD OF APPEALS.

**SPECIFY REGULATION AND/OR SUBSECTION:** \_\_\_\_\_

**JUSTIFICATION FOR REQUEST:** (Describe the topographical uniqueness of the property or extreme practical difficulties or undue misuse or hardship that would result from the strict application of the requirement(s) contained in the ordinance section from which the variance is requested.)

**Subdivision Regulations (Section 47-7) -Variances**

Whenever, in the opinion of the board of appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as are necessary so that the subdivider is allowed to develop his/her property in a reasonable manner providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved. The board shall grant such a variance or modification only upon determination that:

1. The variance will not be detrimental to the public health, safety and general welfare of the community;
2. The variance will not adversely affect the reasonable development of adjacent property;
3. The variance is justified because of topographic or other special conditions unique to the property involved in contradistinction to mere inconvenience or financial disadvantage;
4. The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan.

**FOR OFFICIAL USE ONLY:**

**Required prior to P & Z:**

Complete Application Including:  Map  Fee  Petition  Letter of Explanation

**Required prior to City Council:**

Council Hearing Date: \_\_\_\_\_ Publication Date: \_\_\_\_\_

Property Owner Notification Sent (within 100' minimum.): \_\_\_\_\_

ABM  Staff Comments  Application Packet  Draft Ordinance  P&Z Minutes

Council Action:  Approved  Denied  Other Ordinance No.: \_\_\_\_\_



# CITY OF CARLSBAD

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## PETITION OF NEIGHBORHOOD RESIDENTS

**Part 1 Description of Request:** The following applicant is in the process of requesting City Council approval to undertake the action described below:

NAME OF APPLICANT	TELEPHONE NUMBER	ADDRESS SUBJECT TO REQUEST
↳ _____	↳ _____	↳ _____
<b>REQUESTED ACTION</b> (CHECK ONLY <b><u>ONE</u></b> )	<b>DESCRIPTION OF PROPOSAL BY APPLICANT</b> (DESCRIBE PROPOSED CHANGES: Change in use of property; off-street parking; truck deliveries; hours of operation, etc.)	
<input type="checkbox"/> Special Property Use <input type="checkbox"/> Variance from Subdivision Regulations <input type="checkbox"/> Change in Zoning District <input type="checkbox"/> Vacation of Public Right-of-Way <input type="checkbox"/> Zoning District Variance	↳ _____ _____ _____	

**Part 2 Residents Note:** The applicant is required to circulate this petition throughout your neighborhood and request your opinion. You are under no obligation to provide that opinion, favorable or otherwise, but any information you provide will assist in making the best decision possible regarding this proposal. In either case, should you wish to discuss this matter in private with the Planning Department, please check the "PLEASE CALL" box.

NAME (Signature)	ADDRESS	OWN	RENT	TELEPHONE	PLEASE CALL	OPINION		
						Support	Oppose	No Opinion
1		○	○		○	○	○	○
2		○	○		○	○	○	○
3		○	○		○	○	○	○
4		○	○		○	○	○	○
5		○	○		○	○	○	○
6		○	○		○	○	○	○

Applicants are required to obtain the signatures of property owners within, as a **MINIMUM**, 150' of the property subject to the request.

CONTINUED ON NEXT PAGE

## PETITION OF NEIGHBORHOOD RESIDENTS (page 2)

NAME (Signature)	ADDRESS	OWN	RENT	TELEPHONE	PLEASE CALL	OPINION		
						Support	Oppose	No Opinion
7		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
18		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
19		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
20		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
21		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
22		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
23		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
24		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
25		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
26		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
27		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
28		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
29		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
30		<input type="radio"/>	<input type="radio"/>		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>