

# The Process

The following information is a simplified representation of the steps followed for an Alternate Summary Subdivision:



# Variances

The City of Las Cruces is divided into various Zoning Districts in order to promote the compatibility of multiple land uses. Each Zoning District specifies the allowed land uses, the required development standards (e.g. density, setbacks, height, etc.) and other regulations that must be followed.

A Variance is a modification to the strict application of numerical requirements of Chapter 38, Zoning, when not eligible for a Flexible Development Standard, and of Chapter 36, Signs, of the City of Las Cruces Municipal Code. When a Variance request is to land use, which is non-numerical, the Planning and Zoning Commission may only grant the Variance in accordance with the Infill Development Process (see Infill Development Process guide).

A Variance must meet the purpose and intent of all applicable plans, including the City of Las Cruces Comprehensive Plan, and may only be granted when a unique hardship is demonstrated. A Variance may not be granted only to serve as a convenience to the applicant. Staff will assist you in determining if a Variance request is needed at the *pre-application meeting*.

### What is a hardship?

Hardships are not considered self-imposed. The following hardships may be considered by the Planning and Zoning Commission when making a decision:

1. A physical hardship relative to the property (i.e., topographic constraints or right-of-way takes resulting reduced development flexibility, etc.); or
2. The potential for spurring economic development at a neighborhood or city-wide level; or
3. Monetary considerations, not as a whole, but relative to options available when such options cause considerable monetary hardship.

### Who will approve the request?

Following a review by City staff in various departments, City staff shall provide the City's Planning and Zoning Commission with its recommendation. The Variance request will then be required to go to a public hearing before the Planning and Zoning Commission for a final decision based on specific findings. The decision of the Commission may be appealed to the City Council.

### How long will it take?

Depending upon the nature of the Variance request, it may take two (2) to three (3) months to go through the process and get a final decision from the Planning and Zoning Commission. If approved, a permit or business registration shall be obtained for the Variance within one (1) year of the approval.

### What do I need to submit?

- City of Las Cruces Development Application
- Statement of Hardship
- Existing Site Plan and Boundary Survey (8.5x11)
- Proposed Site Plan (8.5x11)
- Other items as deemed necessary

### How much will it cost?

Variance Application Fee  
Single-Family Residential Homeowner: \$75  
All Other: \$175

\*Additional cost recovery fees for advertising of the public meeting apply and totals vary

## More Information

View the following sections of the City of Las Cruces Municipal Code for more detailed information:

- ◆ Chapter 38, Zoning; Article II, Administration; Section 38-10 to Section 38-17

Or contact us by asking for the Planner of the Day (POD) via phone, email or walkin.

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