

# **MINOR SETBACK (ZONE VARIANCE) PROGRAM**

*Department of Land Management - Land Planning Division*

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*P. L. 27-91 (In Part Sections 1 & 2)*

## **GUIDELINES**

The Guåhan Land Use Commission adopts the following rules to apply Public Law 27-91:

- (1) In a prescribed application form, applicant(s) requesting for the consideration and approval of the Director of Land Management for a variance on setback shall submit at the minimum the following information:
  - a. Location, Description and Proof of Ownership/Lessee's Authorization
  - b. Plans, drawn to scale, showing dimensions and shape of the subject lot(s); the Lot size; size and to-scale location of existing buildings; locations and dimensions of encroaching portions of the existing building.
  - c. Current Land Use
    - i. Existing zoning status
    - ii. Brief history of subject lot's zoning status
    - iii. Use of the encroaching structure
  - d. Information showing existing uses as previously sanctioned by the Government of Guåhan (i.e. issued building and occupancy permits, court ruling, previous GLUC and/or judicial rendering).
  - e. Provide within a one (1) page typed, brief letter format declaring that the applicant has exhausted all possible avenues to resolve and/or relieve the setback deficiency.
  - f. Provide a one (1) page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighboring developments as they exist and the nature of the variance request. The letter shall also include language, to the satisfaction of the Director, with specific reference and citation to the following:

- i. That the strict application of the provisions of §61617, 21GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law;
  - ii. That, pursuant to Public Law 27-91, there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone;
  - iii. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located;
  - iv. That granting of such variance will not be contrary to the objectives of any part of the “**Guåhan Master Plan**” adopted by the Guåhan Land Use Commission; and
  - v. That, when applicable, as to variance from the restrictions of §61617, 21GCA, the building structure in review will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building structure exists and that such structure shall not interfere with or adversely affect the surrounding property owners’ or the public’s right to an untrammled use of the beach and its natural beauty.
- g. Any additional information deemed necessary by the Guåhan Chief Planner to render a proper recommendation to the Director of Land Management.
- (2) The applicant shall prepare the required information in a collated packet form and shall produce, at their expense, fifteen (15) copies for review distribution. Packets will be submitted to the office of the Guåhan Chief Planner whereby the applicant will receive a dated receipt of acceptance.
- (3) Packets will be distributed to members of the Application Review Committee whereby each agency shall have ten (10) working days to provide written comments inclusive of a statement of recommendation of approval or disapproval. All statements shall be received by the Office of the Guåhan Chief Planner no later than 4:30 p.m. of the 10<sup>th</sup> day, otherwise the Guåhan Chief Planner shall be required to nullify and void any late submissions, and shall provide written record of such action.

- (4) The Guåhan Chief Planner shall submit his recommendation to the Director of the Department of Land Management within five (5) working days. The recommendation paper shall include each Agencies' (Department of Public Works, Guåhan Environmental Protection Agency, Guåhan Waterworks Authority, and Guåhan Power Authority) comments or position as "ATTACHMENTS".
- (5) The Director shall render a written decision within five (5) working days.
- (6) The Director shall not grant a variance for a yard setback under the following circumstances:
  - a. After three attempts the applicant(s) fails to provide necessary or additional information.
  - b. Falsification of information as submitted by the applicant(s).
  - c. Granting the variance will not be consistent with "Guåhan Master Plan", if one exists.
  - d. Present or proposed use is not consistent or is in violation of other elements of the zoning code.
  - e. When a variance from the yard setback for the subject parcel has been previously granted by the Director or the Guåhan Land Use Commission pursuant to Public Law 27-91 and Section 61616, Chapter 61, 21 Guåhan Code Annotated, respectively.

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**Guidelines**  
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