

SUBDIVISION VARIANCE

**TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guåhan, P.O. Box 2950, Hagatna, Guåhan 96932**

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Subdivision Variance*.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: Yes No

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

Lot(s): _____ Block: _____ Tract: _____

Lot Area: Acres _____ Square Meters _____ Square Feet _____

Village: _____ Municipality: _____

Registered Owner: _____

Certificate of Title No.: _____ Recorded Document No. _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____ Proposed Zone: _____

Master Plan Designation: _____

4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of variance request in accordance with *Guåhan Code Annotated 21 GCA, Chapter 62, Sections 62601 and 62602*.

a. That there are special circumstances or conditions affecting said property.

ATTACHMENT: Sections 62601 & 62604, Article 6 (Variance & Appeals), Chapter 62, Title 21 GCA is attached for your information and guidance in the preparation of your application. For additional requirements, visit the Subdivision Section, Land Planning Division.

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4. Continuation:

- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider;
- c. That the granting of the variance shall not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated; and
- d. That the variance, if granted, shall conform with the intent and purpose of the general or precise plans for the territory, and Title XIX.

5. Support Information: The following supporting information shall be attached to this application:

- a. Site Plan required: Plans, drawn to scale, showing dimensions and shape of lot; lot size;
- b. size and location of existing building(s); location and dimensions of proposed building(s) or alterations;
- c. 8 1/2" X 14" map, drawn to scale, showing all significant land uses within 1000 feet radius of subject lot;
- d. 8 1/2" X 14" map, drawn to scale, showing all significant building(s) or uses within 750 feet of the subject lot. On the same map, applicant must also show any natural or topographic peculiarities of subject lot.
- e. 8 1/2" map, drawn to scale, showing all parcels with correct lot number within 500 ft of subject lot.
- f. The most recent survey map document number, recorded in the Department of Land Management, showing the subject property.
- g. An initial comprehensive ***Environmental Impact Access (EIA)*** as required by the Guahån Chief Planner.
- h. Additional information as required by the Guahån Chief Planner:

In addition to providing the required number of hard copies of the Application; provide 9-copies of the Application File in Electronic Format (example: in CD format, etc.)

6. Filing Fee: Fifty Dollars (\$50.00) filing fee for the first five pages, and \$.25 for any additional page, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

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7. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."

_____ *(Owner(s) or Lessee(s) and Date)*

_____ *(Representative, if any, and Date)*

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

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Date Accepted: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$): Yes [] No [] Check [] Cash [] Other [] _____

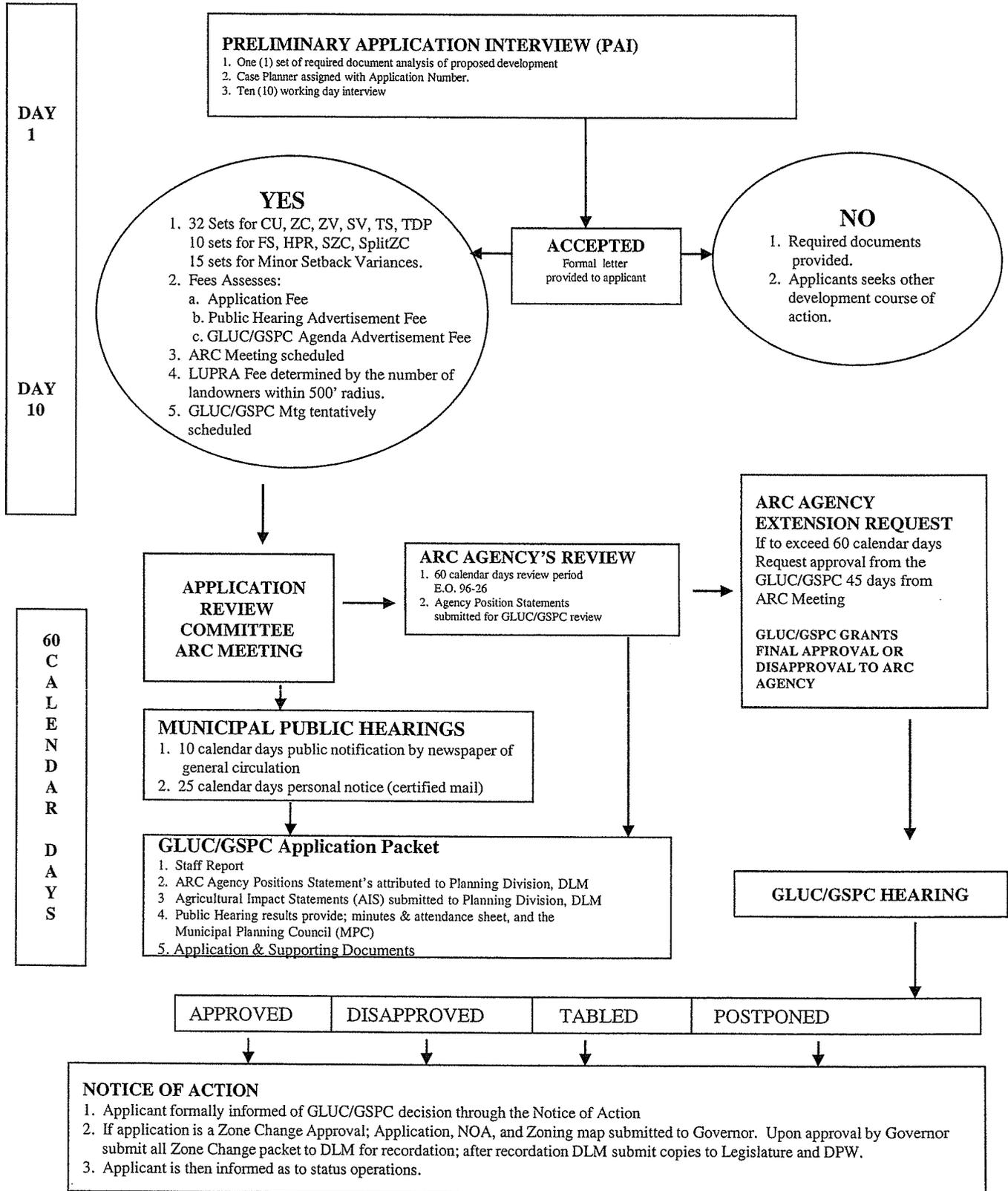
Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [] No [] (See Below)

Conditions of Approval: _____

GLUC Resolution No.: _____ Date of Notice of Action: _____

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION APPLICATION PROCESS



21 GCA REAL PROPERTY CH. 62 SUBDIVISION LAW

ARTICLE 6 VARIANCES AND APPEALS

§ 62601. Petition for Variances.

§ 62602. Variance Subdivisions.

§ 62603. Unit Development.

§ 62604. Judicial Review.

§ 62601. Petition for Variances.

The Commission, on its own initiative, or upon the petition of any subdivider stating fully the grounds of the application and all the facts relied upon by the subdivider, may grant variances to the regulations of the Commission. Such petition shall be filed with the tentative plan of the subdivision. In the event the Commission shall find the following facts with respect to the petition for a variance, it may grant a variance under such terms and conditions as it may prescribe:

- (a) That there are special circumstances or conditions affecting said property.
- (b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider.
- (c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- (d) That the variance, if granted, will conform with the intent and purpose of the general or precise plans for the territory, and of this Chapter.

SOURCE: GC '18500.

§ 62602. Variance Subdivisions.

The Commission shall have the authority to review any prior division of parcels of land, whether for the purpose of lot parcelling or the establishment of a subdivision, presented to the Department of Land Management for recording as a subdivision under the provisions of this Chapter. The Commission may require the subdivider or owner to modify the arrangement, to improve access rights of way and easements, or to modify the size and shapes of lots and other improvements as a condition precedent to record the presentation as a subdivision. The decision of the Commission shall be final.

SOURCE: GC '18501.

§ 62603. Unit Development.

The standards and requirements of this Chapter may be modified by the Commission in the case of a plan and program for a new town, a complete community, or a neighborhood united, which in the judgment of the Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provide such deed restrictions or other legal provisions as will assure conformity to and achievement of the plan.

SOURCE: GC '18502.

§ 62604. Judicial Review.

- (a) Any order of the Commission shall become effective when notice thereof is delivered to the party or parties affected and, unless proceedings for judicial review are instituted as provided for in Subsection (b) of this Section, shall become final at the expiration of thirty (30) days thereafter.
- (b) If the decision of the Commission is not in accordance with law or is not supported by substantial evidence, the same may be set aside through an action instituted in the Superior Court brought by the party affected thereby. The subdivider shall not subdivide any land, or sell, lease, or offer for sale, any subdivision or proposed subdivision or any part thereof, or any lot, parcel or site therein, or commence or continue construction of any improvement relating thereto during the pendency of such action.
- (c) Review by the court shall be limited to the record procured before the Commission and, if the decision of the Commission is not according to law or supported by substantial evidence, the court shall return this matter to the Commission for further action in accordance with the evidence.

SOURCE: GC '18503. *Island* changed to *Superior Court* pursuant to P.L. 12-85.