

# A G E N D A

## Administrative Review Board

City Council Chambers

800 Municipal Drive, Farmington, NM

April 8, 2021 at 6:00 p.m.

This meeting will be held in person and via Zoom:

<https://us02web.zoom.us/j/84355139596>

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**Item  
No.**

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- 1 Call Meeting to Order**
- 2 Approval of the Agenda**
- 3 Approval of Meeting Minutes from December 3, 2020**
- 4 Introduction of New Board Member**
- 5 Nomination and Election of New Vice Chair**
- 6 Project Updates** – Discussion regarding upcoming and current development within the City. (Beth Escobar)
- 7 New Unified Development Code** – Discussion regarding substantial changes to the UDC, effective April 5, 2021. (Beth Escobar)
- 8 Business from:**
  - Floor:
  - Chairman:
  - Members:
  - Staff:
- 9 Adjournment**

**All decisions of the Administrative Review Board are final  
unless appealed in writing to the City Clerk's office within 15 days.**

**ATTENTION PERSONS WITH DISABILITIES:**

The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.

# **Administrative Review Board Meeting Minutes December 3, 2020 – 6:00 P.M.**

The Administrative Review Board met in regular session via Zoom Virtual Platform on Thursday, December 3, 2020 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members Present:

Vice Chair Cindy Lopez  
Brian Erickson  
Paul Martin

Members Absent:

Chair Dennis attempted to join the meeting via the zoom platform but due to technical difficulties was unable to participate.

Staff Present:

Andrea Jones  
Francisco Alvarado  
Beth Escobar

Others Addressing the Board (Via Zoom Virtual Platform):

Jim Valdez, Petitioner

## **Call to Order**

The meeting was called to order at 6:04 p.m. by Vice Chair Lopez and there being a quorum present the following proceedings were duly had and taken.

## **Approval of the Agenda**

A motion was made by Board member Erickson and seconded by Board Member Martin to approve the agenda. The motion passed unanimously by a vote of 3-0.

## **Approval of the Minutes – November 5, 2020**

A motion was made by Board member Erickson and seconded by Board Member Martin to approve the agenda. The motion passed unanimously by a vote of 3-0.

## **Swearing in of Witnesses**

All parties that wished to speak on behalf of any agenda item were sworn in by Beth Escobar, Planning Manager

## **Discussion of Petition No. ARB 20-54**

Francisco Alvarado, Associate Planner, presented the staff report for Petition No. ARB 20-52 a request from Jim Valdez for a variance 1) to reduce the rear yard setback from 25' to 20', and the front yard setback from 20' to 10' to allow for the replacement of a 14' x 76' mobile home, and 2) to waive the paved driveway requirement for property located at 1428 Tory Avenue, in the MF-L/SMHA, Multi-family Low Density Residential District with a Special Mobile Home Area overlay, in the Odaffer Subdivision.

San Juan County Tax Assessor's records show that the size of the property is 0.14 acres, or 56.5' x 106.5', as shown in the Odaffer Subdivision plat. Aerial photographs and other sources provided in this memo indicate there used to be a 14' x 76' mobile home on site. The applicant

intended to replace the old mobile home with a better model of same dimensions, which triggered the variance requirement.

Per the petitioner and the Tax Assessor's website, both the old mobile home and the replacement are legally considered 14' x 76'. The County Assessor's website does not count the mobile home tongue into the total length (14' x 80'). This request is based on legal dimensions.

Pursuant to the City of Farmington Unified Development Code:

- Section 2.8.1 *Residential base zoning district density and dimensional schedule*, the rear yard setback requirement in the MF-L District is 25'.
- Section 5.2.3.A *Minimum off-street parking requirements*, two parking spaces are required per mobile home dwelling unit.
- Section 5.3.3.A *Paving requirements*, all required parking areas must be connected to a public street or alley by means of a driveway or private access easement. All driveways providing access to such parking areas shall be paved.

## PROPOSAL

The applicant, and property owner, is requesting a variance 1) to reduce the rear yard setback from 25' to 20', and the front yard setback from 20' to 10', and 2) to waive the paved driveway requirement. The request is compatible with existing development conditions in the neighborhood.

This subdivision is zoned MF-L, Multi-family Low Density, but has single-family characteristics. No properties were identified as having a multi-family use. In single-family districts, the required rear yard setback is 15', but the applicant is requesting 20'. Also, only 1 out of 12 residential structures on Tory Avenue meet the district's front yard setback; similarly, only 3 homes meet the rear setback. Also, no properties have driveways on this street.

## 1428 Tory Avenue



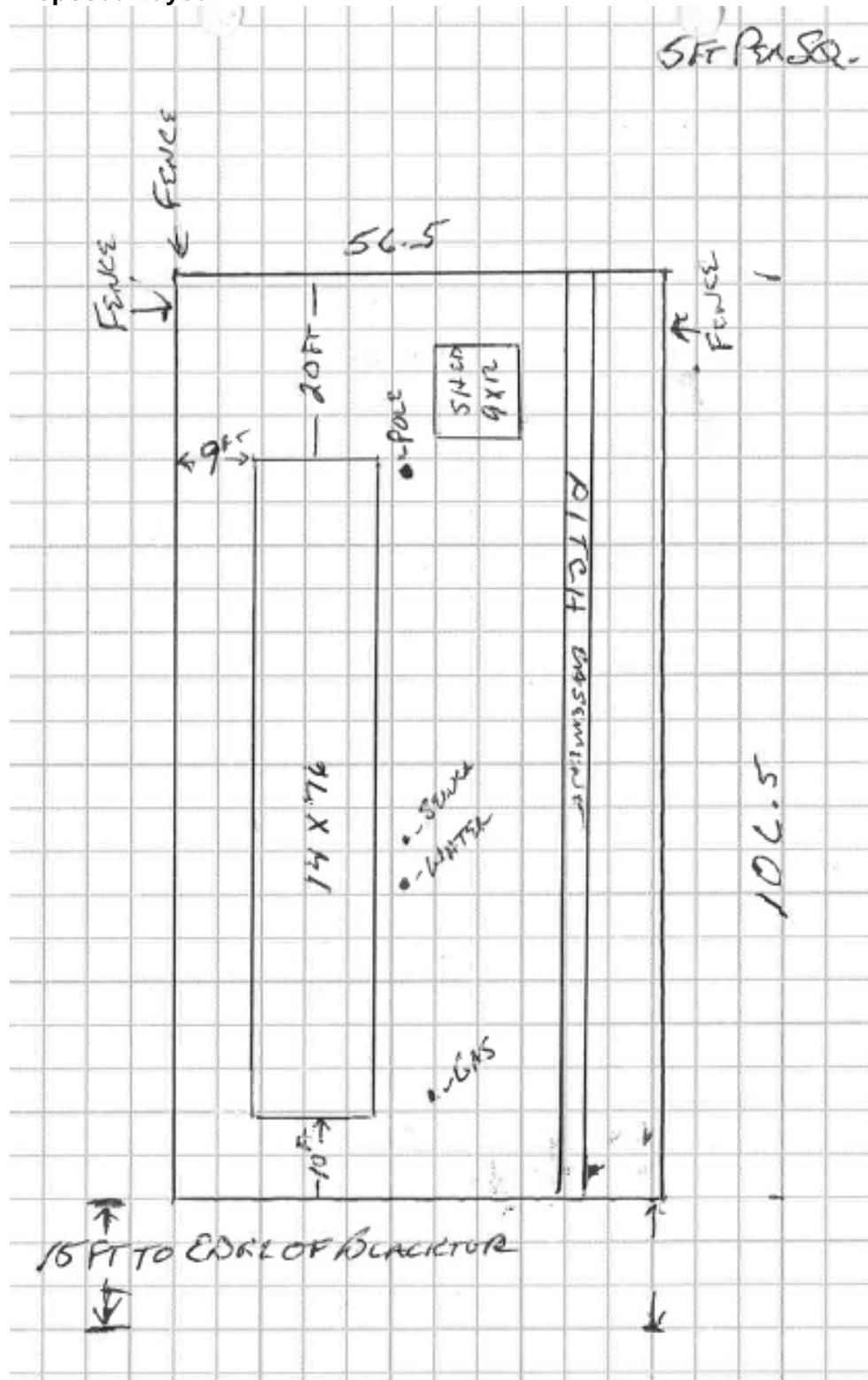
**Previous Mobile Home**



**Current Conditions**



Proposed Layout



## ANALYSIS

### **Variance Criteria – Section 8.12.4, UDC**

A variance may be granted only where a literal enforcement of the Code provisions would result in unnecessary hardship for a particular property. In order to grant a variance, the ARB must make a positive finding of fact concerning each of the following or, if a positive finding of fact cannot be made that the ARB specifically describes the circumstance that would outweigh the strict requirement for a positive finding of fact and determine that the variance will not be a public detriment:

- 1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district; and, furthermore, that they are not self-imposed, self-created or otherwise the result of actions by the applicant.**

The special condition is that Mr. Valdez desires to place a more modern mobile home than the one that was originally set on the property. The permit for the new home triggers the paved driveway requirement that did not previously exist. This subdivision is from 1958, and existing setback requirements are prohibitive for mobile home parking permits.

In the neighborhood, properties display similar development characteristics to the request being pursued. Most properties on Tory Avenue do not meet the front and rear setbacks, and no paved driveways exist on that street.

**This criterion IS met.**

- 2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code.**

A literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code. The variance request is to allow the applicant to place a modern mobile home of same dimensions.

**This criterion IS met.**

- 3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building or structure.**

It is reasonable to place a mobile home on this property, in a district that has a Special Mobile Home Area Overlay. The intent of the overlay is to provide citizens with affordable housing options. The request to reduce the rear and front yard setbacks and waive the requirement for a paved driveway is a minimum easing of the code given similar development characteristics throughout the neighborhood.

**This criterion IS met.**

- 4. That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Code, and is not injurious to the neighborhood or otherwise detrimental to the public welfare.**

The granting of the variance is in harmony with the general interest, purpose and intent of the code. Property owners in the neighborhood will not be adversely affected, as the surrounding structures are placed in similar fashion to the request. Allowing the renter to replace the mobile home with another one of the same size same without a paved driveway is also compatible with the other properties in the area. The proposal is not detrimental to the public welfare.

**This criterion IS met.**

- 5. That the proposed variance will not permit a use not otherwise allowed in the underlying district.**

The granting of this variance will not allow a use not otherwise allowed in the MF-L/SMHAO District.

**This criterion IS met.**

- 6. That no nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts has been or shall be considered grounds for the issuance of a variance.**

Nonconforming uses, structures or buildings in the same district have not been considered as grounds for this variance request, nor has any permitted uses been grounds for issuance of this variance.

**This criterion IS met.**

- 7. That the applicant would suffer an unnecessary hardship if the variance requested were denied.**

The applicant would suffer an unnecessary hardship if the variance request were denied. The property was bought with a 14' x 76' mobile home, and the applicant wishes to continue the use that has existed at this location before he UDC was adopted. In addition, the paved driveway requirement would result in additional hardship for replacing a mobile home on a street without those characteristics.

**This criterion IS met.**

## **CONCLUSION**

The Community Works Department concludes that approval of Petition ARB 20-54 is a minimum easing of the code, meets the intent of the code and is a property that has characteristics unique enough to reduce the rear yard setback from 25' to 20', and the front yard setback from 20' to 10', and 2) to waive the paved driveway requirement without adversely affecting the neighbors or the neighborhood.

## **RECOMMENDATION**

The Community Works Department recommends **approval** of Petition ARB 20-54 from Jim Valdez for a variance to reduce the rear and front yard setbacks, and waive the paved driveway requirement.

## **Administrative Review Board Action for Petition No. ARB 20-54**

A motion was made by Board Member Erickson and seconded by Board Member Martin to **approve** Petition No. ARB 20-54, a request from Jim Valdez for a variance 1) to reduce the rear yard setback from 25' to 20', and the front yard setback from 20' to 10' to allow for the

replacement of a 14' x 76' mobile home, and 2) to waive the paved driveway requirement for property located at 1428 Tory Avenue, in the MF-L/SMHA, Multi-family Low Density Residential District with a Special Mobile Home Area overlay, in the Odaffer Subdivision.

AYE: Vice Chair Lopez, Board Member Erickson and Board Member Martin  
NAY: None  
ABSTAIN: None  
ABSENT: Chair Dennis

**APPROVED 3-0**

**Business from the Floor:** There was no business from the Floor.

**Business from the Chair:** There was no business from the Vice Chair or Board Members.

**Business from Staff:** Planning Manager Escobar stated that the ARB's denial of ARB 20-51 has been appeal and will be considered by City Council at their December 8 meeting.

She also informed the Board that Mr. Alvarado has resigned his position with the City and will be relocating to New Zealand. Ms. Escobar thanked him for is service to the City.

**Adjournment:** The November 5, 2020 meeting of the Administrative Review Board was adjourned at 6:18 p.m. A motion to adjourn was made by Board Member Erickson and seconded by Board Member Martin and passed unanimously by a vote of 3-0.

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Cindy Lopez, Vice Chair

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Beth Escobar, Planning Manager