

# A G E N D A

**Administrative Review Board  
City Council Chambers  
800 Municipal Drive, Farmington, NM  
July 09, 2020 at 6:00 p.m.**

The Regular Meeting of the Administrative Review Board to be held at 6:00 p.m., Thursday, July 9, 2020 virtually using Zoom at <https://us02web.zoom.us/j/84212796014>.

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**Item  
No.**

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- 1 Call Meeting to Order**
- 2 Approval of the Agenda**
- 3 Approval of the Minutes from the March 5, 2020 and June 4, 2020 Meeting**
- 4 Petition No. ARB 20-22 – a request from Joseph Sanchez, owner of property at 2901 Marquette Ave, for a variance to Section 2.8.C.(3).c of the Unified Development Code requiring a 10-foot separation from the primary residence and side property yard for an accessory structure. (Beth Escobar)**
- 5 Business from:  
Floor:  
Chairman:  
Members:  
Staff:**
- 6 Adjournment**

**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  
March 5, 2020 – 6:00 P.M.  
Revised**

The Administrative Review Board met in regular session on Thursday, March 5, 2020 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present

Chair James Dennis  
Brian Erickson  
Jeff Johanson  
Cindy Lopez

Members absent:

Paul Martin

Staff present:

Beth Escobar  
Elizabeth Sandoval

Others addressing the Board:

None

**Call to Order**

The meeting was called to order at 6:01 p.m. by Chair James Dennis and there being a quorum present the following proceedings were duly had and taken.

**Introduction of New Board Member**

Cindy Lopez was introduced as the new member of the Administrative Review Board.

**Approval of the Agenda**

A motion was made by Board Member Johanson and seconded by Board Member Erickson to approve the agenda. The motion passed unanimously by a vote of 4-0.

**Election of Officers**

A motion was made by Board Member Johanson to keep Chair Dennis as Chair and nominated Cindy Lopez as Vice Chair. The motion was seconded by Board Member Erickson. The motion passed unanimously by a vote of 4-0.

**Approval of the Minutes from the February 6, 2020 Regular Meetings**

Board Member Johanson made a motion to approve the minutes of the February 6, 2020 regular meeting. The motion was seconded by Board Member Erickson and passed unanimously by a vote of 3-0. Vice Chair Lopez did not vote because she was not a member of the board at the time of the February 6, 2020 meeting.

**Discussion regarding proposed changes to the Unified Development Code**

Beth Escobar, Planning Manager, presented a memo from the Administrative Review Board regarding proposed changes to the Unified Development Code. Ms. Escobar discussed the following:

Second Meters for Apartments

Per Sections, 2.5.4.E Apartments and 2.5.8.A.3 Guesthouses of the Unified Development Code (UDC) installation of separate utility meters is prohibited.

By definition in the UDC, apartments may be rented upon approval of a Special Use Permit and guesthouses may only be used for temporary occupation by family and friends.

The prohibition against individual meters on apartments and guesthouses is designed to prevent illegal conversion of these accessory residential structures into rentals units.

As we have seen through recent variance requests, there are many situations where second utility meters are warranted for new construction and remodel projects. Installation costs, including underground trenching, can be prohibitive to the projects.

Prohibiting meter installations on apartments and guesthouses to prevent conversion to rental units seems inefficient. An apartment that is officially approved through the Special Use Permit process is already allowed to be a rental. Installing a second meter so that the tenant pays the utility bills directly may be a preference of the landlord.

In fact, any accessory structure can be converted to a rental unit by a property owner who is intent on skirting the regulations. A second meter is not necessary in these scenarios. The best way to control these types of illegal rentals is through neighbor complaints and consistent code enforcement.

Since the prohibition to a second meter seems inefficient and unnecessarily burdensome to the property owner, staff is proposing to amend this section of the UDC:

**2.5.4 Apartments (accessory).** An apartment may be allowed as an accessory use to a single-family dwelling by special use permit, subject to compliance with the standards of this section.

A. One accessory apartment may be allowed per single-family dwelling in the RE-2, RA, RE-1, RE-20, SF-10, SF-7 and SF-5 districts; provided, however that no lot shall have both an accessory guest house and an accessory apartment.

B. Such apartments may either be "attached to" or "detached from" the principal single-family dwelling.

C. Such apartments shall be similar in appearance and design to the principal structure, with respect to roof design and materials, siding materials and window treatments.

D. Such apartments may be rented, but not sold, separately from the principal dwelling unit.

E. Such apartments and the primary dwelling shall share utilities or have separate utility meters if approved through the Special Use Permit process. Apartments may have a kitchen.

**2.5.8 Guesthouses.** Guesthouses (a maximum of one) may be allowed as an accessory use to single-family dwellings, subject to compliance with the standards of this section.

A. General. All guesthouses shall comply with the standards of this subsection.

(1) Guesthouses may be utilized by guests and persons employed on-site by the resident family of the principal dwelling, and may not be rented or sold separately from the principal dwelling unit.

(2) Notwithstanding other provisions to the contrary, guesthouses:

a. Shall comply with the setback standards applicable to the primary dwelling; and

b. May be built to the same height as otherwise allowed for the primary dwelling.

(3) Guesthouses and the primary dwelling shall share utilities or have separate utility meters. Guesthouses shall not have a natural gas stub or 220-volt wiring in the kitchen area.

**Board Discussion:**

Board Member Lopez –Need to recognize the impact on the neighbors and take that into consideration when revising code. Our processes are about making sure it is equal for everyone, and we should not take that community voice away. There is no process to ensure neighborhood input

Chair Dennis – Apartment are designed to be rented out to other entities. It needs to be zoned appropriately, needs a Special Use Permit. If it goes through this review process, it should have a separate meter. Is a guesthouse separate from the main structure?

Planning Manager Escobar- Guesthouses can be included in the main structure or a separate structure.

Chair Dennis – Need to give thought to Air B & B impact. How are we dealing with this?

Planning Manager Escobar – Discussion regarding Air B & B is not on the agenda tonight.

Vice Chair Lopez – Guesthouse is allowed by right, by allowing a second meter that could be marketed as a rental unit in the future. Okay with individual meters, but this is a back door for having an apartment without having to go through a Special Use Permit process. The process is not equitable.

Chair Dennis – He agrees that neighborhood input is important. We also need to be aware of need for affordable housing units.

Vice Chair Lopez – This is a responsibility to the neighbors. Guesthouses should be required to get a SUP if they want a second meter.

Planning Manager Escobar – Requiring a SUP adds an additional burden for those people interested who want to have a guesthouse.

Board Member Johanson - There is a public process involved when they ask for a second meter and come before the ARB.

The Board discusses different scenarios for single-family homes with apartments and guesthouses.

Planning Manager Escobar pointed out that properties without Special Use Permits cannot be marketed as having legal apartments.

Chair Dennis – Asked if Planning reviews setbacks, parking and other issues when reviewing permits.

Planning Manager Escobar responded yes.

Chair Dennis – Can see many angles.

Board Member Lopez asked that we consider removing the SUP for apartments and require an administrative review where the neighbors receive notification.

Chair Dennis – Would just have administrative review for apartments with neighborhood notification? What if you have neighbors that don't like you?

Vice Chair Lopez – Staff would have to weigh neighbor input.

Planning Manager Escobar – We would look at the same criteria used by the ARB. Are there public health or safety issues? This would carry a lot of weight.

Chair Dennis – Do we require guesthouses and apartments be built to standards to preserve the integrity of the neighborhood?

Planning Manager – Apartments must be built to match the primary residence per current code. We could carry this over to guesthouses.

Vice Chair Lopez - Can a mobile home district have any accessory apartment? Detached can only go in certain districts.

Chair Dennis – Parking of RV's on adjacent lots occurs. How this different as a guesthouse.

Planning Manager Escobar – RV's do not qualify as guesthouses.

### **Placement of new, or replacement of existing, mobile/manufactured homes**

Several issues have come up over the last year regarding the following regulations related to manufactured/mobile homes:

UDC Section 5.3.3.A-requiring pavement of all parking areas

UDC Section 6.4.3 – as interpreted to require sidewalks on all streets

Manufactured and mobile homes are an affordable housing option in the area. Requiring paved driveways and installation of sidewalks prior to the placement of a new or replacement unit adds a substantial cost burden to property owners and becomes an impediment to affordable housing in the City.

Staff is proposing the following modifications to the UDC to eliminate these requirements:

**5.3.3 Driveways and parking lot access.** All driveways and parking lot entrances and exits shall be subject to the approval of the Director or designee and the following requirements:

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, except as follows:

(1) In the RA district, RE-1 district, RE-2 district and RE-20 district, driveways shall be:

- a. Surfaced with a minimum of four inches of gravel road base, and
- b. Have a paved apron ten feet in depth and the width of driveways adjoining paved streets.

(2) Driveways accessing industrial yards, vehicle storage yards, car sale facilities or like uses, not including employee parking, which require outside or vehicular storage shall be:

- a. Surfaced with a minimum of four inches of gravel road base, and
- b. Have a paved apron 15 feet in depth and the width of driveways adjoining paved streets.

(3) Driveways for properties with an existing mobile or manufactured home that replaced with a newer or upgraded unit shall consist of a compact surface such as gravel.

**6.4.3 Engineering and construction standards.**

A. All required improvements, including but not limited to streets, sidewalks, trails and access ways, water and sewer, and drainage facilities, shall be designed by a licensed engineer registered in New Mexico in accordance with the requirements of the most recent City of Farmington "Design & Construction Standards with Technical Specification."

B. All required improvements, including but not limited to streets, sidewalks, trails and access ways, water and sewer, and drainage facilities, shall be constructed in accordance with the most recent City of Farmington "Design & Construction Standards with Technical Specification."

C. All streets, water, sewer, and drainage facilities shall be designed and constructed to, and through, the property in question in accordance with the requirements of this article.

D. Where city standards do not specifically cover a design or construction issue, the director may enforce other recognized industry standards.

E. Undeveloped lots in existing subdivisions where sales and construction have begun are exempt from the requirements of this Section.

In addition to these recommended changes, relief from setback requirements is also under consideration:

**Board Discussion:**

Vice Chair Lopez: Agree, except wording should be corrected to 'manufactured homes that are in place. It is a burdensome requirement to property owners.

Chair Dennis – Agrees with the changes.

Planning Manager Escobar – So does the Board support waiving parking and sidewalk requirements?

The Board agreed.

2.4.32. D. *Dimensional standards.* All principal and accessory structures shall be subject to the following required front, rear or side setback requirements.

(1) Maximum height: 2 stories or 30 feet, whichever is less.

(2) Minimum lot area: 6,000 square feet.

(3) Minimum lot width: 50 feet.

(4) Minimum setbacks:

a. Front: 25 feet.

b. Side, Street: 15 feet.

c. Side, interior: 5 feet

(1) Single-section manufactured homes: 5 feet.

(2) Mobile homes: 8 feet.

d. Rear: 15 feet.

e. Exception for accessory structures. Accessory structures, including awnings and carports, which are open at the front and rear, which are made of noncombustible material, and which are not less than five feet from the property line may be placed in any interior side yard.

f. Exception for replacement of existing mobile/manufactured home units.

Setback requirements for replacement units shall be those in existence on site before the existing unit was removed.

This change is derived from several recent ARB petitions where older mobile home units were being replaced and the larger units could not conform to the setbacks of the underlying zoning

district. In each case a reduction of the setback requirements had a nominal impact on the surrounding neighbors.

Each of the recent ARB petitions asking for relief from the above referenced regulations have been approved and determined to be a minimal easing of the code.

To place these proposed code changes in a broader picture, zoning regulations throughout the country are changing to address a myriad of issues, including lack of affordable housing, diversity of housing, climate change, shrinking land availability and sky rocketing cost of infrastructure. There are some communities, including cities in California and Minnesota, that are eliminating single-family zoning and promoting high density, multi-use zoning.

In the 2019 City of Farmington Analysis of Impediments to Fair Housing Choice Update the Farmington City Council certified that it will affirmatively further fair housing. Relaxing the zoning regulations discussed above helps promote development of low-to-moderate housing options throughout the city.

**Board Discussion:**

Vice Chair Lopez – Are we looking at setback averaging? We need to consider fire and safety separation to make sure these are met, and maybe this makes more sense than applying specific setbacks. We want to encourage new manufactured homes that meet safety standards. What if we just have minimum safety separations?

Planning Manager Escobar – We are not vacating building and fire code requirements.

Vice Chair Lopez – Could the setback requirements be amended to be specific to the width and length of manufactured homes. This would be another way of looking at it. Could potentially avoid future variances.

Chair Dennis – We should always uphold safety standards.

Vice Chair Lopez – We have minimum width and length for mobile homes.

Chair Dennis – Is this for mobile or manufactured homes.

Planning Manager Escobar – For both.

Vice Chair Lopez – I think our code is really good.

Chair Dennis – I agree.

Vice Chair Lopez asked for clarification on Section 6.4.3.E

Planning Manager Escobar stated we have received input from Toni Sitta in the Engineering Department clarifying this wording: Undeveloped residential lots where sidewalks were not required or were waived during the subdivision review process are exempt from the requirements of this Section with the exception of lots that fall under the requirements of City Ordinance 7.1.2 which requires installation of sidewalks for commercial subdivisions.

Vice Chair Lopez – That clears it up.

**Discussion:**

This is a discussion item only to provide an update to the Board on these proposed changes to the UDC and to allow for the Board's input.

The Board discussed the proposed revisions to the Unified Development Code and provided input on several points. This input will be under consideration as the update to the UDC moves forward.

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

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

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

**Business from Staff:** There was no business from Staff.

**Adjournment:** The March 5, 2020 meeting of the Administrative Review Board was adjourned at 6:59 p.m.

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James Dennis - Chair

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Elizabeth Sandoval - Administrative Assistant

**Administrative Review Board  
Meeting Minutes  
June 4, 2020 – 6:00 P.M.**

The Administrative Review Board met in regular session via Zoom on Thursday, June 4, 2020 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present

Chair James Dennis  
Brian Erickson  
Cindy Lopez  
Paul Martin

Members absent:

Jeff Johanson

Staff present:

Beth Escobar  
Andrea Jones  
Elizabeth Sandoval

Others addressing the Board (Via Conference Call):

Kevin E. Reese

**Call to Order**

The meeting was called to order at 6:07 p.m. by Chair James Dennis and there being a quorum present the following proceedings were duly had and taken.

**Approval of the Amended Agenda**

A motion was made by Board Member Erickson and seconded by Vice Chair Lopez to approve the amended agenda. The motion passed unanimously by a vote of 4-0.

**Approval of the Minutes from the March 5, 2020 Regular Meetings**

Vice Chair Lopez made a motion to not approve the minutes of the March 5, 2020 regular meeting. Vice Chair Lopez stated that the minutes did not included comments that were made by the board expressing concerns regarding the discussion on the proposed changes to the UDC. Vice Chair Lopez suggested the comments be added and the minutes be re-submitted for approve at the next regular ARB meeting. The motion to not approve the minutes was seconded by Board Member Martin and passed unanimously by a vote of 4-0.

**Swearing in of Witnesses**

All parties that wished to speak on behalf of any agenda item were sworn in by Elizabeth Sandoval, Administrative Assistant.

**Discussion of Petition No. ARB 20-17 on June 4, 2020**

Beth Escobar, Planning Manager, presented the staff report for Petition No. ARB 20-17 is a request from Kevin Reese, owner of property at 5950 Katrina Street, Boddy Subdivision, Zoning is RE-2: Residential Estate, for a variance to Section 2.5.8.A.(3) of the Unified Development Code prohibiting a separate utility meter for a guest house and Section 6.4.15.A prohibiting the installation of overhead electric utility lines. .

The petitioner began construction of the guest house with the intention of connecting to the meter on the existing home.

After construction was begun, the petitioner was informed that the existing meter was not adequate to serve the guest house.

Installation of a new, upgraded meter on the house would require extensive trenching to connect the guest house and disturbance to existing landscaping and hardscape on the petitioner's property and the neighbor's property.

The petitioner is asking to install a second meter on the guest house and connect an overhead line to an existing FEUS transformer.

A special condition relative to this petition is that the property owner was not aware of the necessity to upgrade the electric service panel until the construction of the guest house was almost complete.

Separate electric meters are permitted for other accessory uses, such as a detached garage or shop.

The granting of this request would not allow a use not otherwise allowed. The property owners do not intend to convert the guest house into a separate rental unit.

This is an area of large lot development that is heavily vegetated.

The Community Development Department concludes that approval of ARB 20-17 is a minimum easing of the code meets the intent of the code and is a property that has characteristics unique enough to allow for a waiver of the prohibition against a second meter for a guesthouse and an overhead utility line.

The Community Development Department recommends approval of Petition ARB 20-17 from Kevin Reese for a variance from Sections 2.5.8.A.(3) and 6.4.15.A of the Unified Development Code allowing for installation of a second electric meter on a guest house with an overhead electric utility line.

Chair Dennis asked if there were any restraints or covenants in this Subdivision. Ms. Escobar stated that she was not aware of any restraints or covenants in this Subdivision.

Vice Chair Lopez asked if this Subdivision had overhead electric throughout the Subdivision. Ms. Escobar stated that this Subdivision does have overhead electric. Vice Chair Lopez stated that we do need to clarify what is new and what is old. Ms. Escobar stated that clarification would come in the update to the UDC, but current interpretation is any new home in a Subdivision and that is what Mr. Reese is asking for relief from that section of the code.

Mr. Reese, joining via conference call, stated that electricians and contractors suggested that since there was a pole near the guest house, a hookup could be done there without reconfiguration. If not, reconfiguration would be necessary and costly. Mr. Reese stated that there are other overhead lines feeding to the pole and there is no one living in the area and the request would not affect anyone.

Chair Dennis stated that he understands the conditions and that FEUS did not have any problems with this request, so it seems that it makes sense to solve the problem in this way.

Chair Dennis asked the Board if there were any questions. The Board did not have any questions.

Chair Dennis asked if there were any questions or concerns from anyone within 100 feet of the property that received a letter regarding the petition. There was no one present with questions or concerns.

**Administrative Review Board Action for Petition No. ARB 20-17 on June 4, 2020**

A motion was made by Vice Chair Lopez and seconded by Board Member Martin to **approve** Petition No. ARB 20-17, a request from Kevin Reese, owner of property at 5950 Katrina Street, Boddy Subdivision, Zoning is RE-2: Residential Estate, for a variance to Section 2.5.8.A.(3) of the Unified Development Code prohibiting a separate utility meter for a guest house and Section 6.4.15.A prohibiting the installation of overhead electric utility lines.

AYE: Chair Dennis, Vice Chair Lopez, Board Member Erickson and Board Member Martin.

NAY: None

ABSTAIN: None

ABSENT: None

**APPROVED 4-0**

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

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

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

**Business from Staff:** Ms. Escobar stated that the Planning Business Office would reopen Monday, June 8, 2020. UDC updates have been postponed until September of 2020. The Comp Plan update has been postponed until next year, 2021, to insure public participation.

**Adjournment:** The June 4, 2020 meeting of the Administrative Review Board was adjourned at 6:34 p.m. A motion to adjourn was made by Board Member Erickson and seconded by Vice Chair Lopez and passed unanimously by a vote of 4-0.

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James Dennis - Chair

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Elizabeth Sandoval - Administrative Assistant

**ADMINISTRATIVE REVIEW BOARD**  
**Petition ARB 20-22**

**Variance to Section 2.8.C.(3).c of the Unified Development Code to allow for installation of a 96-square foot accessory structure less than 10 feet from the primary residence and side property line.**

**DESCRIPTION OF PETITION**

Petition No. ARB 20-22 is a request from Joseph Sanchez, owner of property at 2901 Marquette Ave, for a variance to Section 2.8.C.(3).c of the Unified Development Code requiring a 10-foot separation from the primary residence and side property yard for an accessory structure.

**LEGAL DESCRIPTION**

Lot eighteen (18), in Block (7), of Cherry Hills Subdivision in the City of Farmington, San Juan County, New Mexico

**Otherwise located at 2901 Marquette Ave.**

**GENERAL INFORMATION**

<b>Applicant</b>	Joseph Sanchez
<b>Property Owner</b>	Joseph and Irene Sanchez
<b>Location of Property</b>	2901 Marquette Ave
<b>Nature of Petition</b>	The petitioner is requesting a variance to allow for replacement of an existing 96 square-foot shed, 10 feet in height, located in the property side yard approximately 2.5 feet from the existing residence and 7 feet from the neighbor's home to the east.
<b>Applicable Regulations</b>	<u>City of Farmington Unified Development Code (UDC): Section 2.8.C.(3).c states: Residential accessory structures that are separated at least ten feet from the principal structure may be constructed in a rear yard; provided, that such accessory structure does not occupy more than 30 percent of the area of the required rear yard, is not greater than 12 feet in height, and the distance from any part of such structure to a side lot line is at least three feet, except that accessory buildings or structures of 120 square feet or less may extend to the rear and/or side lot line, provided such structures are not greater than ten feet in height, and no portion of the structure crosses into or drains onto adjacent property.</u>
<b>Zoning</b>	SF – 7 Single-family residential
<b>Existing Use</b>	Residential
<b>Surrounding Zoning</b>	North: SF-7 Cherry Hills Subdivision
<b>Land Use</b>	South: SF-7 Cherry Hills Subdivision East: SF-7 Cherry Hills Subdivision West: SF-7 Cherry Hills Subdivision

**Public Notice**

Publication of Notice of this petition appeared in the Daily Times on Sunday, June 21, 2020. Property owners within 100 feet were sent notice by certified mail on Tuesday, June 16, 2020. A sign was posted on the property on Friday, June 26, 2020.

**Staff**

Beth Escobar, Planning Manager

**BACKGROUND**

The petitioner wishes to replace an existing, non-conforming shed located in the side yard of his property. The property owner states there is no other location available for placement of a shed.

The existing shed is over forty years old. Rather than repair the existing shed the petitioner would like to replace with a new shed in the same location.

The existing shed is approximately 2.5 feet from the roofline of the petitioner's residence and 7 feet from the roofline of the adjacent neighbor's residence.

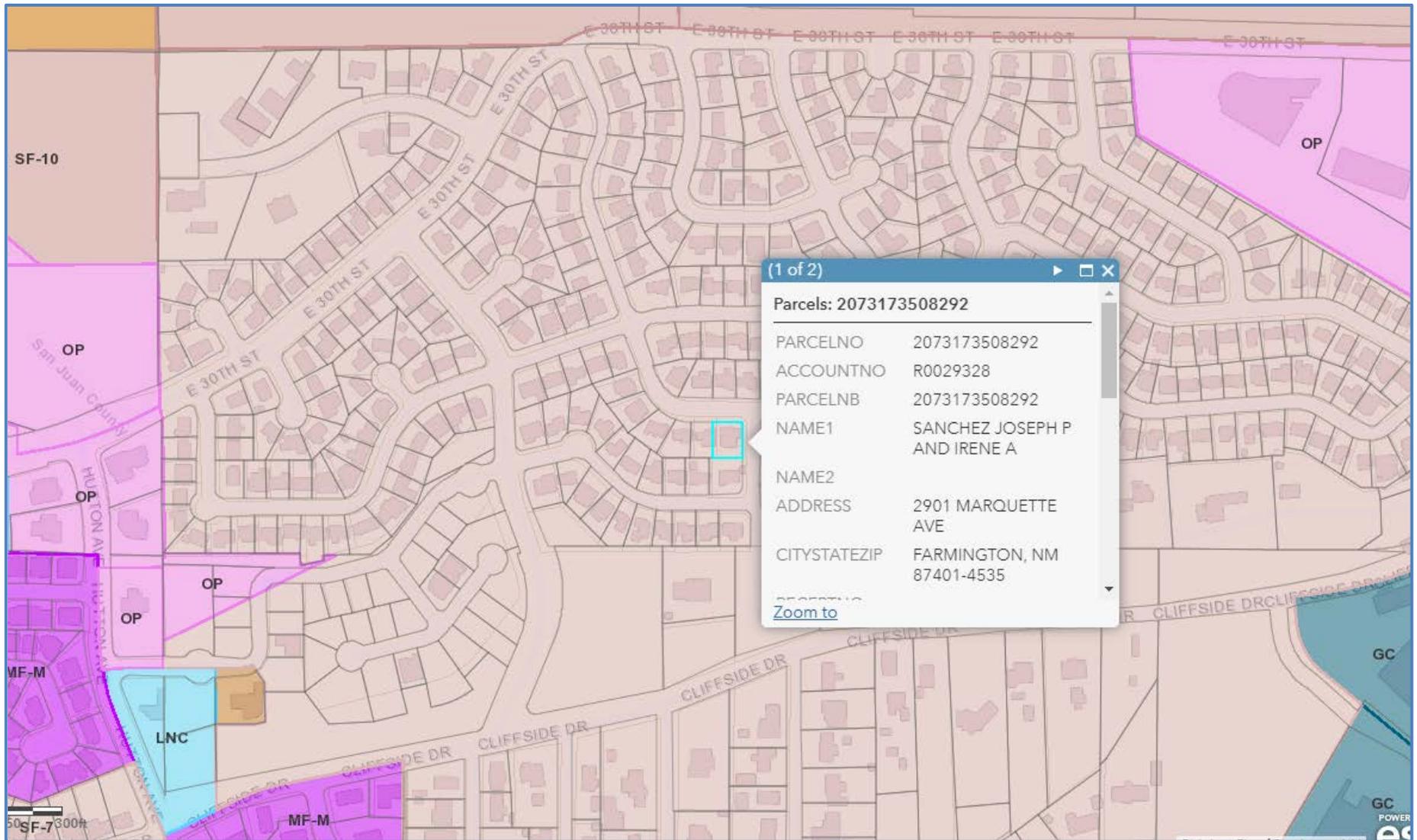
Section 2.5.C.(3).c of the code allows accessory structures under 120 square feet in size and 10 feet in height in the side and rear yards if they are separated by at least 10 feet from the principal structure. The petitioner is requesting a waiver of this section of the code to allow the replacement of the existing structure.

The petitioner is requesting a variance from the Unified Development Code. Per the requirements of the International Building Code, which is not subject to a variance request, the interior wall of the new accessory structure parallel to the property line shall be required to have 2 layers of 5/8-inch type 'X' drywall installed on the inside of the shed on the wall parallel to the property line if the new shed is closer than 3 feet to the side property line.

**INPUT FROM NEIGHBORS:**

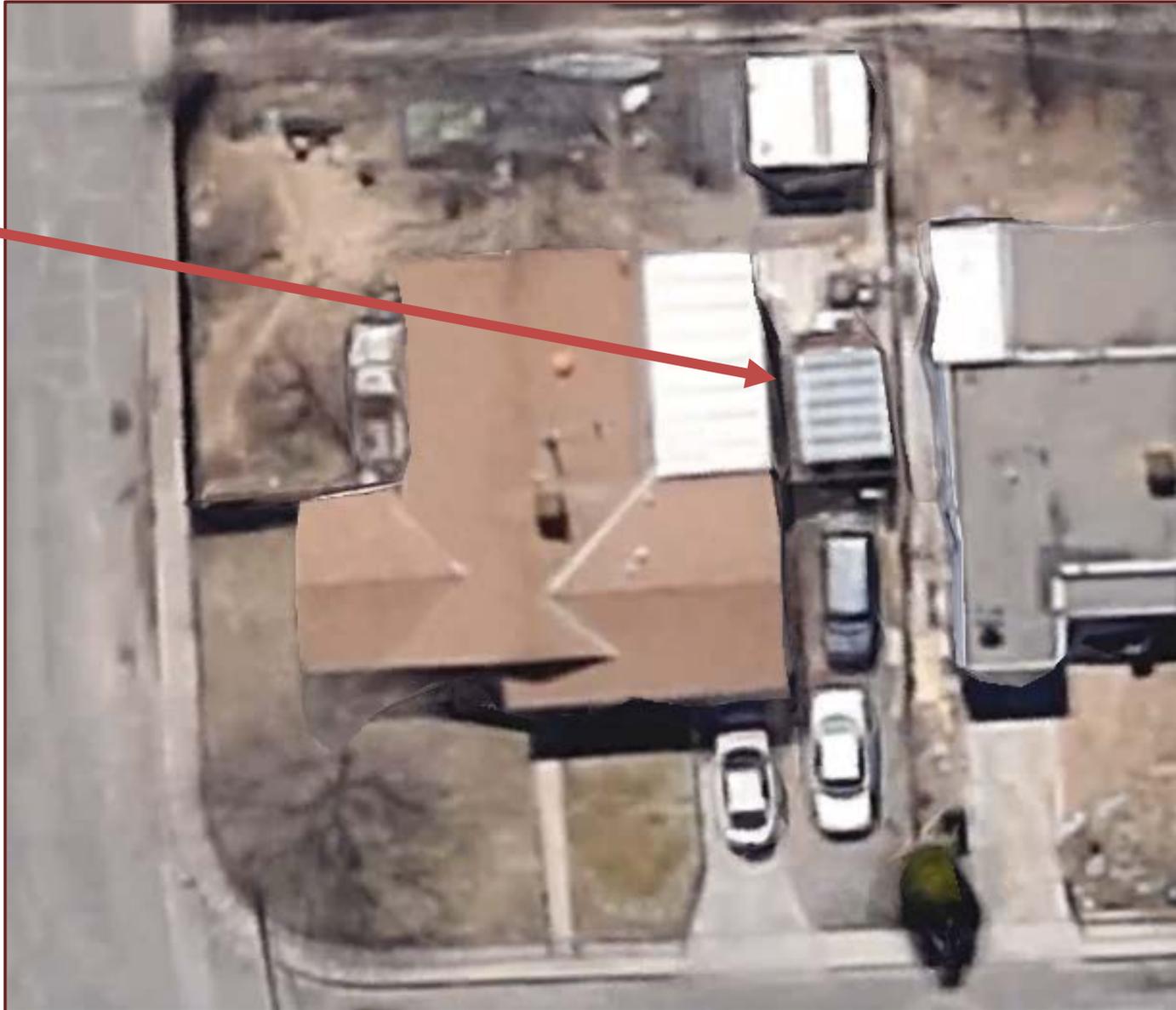
At the time of this report, there have been no comments received regarding this application.

## Vicinity Map



### Aerial Map of Property

Existing  
Shed



## 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 Administrative Review Board (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.**

A special condition relative to this petition is that there is an existing non-conforming shed that has been on the property for over forty years.

**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.**

The Cherry Hills neighborhood was developed in the late 1950s and 1960s. An aerial of the area shows quite a few non-conforming accessory structures.

The petitioner is not asking to create a new, non-conforming situation but to replace an existing one. A literal interpretation of the code would deprive the applicant of a right he has enjoyed since he purchased the house in 1979.

**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.**

This request is a minimum easing of the code and would allow the property owner to have the full use of his land. The existing accessory structure has been in place for over forty years without creating any issues.

**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 this variance will not change any of the current uses on the property. The requested variance is in harmony with the general interest and the general purpose and intent of the Code. Granting of the variance will allow for the replacement of an existing structure and should have no tangible impact on the neighboring residences.

**This criterion IS met.**

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

Accessory structures are a permitted use in all residential zoning districts.

**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.**

No nonconforming uses, structures or buildings in the same district have been considered as grounds for this variance request.

**This criterion IS met.**

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

The petitioner has the option to repair the existing shed at its current location without granting of a variance. Mr. Sanchez states in his application that repairs would be challenging for him to accomplish so he would prefer to replace the shed with a new one at the same location.

**This criterion IS met.**

## **CONCLUSION**

The Community Development Department concludes that approval of ARB 20-22 is a minimum easing of the code, meets the intent of the code and is a property that has characteristics unique enough to allow for the reduction of the required 10-foot separation from the primary residence for an accessory structure.

## **RECOMMENDATION**

The Community Development Department recommends **approval** of Petition ARB 20-22 from Joseph Sanchez for a variance from Sections 2.8.(3).c of the Unified Development with the following stipulation:

1. The interior wall parallel to the side property line of the new accessory structure shall be required to have 2 layers of 5/8-inch type 'X' drywall installed on the inside of the new shed if the new shed is closer than 3 feet to the side property line. A building permit shall be required for this construction.

**PLANNING MEMO COMMENTS SUMMARY**  
**ARB 20-22 2901 MARQUETTE AVE.**  
**Deadline: 06-25-2020**

**City of Farmington Departments**

CW	Planning Manager – B. Escobar	
CW	Addressing – Planning Division	
CW	Chief Building Official – D. Childers	If the new shed is closer than 3 feet to the side property line, 2 layers of 5/8 inch type X drywall will need to be installed on the inside of the shed on the wall parallel to the property line.
CW	Long Range Planner	
CW	MPO	
CW	Oil & Gas Inspector	
CITY	City Manager's Office – J. Baird	No Comment
ELEC	Customer Care Manager – L. Richardson	
ELEC	Electrical Engineering – L. Aligarbes/Roberto Ga	No Comment
ELEC	T & D – Field Op – L. Lugenbeel	
FIRE	Fire Captain – K. Rix	
FIRE	Fire Marshall – B. Vega	No Comment
LEGAL	City Attorney – J. Breakell	
LEGAL	Deputy City Attorney – E. Wayne	No Comment
POLICE	Code Compliance – M. Romero	
POLICE	Sergeant – S. Goodsell	
PRCA	S. Reeves / R. Crosby	No Comment
PRCA	ORII – W. Unsicker	
CW	City Engineer – N. Westerling	
CW	Engineering – T. Sitta	
CW	Streets Superintendent – C. Fuller	
CW	Traffic Engineer – I. BlueEyes	
CW	Water/Waste Water – M. Tso	No Comment

**Other Entities**

New Mexico Gas Company – R. Castillo	No Comment
CenturyLink – D. Willato	No Comment
Enterprise Field Services – M. Waszut	No Comment
Comcast Cable – M. Johnson	

JACOBS CH2MHILL OMI	
Surface Land Negotiator for BP – M. Venzara	
Farmington School District – C. Lyons	

UTAH | COLO.  
ARIZ. | N.M.



**CITY OF FARMINGTON**

800 MUNICIPAL DRIVE  
FARMINGTON, NEW MEXICO 87401-2663  
FAX: (505) 599-1299  
www.fmtn.org

**NOTICE OF PUBLIC HEARING  
VARIANCE REQUEST  
PETITION NO. ARB 20-22**

June 16, 2020

Dear Property Owner:

Notice is hereby given that an application has been filed with the Administrative Review Board of the City of Farmington, New Mexico, a request from Joseph Sanchez, property owner, for a variance to Section 2.8.3.c.3.c of the Unified Development Code requiring a 10-foot separation from an accessory structure to the primary structure. The property is located at 2901 Marquette Ave., in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot eighteen (18), in Block (7), of Cherry Hills Subdivision in the City of Farmington, San Juan County, New Mexico

**Otherwise located at 2901 Marquette Ave.**

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, July 9, 2020 at 6:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider this variance request. All persons of interest are invited to attend said hearing through a virtual platform and shall have an opportunity to be heard on why said application should be granted or denied. Information for the Zoom meeting can be obtained by calling (505) 599-1282.

**\*\*\* Please Note: Meeting date may be postponed subject to any new or extended Governor's executive order. \*\*\***

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Works Department – Planning Division at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that all submitted comments will become public record and that there is the possibility that any petition may be withdrawn before the hearing date.

If you have any questions or would like additional information regarding this notice or the petition, please contact Beth Escobar at 505-599-1285 or bescobar@fmtn.org.

Sincerely,

Elizabeth Sandoval  
Administrative Assistant

**COMMUNITY DEVELOPMENT**

## NOTICE OF PUBLIC HEARING VARIANCE REQUEST PETITION NO. ARB 20-22

**Text of Ad:** 06/17/2020

**(ARB) ADMINISTRATIVE  
REVIEW BOARD  
NOTICE OF HEARING**

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Elizabeth Sandoval  
Administrative Assistant  
#4244756, Daily Times, June  
21, 2020

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**Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet  
(excluding roadways and easements) of the Following Described Property  
Referenced as TRACT 1:**

Lot Eighteen (18), in Block (7), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

**TRACT 1**

Joseph P. and Irene A. Sanchez  
2901 Marquette Ave  
Farmington, NM 87401-4535

Lot Eighteen (18), in Block (7), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 846, page 146

**TRACT 2**

Amador and Irene Gonzales Trust  
**In Care Of Name** Simmons Douglas And Barbara  
2900 Marquette Avenue  
Farmington, NM 87402

Lot Twenty-Four (24), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1183, page 459

Book 1604, page 413

Book 1477, page 14

**TRACT 3**

Gregory Kreidler and Debra A. Osmond  
2808 Marquette Avenue  
Farmington, NM 87402

Lot Twenty-Three (23), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1457, page 505

**TRACT 4**

Jennifer L. Lasley  
2806 Marquette Avenue  
Farmington, NM 87402

Lot Twenty-Two (22), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1594, page 486

**TRACT 5**

Alan W. and Carol D. Windsor  
2805 Marquette Avenue  
Farmington, NM 87402

Lot Sixteen (16), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1163, page 804  
Book 1537, page 950

**TRACT 6**

Samuel Urioste  
2803 Marquette Avenue  
Farmington, NM 87402

Lot Seventeen (17), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1638, page 958

**TRACT 7**

Steven Gilbert  
2806 Princeton Avenue  
Farmington, NM 87402

Lot Fifteen (15), and the North 13.60 feet of Lot Fourteen (14), in Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1312, page 633

**TRACT 8**

Greg Anderson  
2804 Princeton Avenue  
Farmington, NM 87402

Lot Fourteen (14), except the North 13.60 feet and the North 36.40 feet of Lot Thirteen (13), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1333, page 805

**TRACT 9**

Pamela Ann Cobianco  
3007 Yale Drive  
Farmington, NM 87402

Lot Eleven (11), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1202, page 496

**TRACT 10**

Walter and Rebecca Collins  
3004 Yale Drive  
Farmington, NM 87402

Lot Nineteen (19), Block Seven (7), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1255, page 527

**TRACT 11**

George Harrison  
3005 Yale Drive  
Farmington, NM 87402

Lot Ten (10), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 730, page 381  
Book 1497, page 700

**TRACT 12**

Herbert A. and Betty L. Veazey  
3002 Yale Drive  
Farmington, NM 87402

Lot Twenty (20), Block Seven (7), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1514, page 955  
Book 1523, page 636

**TRACT 13**

Veterans Administration  
In Care Of Name John Francis  
3000 Yale Drive  
Farmington, NM 87402

Lot Twenty-One (21), Block Seven (7), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1054, page 165

**TRACT 14**

Danny R. and Tammy J. Garrison  
2304 South Hidden Glenn  
Farmington, NM 87401

Lot Seventeen (17), Block Seven (7), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1593, page 822

**TRACT 15**

Joseph Lambert Jr. and Michelle Rich  
2905 Marquette Ave  
Farmington, NM 87402

Lot Sixteen (16), Block Seven (7), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1442, page 458

**TRACT 16**

Marvin L. and Cecil L. Trust McIntyre  
2907 Marquette Avenue  
Farmington, NM 87402

Lot Fifteen (15), Block Seven (7), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1369, page 909

**TRACT 17**

Simkins Enterprises LLC  
2911 Marquette Avenue  
Farmington, NM 87402

Lot Twenty-Six (26), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1250, page 1028

**TRACT 18**

Gregory S. and Karen S. Clark  
2902 Marquette Avenue  
Farmington, NM 87402

Lot Twenty-Five (25), Block Six (6), of the CHERRY HILLS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record August 28, 1958.

Book 1359, page 457

TO: May 29, 2020, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY



By: Rebekah Esmiol, Abstracter