AGENDA

Administrative Review Board
City Council Chambers
800 Municipal Drive, Farmington, NM
February 7, 2019 at 6:00 p.m.

<table>
<thead>
<tr>
<th>Item No.</th>
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1. Call Meeting to Order
2. Approval of the Agenda
3. Approval of the Minutes from the January 3, 2019 Meeting
4. Petition No. ARB 18-99 – a request from Gary McCutchen, represented by Cheney-Walters-Echols, Inc., for a variance to the setbacks to provide legal compliance with the requirements in the LNC, Local Neighborhood Commercial District for the existing building located at 2015 Knudsen Ave. (Mary Holton)
5. Business from:
   a. Floor:
   b. Chairman:
   c. Members:
   d. Staff:
6. 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
Petition ARB 18-99
Variance to the setbacks to provide legal compliance with the requirements in the LNC district for the existing building located at 2015 Knudsen Ave.
February 7, 2019

DESCRIPTION OF PETITION
Petition No. ARB 18-99, is a request from Gary McCutchen, represented by Robert Echols, Cheney-Walters-Echols, for a variance to the setbacks to provide legal compliance with the requirements in the LNC Local Neighborhood District for the existing buildings located at 2015 Knudsen in the City of Farmington, San Juan County, New Mexico. The property is legally described as:

That part of the SE/4SW/4SE/4 of Section 3, in Township 29, North of Range 13 West, NMPM, City of Farmington, San Juan County, New Mexico, recorded in Book 1116, page 7, of San Juan County Records.

Otherwise located at 2015 Knudsen Ave.

GENERAL INFORMATION
Applicant ....................... Gary McCutchen
Representative .................... Robert Echols, Cheney-Walters-Echols
Property Owner .................. Gary C McCutchen and Judy Marie McCutchen
Location of Property ............. 2015 Knudsen Ave. (Parcel No. 2075173137027)
Nature of Petition ............... The applicant is requesting a variance to the setbacks to provide legal compliance with the requirements in the LNC district for the existing building.

The LNC minimum standards include: Front setback – 30 feet; Rear setback – 30 feet; Interior side setback – 20 feet; Street side setback – 30 feet.

Existing setbacks include: Front (along Knudsen Ave.) – 14 feet; Rear – 3 feet for accessory building (shed)/30 feet for primary building; North side - 68 feet; South side – Building currently encroaches on current lot line; Proposed new lot line would provide a 4 foot side setback.

Applicable Regulations ...... The City of Farmington Unified Development Code (UDC) Section 2.8.2 Nonresidential base zoning district density and dimensional schedule.

Zoning ................................ LNC, Local Neighborhood Commercial District.

Existing Use ..................... Security Firm

Surrounding Zoning, Uses North: SF-7, Single-Family Homes, Elementary School

South: LNC, Real Estate Office, Durango Joe's Coffee
Public Notice ................. Publication of Notice of this petition appeared in the Daily Times on Sunday, January 20, 2018. Adjoining property owners were sent notice by certified mail on Wednesday, January 16, 2018, and a sign was posted on the property on Monday, January 28, 2018.

Staff .......................... Mary L Holton, AICP, CD Director

BACKGROUND
The petitioner is requesting a variance to the setbacks to provide legal compliance with the requirements in the LNC Local Neighborhood District for the existing building and shed located at 2015 Knudsen. The aerial of the existing site is below. The principal building was built in 1979 according to the San Juan County Tax Assessors records. At the time of its construction, the site appears to have been zoned C-2, General Commercial District. The minimum setbacks for that district included: Front (along Knudsen Ave.) – 0 feet; Rear – 0 feet; North side – 0 feet; South side – 0 feet. The site was apparently rezoned LNC when the UDC became effective.
Lot 1 of Proposed SP 18-98

The existing setbacks include: Front (along Knudsen Ave.) – 14 feet; Rear – 3 feet for accessory building (shed)/30 feet for primary building; North side - 68 feet; South side – Both buildings encroach onto another property owner’s lot to the south. Records indicate that this tract has never been platted before.

The petitioner’s representative has concurrently submitted a summary plat – SP 18-98, which includes a lot line adjustment that includes moving the southern lot line 28 feet to the south to an existing fence line located 4 feet south of the principal and accessory buildings to eliminate the encroachment. An image of Lot 1 of the proposed summary plat is provided above.

It is noted that this review and staff recommendation is based on the conditions that will exist after the recordation of the new plat.

UDC 2.8.3(4)d, Rear Yards (in “Measurements and Exceptions”), provides: “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.” A measurement of the accessory
building (shed) from the plat proposal indicates a footprint of 160 square feet, meaning that this exception does not apply to this shed.

The LNC minimum standards include: Front setback – 30 feet; Rear setback – 30 feet; Interior side setback – 20 feet; Street side setback – 30 feet.

Therefore, this petition specifically requests variances to the front setback for the primary building, the rear setback for the accessory building (shed), and the south side setbacks for both buildings.

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.

While no special conditions and circumstances are apparent within the tract at 2015 Knudsen Ave, it is noted that the buildings were constructed in compliance with the applicable zoning standards (C-2) at time of construction, except possibly on their south sides. How the buildings ended up encroaching into another tract to the south is unknown since the land hasn’t been platted before. However, the new proposed plat indicates that the property owner is attempting to right a wrong by the lot line adjustment and this petition should be given credit for that. It should also be remembered that the LNC rezoning was undertaken by the City as a result of the adoption of the UDC.

This criterion IS partially 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 code would deprive the applicant of rights commonly enjoyed by other properties in the LNC District, including the ability to rebuild the site as-is in the event of destruction.

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.

The LNC minimum standards include: Front setback – 30 feet; Rear setback – 30 feet; Interior side setback – 20 feet; Street side setback – 30 feet. If approved, the front setback for the principal building would be 14 feet, not 30 feet; the rear setback for the shed would be 3 feet not 30 feet; and the south side setbacks for both buildings would be 4 feet, not 20 feet. While the proposed south side setback is an improvement over
what currently exists, the overall existing setbacks are not a minimum easing of the Code.

This criterion IS NOT 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.
As it concerns an existing condition, the proposal is in harmony with the general interest, the general purpose and intent of the Code. It would not be injurious to the neighborhood or 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 proposed variance will not permit a use otherwise allowed in the LNC 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.
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 applicant could suffer an unnecessary hardship if the variances were denied. If the owner needed to replace the buildings, and no variances were granted, he would most likely have to reduce the footprints of both buildings to maintain sufficient parking.

This criterion IS met.

CONCLUSION
The Community Development Department concludes that approval of ARB 18-99 is appropriate.
The request will not adversely affect the surrounding properties and meets the intent of the code. The request conforms to the existing character of the area and will allow improvements on the site in the future.

RECOMMENDATION
The Community Development Department recommends approval of Petition ARB 18-99, a request from Gary McCutchen, represented by Robert Echols, Cheney-Walters-Echols, for variances to the front (14 feet), to the rear (3 feet for the shed only), and south side (4 feet for both buildings) setbacks to provide legal compliance with the requirements in the LNC Local Neighborhood District for the existing building and shed located at 2015 Knudsen. This recommendation is conditioned on the recordation of the new plat as proposed in SP 18-98.
Planning Division
Community Development Dept.
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)
- Annexation and / or Zoning
- Preliminary Plat
- Final Plan
- Summary Plat
- Special Use Permit
- Variance (ARB)
- Zone Change to _____ District
- Temporary Use Permit
- Proposed Length of Use:

INFORMATION
Applicant's Name: Gary McCutchen
Address: P.O. Box 2602, Farmington, NM 87499
E-Mail:
Telephone: (505) 326-2031
Relationship to Property Owner: Owner

Project Location: Knudsen Street
Existing Use: Commercial
Proposed Use: Commercial
Current Zoning: LNC
Assessor's Parcel I.D. and/or Tax I.D. Number: R0020421

Legal Description of Subject Property: See Attached Plat

Is Property subject to deed restrictions, covenants, or homeowner's association agreements? Yes [ ] No [X]
If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (If other than applicant)
Name: Robert A. Echols, Jr.
Email: robert@c-w-e.com
Phone: (505) 327-3303
Address: 909 West Apache, Farmington, NM, 87401

OWNERSHIP
PROPERTY OWNER (Identify General Partners, Managing Partners, Corporation President and Secretary, Specify type of ownership interest Fee, Real Estate Contract, Option to Purchase)
Name: Gary McCutchen
Phone: (505) 326-2031
Address: P.O. Box 2602, Farmington, NM, 87499

MORTGAGE HOLDERS (If any)
Name: Phone:
Address:

OWNER CERTIFICATION
I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: Gary McCutchen
Address: P.O. Box 2602, Farmington, NM, 87499
Owner's Signature: [Signature]
Phone / Email: (505) 326-2031

Received By: [Signature] Date: 12/19/18
Time: [Time]
Fee Received: $0

Project File No: 518-99 Knudsen Blvd C143 D

Date of Hearing/Meeting: [Date]

[Check Boxes]
- Blueline Copies of Plans
- Ownership Report (subject and surrounding properties)
- Legal Description
- Detailed Statement of Proposed Use

STAFF USE ONLY

[STAFF Signature]
December 19, 2018

Helen Landaverde
Development Services
City of Farmington
800 Municipal Drive
Farmington, NM 87401

Re: SP 14-31 - Knudsen Business Center Subdivision

Dear Ms. Landaverde:

We are hereby requesting a variance for the above referenced subdivision. The variance is for the setbacks as required under the Local Neighborhood Commercial Zoning for this property. As you know, this request was not identified in the initial submittal to the City several years ago. Granting of the variance is crucial for the existing buildings located both on Lot 1 and Lot 2 of the subdivision.

We are enclosing the Petition Application, the 100' Property Owners Report, a copy of the subdivision plat and the fee of $70.00. We trust you will contact our office if additional information is required.

Sincerely yours,

CHENEY ▲ WALTERS ▲ ECHOLS, INC.

[Signature]

Robert A. Echols, Jr.
President

RAE/ata 14490

Enclosures

cc: Gary McCutchen
Rick Mace
<table>
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<tr>
<th>City of Farmington Departments</th>
<th>Comments</th>
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<tr>
<td>CD Director – M. Holton</td>
<td>Comments will be incorporated into the Staff Memo.</td>
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<tr>
<td>CD Addressing – Planning Division</td>
<td></td>
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<tr>
<td>CD Chief Building Official – D. Childers</td>
<td>No comment</td>
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<tr>
<td>CD Long Range Planner</td>
<td></td>
</tr>
<tr>
<td>CD MPO</td>
<td></td>
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<tr>
<td>CD Oil &amp; Gas Inspector – L. Simms</td>
<td></td>
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<tr>
<td>CITY City Manager’s Office – J. Baird</td>
<td>No comment</td>
</tr>
<tr>
<td>ELEC Customer Care Manager – L. Richardson</td>
<td>No comment</td>
</tr>
<tr>
<td>ELEC Electrical Engineering – L Algarbes</td>
<td>No comment</td>
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<tr>
<td>ELEC T &amp; D – R. Romero</td>
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<tr>
<td>FIRE Fire Captain – D. Doudy</td>
<td></td>
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<tr>
<td>FIRE Fire Marshall – B. Vega</td>
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<tr>
<td>LEGAL City Attorney – J. Breakell</td>
<td>No comment</td>
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<tr>
<td>LEGAL Deputy City Attorney – E. Wayne</td>
<td>No comment</td>
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<tr>
<td>POLICE Code Compliance – M. Romero</td>
<td>No comment</td>
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<tr>
<td>POLICE Sergeant – P. Flores</td>
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<tr>
<td>PRCA S. Reeves/ R. Crosby</td>
<td>No comment</td>
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<tr>
<td>PRCA ORII – C. Styron</td>
<td>No comment</td>
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<tr>
<td>PW City Engineer – N. Westerling</td>
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<tr>
<td>PW Engineering – T. Sitta</td>
<td>No comment</td>
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<tr>
<td>PW Streets Superintendent</td>
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<tr>
<td>PW Traffic Engineer – I. BlueEyes</td>
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**Other Entities**

| New Mexico Gas Company – R. Castillo | No comment |
| CenturyLink – D. Willato             | No comment |
| Enterprise Field Services            |            |
| Comcast Cable – M. Johnson           |            |
| CH2MILL, CMI                         |            |
| Surface Land Negotiator for BP – R. Mora | No comment |
| Farmington School District – C. Lyons |            |
(ARB) ADMINISTRATIVE REVIEW BOARD
NOTICE OF HEARING

Notice is hereby given that the following application has been filed with the Administrative Review Board of the City of Farmington.

Petition No. ARB 18-99 - a request from Gary McCutchen, represented by Cheney-Walters-Echols, Inc., for various setback variances to provide legal compliance with the requirements in the LNC, Local Neighborhood Commercial District, for property located at 2015 Knudsen Ave., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
That part of the SE/4SW/4SE/4 of Section 3, Township 29, North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2015 Knudsen Ave.

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, February 7, 2019, at 6:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider these variance requests. All persons of interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.

Karen Walker
Administrative Assistant

Legal No. 1274359 published in The Daily Times on January 20, 2019
NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 18-99

January 16, 2019

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 Gary McCutchen, represented by Cheney-Walters-Echols, Inc., for various setback variances to provide legal compliance with the requirements in the LNC, Local Neighborhood Commercial District, for property located at 2015 Knudsen Ave., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SE/4SW/4SE/4 of Section 3, Township 29, North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2015 Knudsen Ave.

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, February 7, 2019 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 and shall have an opportunity to be heard on why said application should be granted or denied.

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 Development 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 Mary Holton at 505-599-1285 or mholton@fmtn.org.

Sincerely,

Karen Walker
Administrative Assistant
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:

That part of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE/4SW/4SE/4) of Section Three (3), in Township Twenty-Nine (29), North of Range Thirteen (13) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, described as follows:
BEGINNING 284.20 feet North of the Southeast corner of the SW/4SE/4 of said Section 3, which is on the West side of Knudsen Avenue;
THENCE West 100 feet;
THENCE North 75 feet;
THENCE East 100 feet to the West side of Knudsen Avenue;
THENCE South 75 feet along the West side of Knudsen, to the point of beginning.

AND

That part of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE/4SW/4SE/4) of Section Three (3), Township Twenty-Nine (29), North of Range Thirteen (13) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico, described as follows:
BEGINNING at a point in the North line of East 20th street, which is North 50 feet from the Southwest Corner of the SE1/4SE1/4 of said Section 3;
THENCE West 100.0 feet along said North line;
THENCE North 234.20 feet;
THENCE East 100.0 feet;
THENCE South 234.20 feet to the point of beginning.

TRACT 1
Gary C. McCutchen and Judy Marie McCutchen
P.O. Box 2602
Farmington, NM 87499

AND

4G's Investments, LLC
2323 San Juan Boulevard
Farmington, NM 87401

That part of the SE/4SW/4SE/4 of Section 3, in Township 29, North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 1116, page 7

AND

That part of the SE/4SW/4SE/4 of Section 3, in Township 29, North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 1617, page 5
TRACT 2& 3
Farmington Municipal School District No. 5
P.O. Box 5850
Farmington, NM 87499

Lot 3, of the MEDICAL ARTS CENTER SUBDIVISION NO. 2, in the City of Farmington, San Juan County, New Mexico, filed for record May 29, 1990.

Book 1342, page 303

AND

TRACT B, of the NORTHEAST ELEMENTARY SCHOOL & HERMOSA MIDDLE SCHOOL SUBDIVISION in the City of Farmington, San Juan County, New Mexico, filed for record April 2, 2015.

Lot 1A-1-E2, of the VALLEY VIEW CENTER, REPLAT “E”, in the City of Farmington, San Juan County, New Mexico, filed for record September 24, 2010.

Book 1603, page 259

TRACT 4
David Lee King and Arthur Ray King
508 West Animas
Farmington, NM 87401

Lot 1C, of the VALLEY VIEW CENTER, REPLAT “C”, in the City of Farmington, San Juan County, New Mexico, filed for record December 30, 1999.

Book 1586, page 1001

TRACT 5
4 Monkeys, LLC
7801 East Main
Farmington, NM 87402

Lots 1 and 2, in Block 1, of the ZIA SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record June 12, 1957.

Book 1400, page 591

TRACT 6
1515 LLC
109 Virginia Road
Glenwood Springs, CO 81601

TRACT 7
2LS Group Holdings, LLC
P.O. Box 4363
Durango, CO 81302

Tract 1 and the North 10 feet of an abandoned alley adjacent to and adjoining said Tract 1 on its South side in Block 2, of the COLE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record September 28, 1962.

Book 1469, page 346
TRACT 8
Bill and June Garrison Trust
c/o Kristyl Darnell
1504 South Carlton
Farmington, NM 87401

That part of Lot 1, in Block 1, of the COLE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record February 17, 1958.

Book 1635, page 526

TO: December 12, 2018, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Lorraine Austin, Abstracter
4G's Investments, LLC
2323 San Juan Blvd.
Farmington, NM 87401
ARB 18-99

Farmington Municipal School District
No. 5
P.O. Box 5850
Farmington, NM 87499
ARB 18-99

David Lee & Arthur Ray King
508 W. Animas
Farmington, NM 87401
ARB 18-99

4 Monkeys, LLC
7801 E. Main
Farmington, NM 87402
ARB 18-99

1515 LLC
109 Virginia Road
Glenwood Springs, CO 81601
ARB 18-99

2LS Group Holdings, LLC
P.O. Box 4363
Durango, CO 81302
ARB 18-99

Bill & June Garrison Trust
c/o Kristyl Darnell
1504 S. Carlton
Farmington, NM 87401
ARB 18-99
The Administrative Review Board met in regular session on Thursday, January 3, 2019 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present
Jeff Johanson
Paul Martin
Oliver Roe

Members absent:
James Dennis

Staff present:
Gary Leikness
Mary Holton
Karen Walker

Others addressing the Board:
Lauro Borunda-Loya
Javier Holguin
Scott Martin

Call to Order
The meeting was called to order at 6:15 p.m. by Acting Chair Paul Martin 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 Roe and seconded by Board Member Johanson to approve the agenda. The motion passed unanimously by a vote of 3-0.

Approval of the Minutes from the December 6, 2018 Regular Meetings
Board Member Roe made a motion to approve the minutes of the December 6, 2018 regular meeting. The motion was seconded by Board Member Johanson and passed unanimously by a vote of 3-0.

Acting Chair Martin said Sakura Engineering, where he works, prepared the documents and did the survey work for Petition ARB 18-91. Scott Martin, who also works for Sakura Engineering, is the representative for the petitioner. Paul Martin said he does not benefit financially on the outcome of this petition in regards to the ARB’s decision.

Mary Holton noted that any possible conflict of interest should have been discussed with the City Attorney prior to this meeting. Ms. Holton said her interpretation of a conflict of interest is if the Board Member will financially benefit from the petition. Ms. Holton also mentioned that a neighbor who received a letter regarding this petition and is within 100 feet is present at this hearing. He requested an interpreter who speaks Spanish. Javier Holguin volunteered to act as the interpreter.

Gary Leikness noted that a quorum of three is necessary and in regards to decision making, all three members must vote. Board Member Roe said that Sakura was paid to do survey work regardless of the outcome of this hearing; therefore, there, he thinks there is no financial benefit because Sakura has already been paid. The Board Members decided to decline a recusal of Paul Martin.
Swearing in of Witnesses
All parties that wished to speak on behalf of any agenda item were sworn in by Karen Walker.

Petition No. ARB 18-91
Variance to allow for an existing building to encroach into the required 20-foot rear yard setback and allow for a 7.5-foot rear yard setback

Discussion of ARB No. 18-91 on January 3, 2019
Planning Manager Gary Leikness presented the staff report for ARB 18-91, a request from Sean Dugan (DPC Acquisitions, LLC), for a variance to reduce the 20-foot required rear yard setback for the IND, Industrial District, to 7.5-feet to allow the existing building in the northeast section to be brought into conforming status, for property located at 3100 Bloomfield Highway.

The site includes several buildings, including the subject building, which is a three bay garage. The building is existing and does not meet the IND 20-foot required rear yard setback.

Mr. Leikness read through some of the criteria for the petition and concluded that Petition ARB 18-91 is a minimum easing of the code, is in harmony with the neighborhood, and is not injurious to the neighbors.

The Community Development Department recommends approval of Petition ARB 18-91 with the following condition:

1. The height of the structure shall be limited to the existing 1-story and the existing height, found at the time of the variance approval.

Scott Martin, Sakura Engineering, 125 W. Main St., noted that the existing building has been there since 2003. Mr. Martin said the owners plan to sell the property with the gas station, but intend to keep the portion with the garage. At this time, they have no plans on what they will do with the garage.

Lauro Borunda-Loya, 2801 E. Maple, with interpretation from Javier Holguin, Mr. Borunda-Loya said that he was concerned about chemicals or noise from large equipment being stored in the garage as his home is very close to the garage. It was explained to Mr. Borunda-Loya that the owners did not currently know what they will use the building for.

Chair Martin explained that this petition is only for the placement of the building and the setbacks to bring the building into conformity.

A motion was made by Board Member Johanson to approve Petition ARB 18-91 with the condition recommended by staff. Board Member Roe seconded the motion.

Board Member Roe asked if the variance would no longer be valid if the existing building no longer exists. Ms. Holton said that variances run with the land. Also, any future building on the property will have to be one story and maintain the same height as the existing building.

Administrative Review Board Action of January 3, 2019
A motion was made by Board Member Johanson and seconded by Board Member Roe to approve Petition No. ARB 18-91, a request from Sean Dugan (DPC Acquisitions, LLC), for a
variance to reduce the 20-foot required rear yard setback for the IND, Industrial district, to 7.5-feet to allow the existing building in the northeast section to be brought into conforming status, for property located at 3100 Bloomfield Highway with the following condition:

1. The height of any future structure shall be limited to one story and to the height of the existing building found at the time of the approval of this variance.

AYE: Acting Chair Martin, Board Members Johanson and Roe.

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 Chair.

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

Business from Staff: There was no business from Staff.

Adjournment: The January 3, 2019 meeting of the Administrative Review Board was adjourned at 7:52 p.m.