AGENDA

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

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Call Meeting to Order</td>
</tr>
<tr>
<td>2</td>
<td>Approval of the Agenda</td>
</tr>
<tr>
<td>3</td>
<td>Approval of the Minutes from the February 7, 2019 Meeting</td>
</tr>
<tr>
<td>4</td>
<td>Petition No. ARB 19-10 – a request from Gregory and Pamela Morris, represented by Ivie Consulting, LLC., for a variance to the following: (1) front yard setback, (2) northeast side yard setback, and (3) to the number of accessory structures allowed in a residential district for property located in the SF-7, Single-family District for property located at 6509 Veda Lane. (Helen Landaverde)</td>
</tr>
<tr>
<td>5</td>
<td>Business from:</td>
</tr>
<tr>
<td>6</td>
<td>Adjournment</td>
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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 19-10
Variance to reduce the (1) front yard setback, (2) reduce the northeast side yard setback, and (3) to increase the number of accessory structures allowed in the SF-7, Single-family Residential District
6509 Veda Lane
March 7, 2019

DESCRIPTION OF PETITION
Petition No. ARB 19-10 is a request from Gregory and Pamela R. Morris, represented by Ivie Consulting LLC, for a variance to reduce the (1) front yard setback, (2) reduce the northeast side yard setback, and (3) to increase the number of accessory structures allowed in a residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District. Pursuant to Section 2.8 Density and Dimensional Standards the front yard setback in the SF-7 District is 25 feet and the side yard setback for a two-story residence is 8 feet. In addition, "No more than three accessory buildings shall be located on a single parcel in a residential district" (UDC 2.5.2F). The property is legally described as:

That part of the NE/4NW/4NW/4 of Section 32, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

6509 Veda Lane

GENERAL INFORMATION
Applicant..................Gregory and Pamela R. Morris
Property Owner.............Gregory and Pamela R. Morris
Location of Property.......6509 Veda Lane (R0029502)

Nature of Petition........The applicants are requesting variances to reduce the (1) front yard setback, (2) reduce the northeast side yard setback, and (3) to increase the number of accessory structures allowed in a residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District.

Applicable Regulations...City of Farmington Unified Development Code (UDC): Pursuant to Section 2.8 Density and Dimensional Standards the front yard setback in the SF-7 District is 25 feet and the side yard setback for a two-story residence is 8 feet. In addition, "No more than three accessory buildings shall be located on a single parcel in a residential district" (UDC 2.5.2F).

Zoning ......................SF-7, Single-family Residential/residential
Existing Use ...............Residential
Surrounding Zoning/......North: GC, General Commercial/commercial (Family Craft Memorials)
Land Use ..................South: SF-7, Single-family Residential/residential
                           East: SF-7, Single-family Residential/residential
Public Notice

Publication of Notice of this petition appeared in the Farmington Daily Times on Sunday, February 17, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, February 13, 2019. A sign was posted on the property on Friday, February 22, 2019.

Staff

Helen Landaverde, Associate Planner

BACKGROUND

The applicants Gregory and Pamela R. Morris, represented by Ivie Consulting LLC, are requesting variances to reduce the (1) front yard setback, (2) reduce the northeast side yard setback, and (3) to increase the number of accessory structures allowed in a residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District to come into compliance with the City’s Unified Development Code.

San Juan County Tax Assessor’s records show that the size of the property is 3.03 acres. There is a two-story residence and four other detached accessory structures on the property (see Figure 1 and 2).

- The principal structure is 3,796 ft.²;
- One detached structure is 1,368 ft.²;
- The accessory structure (pump house) located in the front yard is 80 ft.²;
- The rectangular accessory structure to the west is 408 ft.²; and
- The accessory structure to the east is 240 ft.².

Figure 1. Sketch Picture of Principal Structure and Accessory Structures
Pursuant to UDC 2.5.2B any accessory structure constructed outside of the building footprint shall not exceed 1,000 square feet or 50% of total gross floor area (GFA) of the principal structure, whichever is greater. Accessory structures constructed within the allowed building footprint shall not exceed 2,000 square feet or 50% of the total gross floor area of the principal structure, whichever is greater.

Presently, the residence and the pump house, do not meet some of the required setbacks in the SF-7 District (see Table 1 and Figure 3) and are considered to be nonconforming structures. Veda Lane serves as the primary access for the property. The subject property is also at the far end of Veda Lane.

Table 1. Current setbacks for subject property.

<table>
<thead>
<tr>
<th></th>
<th>SF-7 Required Setbacks</th>
<th>Residence</th>
<th>Accessory Structure (front yard)</th>
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<tbody>
<tr>
<td><strong>Standard</strong></td>
<td><strong>25’</strong></td>
<td>N/A</td>
<td>≈ 12.5’</td>
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<tr>
<td><strong>Interior Side</strong></td>
<td><strong>8’</strong></td>
<td>≈ 3.5’</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Research shows that the existing home was built in 1964; prior to the 1969 zoning ordinance. San Juan County Tax Assessor’s records indicate that there was a residential improvement in 1998; prior to the 2002 zoning ordinance.

The applicants purchased the subject property in November 1993 and most of the accessory structures were already on the property except for the rectangular accessory structure to the west (408 ft²). According to Pamela R. Morris, this accessory structure
was built in the early 2000's; possibly prior to the 2002 zoning ordinance and 2008 Code.

**Figure 3. Existing setbacks for subject property.**

**Proposal**

The applicants are proposing a lot split of the subject property (Petition SP 19-09) for the sale of real estate. Upon reviewing the proposed lot split, it was discovered that proposed Lot 1 (approximately 1.19 acres) will contain a total of four (4) accessory structures (see Petition SP 19-09). Additionally, proposed Lot 1 does not meet the required setbacks in the SF-7 District.

In the interest of coming into compliance with the SF-7 District density and dimensional standards and the requirements for accessory structures in a residential district, the applicant is requesting a variance to the required setbacks for the subject property and a variance to the maximum allowed accessory structures in a residential district.

Accessory structures constructed within the allowed building footprint cannot exceed 2,000 square feet or 50% of the total gross floor area of the principal structure, whichever is greater (UDC 2.5.2B). Fifty percent (50%) of the total gross floor area of the principal structure for the subject property is 1,898 ft.² (principal structure 3,796 ft.²). The total combined square footage of the four accessories structures, if approved with the proposed setbacks, which would be within the building footprint, would be 2,096 ft.².

The combined square footage of the four (4) accessory structures would be over 96 ft.² of the maximum allowed square footage within the building footprint. The applicant is requesting approval to allow for a fourth accessory structure, a 33.33% increase for an additional structure, that would increase the maximum allowed square footage for accessory structures within the building footprint in a residential district by 4.8%.
The remainder of the property will comply with the UDC Section 2.8 *Density and Dimensional Standards* and Section 2.5 *Accessory Uses and Structures*.

**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 existing circumstances are not self-imposed, self-created or otherwise the result of actions by the applicant. The existing structures and the current setbacks on the subject property occurred prior to the adoption of the 1969 zoning ordinance, 2002 zoning ordinance, and/or 2008 zoning Code.

   Most of the accessory structures on the property preexisted before the applicants' purchased of the subject property in November 1993. The accessory structure to the west (rectangular accessory structure; 408 ft.²) is only accessory structured constructed by the applicants. This accessory structure was built in the early 2000's and prior to the 2008 Code.

   **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 literal interpretation of the provisions of the UDC would not deprive the applicant of the rights commonly enjoyed by other properties in the same district.

   The applicants would be allowed to combine the accessory structures, except for the pump house, to meet the three (3) maximum allowed accessory structures within the building footprint (2,000 ft.² or 50 % of the total gross floor area of the principal structure) and/or combine the accessory structures to meet the maximum allowed square footage for accessory structures outside the building footprint (1,000 ft.² or 50% of total gross floor area) in a residential district.

   Yet, the current setbacks for the front yard and the northeast side yard seem to have taken place prior to the adoption of the 1969 zoning ordinance, 2002 zoning
ordinance, and/or 2008 zoning Code. The current nonconformities on the subject property are not self-imposed and/or self-created.

This criterion is partially 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 applicant is requesting a variance to the setbacks for the subject property to come into compliance with the City's density and dimensional standards. The proposed setbacks to the front yard at approximately 12.5' would be a 50% decrease, and to the side yard at approximately 3.5' would be a 56.25% decrease. The requested variances to the setbacks would not be a minimum easing of the Code requirements. However, the current setbacks and the existing accessory structures seem to have taken place prior to the adoption of the 1969 zoning ordinance, 2002 zoning ordinance, and/or 2008 zoning Code.

The request to permit a fourth accessory structure on the subject property would increase the maximum allowed square footage for accessory structures within the building footprint by 96 ft.$^2$, a modest increase of 33.33%, is a minimum easing of the Code requirements.

The remainder of the property will comply with the UDC Section 2.8 Density and Dimensional Standards and Section 2.5 Accessory Uses and Structures.

This criterion is partially 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 subject property is at the far end of Veda Lane and the proposed setbacks will not obstruct visibility along Veda Lane. The request to allow for a maximum of four (4) accessory structures on the property would not be injurious to the neighborhood or otherwise detrimental to the public welfare. The combined square footage of the four (4) accessory structures would be 2,096 ft.$^2$ and slightly over the maximum allowed square footage within the building footprint by 96 ft.$^2$.

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 that is not otherwise allowed in the SF-7, Single-family Residential 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 would not suffer an unnecessary hardship if the variance were denied. The strict adherence to the code would not restrict the practical and reasonable use of the land.

The applicant would be allowed to combine the accessory structures to meet the three (3) maximum allowed accessory structures within the building footprint (2,000 ft.² or 50% of the total gross floor area of the principal structure) and/or outside the building footprint (1,000 ft.² or 50% of total gross floor area) in a residential district. The applicant would be allowed to maintain a maximum of three (3) accessory structures that comply with the UDC.

Yet, the front yard to the pump house and side yard setback to the residence have been existent since before the adoption of the 1969 zoning ordinance, 2002 zoning ordinance, and/or 2008 zoning Code.

This criterion IS partially met.

CONCLUSION

The Community Development Department concludes that the request for ARB 19-10 is a minimum easing of the code, is in harmony with the neighborhood, and will not be injurious to the neighbors.

RECOMMENDATION

The Community Development Department recommends approval of Petition ARB 19-10, a request from Gregory and Pamela R. Morris, represented by Ivie Consulting LLC, for a variance to allow the following:

(1) Reduce the front yard setback to 12.5 feet;

(2) Reduce the northeast side yard setback to 3.5 feet,

(3) Increase the number of accessory structures from three (3) to four (4) in a residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District.
Photos of subject property

Variance to the northeast side yard setback

Variance to the front yard setback
### Property Record Card

San Juan County Assessor

**MORRIS GREGORY AND PAMELA R**

6509 VEDA LN
FARMINGTON, NM 87402

- **Account:** R0029502
- **Tax Area:** 5INRS - District 5IN
- **Residential Acres:** 3.030
- **Parcel:** 2071174409500
- **Situs Address:** 6509 VEDA LN
  - **BEG AT THE NE COR NW1/4 NW1/4 323012 S 495 FT; W 267 FT; N 495 FT; E 267 FT TO BEG. BK.1173 PG.340**

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#### Legal Description

- **BEG AT THE NE COR NW1/4 NW1/4 323012 S 495 FT; W 267 FT; N 495 FT; E 267 FT TO BEG. BK.1173 PG.340**

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### Land Occurrence 1

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**Rate**

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- **Rate** 26,143.79
- **Rate** 26,143.79
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- **Rate** 26,143.79

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**A#: R0029502 P#: 2071174409500 As of: 02/26/2019**
## Property Record Card
San Juan County Assessor

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A#: R0028502 P#: 2071174409500 As of: 02/26/2019
Property Record Card
San Juan County Assessor

Residential Occurrence 1

Residential Occurrence 2

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A#: R0029502  P#: 20711744069500  As of: 02/26/2019
Property Record Card
San Juan County Assessor

Residential Occurrence 2

<table>
<thead>
<tr>
<th>Code</th>
<th>Classification</th>
<th>Actual Value</th>
<th>Taxable Value</th>
<th>Actual Value Override</th>
<th>Taxable Override</th>
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</thead>
<tbody>
<tr>
<td>0100</td>
<td>RESIDENTIAL LAND</td>
<td>$40,080</td>
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<tr>
<td>0120</td>
<td>RESIDENTIAL IMPROVEMENT</td>
<td>$269,236</td>
<td>$89,745</td>
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<td>0400</td>
<td>AGRICULTURAL LAND</td>
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<td>$292</td>
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<td>Total</td>
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<td>$310,111</td>
<td>$103,370</td>
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</tbody>
</table>
# PLANNING MEMO COMMENTS SUMMARY

**ARB 19-10 6509 VEDA LN**

**Deadline: 2/13/19**

<table>
<thead>
<tr>
<th>City of Farmington Departments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CD Director – M. Holton</td>
<td>No comment</td>
</tr>
<tr>
<td>CD Addressing – Planning Division</td>
<td></td>
</tr>
<tr>
<td>CD Chief Building Official – D. Chiiders</td>
<td>No comment</td>
</tr>
<tr>
<td>CD Long Range Planner</td>
<td></td>
</tr>
<tr>
<td>CD MPO</td>
<td></td>
</tr>
<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>
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<tr>
<td>ELEC Customer Care Manager – L. Richardson</td>
<td></td>
</tr>
<tr>
<td>ELEC Electrical Engineering – L Aligarbes</td>
<td></td>
</tr>
<tr>
<td>ELEC T &amp; D – R. Romero</td>
<td></td>
</tr>
<tr>
<td>FIRE Fire Captain – D. Doudy</td>
<td></td>
</tr>
<tr>
<td>FIRE Fire Marshall – B. Vega</td>
<td></td>
</tr>
<tr>
<td>LEGAL City Attorney – J. Breakell</td>
<td></td>
</tr>
<tr>
<td>LEGAL Deputy City Attorney – E. Wayne</td>
<td></td>
</tr>
<tr>
<td>POLICE Code Compliance – S. Goodsell</td>
<td>No comment</td>
</tr>
<tr>
<td>POLICE Sergeant – P. Flores</td>
<td></td>
</tr>
<tr>
<td>PRCA S. Reeves/ R. Crosby</td>
<td>No comment</td>
</tr>
<tr>
<td>PRCA ORII – C. Styron</td>
<td>No comment</td>
</tr>
<tr>
<td>PW City Engineer – N. Westerling</td>
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</tr>
<tr>
<td>PW Engineering – T. Sitta</td>
<td>No comment</td>
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<tr>
<td>PW Streets Superintendent</td>
<td></td>
</tr>
<tr>
<td>PW Traffic Engineer – I. BlueEyes</td>
<td></td>
</tr>
<tr>
<td>PW Water/Waste Water – M. Tso</td>
<td>No comment</td>
</tr>
</tbody>
</table>

**Other Entities**

|  |
| New Mexico Gas Company – R. Castillo | No comment |
| CenturyLink – D. Willato         | No comment |
| Enterprise Field Services       |  |
| Comcast Cable – M. Johnson      |  |
| CH2MHILL OMI                     |  |
| Surface Land Negotiator for BP – M. Venzara |  |
| Farmington School District – C. Lyons |  |
PETITION APPLICATION

Planning Division
Community Development Department
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
☐ Summary Plat
☐ Preliminary Plat
☐ Special Use Permit
☐ Final Plan
☐ Variance (ARB)
☐ Zone Change to _______ District
☐ Temporary Use Permit
☐ Proposed Length of Use:
☐ Well site equipment modification

INFORMATION

Applicant’s Name: Gregory & Pamela R. Morris
Address: 6509 Veda Ln, Farmington, NM 87402
E-Mail: morris@netins.net
Telephone: (505) 325-8477
Relationship to Property Owner: Same

Project Location: 6509 Veda Ln, Farmington, NM
Existing Use: Residential
Proposed Use: Residential

Assessor’s Parcel I.D. and/or Tax I.D. Number: R0029502

Legal Description of Subject Property: See attached

Is Property subject to deed restrictions, covenants, or homeowners’ association agreements? Yes ☐ No ☑
If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (If other than applicant)

N. & L. Complete copy of this form. Do not leave blank.

Phone: Address:
E-Mail: drkennelly2@comcast.net

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary; Specify type of ownership interest: Fee, Real Estate Contact Option to Purchase)

Name: Gregory Morris
Phone: (505) 325-8477
Address: 6509 Veda Ln, Farmington, NM 87402

MORTGAGE HOLDERS (If any)

Name: Bank of America
Phone: (866) 709-6627
Address: P.O. Box 15.1878
Tampa, FL 33617-1878

OWNER CERTIFICATION

I certify that I am an owner of the information and unlike hereinunto are true and correct to the best of my knowledge and interest. I am acting with the knowledge and consent of all persons in interest and understand that these statements are required to be fulfilled by lawfully 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 that applications will generally be reviewed by City Council at their first regular session following the P&Z Review.

Name: Gregory Morris
Owner’s Signature: ____________________________

Address: 6509 Veda Ln, Farmington, NM 87402
Phone / Email: (505) 325-3177/ morris@netins.net

Date of Hearing/Meeting: 6/6/19

STAFF USE ONLY ****

☐ Blueprints Copies of Plans
☐ Ownership Report (subject and surrounding properties)
☐ Legal Description
☐ Detailed Statement of Proposed Use

(Physical and Mailing)

Received By: [Signature]
Date: 2/5/19
File No.: 616 19-10 6509 Veda Ln

2019.02.26
JUSTIFICATION OF VARIANCE

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. This structure was in place when we purchased it in 1993 (and also when the Harmane Subdivision was developed in the 1970's). No notice was given at the time we purchased the property - this issue only came to our attention when we chose to divide the property into lots. We have no intention to use the property in any way that is not in compliance.

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. We have a section of our structure. This would be an unreasonable request.

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 variance is a minimal and reasonable request.

4. That the granting of this 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. This variance does not affect any neighbor or grant any right not intended by the Code.

5. That the proposed variance will not permit a use not otherwise allowed in the underlying district. We are not seeking any use not currently allowed by current codes.
JUSTIFICATION OF VARIANCE
(Continued)

6. That no non-conforming 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.

We are not seeking this based on any other lands.

7. That the applicant would suffer an unnecessary hardship if the variance required were denied. Denial of this variance would cause an unnecessary hardship of not being able to keep our structure as built or to divide our property as desired.

Signature of Petitioner: [Signature]

Date: 2-4-19

Attach additional sheets if necessary or use the space below:

[Signature]

2/4/19
(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 19-10 - a request from Gregory and Pamela Morris, represented by Mle Consulting, LLC, for a variance to various setbacks and to the number of accessory structures allowed in a residential district for property in the SF-7, Single family Residential District, located at 6509 Veda Lane in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
That part of the NE/4NW/4NW/4 of Section 32, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 6509 Veda Lane

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday March 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.

Karen Walker
Administrative Assistant

NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 19-10

February 10, 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 Gregory and Pamela Morris, represented by Ivle Consulting, LLC, for a variance to the following: (1) front yard setback, (2) northeast side yard setback, and (3) to the number of accessory structures allowed in a residential district for property in the SF-7, Single family Residential District, located at 6509 Veda Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the NE/4NW/4NW/4 of Section 32, Township 30 North, Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 6509 Veda Lane

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday March 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 Helen Landaverde at 505-599-1282 or hlandaverde@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:

A tract of land lying in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE\%NW\%NW\%) of Section Thirty-Two (32), Township Thirty (30) North, Range Twelve (12) West, N.M.P.M., San Juan County, New Mexico, more particularly described as follows:
BEGINNING at the Northeast corner of the Northwest Quarter of the Northwest Quarter (NW\%NW\%) of said Section 32;
THENCE South 495 feet;
THENCE West 267 feet;
THENCE North 495 feet;
THENCE East 267 feet to the point of beginning.

TRACT 1
Gregory Morris and Pamela R. Morris
6509 Veda Lane
Farmington, NM 87402

That part of the NE\%NW\%NW\% of Section 32, Township 30 North, Range 12 West, N.M.P.M., San Juan County, New Mexico.
Book 1173, page 740

TRACT 2
George L. Payne and JoAnne S. Payne, Co-
Trustees of the George and JoAnne Payne Trust
5101 Samantha Lane
Farmington, NM 87402

Lot 13, of the GEORGE PAYNE SUBDIVISION
REPLAT "A", in the City of Farmington, San
Juan County, New Mexico, filed for record June
9, 2006.
Book 1536, page 666

TRACT 3 & 15
Remote Development, LLC
5101 Samantha Lane
Farmington, NM 87402

Lot 14, of the GEORGE PAYNE SUBDIVISION
REPLAT "A", in the City of Farmington, San
Juan County, New Mexico, filed for record June
9, 2006.
Lot 6, of the GEORGE PAYNE SUBDIVISION
REPLAT "A", in the City of Farmington, San
Juan County, New Mexico, filed for record June
9, 2006.
Book 1486, page 141
Book 1477, page 126

TRACT 4
Family Craft Memorials, Inc.
537 2nd Avenue
Durango, CO 81301

That part of the SW\%SW\%, of Section 29,
Township 30 North, Range 12 West, N.M.P.M.,
San Juan County, New Mexico.
Book 1570, page 932
TRACT 5
Rodney Foss and Sheri Foss
P.O. Box 1084
Aztec, NM 87410
That part of the SW¼SW¼, of Section 29,
Township 30 North, Range 12 West, N.M.P.M.,
San Juan County, New Mexico.
Book 1385, page 341

TRACT 6
Charles K. Applegate and Elizabeth B. Applegate
6500 Logans Cove Place
Farmington, NM 87401
Lot 2D, of the EVANS SUBDIVISION REPLAT
“A”, in the City of Farmington, San Juan County,
New Mexico, filed for record August 29, 2002.
Book 1355, page 733

TRACT 7
Keith N. McPheeters and Tonya McPheeters
6505 Logans Cove Place
Farmington, NM 87401
Lot 2E, of the EVANS SUBDIVISION REPLAT
“A”, in the City of Farmington, San Juan County,
New Mexico, filed for record August 29, 2002
Book 1356, page 1142

TRACT 8
Armando C. Escobar and Vicki L. Escobar,
Trustees of the Ace and Vicki Escobar Living
Trust
2960 Avenida Simi
Simi Valley, CA 93063
Lot 2F, EVANS SUBDIVISION REPLAT “A”,
in the City of Farmington, San Juan County, New
Mexico, filed for record August 29, 2002
Book 1634, page 263

TRACT 9
Andrew B. Gephardt and Jamie E. Foutz-
Gephardt
5209 Hallmarc Drive
Farmington, NM 87402
Lot 1, of the HALLMARC MEADOWS
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
November 29, 1972.
Book 1430, page 362

TRACT 10
Karl S. Culler and Mandy Culler
5205 Hallmarc Drive
Farmington, NM 87402
Lot 2, of the HALLMARC MEADOWS
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
November 29, 1972.
Book 1588, page 277
TRACT 11
Elbert Loyd Upton
5109 Hallmarc Drive
Farmington, NM 87402
Lot 4, of the HALLMARC MEADOWS
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
November 29, 1972.
Book 1608, page 1034
Book 802, page 423

TRACT 12
Maxwell S. Diffey and Donna Diffey
5201 Hallmarc Drive
Farmington, NM 87402
Lot 3, of the HALLMARC MEADOWS
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
November 29, 1972.
Book 794, page 576

TRACT 13
Joseph Nicola Macaluso and Marilyn Macaluso
5105 Hallmarc Drive
Farmington, NM 87402
Lot 5, of the HALLMARC MEADOWS
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
November 29, 1972.
Book 1339, page 594

TRACT 14
Ludner Confident and Marie M. Confident
5024 Samantha Lane
Farmington, NM 87402
Lot 7A, of the GEORGE PAYNE SUBDIVISION
REPLAT “B”, in the City of Farmington, San
Juan County, New Mexico, filed for record May
7, 2017.
Book 1636, page 752

TO: January 21, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

[Signature]
By: Shayle Terry, Abstractor
The Administrative Review Board met in regular session on Thursday, February 7, 2019 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present
- Chair-James Dennis
- Jeff Johanson
- Paul Martin
- Oliver Roe

Members absent: None

Staff present: Mary Holton
- Karen Walker

Others addressing the Board: Bob Echols

Call to Order
The meeting was called to order at 6:00 p.m. by Chair Dennis 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 Martin and seconded by Board Member Roe to approve the agenda. The motion passed unanimously by a vote of 4-0.

Approval of the Minutes from the January 3, 2019 Regular Meetings
Board Member Roe made a motion to approve the minutes of the January 3, 2019 regular meeting. The motion 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 Karen Walker.

Petition No. ARB 18-99
Appeal of an Administrative Decision

Discussion of ARB No. 18-99 on February 7, 2019
Director Mary Holton presented the staff report for ARB 18-99, a request from Gary McCutchen, represented by Robert Echols with 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 Avenue.

The minimum setback standards for the LNC District are 30-feet for the front, 30-feet for the rear, 20-feet for the interior side, and 30-feet for the street side setback. The front of the building is facing Knudsen Avenue. The existing setbacks include 14-feet on the front, 3-feet on the rear for the shed and 30-feet for the primary building, 68-feet on the north side where the
parking lot is, and on the south side both buildings encroach onto another property owner’s lot. Ms. Holton said the owner has submitted a summary plat which includes a lot line adjustment to move 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. Ms. Holton noted that this review and staff recommendation is based on the conditions that will exist after the recordation of the summary plat.

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. C-2 did not require setbacks as long as the tract was not adjoining a residential use. The minimum setbacks for that district included 0-feet for the front, 0-feet for the rear, and 0-feet on the north and south sides. The site was apparently rezoned LNC when the UDC became effective. The buildings were in compliance when constructed.

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.

Bob Echols of Cheney-Walters-Echols, 909 W. Apache Street, said he has no problems with staff recommendations. Mr. Echols said the issues with this petition actually began in 2014 with a dispute on where the property line was. The issue resurfaced recently when it was discovered that the property was zoned LNC. Mr. Echols said the summary plat will correct the property line issue for the building and the variances needed for the setbacks.

**Administrative Review Board Action of February 7, 2019**

A motion was made by Board Member Roe and seconded by Board Member Martin to **approve** Petition No. ARB 18-99, 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.

**AYE:** Chair Dennis, Board Members Johanson, Martin, and Roe.

**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:** There was no business from Staff.
**Adjournment:** The February 7, 2019 meeting of the Administrative Review Board was adjourned at 6:11 p.m.

James Dennis-Chair

Karen Walker-Administrative Assistant