AGENDA

Administrative Review Board
City Council Chambers
800 Municipal Drive, Farmington, NM
April 4, 2019 at 6:00 p.m.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Call Meeting to Order</td>
<td></td>
</tr>
<tr>
<td>2 Approval of the Agenda</td>
<td></td>
</tr>
<tr>
<td>3 Approval of the Minutes from the March 7, 2019 Meeting</td>
<td>39</td>
</tr>
<tr>
<td>4 Approval of the Open Meetings Resolution</td>
<td>37</td>
</tr>
<tr>
<td>5 Petition No. ARB 19-17 – a request from Simon and Ana Alvarez for setback variances to provide legal compliance with the requirements in the MF-L, Multi-family Low Density District for the existing building located at 943 Schofield Lane. (Gary Leikness)</td>
<td>1</td>
</tr>
<tr>
<td>6 Petition No. ARB 19-19 – a request from Scott Bird, represented by Sakura Engineering, for a side yard setback variance to provide legal compliance with the requirements in the MF-M, Multi-family Medium Density District for the existing buildings located at 241 N. Schwartz Avenue in anticipation of a lot split. (Gary Leikness)</td>
<td>21</td>
</tr>
<tr>
<td>7 Business from: Floor: Chairman: Members: Staff:</td>
<td></td>
</tr>
<tr>
<td>8 Adjournment</td>
<td></td>
</tr>
</tbody>
</table>

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.
Variance to allow for an existing building to encroach into the required rear yard and interior side yard. The encroachment would allow the existing building to remain at zero feet on the rear, street side, and interior side yards, to allow a second story addition with a zero-foot interior side yard.

The property is located at 943 Schofield Lane

DESCRIPTION OF PETITION
Community Development has received a request from Simon Alvarez, represented by Ana Alvarez, for various setback variances to provide legal compliance with the requirements in the MF-L, Multi Family Low Density zone, for the existing residential building and proposed addition located at 943 Schofield Lane.

GENERAL INFORMATION
Applicant: Simon Alvarez
Representative: Ana Alvarez
Property Owner: Simon Alvarez
Nature of Petition: The applicant is requesting a variance from the rear yard and interior side yard setback standards in order to bring an existing building into a "conformance" status, and to allow for a second story addition.
Location of Property: 943 Schofield Lane
Applicable Regulations: City of Farmington Unified Development Code (UDC): Pursuant to UDC 2.8.1, Nonresidential base zoning district density and dimensional schedule, MF-L. City of Farmington UDC Sec 8.12, Variances.
Zoning: MFL, Multi Family Low Density.
Existing Use: Single family residence.
Surrounding Zoning:
North: GC, General Commercial, and MF-L (Multi Family Low Density) / mobile homes
South: GC / commercial uses
East: GC / commercial uses
West: MF-L/ mobile homes.

Public Notice: Publication of Notice of this petition appeared in the Daily Times on Sunday March 17, 2019. Property owners, within 100 feet (excluding right-of-way) were sent notice by certified mail on Wednesday, March 13, 2019 and a sign was posted on the property, Friday, March 22.

Staff: Gary Leikness, Planning Manager
PROJECT DESCRIPTION

This is a requested variance from the rear yard, interior side yard, and street side yard setback standards of the MF-L, Multi Family Low Density, in order to bring an existing building into a “conformance” status, and to allow for a second story addition. The required rear yard of the MF-L zone is 25-feet, the required interior side yard is 8-feet, and the required street side yard is 20-feet.

Original construction was for a single family home, completed in 1955. Staff was unable to locate information on subsequent alterations to the home. The property is a corner lot, located southwest of the intersection of Schwartz Lane and E Navajo Street.

Figure 1. Required Rear, Interior Side Yard, and Street Side Yard Setbacks
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 property was purchased with a residential structure constructed that was out of compliance with the current Unified Development (UDC) Code, and configured in a way to render it non-conforming when compared the current UDC. So, the building does exist and was not self-created and cannot be changed, a special circumstance. Another circumstance is the property being a corner lot, which has a street side yard of 20-feet, versus an interior side yard of only 8-feet.

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.**

Currently, the petitioner is able to enjoy the use of the home as constructed, similar to other homes in the district. However, surrounding structures are mobile homes with the same zoning as the subject property.

The literal interpretation of the Code would disallow the petitioner from constructing a second story addition onto the existing home. This right to building a second story is shared by those properties with the same district and vicinity of the subject property.

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 reasonable use of the subject property is single family home. Expansion of the second story is prohibited without a variance. The applicant is seeking zero foot setbacks on the rear yard, street side yard, and the interior side yard. The current structure exists with the same zero-foot setback as is being requested. By following the existing buildings lines, the applicant is requesting a minimal easing of the Code requirement, to allow for the second floor.

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.**
Setbacks are utilized to achieve access to sunlight and free flowing air. They are to protect adjacent properties from negative impacts. The homes by the existing structure would continue to have light and air access. In addition, impacts to the neighborhood are not anticipated should the addition be constructed. To the south is a commercial site that will not be impacted by this proposal.

This variance, as proposed, would not be injurious to the neighborhood. Nor would it be detrimental to the public welfare.

This criterion is met.

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

The granting of this variance will not allow a use that is not otherwise allowed in the MF-L zoning district.

This criterion is met.

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

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

This criterion is met.

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

The applicant would suffer an unnecessary hardship if the variances were denied. The property has been purchased with existing setback issues. The building was constructed in 1955, and a permit for unknown work, was completed in 1999. The extremes to which the property owner would have to go through in order to make the existing building come into compliance, for a second story addition, would be unnecessary.

This criterion is met.
CONCLUSION
The Community Development Department concludes that the request for ARB 19-17 is approvable, as it 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 19-17, a variance request, from Simon Alvarez, to allow 0.0 foot setbacks for the rear yard, Street side yard, and interior side yard, but only for the existing building footprint, which would also allow the second story addition.
Comment Summary

PLANNING MEMO COMMENTS SUMMARY
ARB 19-17 943 SCHOFIELD LN
Deadline: 3/11/19

<table>
<thead>
<tr>
<th>City of Farmington Departments</th>
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</thead>
<tbody>
<tr>
<td>CD</td>
<td>Director –</td>
</tr>
<tr>
<td>CD</td>
<td>Addressing – Planning Division</td>
</tr>
<tr>
<td>CD</td>
<td>Chief Building Official – D. Childers</td>
</tr>
<tr>
<td>CD</td>
<td>Long Range Planner</td>
</tr>
<tr>
<td>CD</td>
<td>MPO</td>
</tr>
<tr>
<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
</tr>
<tr>
<td>CITY</td>
<td>City Manager’s Office – J. Baird</td>
</tr>
<tr>
<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
</tr>
<tr>
<td>ELEC</td>
<td>Electrical Engineering – L. Alcarbares</td>
</tr>
<tr>
<td>ELEC</td>
<td>T &amp; D – R. Romo</td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Captain – D. Doury</td>
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<tr>
<td>FIRE</td>
<td>Fire Marshall – B. Vega</td>
</tr>
<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakall</td>
</tr>
<tr>
<td>LEGAL</td>
<td>Deputy City Attorney – E. Wayne</td>
</tr>
<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
</tr>
<tr>
<td>POLICE</td>
<td>Sargeant – P. Flores</td>
</tr>
<tr>
<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
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<tr>
<td>PRCA</td>
<td>ORII – C. Styron</td>
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<tr>
<td>PW</td>
<td>City Engineer – N. Westering</td>
</tr>
<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
</tr>
<tr>
<td>PW</td>
<td>Streets Superintendent</td>
</tr>
<tr>
<td>PW</td>
<td>Traffic Engineer – L. BlueEyes</td>
</tr>
<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
</tr>
</tbody>
</table>

Other Entities

| New Mexico Gas Company – R. Castillo          | No comment |
| CenturyLink – D. Willato                     |            |
| Enterprise Field Services                   |            |
| Comcast Cable – M. Johnson                  |            |
| CH2M HILL OMI                                  |            |
**PETITION APPLICATION**

<table>
<thead>
<tr>
<th>PROJECT TYPE (Check Those Applicable)</th>
<th>Planning Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Annexation and / or</td>
<td>Community Development Department</td>
</tr>
<tr>
<td>☐ Zoning</td>
<td>City of Farmington</td>
</tr>
<tr>
<td>☐ Preliminary Plat</td>
<td>800 Municipal Drive</td>
</tr>
<tr>
<td>☐ Final Plan</td>
<td>Farmington, NM 87401</td>
</tr>
<tr>
<td>☐ Summary Plat</td>
<td>(505) 599-1317</td>
</tr>
<tr>
<td>☐ Special Use Permit</td>
<td>(505) 599-1299 (fax)</td>
</tr>
<tr>
<td>☐ Variance (ARB)</td>
<td></td>
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<tr>
<td>☐ Zone Change to ___________________</td>
<td></td>
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<tr>
<td>☐ Temporary Use Permit</td>
<td></td>
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<tr>
<td>Proposed Length of Use:</td>
<td></td>
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<tr>
<td>☐ Well site equipment modification</td>
<td></td>
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</tbody>
</table>

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<thead>
<tr>
<th>INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant’s Name: SIMON ALVAREZ</td>
</tr>
<tr>
<td>Address: 943 Schofield LN Farmington</td>
</tr>
<tr>
<td>E-Mail: <a href="mailto:simonalvarez28@gmail.com">simonalvarez28@gmail.com</a></td>
</tr>
<tr>
<td>Telephone: 505 444 0177</td>
</tr>
<tr>
<td>Relationship to Property Owner:</td>
</tr>
</tbody>
</table>

Legal Description of Subject Property:

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)**

| Name: ANA ALVAREZ                    | E-Mail: |
| Phone: 505 215 0178                 | Address: 943 Schofield LN Farmington NM |

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner. Corporation Presidents and Secretary, specify type of ownership interest. Fee, Real Estate Contracts. Option to Purchase)

| Name: SIMON ALVAREZ                  | Phone: 505 444 0177 |
| Address: 943 Schofield LN Farmington NM | 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 and belief. I am acting with the sole and proper interest and for the sole and proper benefit of the subject property. 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 the application will be reviewed by City Council at its first regular session following the P&Z review.

Name: SIMON ALVAREZ                   | Phone / Email: 505 444 0177 |
Owner’s Signature: [Signature]        | Address: 943 Schofield LN Farmington NM |

**STAFF USE ONLY**

Received By: NL  
Date: 2/19/19  
Fee Received: ☐  
Project File No: 2019-17 943 Schofield  
Date of Hearing/Meeting: 4/9/19  

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

   When I bought the property 13-14 years ago, the residence was already built up to the side property line. The second story was already there. It is not self-imposed.

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.

   Yes, I am not able to make improvements on my property.

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.

   [Signature]

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.

   [Signature]

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

   [Signature]
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.

N/A

7. That the applicant would suffer an unnecessary hardship if the variance required were denied.

YES, I CANNOT MAKE IMPROVEMENTS on my property. If I try to sell property in the future it would be very difficult because it is not compliant.

Signature of Petitioner: [Signature]  
Data: 02/25/19

Attach additional sheets if necessary or use the space below.
I am Simon Alvarez

Want to build another room in my house, on the second floor.

If you don't have any inconvenient,

Please sign

Jeff Holmes is the owner of the building. As a renter, I have no problems with him building a room on his property. Jeff Holmes

I have no problem with this project.

Frank Lee
1815 E. Navajo St.
I don't have any problem with this building project. His masonry work is very good. 1812 E. Navajo St.

James A. Albright
(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 19-17 - a request from Simon and Ana Alvarez for setback variances to provide legal compliance with the requirements in the MF-L, Multi-family Low Density District for the existing building located at 943 Schofield Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
Lot 1, in Block 1 of the Schofield-Roberts Subdivision, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.

Otherwise located at 943 Schofield Ln.

Petition No. ARB 19-19 - a request Scott Bird, represented by Sakura Engineering, for a side yard setback variance to provide legal compliance with the requirements in the MF-M, Multi-family Medium Density District for the existing buildings located at 241 N. Schwartz Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
Block 3 of the El Paso Addition No. 2, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 17, 1956.

Otherwise located at 241 Schwartz Ave.

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday April 4, 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

March 13, 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 Scott Bird, represented by Sakura Engineering, for a side yard setback variance to the 8-foot requirement in order to provide legal compliance with the requirements in the MF-M, Multi-family Medium Density District for the existing buildings. The petitioner is pursuing a lot split of the east and west land parcels located at 241 N. Schwartz Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Block 3 of the El Paso Addition No. 2, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 17, 1956.

**Otherwise located at 241 N. Schwartz Avenue**

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday April 4, 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 Gary Leikness at 505-599-1309 or gleikness@fmrtn.org.

Sincerely,

Karen Walker
Administrative Assistant
## Mailing List

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 1, in Block 1, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.

<table>
<thead>
<tr>
<th>TRACT 1</th>
<th>Lot 1, in Block 1, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simon Alvarez</td>
<td>Book 1412, page 512</td>
</tr>
<tr>
<td>P.O. Box 5987</td>
<td>Book 1473, page 880</td>
</tr>
<tr>
<td>Farmington, NM 87499</td>
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<table>
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<tr>
<th>TRACT 2</th>
<th>Lot 2, in Block 1, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.</th>
</tr>
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<tbody>
<tr>
<td>Holmes Investment, L.L.C.</td>
<td></td>
</tr>
<tr>
<td>3932 Manchester Street</td>
<td></td>
</tr>
<tr>
<td>Farmington, NM 87402</td>
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</table>

<table>
<thead>
<tr>
<th>TRACT 3</th>
<th>Lot 3, in Block 1, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jerome and Neoma Pitney Trust</td>
<td></td>
</tr>
<tr>
<td>P.O. Box 771</td>
<td></td>
</tr>
<tr>
<td>Farmington, NM 87499</td>
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<tr>
<th>TRACT 4</th>
<th>Lot 4, in Block 1, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delbert Van Davis, Elmo L. Davis and Nellie M. Davis</td>
<td></td>
</tr>
<tr>
<td>1817 East Navajo Street</td>
<td></td>
</tr>
<tr>
<td>Farmington, NM 87401</td>
<td></td>
</tr>
</tbody>
</table>

Book 1635, page 96

Book 1215, page 148
TRACT 5
Frank L. Lopez and Gloria J. Andreau
1815 East Navajo Street
Farmington, NM 87401

Lot 5, in Block 1, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.

Book 1412, page 676

TRACT 6 & 7
Bill Garrison and June Garrison
2801 Knudsen Avenue
Farmington, NM 87401

Lot 3, in Block 2, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.

AND

Lot 2, in Block 2, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.

Book 1632, page 728

TRACT 8
LSR Properties, Inc.
1013 Schofield Lane
Farmington, NM 87401

Lot 1, in Block 2, of the SCHOFIELD-ROBERTS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.

Book 1495, page 267

TRACT 9
Kent and Mary Wilson Trust
P.O. Box 2548
Farmington, NM 87499

That part of the E%S%N%NW%NW%SW%W of Section 11, in Township 29 North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 1515, page 578
TRACT 10 & 11
Dario L. Pini
P.O. Box 4853
Santa Barbara, CA 93140

That part of the SW¼ of Section 11, in Township 29 North of Range 13 West, N.M.P.M., in the
City of Farmington, San Juan County, New
Mexico.

AND

That part of the SW¼ of Section 11, in Township 29 North of Range 13 West, N.M.P.M., in the
City of Farmington, San Juan County, New
Mexico.

Book 1447, page 378

TRACT 12
Damian and Patricia Lindenielser
942 Schofield Lane
Farmington, NM 87401

That part of the E½NW¼SW¼ of Section 11, in
Township 29 North of Range 13 West, N.M.P.M.,
in the City of Farmington, San Juan County, New
Mexico.

Book 1424, page 785

TRACT 13
United Food Store No. 3, Inc.
900 Schofield Lane
Farmington, NM 87401

That part of the NW¼SW¼ of Section 11, in
Township 29 North of Range 13 West, N.M.P.M.,
in the City of Farmington, San Juan County, New
Mexico.

Book 1574, page 811

TRACT 14
United Special Inc.
900 Schofield Lane
Farmington, NM 87401

Lots 10, 11, and 12, in Block 3, of the
SULLIVAN SUBDIVISION, in the City of
Farmington, San Juan County, New Mexico, as
shown on the Plat of said Subdivision filed for
record July 31, 1956.

Book 1008, page 308

TRACT 15
Lloyd H. and Dorothy R. Englebrecht
1605 Camina Placer
Farmington, NM 87401

Lots 8 and 9, in Block 3, of the SULLIVAN
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, as shown on the Plat
of said Subdivision filed for record July 31, 1956.

Book 1332, page 558
LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Kristina Mitchell, Abstracter
April 4, 2019

ADMINISTRATIVE REVIEW BOARD
Petition ARB 19-19

Variance to allow for an existing building, four duplexes, and accessory structures to encroach into the required rear, sides, and front yards. The encroachment would allow the existing buildings and accessory structures to remain in their current locations and thus be “conforming” to the City’s Unified Development Code (UDC) The property is located at

241 N. Schwartz Avenue

DESCRIPTION OF PETITION
Community Development has received a variance request from Scott Bird, and represented by Jim Rowland of Sakura Engineering. The request involves a future lot split. In order to split the lot, the existing structures must come into legal compliance with the UDC. An avenue to resolve compliance issues is by seeking a variance from the development standards as outlined in the UDC.

GENERAL INFORMATION
Applicant: ...................... Scott Bird, for AAA, LLC.
Representative:.............. Jim Rowland
Property Owner: ............. Scott Bird, for AAA, LLC.
Nature of Petition:.......... The applicant is requesting a variance from the rear, front, and side yards in order to bring an existing building into a “conformance” status, and later seek a lot split. The analysis section of this report will identify specific requests.
Location of Property: ...... 241 N. Schwartz Avenue (R0021104)
Applicable Regulations: City of Farmington Unified Development Code (UDC): Pursuant to UDC 2.8.2, Nonresidential base zoning district density and dimensional schedule, MF-M. City of Farmington UDC Sec 8.12, Variances.
Existing Use:.................. Single Family Home and four duplexes.
Surrounding Zoning..... North: SF-7, Single Family / single family homes
South: MF-M, and SF-7 / multifamily and single family homes
East: OP, Office and Professional / office uses
West: SF-7 / single family homes.
Public Notice:.................. Publication of Notice of this petition appeared in the Daily Times on Sunday March 17, 2019. Property owners, within 100 feet (excluding right-of-way) were sent notice by certified mail on Wednesday, March 13, 2019 and a sign was posted on the property, Friday, March 22.
Staff:........................................ Gary Leikness, Planning Manager

PROJECT DESCRIPTION

This is a requested variance from the rear yard, interior side yard, and front yard setback standards of the MF-M, Multi Family Medium Density, in order to bring existing structures into a “conformance” status, and to allow for a summary plat, lot split.

Figure 1 depicts the western portion of the lot as having four setbacks that are required. This figure does not show that the eastern side of the lot has a front yard encroachment for a carport that is considered as part of this variance. The request is for buildings A to G, as shown in Figure 2, as well as the eastern most carport.

Original construction was for a single family home and four duplexes, completed in 1965, which predates the 1969 Development Code. The 1969 Development Code has the same setbacks requirements as the current Unified Development Code, (UDC).

Figure 1. Required Rear and Side Yard Setbacks, Western Portion of Lot
Figure 2. Setback Violations
Figure 3. Proposed Lot Split and Aerial Photo

Figure 4. Vicinity Map
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 property, developed in 1964, has remained composed of one single family home along with four duplexes. This petition anticipates a lot split, through summary plat. That is why the variance in some areas of the property do not currently have a property line. The desire to have a lot split and a variance that anticipates the split, speaks to how this petition is self-imposed, and/or self-created.

An approvable scenario would be if the lot line was imposed by a court ruling, or something the petitioner has no control over.

This criterion is not 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.

Currently, the petitioner is able to enjoy the use of the home as constructed, as well as the four duplex homes. What he is unable to do is to enjoy a single family home not associated with four duplexes. Other homes in the district enjoy having an independent lot.

Literal interpretation of the Code would disallow the petitioner from splitting his lot into two lots because existing and potential setback violations.

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 reasonable use of the subject property is for a single family home, and four duplexes. The applicant is requesting variances to existing setback violations, as well as anticipated violations that would impact an anticipated summary plat. The petitioner has placed the proposed lot line directly between existing buildings at equidistance from one another representing a minimum easing of the Code requirements.

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.
Setbacks are utilized to achieve access to sunlight and free flowing air. They are to protect adjacent properties from negative impacts. The homes by the existing structure would continue to have light and air access. It is important to note that the subject property is either abutting N Schwartz Avenue, or is surrounded by a 20-foot-wide alley, both buffers to the neighborhoods. This ensures that the variance, if granted, would not be injurious 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 granting of this variance will not allow a use that is not otherwise allowed in the MF-L zoning district. This is a dimensional variance request, not a use variance.

**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 has a self-imposed situation that a variance to UDC regulations would resolve. If the lot remained in its current state, land uses and lot configurations could remain and no unnecessary hardship would exist.

An example of when an unnecessary hardship would occur is if the denial of a variance would prohibit the petitioner from building a single family or four duplex residences.

**This criterion is not met.**
STAFF COMMENTS
Chief Building Official- The open area between the 2 carports that the new property would go through will need to be addressed prior to a lot split to meet the requirement of the IRC for the distance from the property. There are several options that will work to meet the IRC Code.

CONCLUSION
The Community Development Department concludes that the request for ARB 19-19 is not approvable, as it is a self-imposed hardship, and the hardship is not unreasonable. Criteria 1 and 7 are not met for this proposal.

RECOMMENDATION
The Community Development Department recommends denial of Petition ARB 19-19 for reasons stated in this report.
## Comment Summary

**PLANNING MEMO COMMENTS SUMMARY**  
ARB 19-19 241 N. SCHWARTZ  
Deadline: 3/13/19

### City of Farmington Departments

<table>
<thead>
<tr>
<th>Department</th>
<th>Contact</th>
<th>Comments</th>
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<tbody>
<tr>
<td>CD</td>
<td>Director –</td>
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<tr>
<td>CD</td>
<td>Addressing – Planning Division</td>
<td>1- The open area between the 2 carports that the new property line now goes thru will need to be addressed to meet the requirement of the IRC for the distance from the property. There several options that will work to meet the code.</td>
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<td>CD</td>
<td>Chief Building Official – D. Childers</td>
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<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
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<td>CITY</td>
<td>City Manager’s Office – J. Baird</td>
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<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
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<td>ELEC</td>
<td>Electrical Engineering – L Aligarbes</td>
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<td>T &amp; D – R. Romero</td>
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<td>LEGAL</td>
<td>City Attorney – J. Breakell</td>
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<td>Deputy City Attorney – E. Wayne</td>
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<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
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<td>POLICE</td>
<td>Sergeant – P. Flores</td>
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<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
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<td>PRCA</td>
<td>ORII – C. Styron</td>
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<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
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<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
<td>No Comment to Variance Request for Setbacks.</td>
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<tr>
<td>PW</td>
<td>Streets Superintendent</td>
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<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
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<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
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### Other Entities

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<td>New Mexico Gas Company – R. Castillo</td>
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<td>CH2M-HILL OMI</td>
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<tr>
<td>Surface Land Negotiator for BP – M. Venzara</td>
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</table>
(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 19-17 - a request from Simon and Ana Alvarez for setback variances to provide legal compliance with the requirements in the MF-L, Multi-family Low Density District for the existing building located at 943 Schofield Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
Lot 1, in Block 1 of the Schofield-Roberts Subdivision, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 17, 1956.
Otherwise located at 943 Schofield Ln.

Petition No. ARB 19-19 - a request Scott Bird, represented by Sakura Engineering, for a side yard setback variance to provide legal compliance with the requirements in the MF-M, Multi-family Medium Density District for the existing buildings located at 241 N. Schwartz Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
Block 3 of the El Paso Addition No. 2, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 17, 1956.
Otherwise located at 241 Schwartz Ave.

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday April 4, 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

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

March 13, 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 Scott Bird, represented by Sakura Engineering, for a side yard setback variance to the 8-foot requirement in order to provide legal compliance with the requirements in the MF-M, Multi-family Medium Density District for the existing buildings. The petitioner is pursuing a lot split of the east and west land parcels located at 241 N. Schwartz Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Block 3 of the El Paso Addition No. 2, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 17, 1956.

Otherwise located at 241 N. Schwartz Avenue

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday April 4, 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 Gary Leikness at 505-599-1309 or gleikness@fymtn.org.

Sincerely,

Karen Walker
Administrative Assistant
Mailing List

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:

Block Three (3), of the EL PASO ADDITION NO. 2, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 17, 1956.

TRACT 1 & 15
AAA, LLC
6208 East Main Street
Farmington, NM 87402

That part of Block 3, of the EL PASO VIEW ADDITION NO. 2, in the City of Farmington, San Juan County, New Mexico, filed for record September 17, 1956.

Book 1507, page 303

AND

That part of Block 3, of the EL PASO VIEW ADDITION NO. 2, in the City of Farmington, San Juan County, New Mexico, filed for record September 17, 1956.

Book 1507, page 303

TRACT 2
Rowena Y. McCabe
210 Padilla Drive
Farmington, NM 87401

Lot 6, in Block 1, of the EL PASO VIEW ADDITION, in the City of Farmington, San Juan County, New Mexico, filed for record May 17, 1956.

Book 785, page 253

TRACT 3
Joe R. Bahe Trust
212 Padilla Drive
Farmington, NM 87401

Lot 7, in Block 1, of the EL PASO VIEW ADDITION, in the City of Farmington, San Juan County, New Mexico, filed for record May 17, 1956.

Book 1321, page 107

TRACT 4
Dwayne Valdez
3074 West Center Street Ext
Lexington, NC 27295

Lot 10, in Block 1, of the EL PASO VIEW ADDITION, in the City of Farmington, San Juan County, New Mexico, filed for record May 17, 1956.

Book 1555, page 387
<table>
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<tr>
<th>TRACT 5</th>
<th>Lot 9, in Block 1, of the EL PASO VIEW ADDITION, in the City of Farmington, San Juan County, New Mexico, filed for record May 17, 1956.</th>
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<tbody>
<tr>
<td>Robert R. Atkinson, Jr. and La Rae Atkinson</td>
<td>Book 895, page 173</td>
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<tr>
<td>721 West La Plata</td>
<td>Book 900, page 285</td>
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<td>Kenneth Wayne Nabors and Joyce E. Nabors</td>
<td>Book 1077, page 219</td>
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<tr>
<td>719 La Plata Drive</td>
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<tr>
<td>Philip McKinney and Barbara McKinney</td>
<td>Book 1468, page 631</td>
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<tr>
<td>6200 Quail Run</td>
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<tr>
<td>Farmington, NM 87402</td>
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<td>Candace L. Dial</td>
<td>Book 1590, page 778</td>
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<tr>
<td>6435 Bent Tree</td>
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<tr>
<td>Miki Renay Moffitt</td>
<td>Book 1592, page 867</td>
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<tr>
<td>5108 Lee Lane</td>
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<tbody>
<tr>
<td>James Phillips and Caroline Phillips</td>
<td>Book 1192, page 888</td>
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<tr>
<td>709 La Plata Drive</td>
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<td>Farmington, NM 87401</td>
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</table>
TRACT 11
Jose A. Archuleta and Pearl C. Archuleta
707 La Plata Drive
Farmington, NM 87401
Lot 5, in Block 1, of the EL PASO VIEW ADDITION NO. 2, in the City of Farmington, San Juan County, New Mexico, filed for record September 17, 1956.
Book 750, page 316

TRACT 12
Ronnie Laverne McNeal and Brenda L McNeal
705 La Plata Drive
Farmington, NM 87401
Lot 6, in Block 1, of the EL PASO VIEW ADDITION NO. 2, in the City of Farmington, San Juan County, New Mexico, filed for record September 17, 1956.
Book 906, page 86

TRACT 13
Betty Kay Henderson
P.O. Box 3553
Chinle, AZ 86503

TRACT 14
Danish Salim and Ameer Bhimji
6415 Tear Drop Lane
Farmington, NM 87402
Lot 7, in Block 1, of the EL PASO VIEW ADDITION NO. 2, in the City of Farmington, San Juan County, New Mexico, filed for record September 17, 1956.
Book 1501, page 933

TRACT 16
Sussex Properties LLC
4740 North Butler Avenue
Farmington, NM 87401
Lot 1, in Block 1, of the BRIMHALL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 7, 1957.
Book 1313, page 620

TRACT 17
Ronald R. Adamson and Veronica Adamson
217 North Schwartz Avenue
Farmington, NM 87401
Lot 1 and that part of Lot 2, in Block 2, of the BRIMHALL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 7, 1957.
Book 1494, page 545
TRACT 18
Wayne K. Marten and Jone Marten
4600 Samantha Lane
Farmington, NM 87402
Lots 2 and 3, in Block 1, of the BRIMHALL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 7, 1957.
Book 1589, page 635

TRACT 19
Fred D. Shondee and Marie T Shondee
709 Brimhall Place
Farmington, NM 87401
That part of Lot 2 and all Lot 3, in Block 2, of the BRIMHALL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 7, 1957.
Book 849, page 171

TRACT 20
Stephen Joseph Koller Revocable Trust
P.O. Box 1081
Durango, CO 81302
Lots 4 and 5, in Block 1, of the BRIMHALL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 7, 1957.
Book 1625, page 813

TRACT 21
Genaro Salazar and Trudy Salazar
713 Brimhall Place
Farmington, NM 87401
Lot 4, in Block 2, of the BRIMHALL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 7, 1957.
Book 1440, page 215

TRACT 22
Tasha Racawan
P.O. Box 2593
Page, AZ 86040
Lot 5, in Block 2, of the BRIMHALL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 7, 1957.
Book 1420, page 113

TRACT 23
Carolyn Allen, David Allen, Michael M. Johnson, Delphine D. Johnson, Kevin E. Johnson and Hiedi R. Johnson
15 Road 2360
Aztec, NM 87410
That part Lot 6, in Block 1, of the BRIMHALL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record March 7, 1957.
Book 1627, page 110
TO: December 18, 2018, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Lorraine Austin, Abstracter
RESOLUTION

A RESOLUTION SETTING AND ESTABLISHING A REGULAR MEETING DAY, TIME AND PLACE FOR THE ADMINISTRATIVE REVIEW BOARD PURSUANT TO CITY COUNCIL RESOLUTION NO. 2013-1466 AS RATIFIED

WHEREAS, pursuant to the provisions of Resolution No. 2013-1466 as ratified, each board, commission, committee or other policy making body of the City of Farmington which holds regular meetings shall annually, subject to the ratification and approval of the City Council of the City of Farmington, establish a regular meeting day, time and place; and

WHEREAS, the Administrative Review Board of the City of Farmington has determined and does recommend to the City Council that the regular meeting day, time and place of the Administrative Review Board of the City of Farmington and the location where a copy of the agenda of such meetings may be obtained shall be as set forth in this resolution.

NOW, THEREfore, BE IT RESOLVED BY THE ADMINISTRATIVE REVIEW BOARD OF THE CITY OF FARMINGTON:

That the regular meeting day, time and place of the Administrative Review Board of the City of Farmington shall be held on the first Thursday following the first Tuesday of each month at 6:00 p.m. in the Council Chambers, Municipal Building, 800 Municipal Drive, Farmington, New Mexico and that the location where a copy of the agenda of the regular meeting may be inspected seventy-two (72) hours in advance of the meeting shall be at the Community Development Department, Municipal Annex, 805 Municipal Drive, Farmington, New Mexico.

PASSED, SIGNED, APPROVED and ADOPTED this _______ day of April 2019.

By: ..............................................
Chairperson, Administrative Review Board
The Administrative Review Board met in regular session on Thursday, March 7, 2019 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present
James Dennis
Jeff Johanson
Paul Martin
Oliver Roe

Members absent: None

Staff present:
Gary Leikness
David Sypher
Karen Walker

Others addressing the Board:
Mandy Culler
Dennis Ivie
George Payne
Lloyd Upton

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

Approval of the Minutes from the February 7, 2019 Regular Meeting
Board Member Johanson made a motion to approve the minutes of the February 7, 2019 regular meeting. The motion was seconded by Board Member Roe 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 19-10
Variance to reduce the (1) front yard setback, (2) northeast side yard setback, and (3) to increase the number of accessory structures allowed in the SF-7, Single-family Residential District

Discussion of ARB No. 19-10 on March 7, 2019
Planning Manager Gary Leikness presented the staff report for ARB 19-10, a request from Gregory and Pamela R. Morris, represented by Ivie Consulting LLC, for a variance to (1) reduce the front yard setback to 12.5 feet, (2) to reduce the northeast side yard setback to 3.5 feet, and (3) to increase the number of accessory structures from three to four in a residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District. Mr. Leikness
referred the Board Members to property pictures in the ARB Agenda Book. Presently, the residence and the pump house do not meet the required setbacks in the SF-7 District and are considered to be nonconforming structures, he said.

The applicants are proposing a lot split for the subject property. In order to accomplish this, they are required to bring the property into compliance with the zoning standards. Research shows that the existing home and the pump house preexisted the current owners. The home was built in 1964. The applicants purchased the home in 1993, and most of the accessory structures were already on the property except for the rectangular accessory structure to the west.

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 for the existing structure.
(2) Reduce the northeast side yard setback to 3.5 feet for the existing structure.
(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.

Dennis Ivie, Ivie Consulting, LLC., 201 Taylor Drive, said this issue came up in the final review of the lot split. Some issues were addressed by adjusting the lot lines. Other issues needed to come into compliance with a variance. The house was built before it was annexed into the City.

George Payne, 5101 Samantha Lane, said he is in favor of the proposed variances for the property at 6509 Veda Lane. Mr. Payne’s questions related to access to the property. He said when the Payne Subdivision was established to the south, he was required to give the City a 50’ right-of-way to allow access to the southern section of the Morris’s property. Mr. Payne explained that Veda Lane to the north is an easement. He said the City made statements at a Planning & Zoning meeting approximately 12 years ago, that if changes were made to the southern access to the Morris’s property, the access from the highway would be changed or relinquished. Mr. Payne wanted to know if the southern access would be utilized by the Morris’s and the owner of Lot 2, Mr. Mortenson, after the Morris’s split their lot.

Mr. Payne asked what type of road surface will be required for the access to both properties once the lot is split. He said during the construction of the Payne Subdivision, he was required to put a hard surface not only for the street, but for the driveways as well. He said he was even required to have a hard surface for the driveway to his home which is over 300-feet long. Samantha Lane, Pryor Lane and Linda Lane are all hard surfaces. His concern involved the amount of dirt or mud that would be transferred through the Payne Subdivision if a hard surface driveway was not required for the Morris’s property once the lot is split.

Chair Dennis said those issues will be reviewed during the site plan requirements. Mr. Payne asked if he would be allowed to have input to address those issues. Board Member Martin explained that a building permit and site plan would be submitted and reviewed by the Building Division. Mr. Martin suggested that David Sypher, Public Works Director, ask the Chief Building Inspector to notify Mr. Payne when the site plan is submitted as a courtesy.

Mr. Payne mentioned a concern about the number of horses on the Morris’s lot once the lot is split and becomes smaller. Board Member Martin said the requirements of the UDC will need to be followed. At this time, the Board is only dealing with the requested variances.

Chair Dennis added that the developers will make the decision concerning access to the lots. That issue will be reviewed by the Planning Division.
David Sypher reiterated that this meeting concerns the requested variances. He said that the hard surface roads were required for the Payne Subdivision due to the large number of lots in the subdivision. The lot split for the subject property will not require a hard surface road until the three proposed lots are developed. At that time, hard surface roads and utility extensions will be required. As to the access on Veda Lane, said Mr. Sypher, a recent survey has shown it as an easement on the neighbor’s property. The roadway easement that exists is on the property to the north. Upon proposal of splitting the southern lot, if animals are an issue, that will be addressed by staff.

Mr. Payne said that he was required by the City to give the right-of-way to the south in order to obtain approval of the Payne Subdivision so the Morris’s would not be landlocked. Concession was made by the council that Veda Lane would be either abandoned or removed so the Morris’s still had access to the south through Samantha Lane, said Mr. Payne. The discussion was that once the Morris’s developed the property to the south, they would access their property through the southern entrance and abandon the access to the north.

Mr. Sypher said those minutes would be researched. Any representations will need to be followed. The easement is not in favor of the City, but may be in favor of the neighbor. That issue will need to be resolved.

Dennis Ivie said that in the process of the lot split, the intention was to provide access to build a house. If more than one house is built, a subdivision will be created and it will be platted so that there is access to the Morris’s property. The current plat shows a dedicated easement across the front of the Morris’s property. From the west edge of the property to the highway is a prescriptive easement, said Mr. Ivie. At some point, the Morris’s may want to access the property from the south. There may be more houses added so that the property becomes a minor subdivision. Mr. Ivie said a lot split is the only item that is currently being discussed. Hard surface roads and utility extensions can be discussed at a later date.

Loyd Upton, 5109 Hallmarc Drive, said his property adjoins the Morris’s property and was concerned as to how the variances might affect his property. Chair Dennis said the issue of tonight’s meeting concerns the requested variances.

Mr. Payne asked if the approval to the variances is granted, what other process will be necessary prior to the lot split. Board Member Martin said the next step for the lot split to advance is through the Planning and Building Divisions. Mr. Payne asked if splitting the property will cut off the Morris’s ability to use the southern right-of-way. Board Member Roe noted that the lot split was not being addressed at this time.

Mandy Culler, 5205 Hallmarc Drive, asked if she will be notified once the property is split. Dennis Ivie said she would be notified. She said her concerns do not have to do with this portion of the proposal.

Board Member Martin chose to abstain from a decision after hearing the discussion.

**Administrative Review Board Action of March 7, 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 Gregory and Pamela R. Morris, represented by Ivie Consulting LLC, for a variance (1) to reduce the front yard setback to 12.5 feet for the existing structure, (2) to reduce the northeast side yard setback to 3.5 feet for the existing structure, and (3) to increase the number of accessory structures from three to four in a
residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District.

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

NAY: None

ABSTAIN: Board Member Martin

ABSENT: None

**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:** Board Member Martin told David Sypher that the previous Community Development Director had a policy that anytime a lot was split into two lots the city, it would be considered a Minor Subdivision and a Summary Plat would need to be performed to insure that every parcel in Farmington was in a subdivision. Mr. Martin asked if this policy was going to continue or would lot splits be allowed without seeking a Summary Plat for a subdivision.

Mr. Sypher said he has not made that decision yet. He said his intent at this point, without further investigation, would be that a single lot line adjustment does not constitute a subdivision.

**Business from Staff:** Gary Leikness noted two petitions that will be heard at the next ARB meeting on April 4, 2019. Board Member Martin said he will not be available for that meeting.

**Adjournment:** The March 7, 2019 meeting of the Administrative Review Board was adjourned at 6:42 p.m.