AGENDA

Administrative Review Board
City Council Chambers
800 Municipal Drive, Farmington, NM
May 9, 2019 at 6:00 p.m.

<table>
<thead>
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<th>Item No.</th>
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1  Call Meeting to Order

2  Approval of the Agenda

3  Approval of the Minutes from the April 4, 2019 Meeting

4  Petition No. ARB 19-25 – a request from Ricky Wenzel for a variance to allow an additional curb cut of 26-feet to access a two-car garage in the SF-10, Single-family District, for property located at 6403 Hillcrest Place. (Francisco Alvarado)

5  Business from:
   Floor:
   Chairman:
   Members:
   Staff:

6  Adjournment

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

ATTENTION PERSONS WITH DISABILITIES:
The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.
ADMINISTRATIVE REVIEW BOARD  
Petition ARB 19-25  
Variance to allow for an additional curb cut of 26 feet, in the  
SF-10, Single-family 10 Residential District  
6403 Hillcrest Place  
May 9, 2019

DESCRIPTION OF PETITION
Petition No. ARB 19-25 is a request from Ricky Wenzel for a variance to allow for  
an additional curb cut of 26 feet for a two-car garage for property located at 6403  
Hillcrest Place in the Country Club Manor Replat E Subdivision in the SF-10,  
Single-family Residential District. There is an existing driveway curb cut (front  
yard) of approximately 53 feet. Pursuant to UDC Section 5.3.3(C)(1) Maximum  
curb cut width, curb cuts for two-car garages shall not exceed 24 feet, and the  
maximum curb cut for any residential property shall not exceed 32 feet. The  
property is legally described as:

Lot 9E, in Block 3, of the Country Club Manor Subdivision, as shown on  
the Replat E of Lots 9 through 17 of Block 3 and partial street vacation of  
the Amended Plat of said Subdivision, in the City of Farmington, San Juan  
County, New Mexico.

Otherwise located at 6403 Hillcrest Place

GENERAL INFORMATION
Applicant ....................... Ricky Wenzel  
Property Owner .............. Ricky Wenzel  
Location of Property ...... 6403 Hillcrest Place (R0021274)  
Nature of Petition .......... The applicant is requesting a variance to allow for an  
additional curb cut of 26 feet for a two-car garage in  
the SF-10, Single-family Residential District. There is  
an existing driveway curb cut (front yard) of  
approximately 53 feet.

Applicable Regulations . City of Farmington Unified Development Code (UDC):  
UDC 5.3.3(B) Driveways and parking lot access,  
driveways shall have a minimum of one-foot  
clearance on each side of a vertical obstruction  
exceeding 0.5 feet in height.  
UDC 5.3.3(C)(1) Maximum curb cut width, the  
required maximum width of curb cuts accessing two- 
car garages shall be 24 feet. The maximum curb cut  
for any residential property shall not exceed 32 feet.

Zoning ......................... SF-10, Single-family Residential District  
Existing Use .................... Residential  
Surrounding Zoning/......North: SF-10, Single-family Residential  
District/residential
**Land Use**

- South: SF-10, Single-family Residential District/residential
- East: SF-10, Single-family Residential District/residential
- West: SF-10, Single-family Residential District/residential

**Public Notice**

Publication of Notice of this petition appeared in the Daily Times on Sunday, April 24, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday April 17, 2019. A sign was posted on the property on Friday, April 26, 2019.

**Staff**

Francisco Alvarado, Associate Planner

**BACKGROUND**

The applicant is requesting a variance to allow for an additional curb cut of 26 feet for property located at 6403 Hillcrest Place (R0021274) in the Country Club Manor Replat E Subdivision in the SF-10, Single-family 10 Residential District.

San Juan County Tax Assessor’s records show that the size of the property is 0.773 acres. Aerial photographs and other sources provided in this memo indicate that there are two detached structures, a residential structure, a swimming pool, and a detached garage. A variance to reduce the front yard setback from 30 feet to 20 feet was approved in 2018 (ARB 18-28), to allow for the detached garage measuring 1,200 ft² (30’ x 40’) on the property.

Pursuant to UDC Section 5.3.3(C)(1), curb cuts shall conform to the following maximum width requirements:

b. Curb cuts two-car garages, carports or paved driveway: 24 feet.

d. The maximum curb cut for any residential property shall not exceed 32 feet.

The proposed additional curb cut of 26 feet for the two-car garage would be two feet wider than the maximum width required. There is also an existing driveway curb cut of approximately 53 feet to gain front-yard access. The combined width of the existing and proposed curb cuts would amount to 79 feet, exceeding the maximum width permitted by 47 feet. The applicant also has 45-foot (35-foot property) access to the subject property and off-street parking via Lola Lane. Research indicates that the property was built in 1959, prior to the 1969 zoning ordinance.

Staff found, within 0.4 miles of the applicant’s property, four properties with building permits and curb cuts exceeding the maximum length requirements. Details for each property are as follows:

- Permit no. 46351: SF-10 district, two street curb cuts, 48 feet combined, in Country Club Manor subdivision, issued 10/10/2015.
Permit no. 55178: SF-7 district, one street curb cut and one cul-de-sac curb cut, 44 feet combined, issued 05/23/2012.
Permit no. 55082: SF-7 district, one street curb cut and one cul-de-sac curb cut, 58 feet combined, issued 05/03/2012.
Permit no. 47786: SF-7 district, one street curb cut of 50 feet, issued 10/02/2006.

Effect on other modes of transportation
The 2020 Comprehensive Plan considers that a “safe and efficient transportation system is essential to the city’s economic growth. It consists not only of an integrated system of roadways, but includes alternative modes of transportation”. The Plan identifies the need to make streets more user-friendly, with pedestrian and bike facilities.\(^1\) Currently, there are no pedestrian facilities on Hillcrest Place and, in the Country Club Manor Replat E Subdivision, only two properties built in 2015 have adjacent sidewalks.

The U.S. Department of Housing and Urban Development recommends, as a planning principle of walk- and bike-friendly communities, limiting “the interruption of the pedestrian experience by driveways, [and] encouraging vehicular access from alleys or shared driveways when possible, as well as establishing driveway maximums in urban areas”.\(^2\)

On the other hand, the addition of a curb cut to the subject property would align with the traffic movement versus land access principle of the City’s Major Thoroughfare Plan. Figure 1 depicts the mutual conflict between traffic movement and direct access to property. “No facility can move traffic effectively and also provide unlimited access at the same time. Extreme examples of this concept are freeways and cul-de-sacs: the freeway moves traffic very well with few opportunities for access, while the cul-de-sac, [where the subject property is located], provides unlimited opportunities for access, and doesn’t move traffic very well.”\(^3\) Only trips having an origin or destination at a lot on the cul-de-sac would be made on such a street.\(^4\)

\(^1\) Farmington Comprehensive Plan (2002). Chapter 6 Transportation, pp. 6-1, 6-2.
Figure 1. Traffic Movement Versus Land Access

The STRAVA Heat Map (Figure 2), an online tool that displays traveler’s route choice behavior and is presented in Farmington’s 2019 Bicycle and Pedestrian Plan, shows scarce presence of bicycle and foot trips surrounding Hillcrest Drive, Country Club Drive and immediate intersections (brighter lines indicate higher frequency of use).

Figure 2. STRAVA Bicycle and Pedestrian Movement

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On-street parking

The proposed curb cut would mean taking away one on-street, cul-de-sac parking space for neighbors’ guests. Hillcrest Place, where the subject property is located, intersects Country Club Drive. The curb length from the beginning of the Hillcrest Place cul-de-sac to the intersection is approximately 130 feet. According to Duanmu et al., the average car length is 16 feet, with a space factor of 2 feet. Taking these dimensions into account, there is space for five cars to park on one side of the street (excluding the cul-de-sac) without blocking driveways or affecting intersection visibility.

Minimum clearance requirements

There are two (2) existing devices on the property’s northeast corner: one (1) water meter and one (1) water meter can located near the proposed driveway area. Upon review, staff from Water and Waste Water recommended that the proposed driveway shall have a minimum of 4-foot clearance from the devices to prevent any damage. Research found that the proposed driveway area is more than 4 feet away from the water meter and can.

Pursuant to UDC Section 5.3.3(B) Driveways and parking lot access, driveways shall have a minimum of one-foot clearance on each side of a vertical obstruction exceeding 0.5 feet in height. There are bushes exceeding 0.5 feet in height east

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of the proposed driveway area. Research found that there is clearance of approximately 4 feet between the bushes and the driveway.

**Curb backing requirements**
Pursuant to Code of Ordinances Section 24-2-5(a), “after a curb has been removed, an apron or driveway shall be placed from the curb line to the sidewalk. If no sidewalk exists, such driveway or apron shall be constructed a distance of four feet in back of the curb and raised to the top of the previous curb grade in such a manner as to prevent any drain water from running behind the curb. The driveway or apron must consist of concrete, a minimum of six inches thick, or bituminous compound not less than two inches thick, on the approved base”.

Pursuant to Code of Ordinances Section 24-2-5(b), “on all proposed curbing removals and on all existing curbing lay-downs which provide for access onto paved streets, there shall be required a minimum of four feet behind the curb line of properly placed and graded concrete or asphaltic concrete pavement”.

**UDC Development Standards**
Pursuant to UDC Section 5.2.6(2) **Off-street parking location**, “No more than 50 percent of the required front yard may be used for off-street parking or for a driveway providing access to a garage, carport or parking area located behind the front yard setback.” The front yard property line is 125-foot-long, and the proposed combined curb cut would be 79 feet in length, covering 63% of the required front yard.

**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 self-imposed, self-created or otherwise the result of actions by the applicant. He applied for a variance to place a two-car garage in a portion of the subject property that did not have driveway
access. It is a self-imposed hardship to have placed a garage prior to
securing access to the property through a curb cut variance.

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.

The literal interpretations of the provisions of the Code would not deprive
the applicant of rights commonly enjoyed by other properties in the same
district under the terms of the Code. The maximum curb cut for any
residential property shall not exceed 32 feet.

This criterion IS NOT 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 requested variance is not a minimum easing of the UDC. The
proposed curb cut of 26 feet would be a minimum easing on itself, but
there is already a 53-foot curb cut on the property. The combined length of
the proposed addition and the existing curb cut exceeds the maximum
width permitted by 47 feet. It also exceeds the longest curb cut in the
same subdivision by 29 feet, and the longest residential curb cut found
within 0.4 miles by 21 feet.

This criterion IS NOT met.

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

The requested variance is not in harmony with the general interest, the
general purpose and intent of the Code. However, the proposed curb cut
would be on a cul-de-sac, which, after reviewing the Code, Comprehensive Plan, and Bicycle and Pedestrian Plan, is not injurious to
the neighborhood or otherwise detrimental to the public welfare. The cul-
de-sac provides opportunity for land access, and would not create a
burden to parking space on Hillcrest Place, or interfere with pedestrian,
bicycle or vehicle movement.

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 allow a use not otherwise allowed in the SF-10 District.

This criterion IS NOT 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 request were denied. The subject property and off-street parking can be accessed via the Hillcrest Place 53-foot front yard driveway and the Lola Lane 45-foot rear driveway.

This criterion IS NOT met.

CONCLUSION

The Community Development Department concludes denial of ARB 19-25. However, Community Development recommends reducing the width of the existing 53-foot curb cut to 24 feet, and allowing for an additional 24-foot curb cut. This would be in alignment with the maximum allowed curb cut width for a two-car garage, and would also result in a combined curb cut width equivalent to the widest curb cut (48 feet) with a building permit (no. 46351) in the same district (SF-10) and subdivision (Country Club Manor).

RECOMMENDATION

The Community Development Department recommends denial of Petition ARB 19-25, a request from Ricky Wenzel for a variance to an additional 26-foot curb cut, in the SF-10, Single-family Residential District for property located at 6403 Hillcrest Place (R0021274) in the Country Club Manor Replat E Subdivision. However, Community Development recommends reducing the width of the
existing 53-foot curb cut to 24 feet, and allowing for an additional 24-foot curb cut. This would be in alignment with the maximum allowed curb cut width for a two-car garage, and would also result in a combined curb cut width equivalent to the widest curb cut (48 feet) with a building permit (no. 46351) in the same district (SF-10) and subdivision (Country Club Manor). Curb cut separation shall be subject to the approval of the director (UDC Section 5.3.4.C, *Curb cut separation on collectors and local streets*).
Existing access to property
Photos of subject property
Location of water meter/water meter can
# PLANNING MEMO COMMENTS SUMMARY

**ARB 19-25 6403 HILLCREST PL**

## City of Farmington Departments

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<tr>
<th>Department</th>
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<td>CD</td>
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<td>CD</td>
<td>Addressing – Planning Division</td>
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<td>CD</td>
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<td>CD</td>
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<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
<td>Existing Water Meter and Water Meter Can should not be located in proposed driveway area. Damage to can and meter can occur.</td>
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## Other Entities

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<td>Surface Land Negotiator for BP</td>
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<td>Farmington School District</td>
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<tr>
<td><strong>Applicant’s Name:</strong> Rick Wenzel</td>
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<tr>
<td><strong>Project Location:</strong> 6403 Hillcrest Pl.</td>
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<tr>
<td><strong>Address:</strong> 6403 Hillcrest Pl.</td>
</tr>
<tr>
<td><strong>E-Mail:</strong> <a href="mailto:rawenzel@hotmail.com">rawenzel@hotmail.com</a></td>
</tr>
<tr>
<td><strong>Telephone:</strong> 505-860-0560</td>
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<tr>
<td><strong>Relationship to Property Owner:</strong></td>
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<tr>
<th><strong>LEGAL DESCRIPTION OF SUBJECT PROPERTY:</strong></th>
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| **Is Property subject to deed restrictions, covenants, or homeowners’ association agreements?** Yes ☐ No X |
| **If Yes, please provide copy with application.** |

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<tr>
<th><strong>REPRESENTATIVE / CONTACT PERSON (if other than applicant)</strong></th>
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<tr>
<td><strong>Name:</strong></td>
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<td><strong>E-Mail:</strong></td>
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<td><strong>Phone:</strong></td>
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<tr>
<th><strong>OWNERSHIP</strong></th>
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<td><strong>PROPERTY OWNER:</strong> Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase. <strong>MORTGAGE HOLDERS:</strong> (If any)</td>
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<tr>
<td><strong>Name:</strong></td>
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<td><strong>Phone:</strong></td>
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<th><strong>OWNER CERTIFICATION</strong></th>
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<tr>
<td>I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the PBZ review.</td>
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| **Name:** Rick Wenzel                                       |
| **Owner's Signature:**                                      |
| **Address:** 6403 Hillcrest Pl.                             |
| **Phone / Email:** 505-860-0560 rawenzel@hotmail.com         |

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<th><strong>STAFF USE ONLY</strong></th>
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<tbody>
<tr>
<td>☐ BlueLine Copies of Plans</td>
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<tr>
<td>☐ Ownership Report (subject and surrounding properties)</td>
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<td>☐ Legal Description</td>
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<tr>
<td>☐ Detailed Statement of Proposed Use</td>
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| **Received By:** HL                                        |
| **Date:** 3/22/19                                            |
| **Fee Received:**                                            |
| **Project File No.:** AKB19-25 6403 Hillcrest               |
| **Date of Hearing/Meeting:** AKB 5/9/19                     |
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. The property previously had a lay-down curb in front of the entire house/driveway. I was granted a building permit for a 2 car garage/shop and I would like to have access to it for my vehicles by extending the lay-down curb in front of the new garage.

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. I won't be able to access my garage with my vehicles.

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.

I am asking for 26' laydown curb in front of my garage I built. The 26' is strictly for access to my new garage which is longer than the 24' Code.

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 neighborhood has plenty of regular curb which is more than enough ample parking for my neighbor's guests.

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

7. That the applicant would suffer an unnecessary hardship if the variance required were denied. If this variance is not granted I will not have access to my garage from the road for my vehicles.

Signature of Petitioner: [Signature]
Date: 3-20-19

Attach additional sheets if necessary or use the space below
I am asking for a curb cut in front of the garage I built. It is a 2 car garage and would like vehicle access to it. There is already a lay-down curb in front of my house so I am not wanting to extend the lay-down further in front of my new garage.

Rick Wenzol
(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 19-25 - a request from Ricky Wenzel for a variance to allow an additional curb cut of 26-feet for accessing a two car garage in the SF-10 Single-family Residential District, for property located at 6403 Hillcrest Place, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
Lot 9E, in Block 3, of the Country Club Manor Subdivision, as shown on the Replat E of Lots 9 thru 17 of Block 3 and partial street vacation of the Amended Plat of said Subdivision, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 6403 Hillcrest Place

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday May 9, 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 in interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.

Karen Walker
Administrative Assistant

Legal No. 1284069 published in The Daily Times on April 24, 2019.
NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 19-25

April 17, 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 Ricky Wenzel for a variance to allow an additional curb cut of 26-feet for accessing a two car garage in the SF-10 Single-family Residential District, for property located at 6403 Hillcrest Place, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Lot 9E in Block 3, of the Country Club Manor Subdivision, as shown on the Replat E of Lots 9 thru 17 of Block 3 and partial street vacation of the Amended Plat of said Subdivision, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 6403 Hillcrest Place

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, May 9, 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 Francisco Alvarado at 505-599-1333 or falvarado@fmtn.org.

Sincerely,

[Signature]

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:

Lot 9E, in Block 3, of the COUNTRY CLUB MANOR SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Replat "E" of Lots 9 thru 17 of Block 3 and partial street vacation of the Amended Plat of said Subdivision filed for record November 12, 1993.

TRACT 1
Ricky A. Wenzel
6403 Hillcrest Place
Farmington, NM 87402

TRACT 2
Ronald J. Kasulaitis and Carol Ann Kasulaitis
Revocable Trust
5612 Lola Lane
Farmington, NM 87402

TRACT 3
Farzaneh Khavafipour
800 East 30th Street, Building 4, Suite A
Farmington, NM 87401

TRACT 4
Harriet M. Kinney, Warren L. Kinney, and Erin L. Kinney
956 Antelope Drive NE
Albuquerque, NM 87122

TRACT 5
Julia Medina Trust
5706 Fairway Drive
Farmington, NM 87402

Lot 9E, in Block 3, of the COUNTRY CLUB MANOR SUBDIVISION REPLAT "E", in the City of Farmington, San Juan County, New Mexico, filed for record November 12, 1993.

Book 1573, page 142

Lot 1, in Block 4, of the COUNTRY CLUB MANOR SUBDIVISION AMENDED, in the City of Farmington, San Juan County, New Mexico, filed for record October 15, 1958.

Book 1483, page 82

That part of the NW1/4SW1/4 of Section 29, in Township 30, North of Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 1359, page 53

That part of the SW1/4 of Section 29, in Township 30, North of Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 1486, page 422

That part of the W1/2NW1/4SW1/4 of Section 29, in Township 30, North of Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 1439, page 561
TRACT 6
Calvin Mathews
6401 Hillcrest Place
Farmington, NM 87402

Lot 8, in Block 3, of the COUNTRY CLUB MANOR SUBDIVISION AMENDED, in the City of Farmington, San Juan County, New Mexico, filed for record October 15, 1958.

Book 1621, page 984

TRACT 7 & 8
Daniel J. Casey and Rebecca J. Casey
6400 Hillcrest Place
Farmington, NM 87402

Lot 5, in Block 3, of the COUNTRY CLUB MANOR SUBDIVISION AMENDED, in the City of Farmington, San Juan County, New Mexico, filed for record October 15, 1958.

Book 1514, page 399

AND

Lot 6, in Block 3, of the COUNTRY CLUB MANOR SUBDIVISION AMENDED, in the City of Farmington, San Juan County, New Mexico, filed for record October 15, 1958.

Book 1278, page 731
Book 1514, page 399

TRACT 9
Dante L. Vick
6409 Hillcrest Place
Farmington, NM 87402

Lot 11E, in Block 3, of the COUNTRY CLUB MANOR SUBDIVISION REPLAT "E", in the City of Farmington, San Juan County, New Mexico, filed for record November 12, 1993.

Book 1609, page 843

TRACT 10
McFarling Revocable Trust
6410 Putter Place
Farmington, NM 87402

Lot 12E, in Block 3, of the COUNTRY CLUB MANOR SUBDIVISION REPLAT "E", in the City of Farmington, San Juan County, New Mexico, filed for record November 12, 1993.

Book 1499, page 640

TRACT 11
Fortner Revocable Trust
6405 Putter Place
Farmington, NM 87402

Lot 14E, in Block 3, of the COUNTRY CLUB MANOR SUBDIVISION REPLAT "E", in the City of Farmington, San Juan County, New Mexico, filed for record November 12, 1993.

Book 1398, page 404
TRACT 12
Darrel Murray and Veronica McMahon
5600 Lola Lane
Farmington, NM 87402

Lot 2, in Block 4, of the COUNTRY CLUB MANOR SUBDIVISION AMENDED, in the City of Farmington, San Juan County, New Mexico, filed for record October 15, 1958.

Book 1339, page 69

TO: April 4, 2018, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Autumn Yocum, Abstracter
The Administrative Review Board met in regular session on Thursday, April 4, 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:

Francisco Alvarado
Derrick Childers
Helen Landaverde
David Sypher
Karen Walker

Others addressing the Board:

Simon Alvarez
Le Na Amburn

Call to Order

The meeting was called to order at 6:02 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 Johanson and seconded by Board Member Dennis to approve the agenda. The motion passed unanimously by a vote of 4-0.

Approval of the Minutes from the March 7, 2019 Regular Meetings

Board Member Johanson made a motion to approve the minutes of the March 7, 2019 regular meeting. The motion was seconded by Board Member Roe and passed unanimously by a vote of 4-0.

Approval of the Open Meetings Resolution

A motion was made by Board Member Johanson and seconded by Board Member Roe to approve the Open Meetings Resolution for 2019 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 19-17

Variance to allow for an existing building to encroach into the required rear yard & interior side yard setbacks, and to allow a second story addition with a zero-foot interior side yard setbacks.
Discussion of ARB No. 19-17 on April 4, 2019
Associate Planner Helen Landaverde presented the staff report for ARB 19-17, a request from Simon Alvarez to reduce the rear yard setback from 25-feet to 0-feet, to reduce the interior side yard from 8-feet to 0-feet, and to allow a second story addition for a bedroom and porch with a 0-foot interior side yard setback for the existing building in the MF-L, Multifamily Low Density District for property located at 943 Schofield Lane.

Original construction for the single family home was completed in 1955, prior to the 1969 and 2002 building code. Additional alterations to the home were also made prior to that time and completed in 1999.

Ms. Landaverde said ARB 19-17 meets the variance criteria listed in section 8.12.4 of the UDC, Unified Development Code. Community Development recommends approval.

Chair Dennis asked if the footprint of the home will be changed and if the original home was built with 0-foot setbacks. Ms. Landaverde said the footprint will not change and confirmed that the home appears to have been built with 0-foot setbacks.

Derrick Childers, Chief Building Inspector, discussed issues that would have to be met concerning the fire code due to the setbacks.

Simon Alvarez, 943 Schofield Lane, said he is trying to remodel the inside and outside of his house.

Administrative Review Board Action of April 4, 2019
A motion was made by Board Member Martin and seconded by Board Member Johanson to approve Petition No. ARB 19-17, a request from Simon Alvarez to reduce the rear yard setback from 25-feet to 0-feet, to reduce the interior side yard from 8-feet to 0-feet, and to allow a second story addition with a 0-foot interior side yard setback for the existing building in the MF-L, Multifamily Low Density District for property located at 943 Schofield Lane.

AYE: Chair Dennis, Board Members Johanson, Martin, and Roe.
NAY: None
ABSTAIN: None
ABSENT: None

APPROVED 4-0

Petition No. ARB 19-19
Variance to allow four duplexes and accessory structures to encroach into the rear, side, and front yard setbacks for an existing building

Board Member Martin declared a conflict of interest and recused himself. Mr. Martin acted as the representative for Sakura Engineering for this petition.

Discussion of ARB No. 19-19 on April 4, 2019
Associate Planner Helen Landaverde presented the staff report for ARB 19-19, a request from Scott Bird, represented by Sakura Engineering to reduce the rear yard setback from 25-feet to 0-feet, to reduce the interior side yard setback from 8-feet to 0-feet, and to reduce the front yard
setback from 20-feet to 0-feet, for the existing building in the MF-M, Multifamily Medium Density District for property located at 241 N. Schwartz Avenue.

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

The petitioner is proposing to do a lot split; however, the existing structures do not meet the required setbacks in the MF-M District. The variance request is for buildings A-G, as shown in Figure 2 of the ARB April 4, 2019 Agenda Book.

The Chief Building Official, Derrick Childers, commented that the open area between the two carports will need to be addressed prior to a lot split to meet the requirement of the IRC.

This petition does not meet criteria 1 and 7 in section 8.12.4 of the UDC. The Community Development Department recommends denial of this petition; however, the ARB Board has authority to determine whether criteria 1 and 7 are met and has final authority on the approval or denial of this petition.

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.

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.

Board Member Johanson asked what the options were for the petitioner to meet the code. Derrick Childers said the intention is to stop conflagration between the two carports if a fire should happen so that the fire did not spread as quickly to other buildings. The options are to tear one of the carports down or to build a 1-hour fire wall to prevent flames from spreading sideways. Mr. Childers said he has discussed the issue with Sakura Engineering and Sakura is
proposing to build two 1-hour walls, one on each carport. The recommendation is to prevent the rapid spread of fire.

Paul Martin, Sakura Engineering, 125 W. Main Street, said the residences have been there for a long time. The 4 brick duplexes were built before the metal carports were built. Mr. Martin said he is working with the building department to design two 1-hour fire walls between the two carports. He said the owner of the remaining units understands what needs to be done if changes are made in the future. Mr. Martin said there is approximately 18” between these two carports. Chair Dennis asked if there would be room to clean the area between the fire walls. Mr. Martin said there will be a 2-3” gap at the bottom of the fire walls.

Le Na Amburn, 241 N. Schwartz, Apt. 4B, presented pictures showing the carports. She said she has no problems with the lot split or the variances.

Paul Martin reminded the Board that they were only approving the variance to the setbacks. He said the variance was for the entire property at 241 N. Schwartz so that a variance would not be necessary again.

Board Member Roe questioned criteria 7 as to whether the applicant would suffer an unnecessary hardship if the petition were denied. Ms. Landaverde said the lot split is self-created and is not considered a hardship. Ms. Landaverde suggested making a variance recommendation for the existing structures and not to the setbacks for the entire property so if the structures were ever removed, the property could come into compliance.

Chair Dennis asked what would happen if the carports were torn down. Derrick Childers said the only life safety issue is between the two carports. Even without the lot split, the carports would not meet conformity.

Chair Dennis asked if approval of this petition will set a precedence. Mr. Childers said it would not set a precedence. This is a reasonable solution whether the property is split or not.

**Administrative Review Board Action of April 4, 2019**
A motion was made by Board Member Roe and seconded by Board Member Johanson to approve Petition No. ARB 19-19, a request from Scott Bird, represented by Sakura Engineering to reduce the rear yard setback from 25-feet to 0-feet, to reduce the interior side yard setback from 8-feet to 0-feet, and to reduce the front yard setback from 20-feet to 0-feet for the existing building in the MF-M, Multifamily Medium Density District for property located at 241 N. Schwartz Avenue.

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:** There was no business from the Members.

**Business from Staff:** David Sypher introduced Francisco Alvarado, the new Associate Planner for Community Development.

**Adjournment:** The April 4, 2019 meeting of the Administrative Review Board was adjourned at 6:51 p.m.

_________________________________                   ________________________________
James Dennis-Chair         Karen Walker-Administrative Assistant