

A G E N D A

Administrative Review Board
City Council Chambers
800 Municipal Drive, Farmington, NM
October 3, 2019 at 6:00 p.m.

Item No.		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes from the September 5, 2019 Meeting	17
4	Petition No. ARB 19-81 – a request from Marilyn Hendricks to reduce the front yard setback from 20 feet to 15 feet to allow for a carport in the SF-7, Single-family Residential District for property located at 1007 Delhi Terrace. (Beth Escobar)	1
5	Discussion regarding security at City Hall	
6	Business from: Floor: Chairman: Members: Staff:	
7	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 19-81

Variance to allow for reduction of the required 20-foot front setback to a carport

1007 Delhi Terrace

October 3, 2019

DESCRIPTION OF PETITION

Petition No. ARB 19-81 is a request from Marilyn Hendricks, owner of property at 1007 Delhi Terrace, to reduce the required 20-foot setback from the front property line for a carport to 15 feet.

LEGAL DESCRIPTION

Lot 10, of the Delhi Terrace Subdivision, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 1, 1973.

Otherwise located at 1007 Delhi Terrace

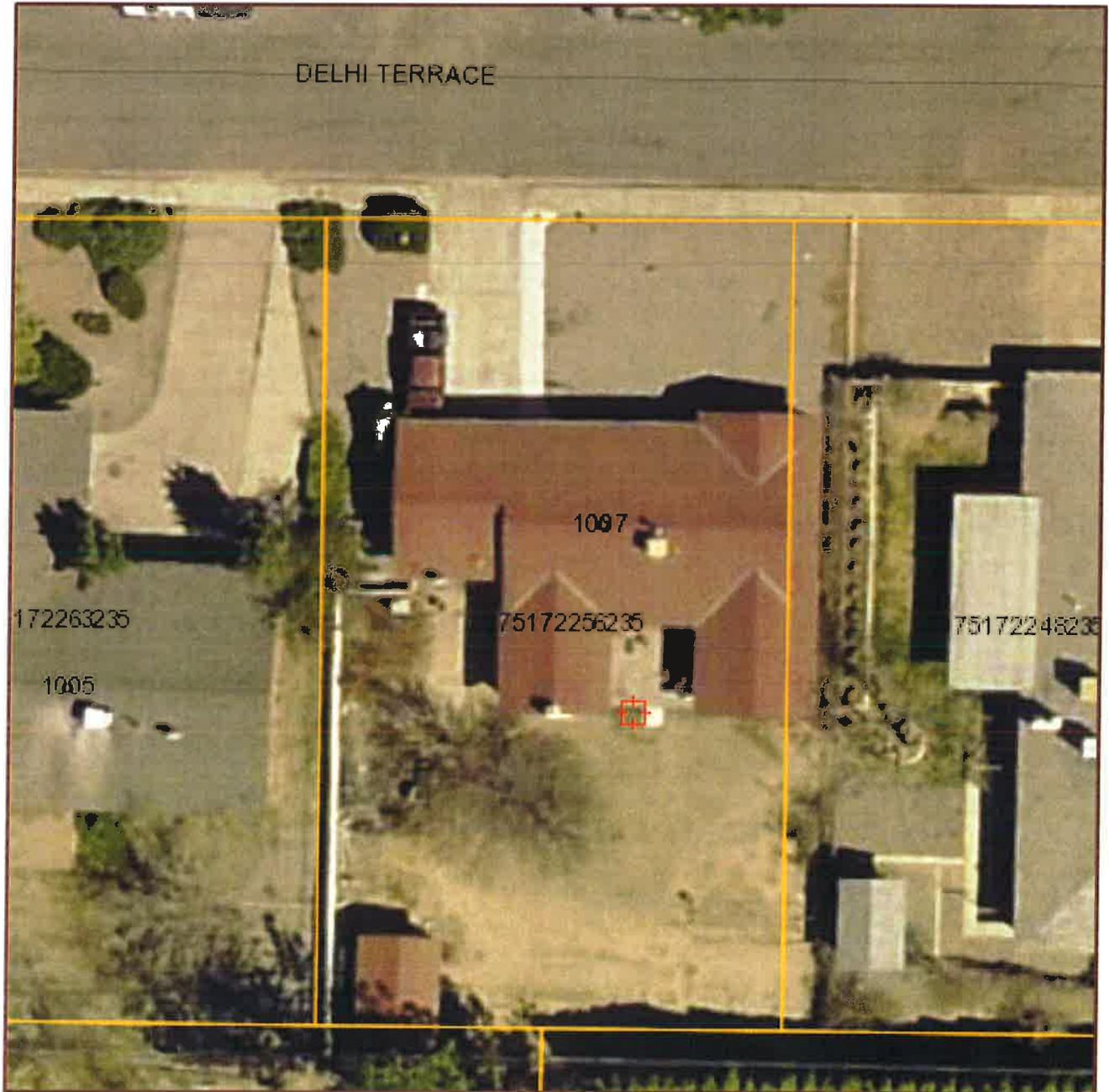
GENERAL INFORMATION

Applicant	Marilyn Hendricks, represented by Chuck Melazzo
Property Owner	Marilyn Hendricks
Location of Property	1007 Delhi Terrace, Farmington, NM
Nature of Petition	The petitioner is requesting a reduction to the required 20-foot front yard setback for a carport.
Applicable Regulations	City of Farmington Unified Development Code (UDC): Section 2.8.3.C.2.d. (4) requires all garages and carports to maintain a 20-foot front yard setback.
Zoning	SF-7 Single-family Residential
Existing Use	Residential.
Surrounding Zoning	North: SF-7, Single-family Residential District/Delhi-Terrace Subdivision South: SF-7, Single-family Residential District/Crestview Park Subdivision East: SF-10, Single-family Residential District/ Delhi-Terrace Subdivision West: SF-10, Single-family Residential District/ Delhi-Terrace Subdivision
Land Use	
Public Notice	Publication of Notice of this petition appeared in the Daily Times on Sunday, September 15, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday September 11, 2019. A sign was posted on the property on Friday, September 20, 2019.
Staff	Beth Escobar, Planning Manager

BACKGROUND

The applicant is requesting a reduction of the 20-foot required setback to 15 feet to allow for installation of a carport on her property.

Per the Petitioner's application, the original garage has been modified and is no longer useable as a garage. The carport will provide a safe access for the owner from the front door of the house to where she parks her vehicle.



ISSUES

City of Farmington Building Official

- The carport will need to be located five feet from the side property line.

Input from neighbors:

The applicant submitted a note showing support for the variance from six of her neighbors:

To Whom It May Concern:

Marilyn Hendricks desires to have a car port erected in her driveway in order to help protect the vehicles. It will also be of benefit to her during the winter months as the ice will not accumulate next to the car. The city has stated all the neighbors within 100 feet must give their OK since she must have their approval for this to happen. If you agree with this plan, please sign your name and address.

Thank you.

Wayne & Marianna Morrison 1012 Delhi Terrace
Julia & Kristi Lockman 1008 Delhi Terrace
Kristi F. Hodges 1008 Delhi Ter.
Jeffrey A. Young 1009 Delhi Ave
Karin D. By 1010 Delhi Terrace

Karen Peacock Kadence - gave consent by telephone,
1005 Delhi Terrace is vacant - Karen lives on the East Coast
(New Jersey)

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 garage was modified prior to purchase by the present owner. It no longer functions as a garage.

This criterion IS met.

- 2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code.**

The 20-foot carport setback requirement does not apply to subdivisions created prior to April 9, 1969. The Delhi Terrace subdivision was platted in 1973. There are several SF-7 subdivisions in the City that were platted prior to 1969. The Crestview Park Subdivision which abuts Delhi Terrace on the south and west was first recorded in 1906.

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 requested variance of five feet is a minimum easing of the UDC. The carport will be open on all sides allowing preservation of the visibility triangle 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.**

The requested variance is in harmony with the general interest, the general purpose and intent of the Code. In this situation, a five foot reduction in the front setback will have minimum impact on the neighborhood. Delhi Terrace is a cul-de-sac accessed by a total of eleven homes. It is not a high traffic area. The reduction by five feet to the front yard setback for a carport will not impact anyone outside this portion of the subdivision.

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 not otherwise allowed in the SF-7 District.

This criterion IS met.

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

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

This criterion IS met.

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

As stated in the application, installation of the carport will provide the petitioner safe access to and from her vehicle.

This criterion IS met.

CONCLUSION

The Community Development Department concludes that approval of ARB 19-81 is a minimum easing of the code, meets the intent of the code and is a property that has characteristics unique enough to allow for a reduction in the 20-foot front yard setback requirement for a carport.

RECOMMENDATION

The Community Development Department recommends **approval** of Petition ARB 19-81 from Marilyn Hendricks, for a variance to allow for a reduction in the required front yard setback for a carport from 20 feet to 15 feet subject to the following conditions:

1. The carport will need to be located no closer than 5 feet from the side property line or a 1 hour wall will need to be constructed. (From the support posts with a max. 2 foot overhang)

PLANNING MEMO COMMENTS SUMMARY

ARB 19-81 1007 DELHI TERRACE

Deadline: 9/19/19

City of Farmington Departments

CD	Director	
CD	Addressing – Planning Division	
CD	Chief Building Official – D. Childers	I - The carport will need to be located no closer than 5 feet from the side property line or a 1 hour wall will need to be constructed. (From the support posts with a max. 2 foot overhang)
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector – L. Simms	
CITY	City Manager’s Office – J. Baird	No comment
ELEC	Customer Care Manager – L. Richardson	
ELEC	Electrical Engineering – L Aligarbes	
ELEC	T & D – R. Romero	
FIRE	Fire Captain – K. Rix	
FIRE	Fire Marshall – B. Vega	No comment
LEGAL	City Attorney – J. Breakell	
LEGAL	Deputy City Attorney – E. Wayne	No comment
POLICE	Code Compliance – M. Romero	No comment
POLICE	Sergeant – P. Flores	
PRCA	S. Reeves/ R. Crosby	
PRCA	ORII – C. Styron	
PW	City Engineer – N. Westerling	
PW	Engineering – T. Sitta	No comment
PW	Streets Superintendent	
PW	Traffic Engineer – I. BlueEyes	No comment
PW	Water/Waste Water – M. Tso	No comment

Other Entities

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

PETITION APPLICATION		
	<p>Incomplete applications will not be accepted.</p> <p>Return completed application to:</p>	<p>Planning Division Community Development Department City of Farmington 800 Municipal Drive Farmington, NH 07401 (505) 599-1317 (505) 599-1299 (fax)</p>
PROJECT TYPE (Check Those Applicable)		
<input type="checkbox"/> Annexation and / or Zoning <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plan	<input type="checkbox"/> Summary Plat <input type="checkbox"/> Special Use Permit <input checked="" type="checkbox"/> Variance (ARB)	<input type="checkbox"/> Zone Change to _____ District <input type="checkbox"/> Temporary Use Permit Proposed Length of Use: _____ <input type="checkbox"/> Well site equipment modification
INFORMATION		
Applicant's Name: <u>Marilyn Hendricks</u>	Project Location: <u>1007 Delhi Terrace</u>	
Address: <u>1007 Delhi Terrace</u>	Existing Use: _____	
E-Mail: <u>Wenken2002@yahoo.com</u>	Proposed Use: <u>Car Port</u>	
Telephone: <u>(505) 326-2409</u>	Current Zoning: _____	
Relationship to Property Owner: _____	Assessor's Parcel I.D. and/or Tax I.D. Number: _____	
Legal Description of Subject Property:		
Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If Yes, please provide copy with application.		
REPRESENTATIVE / CONTACT PERSON (if other than applicant)		
Name: <u>Chuck Melazzo</u>	E-Mail: <u>chuckmelazzo@aol.com</u>	
Phone: <u>(505) 326-0016</u>	Address: <u>6635 Highland Drive ENG, NH</u>	
OWNERSHIP		
<small>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary Specify type of ownership interest Fee, Real Estate Contract, Option to Purchase)</small>	<small>MORTGAGE HOLDERS (if any)</small> <u>N/A</u>	
Name: <u>Marilyn Hendricks</u> Phone: <u>(505) 326-2409</u>	Name: _____	Phone: _____
Address: <u>1007 Delhi Terrace - Farmington</u>		
OWNER CERTIFICATION <small>* (Physical and Mailing)</small>		
<small>I certify that I am an owner and the information and address herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.</small>		
Name: <u>Marilyn Hendricks</u>	Address: <u>1007 Delhi Terrace</u>	
Owner's Signature: <u>Marilyn Hendricks</u>	Phone / Email: <u>(505) 326-2409</u>	
STAFF USE ONLY		
Received By: <u>KW</u>	<input type="checkbox"/> Blue-line Copies of Plans _____	
Date: <u>9/5/19</u> Fee Received: <u>70 -</u>	<input type="checkbox"/> Ownership Report (subject and surrounding properties) _____	
Project File No: <u>ARB 19-81 1007 Delhi Terrace</u>	<input type="checkbox"/> Legal Description _____	
Date of Hearing/Meeting: <u>ARB 10/3/19</u>	<input type="checkbox"/> Detailed Statement of Proposed Use _____	

Document 2

Metal Depot - Carport Co

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 existing garage was modified prior to applicants purchase and is no longer usable as a 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. *The 25' distance to the curb is only applicable to this very small subdivision which is surrounded by other similar long lot subdivisions only requiring a 10' offset to curb.*
3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building or structure. *This structure imposes no safety issues AND as stated before is surrounded by other sub-divisions with only a 10' offset to curb.*
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. *Structure is professional metal structure that imposes no reduced line of site and will meet all other offset requirements.*
5. That the proposed variance will not permit a use not otherwise allowed in the underlying district. *Structure is only intended to provide covered parking and cover over sidewalk next to drive-way. This is a critical safety measure in winter conditions for applicant who is senior lady living by her self who substitutes teaches to augment retirement income.*

JUSTIFICATION OF VARIANCE
(Continued)

5. 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.

Note that surrounding subdivisions allow 10' OFFSETS.

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

Applicant is ⁴⁰ elderly widow living alone. She works as substitute teacher to augment social security. This area will provide curbs to sidewalk adjacent to driveway to help prevent snow and ice accumulation and risk of falls and injury.

Signature of Petitioner: Marilyn Hendrick

Date: 9/5/19

Attach additional sheets if necessary or use the space below

**(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 19-81- a request from Marilyn Hendricks for a variance to reduce the required front yard setback from 20 feet to 15 feet for a carport in the SF-7, Single-family Residential District, for property located at 1007 Delhi Terrace, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
Lot 10, of the Delhi Terrace Subdivision, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 1, 1973.

Otherwise located at 1007 Delhi Terrace

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday October 3, 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 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. 1296357
published in The Daily Times on September 15, 2019.

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 19-81**

September 11, 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 Marilyn Hendricks for a variance to reduce the required front yard setback from 20 feet to 15 feet for a carport in the SF-7, Single-family Residential District, for property located at 1007 Delhi Terrace, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 10, of the Delhi Terrace Subdivision, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 1, 1973.

Otherwise located at 1007 Delhi Terrace

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, October 3, 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 Beth Escobar at 505-599-1285 or bescobar@fmtn.org.

Sincerely,



Karen Walker
Administrative Assistant

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

Lot Ten (10), of the DELHI-TERRACE SUBDIVISION, in the City of Farmington, San Juan County,
New Mexico, as shown on the Plat of said Subdivision filed for record June 1, 1973.

TRACT 1

Wendall E. and Marjln Hendricks
1007 Delhi Terrace
Farmington, NM 87401

Lot Ten (10), of the DELHI-TERRACE
SUBDIVISION, in the City of Farmington, San Juan
County, New Mexico, as shown on the Plat of said
Subdivision filed for record June 1, 1973.

Book 983, page 453

TRACT 2

Marcy Francis Dean and Candace Ann Trust
1010 Delhi Terrace
Farmington, NM 87401

Lot Two (2), of the DELHI-TERRACE
SUBDIVISION, in the City of Farmington, San Juan
County, New Mexico, as shown on the Plat of said
Subdivision filed for record June 1, 1973.

Book 1607, page 576

TRACT 3

G. Wayne and Marianna H. Morrison
1012 Delhi Terrace
Farmington, NM 87401

That part of Tract of Lot 7 of CRESTVIEW PARK, as
shown on the Plat of said Subdivision filed for record
September 8, 1906, described as follows:
BEGINNING at a point which is South 89°47' East
146 feet from the center of Section 10, in Township 29
North of Range 13 West, N.M.P.M.
THENCE South 89°47' East 73.2 feet;
THENCE South 00°15' West 132.5 feet
THENCE North 89°17' West 73.2 feet;
THENCE North 00°15' East 132.5 feet to the point of
beginning.

Book 830, page 90

TRACT 4

John Burgett
1102 Delhi Terrace
Farmington, NM 87401

That part of the Northwest Quarter of the Southeast
Quarter of Section 10, Township 29 North of Range 13
West, N.M.P.M., in the City of Farmington, and also
being part of Tract 7 of CRESTVIEW PARK, as
shown on the Plat of said Subdivision filed for record
September 8, 1906.

Book 1635, page 522

TRACT 8

Christensen Living Trust
948 E. Navajo Street
Farmington, NM 87401

That part of Tract A in Lot 7, of the CRESTVIEW PARK SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Replat of said Subdivision filed for record December 31, 1980, and described as follows:

BEGINNING at a point in the North line of Navajo Street which is South 89°47' East 104.00 feet from the Southwest corner of said Tract 3, of said CRESTVIEW PARK, said point also being the Southeast corner of a tract described in a Real Estate Contract between Sophus E. Jensen et ux and Allan M. Black et ux recorded in Book 571, page 44, records of said County;
THENCE North 00°16' East 150 feet along the East line of the tract described in said Real Estate Contract;
THENCE South 89°47' East 117 feet, more or less, to the Northeast corner of the tract conveyed to the Grantor, Sophus E. Jensen, by Warranty Deed recorded in Book 453, page 47;
THENCE South 00°16' West 150 feet, more or less along the West line of Smith Avenue to the North line of Navajo Street;
THENCE North 89°47' West 117 feet, more or less, along the North line of Navajo Street to the Point of beginning.

Book 1228, page 534

TRACT 9

Janyd G. and Hannelore M. Collyer
934 East Navajo Street
Farmington, NM 87401

That part of Lots 3 and 7, of the CRESTVIEW PARK SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 8, 1906, described as follows:

BEGINNING at a point which is 325 feet South 0°16' West and 47 feet North 89°47' West from the center of Section Ten (10), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P., San Juan County, New Mexico;
THENCE South 0°16' West 150 feet to a point on the North right of way line of East Navajo Street;
THENCE South 89°47' East 148 feet along said right-of-way line;
THENCE North 0°16' East 150 feet;
THENCE North 89°47' West 148 feet to the point of beginning.

Book 1625, page 784

TRACT 10

Daniel L. and Karen Peacock Kadance
1005 Delhi Terrace
Farmington, NM 87401

Lot Nine (9), of the DELHI-TERRACE
SUBDIVISION, in the City of Farmington, San Juan
County, New Mexico, as shown on the Plat of said
Subdivision filed for record June 1, 1973.

Book 1147, page 451

TRACT 11

Louise M. Sanchez
1003 Delhi Terrace
Farmington, NM 87401

Lot Eight (8) of the DELHI-TERRACE
SUBDIVISION, in the City of Farmington, San Juan
County, New Mexico, as shown on the Plat of said
Subdivision filed for record June 1, 1973.

Book 1370, page 834

TRACT 12

Steven L. and Ramona R. Lucero
1006 Delhi Terrace
Farmington, NM 87401

Lot Four (4) of the DELHI-TERRACE
SUBDIVISION, in the City of Farmington, San Juan
County, New Mexico, as shown on the Plat of said
Subdivision filed for record June 1, 1973.

Book 1461, page 570

TRACT 13

Julius T. and Kristi L. Ledesma
1008 Delhi Terrace
Farmington, NM 87401

Lot Three (3) of the DELHI-TERRACE
SUBDIVISION, in the City of Farmington, San Juan
County, New Mexico, as shown on the Plat of said
Subdivision filed for record June 1, 1973.

Book 1461, page 570

TO: August 30, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY



By: Rebekah Esmiol, Abstractor

MINUTES
ADMINISTRATIVE REVIEW BOARD
September 5, 2019 – 6:00 P.M.

The Administrative Review Board met in regular session on Thursday, September 5, 2019 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present

Chair-James Dennis
Vice Chair-Paul Martin
Brian Erickson
Jeff Johanson

Members absent: None

Staff present: Beth Escobar
Karen Walker

Others addressing the Board: Victor Prado
Louis Vigil

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 Martin 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 June 6, 2019 Regular Meetings

Board Member Martin made a motion to approve the minutes of the June 6, 2019 regular meeting. The motion was seconded by Chair Dennis 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 19-72
Variance to allow for a six-foot fence in the side yard setback
5608 Ravella Drive

Discussion of ARB No. 19-72 on September 5, 2019

Planning Manager Beth Escobar presented the staff report for ARB 19-72, a request from Victor Prado for a variance to reduce the side yard setback of 15 feet to 6 feet for a six-foot high fence

in the SF-10, Single-family Residential District for property located at 5608 Ravella Drive. The property has an existing home and is on a corner lot.

Per UDC 5.4.4.4, "Where a corner lot abuts an interior side yard of the property to the rear, there shall be a front yard setback on both streets with the street side yard being equal to the front yard of the lot to the rear but in no case less than 15 feet." UDC 5.4.4A requires fences in setbacks to be no more than 3 feet in height.

Ms. Escobar noted the property owners to the north, Louis Vigil, at 5103 Lee Lane, have a driveway that abuts the rear yard of Mr. Prado and will be along the property line for the proposed 6-foot fence. Staff has listened to Mr. Vigil's concerns and has proposed a stipulation of approval if the Board approves this petition.

One of the reasons the UDC, Unified Development Code, is written this way is to preserve a site triangle for the property to the north. UDC 5.3.6 requires a 20-foot visibility triangle for driveways entering a local street. The 20 feet is measured from the back of the curb.

The applicant states this is the best location of the fence and wishes to store a car trailer and have a secure area for grandchildren and dogs.

The Community Development Department concludes that approval of ARB 19-72 is a minimum easing of the code, meets the intent of the code and is a property that has characteristics unique enough to allow for a reduction in the side yard setback requirement for a six-foot fence.

Specifically, staff finds that since the property is a corner lot, the size of the rear yard is diminished and the petitioners use their side yard as their main outdoor area.

Staff recommends approval with the following stipulations:

- Upon submittal of the building permit for the fence, a field inspection by staff will be completed ensuring visibility triangle is protected for vehicles exiting the property to the north.
- The new fence shall be constructed on the south side of the existing railroad ties.

Board Member Martin expressed concern on the actual property lines for the property. If the fence is constructed on the south side of the existing railroad ties, Mr. Martin questioned whether the petitioner would forfeit some of his property. Ms. Escobar said clarity of the actual property line is not shown and Mr. Prado has agreed to place the fence on the south side of the railroad ties.

Chair Dennis asked if there is potential safety issues with the neighbor to the north not having adequate space to be able to see when backing out of his driveway. Ms. Escobar said there is a potential that it could be an issue, which is why the stipulation of a field inspection was included in the approval.

Victor Prado, 5608 Ravella Drive, stated that he would like the 6-foot fence to hide the weeds, keep his grandchildren safe, and to prevent the neighborhood children from walking on the top of his slump block wall and getting hurt.

Ms. Escobar clarified that the fence will be three sided and will enclose an area.

Louis Vigil, 5103 Lee Lane, stated that the railroad ties are on his property and he would like to remove them and build a block wall the same height as the railroad ties. The block wall would prevent the shifting of dirt against Mr. Prado's fence and causing damage. Mr. Vigil noted that his property is higher in that area than his neighbors. He said he does not have any problems with the proposed fence.

Mr. Prado said he has lived at this property for 30 years. When he built the slump block wall, he was not able to put a cap on the top of the wall. Mr. Prado said he spoke with a woman at the City and was told he had to have an engineer inspect the wall before he could put a cap on it. Chair Dennis said the woman might not have understood what Mr. Prado wanted to do. An engineer is not necessary to put a cap on the slump block wall.

Administrative Review Board Action of September 5, 2019

A motion was made by Board Member Martin and seconded by Board Member Erickson to **approve** Petition No. ARB 19-72, a request from Victor Prado for a variance to reduce the side yard setback of 15 feet to 6 feet for a six-foot high fence in the SF-10, Single-family Residential district for property located at 5608 Ravella Drive with the following stipulations:

- Upon submittal of the building permit for the fence, a field inspection by staff will be completed ensuring visibility triangle is protected for vehicles exiting the property to the north.
- The new fence shall be constructed on the south side of the existing railroad ties.

AYE: Chair Dennis, Members Erickson, Johanson, and Martin.

NAY: None

ABSTAIN: None

ABSENT: None

APPROVED 4-0

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

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

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

Business from Staff: Beth Escobar introduced herself to the ARB Board members, and mentioned Helen Landaverde's recent resignation.

Ms. Escobar announced the Comprehensive Plan Update Kickoff that will take place over the weekend, and the UDC update that will begin med September.

Adjournment: The September 5, 2019 meeting of the Administrative Review Board was adjourned at 6:37 p.m.

James Dennis - Chair

Karen Walker - Administrative Assistant