

**MINUTES
ADMINISTRATIVE REVIEW BOARD
January 3, 2019 – 6:00 P.M.**

The Administrative Review Board met in regular session on Thursday, January 3, 2019 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present Jeff Johanson
Paul Martin
Oliver Roe

Members absent: James Dennis

Staff present: Gary Leikness
Mary Holton
Karen Walker

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

Call to Order

The meeting was called to order at 6:15 p.m. by Acting Chair Paul Martin and there being a quorum present the following proceedings were duly had and taken.

Approval of the Agenda

A motion was made by Board Member Roe and seconded by Board Member Johanson to approve the agenda. The motion passed unanimously by a vote of 3-0.

Approval of the Minutes from the December 6, 2018 Regular Meetings

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

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

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

Gary Leikness noted that a quorum of three is necessary and in regards to decision making, all three members must vote. Board Member Roe said that Sakura was paid to do survey work regardless of the outcome of this hearing; therefore, there, he thinks there is no financial benefit because Sakura has already been paid. The Board Members decided to decline a recusal of Paul Martin.

Swearing in of Witnesses

All parties that wished to speak on behalf of any agenda item were sworn in by Karen Walker.

Petition No. ARB 18-91

Variance to allow for an existing building to encroach into the required 20-foot rear yard setback and allow for a 7.5-foot rear yard setback

Discussion of ARB No. 18-91 on January 3, 2019

Planning Manager Gary Leikness presented the staff report for ARB 18-91, a request from Sean Dugan (DPC Acquisitions, LLC), for a variance to reduce the 20-foot required rear yard setback for the IND, Industrial District, to 7.5-feet to allow the existing building in the northeast section to be brought into conforming status, for property located at 3100 Bloomfield Highway.

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

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

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

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

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

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

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

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

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

Administrative Review Board Action of January 3, 2019

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

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

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

NAY: None

ABSTAIN: None

ABSENT: Chair Dennis

APPROVED 3-0

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

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

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

Business from Staff: There was no business from Staff.

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


Paul Martin-Acting Chair


Karen Walker-Administrative Assistant