

**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.

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**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.

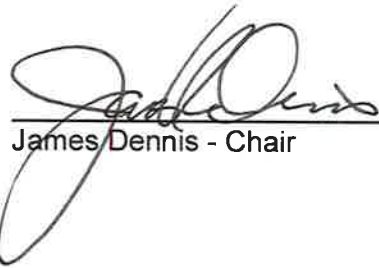
**Business from the Chair:** There was no business from the Chair.

**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.



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James Dennis - Chair



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Karen Walker - Administrative Assistant

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