

# A G E N D A

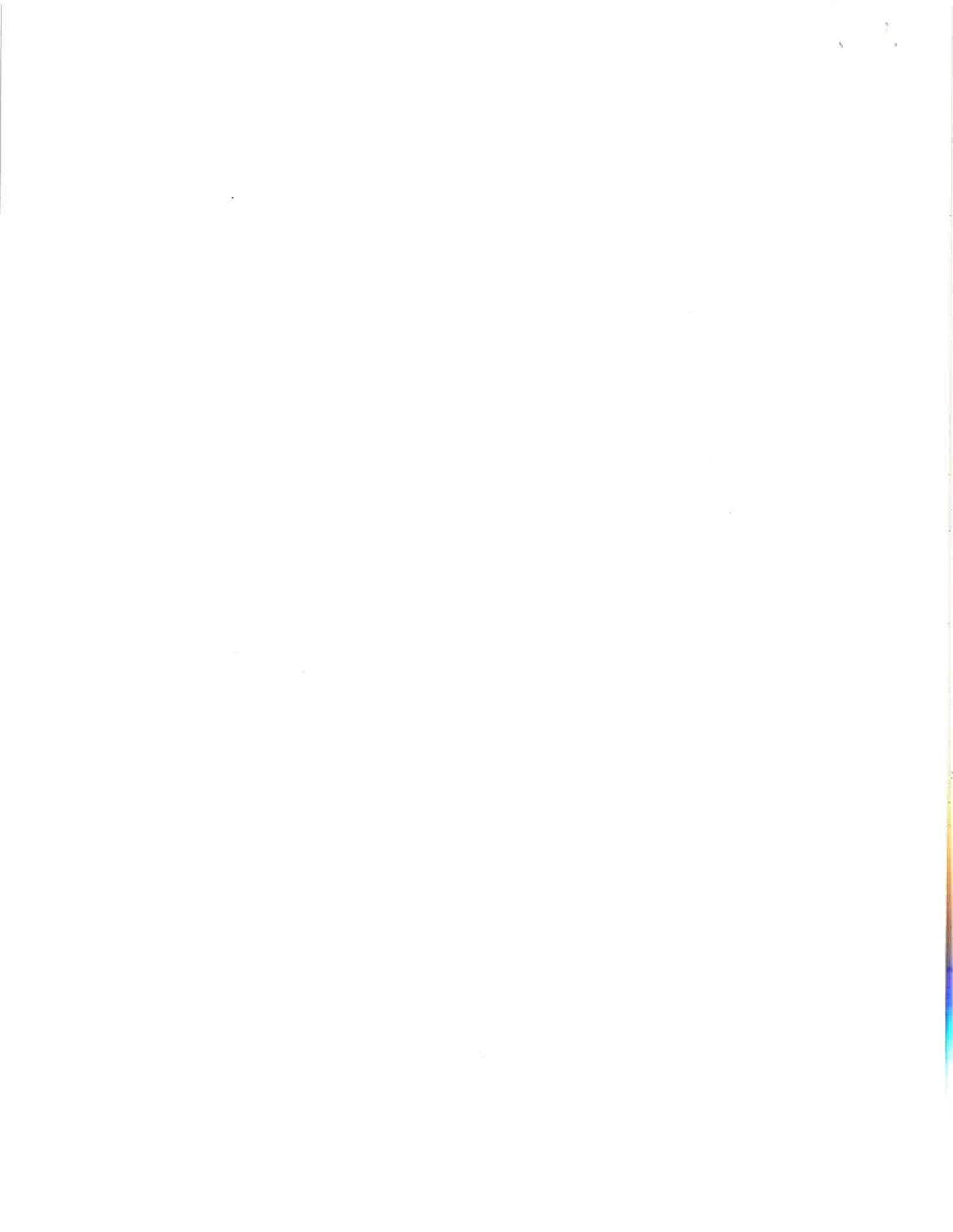
**Administrative Review Board**  
City Council Chambers  
800 Municipal Drive, Farmington, NM  
February 6, 2020 at 6:00 p.m.

Item No.		Page
1.	Call Meeting to Order	
2.	Approval of the Agenda	
3.	Election of Officers	
4.	Approval of the Minutes from the December 5, 2019 Meeting	53
5.	Petition No. ARB 19-95– a request from Dennis Ivie, representing Kirby Mortensen, owner of property, requesting a variance from Section 2.5.8.A.(3) prohibiting separate utility meters for a guest house located at 5109 Hallmarc Drive (Beth Escobar)	1
6.	Petition No. ARB 19-101– a request from Arturo Alcantara, renter, for a variance to reduce the rear yard setback from 25' to 14' to allow the placement of a 16' x 76' mobile home and to waive the sidewalk and paved driveway requirement for property located at 720 Poplar Street (Francisco Alvarado)	15
7.	Petition No. ARB 20-05– a request from Luz Granados, property owner, for a variance to waive sidewalk and paved driveway requirements as part of a mobile home parking permit for property located at 1200 Cherry Lane (Francisco Alvarado)	35
8.	Business from: Floor: Chairman: Members: Staff:	
9.	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 19-95**

**Variance to Section 2.5.8.A(3) of the Unified Development Code to allow for installation of a separate utility meter on a guesthouse.**

**January 9, 2020**

**DESCRIPTION OF PETITION**

Petition No. ARB 19-95 is a request from Kirby Mortenson, owner of property located at 5109 Hallmarc Drive in Farmington, represented by Dennis Ivie, requesting a variance Section 2.5.8.A.(3) of the Unified Development Code prohibiting a separate utility meter for a guest house.

**LEGAL DESCRIPTION**

Lot 4 of the Hallmarc Meadows Subdivision, in the City of Farmington, San Juan County New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

**GENERAL INFORMATION**

<b>Applicant</b>	Kirby and Janette Mortensen
<b>Property Owner</b>	Kirby and Janette Mortensen
<b>Location of Property</b>	5109 Hallmarc Drive
<b>Nature of Petition</b>	The petitioner is requesting a variance to allow two electric utility meters on the property. One meter for the primary residence and the second for a guesthouse recently converted from a garage. The primary residence was originally connected to the meter on the accessory structure.
<b>Applicable Regulations</b>	City of Farmington Unified Development Code (UDC): Section 2.5.8.A.(3) states: <i>Guesthouses and the primary dwelling shall share utilities. Separate utility meters shall not be allowed.</i>
<b>Zoning</b>	SF-7 Single Family Residential
<b>Existing Use</b>	Residential.
<b>Surrounding Zoning</b>	North: SF-7 Single Family Residential Hallmarc Meadows Subdivision South: SF-7 Single Family Residential Hallmarc Meadows Subdivision East: SF-7 Single Family Residential Hallmarc Meadows Subdivision West: SF-7 Single Family Residential Hallmarc Meadows Subdivision
<b>Land Use</b>	
<b>Public Notice</b>	Publication of Notice of this petition appeared in the Daily Times on Sunday, December 22, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday December 18, 2019. A sign was posted on the property on Thursday, December 19, 2019.

**Staff**

Beth Escobar, Planning Manager

**BACKGROUND**

The applicant is requesting relief from the section of the Unified Development Code prohibiting a separate electric meter for a guesthouse. The property owner has just completed a major remodel to the primary residence. Originally, there was one meter on the property and it was located on an accessory structure and provided electric service to the house. Upgrades to the house generated the need to upgrade the electric panel. The contractor requested approval of a temporary panel for the house so that construction could be completed. The property owners were living in the guesthouse during construction at the main residence. This was approved by the Planning Division on the condition the property owner apply for a variance.

**INPUT FROM NEIGHBORS:**

There have been no comments received regarding this application.

**Aerial Map of property**



## 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.**

A special condition relative to this petition is that the property owner was not aware of the necessity to upgrade the electric service panel until the renovation project for the house was almost complete. The property owner plans to continue to use the guesthouse for family members and friends who come to visit so would like to leave the electric service on this building. The panel on the guesthouse is on the northwest corner. The new panel on the house is on the southwest corner. To connect the guesthouse to the new subpanel on the house would require installation of a 400-amp subpanel on the house and approximately 80 feet of trenching.

**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.**

Section 2.5.8.(3) of the Unified Development Code prohibits separate electric meters for guesthouses. The rationale for this code requirement is that this prevents the guest unit from being converted into a rental residence. However, separate electric meters are permitted for other accessory uses, such as a detached garage or shop.

**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.**

It is reasonable to expect to be able to upgrade an older residence through remodeling. The fact that the remodeling triggered a code restriction was not anticipated by the property owner.

**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 granting of this variance will not change any of the current uses on the property. The requested variance is in harmony with the general interest and the general purpose and intent of the Code. In this situation, granting of the variance will have no tangible impact on the neighboring residences.

**This criterion IS met.**

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

The property owner has stated that there is no intention to convert the guesthouse to a rental unit.

**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.**

Requiring the applicant to upgrade to a 400-amp meter and to trench 80 feet for an underground connection to the existing guesthouse would add a large, unexpected expense to the remodel project.

**This criterion IS met.**

## **CONCLUSION**

The Community Development Department concludes that approval of ARB 19-95 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 waiver of the prohibition against a second meter for a guesthouse.

## **8. RECOMMENDATION**

The Community Development Department recommends **approval** of Petition ARB 19-95 from Kirby Mortensen for a variance from Section 2.5.8.A.(3) of the Unified Development Code prohibiting a separate utility meter for a guest house.

## PLANNING MEMO COMMENTS SUMMARY

**ARB 19-95 5109 HALLMARC DR**

**Deadline: 12/26/19**

### City of Farmington Departments

CD	Director	
CD	Addressing – Planning Division	
CD	Chief Building Official – D. Childers	No comment
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	No Conflict
ELEC	T & D – R. Romero	
FIRE	Fire Captain – K. Rix	No comment
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	No comment
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	No comment
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	

<b>PETITION APPLICATION</b>		
		<b>Planning Division</b> <b>Community Development Department</b> <b>City of Farmington</b> <b>800 Municipal Drive</b> <b>Farmington, NM 87401</b> <b>(505) 599-1317</b> <b>(505) 599-1299 (fax)</b>
<b>PROJECT TYPE (Check Those Applicable)</b>		
<input checked="" type="checkbox"/> <b>Annexation and / or Zoning</b> <input type="checkbox"/> <b>Preliminary Plat</b> <input type="checkbox"/> <b>Final Plan</b>	<input type="checkbox"/> <b>Summary Plat</b> <input type="checkbox"/> <b>Special Use Permit</b> <input type="checkbox"/> <b>Variance (ARB)</b>	<input type="checkbox"/> <b>Zone Change to _____ District</b> <input type="checkbox"/> <b>Temporary Use Permit</b> <b>Proposed Length of Use: _____</b> <input type="checkbox"/> <b>Well site equipment modification</b>
<b>INFORMATION</b>		
Applicant's Name: <u>Kirby Mortensen</u>	Project Location: <u>5109 Hallmare Dr.</u>	
Address: <u>5109 Hallmare Drive</u>	Existing Use: <u>Primary Residence</u>	
E-Mail: <u>kirby.m@floortrade.com</u>	Proposed Use: <u>Same</u>	
Telephone: <u>505-330-6136</u>	Current Zoning: _____	
Relationship to Property Owner: <u>OWNER</u>	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.		
<b>REPRESENTATIVE / CONTACT PERSON (if other than applicant)</b>		
Name: <u>Dennis Ivie</u>	E-Mail: _____	
Phone: <u>505 320-1666</u>	Address: <u>701 Taylor Drive Farmington 87401</u>	
<b>OWNERSHIP</b>		
<small>PROPERTY OWNER (Indicate General Partner, Managing Partner, Corporation, President and Secretary. Specify type of ownership interest: fee, fee lease, contract, option to purchase)</small>		<small>MORTGAGE HOLDERS (if any)</small>
Name: <u>Kirby Mortensen</u>	Phone: <u>505 330-6136</u>	Name: _____ Phone: _____
Address: <u>5109 Hallmare Dr.</u>		Address: _____
<b>OWNER CERTIFICATION</b> <span style="float: right;"><small>* Physical and Mailing</small></span>		
<small>I hereby declare as owner and the information and certifies herein as 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 author and officials of the City of Farmington or Planning and Zoning Commission to enter the premises located in this application. I understand applications will generally be reviewed by City Council at their first regular session following a P&amp;Z review.</small>		
Name: <u>Kirby Mortensen</u>	Address: <u>5109 Hallmare Drive</u>	
Owner's Signature: <u>Kirby Mortensen</u>	Phone: Email: <u>kirby.m@floortrade.com</u>	
<b>==== STAFF USE ONLY ====</b>		
Received By: _____	<input type="checkbox"/> Blue-line Copies of Plans _____	
Date: _____ Fee Received: _____	<input type="checkbox"/> Ownership Report (subject and surrounding properties)	
Project File No: _____	<input type="checkbox"/> Legal Description _____	
Date of Hearing/Meeting: _____	<input type="checkbox"/> Decaled 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.  
*Do To The extensive remodeling of the primary residence a new service panel was required. The existing meter is on an auxiliary building + it was not practical to bring service from that meter to the primary residence.*
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 objection by the city came after the primary residence had been re-wired + the new service panel set in place. The new service panel is not sufficient for both buildings on 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.  
*the second meter does not facilitate the use of a new rental facility. The guest house is already in place with a meter on it. No new use is intended.*
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.  
*Just as the previous owner of the property did our only intention is for family guests to sleep in the guest house. Not for rental income purposes.*
5. That the proposed variance will not permit a use not otherwise allowed in the underlying district.  
*We are not creating a new rental property.*

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.

*This will not set a precedence for any alternate use of land. There are already similar land uses in neighborhood.*

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

*Had the city objected to the new meter at the time the permit was pulled we would have sized the new service to handle the entire property. Now it would be an unreasonable expense to change everything.*

Signature of Petitioner:

*Kirby Mortens*

Date: *11-13-19*

Attach additional sheets if necessary or use the space below

Text of Ad: 12/09/2019

**(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 19-95-** a request from Kirby Mortensen, represented by Dennis Iyle, for a variance from Section 2.5.8.A(3) of the Unified Development Code, prohibiting a separate utility meter for a guest house in the SF-7, Single-family District for property located at 5109 Hallmarc Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION:**

Lot 4 of the Hallmarc Meadows Subdivision, in the City of Farmington, San Juan County New Mexico.  
Otherwise located at 5109 Hallmarc Drive

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday January 9, 2020, 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  
#3943906, Daily Times, Dec  
22, 2019

**NOTICE OF PUBLIC HEARING  
VARIANCE REQUEST  
PETITION NO. ARB 19-95**

December 18, 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 Kirby Mortensen, represented by Dennis Ivie, for a variance from Section 2.5.8.A(3) of the Unified Development Code, prohibiting a separate utility meter for a guest house in the SF-7, Single-family District for property located at 5109 Hallmarc Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 4 of the Hallmarc Meadows Subdivision, in the City of Farmington, San Juan County New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

**Otherwise located at 5109 Hallmarc Drive**

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, January 9, 2020 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 Works 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](mailto:bescobar@fmtn.org).

Sincerely,



Karen Walker  
Administrative Assistant

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

Footprint (4) of the HALLMARC MEADOWS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

**TRACT 1**

Kathy and Janette Mortensen  
647 Samsara Lane  
Farmington, NM 87401

Lot Four (4), of the HALLMARC MEADOWS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

Book 1612, page 437

**TRACT 2**

Misses S. and Dorcas L. Dittus  
3701 Fairways Drive  
Farmington, NM 87402

Lot Three (3), of the HALLMARC MEADOWS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

Book 794, page 576

**TRACT 3**

Irene Randall Hill  
3280 Fairways Drive  
Farmington, NM 87402

Lot Twelve (12), of the HALLMARC MEADOWS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

Book 1403, page 808

Book 1618, page 144

**TRACT 4**

Leslie Marie Wright  
608 Fairways Drive  
Farmington, NM 87402

Lot Thirteen (13), of the HALLMARC MEADOWS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

Book 1640, page 612

**TRACT 5**

Cullan P. and Barbara A. Keller  
5104 Hillmare Drive  
Farmington, NM 87402

Lot Fourteen (14) of the HALLEMARC MEADOWS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

Book 1616, page 618

**TRACT 6**

Joseph Nicolé and Marilyn MacAluso  
5405 Ballasare Drive  
Farmington, NM 87402

Lot Five (5) of the HALLEMARC MEADOWS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record November 29, 1972.

Book 1339, page 594

**TRACT 7**

Lidner Condit  
5024 Samantha Lane  
Farmington, NM 87402

Lot Seven A (7A) of the GEORGE PAYNE SUBDIVISION REPLAT "B" in the City of Farmington, San Juan County, New Mexico, as shown on the Replat of said Subdivision filed for record May 7, 2012.

Book 1637, page 505

**TRACT 8**

Koby and Linette Mortensen  
5000 Samantha Lane  
Farmington, NM 87402

Lot Two (2) of the MORRIS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record April 15, 2019.

Book 1611, page 718

10 October 9, 2019, 1:30 pm

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CRUISE VIF

SAN JUAN COURTESY MINERAC L& T LLC COMPANY

*Revised*

B. Rebekah Smith, Associate

**ADMINISTRATIVE REVIEW BOARD**

**Petition ARB 19-101**

**Variances to 1) reduce the rear yard setback and 2) waive sidewalk and paved driveway requirements, in the MF-L/SMHAO, Multi-family Low Density Residential District with a Special Mobile Home Area Overlay**

**720 Poplar Street**

**February 6, 2019**

**DESCRIPTION OF PETITION**

Petition No. ARB 19-101 is a request from Arturo Alcantara for a variance to 1) reduce the rear yard setback from 25' to 14' (UDC 2.8.1) to allow the placement of a 16' x 76' mobile home and 2) waive paved driveway and sidewalk requirements (UDC 5.3.3.A & 6.4.8.C.1.A), in the MF-L/SMHAO, Multi-family Low Density Residential District with a Special Mobile Home Area Overlay, in the Cottonwood Subdivision. The property is legally described as:

Cottonwood Subdivision, Lot 6 less E 20 ft, Block 1, in the City of Farmington, San Juan County, New Mexico.

**Otherwise located at 720 Poplar Street**

**GENERAL INFORMATION**

<b>Applicant</b>	Arturo Alcantara
<b>Property Owner</b>	Pilar Estrada
<b>Location of Property</b>	720 Poplar Streets (R0035931)
<b>Nature of Petition</b>	Variance to 1) reduce the rear yard setback from 25' to 14' and 2) waive paved driveway and sidewalk requirements.
<b>Applicable Regulations</b>	<u>UDC Section 2.8.1</u> : MF-L rear yard setback is 25'. UDC Section 5.3.3.A: All driveways providing access to parking areas shall be paved. <u>UDC Section 6.4.8.C.1.A</u> : Sidewalks required on all streets in all multi-family districts.
<b>Zoning</b>	Multi-family Low Density Residential District with a Special Mobile Home Area Overlay
<b>Existing Use</b>	Residential
<b>Surrounding Zoning</b>	North: MF-L/SMHAO – Residential
<b>Land Use</b>	South: MF-L/SMHAO – Residential East: MF-L/SMHAO – Residential West: MF-L/SMHAO – Residential
<b>Public Notice</b>	Publication of Notice of this petition appeared in the Daily Times on Sunday, January 19, 2020. Property owners within 100 feet were sent notice by certified mail on Wednesday, January 15, 2020. A sign was posted on the property on Friday, January 24, 2019.
<b>Staff</b>	Francisco Alvarado, Associate Planner

## BACKGROUND

The applicant, and renter, is requesting a variance to 1) reduce the rear yard setback from 25' to 14' to allow the placement of a 16' x 76' mobile home and 2) waive the paved driveway and sidewalk requirement, in the MF-L/SMHAO, Multi-family Low Density Residential District with a Special Mobile Home Area Overlay, in the Cottonwood Subdivision, recorded in 1957.

San Juan County Tax Assessor's records show that the size of the property is 0.152 acres. The Cottonwood Subdivision Plat shows that the property at 720 Poplar St had original dimensions of 60' x 130'. However, a backyard portion (60' x 20') was later incorporated to the property to the east (R0031292), reducing the subject property length to 110'. These dimensions (60' x 110)' are prohibitive for recent-year single wide mobile homes, which nowadays have an average length of 80'. Per the applicant, the subject lot is currently vacant.

Pursuant to the City of Farmington Unified Development Code:

- Section 2.8.1 *Residential base zoning district density and dimensional schedule*, the rear yard setback requirement in the MF-L District is 25'.
- Section 5.2.3.A *Minimum off-street parking requirements*, two parking spaces are required per mobile home dwelling unit.
- Section 5.3.3.A *Paving requirements*, all required parking areas must be connected to a public street or alley by means of a driveway or private access easement. All driveways providing access to such parking areas shall be paved.
- Section 6.4.8.C.1.A *Sidewalks*, sidewalks, designated crosswalks, safety islands are required on all streets, whether adjacent to or part of the subdivision, both private and public in nonresidential and all multi-family districts.

## PROPOSAL

The petitioner is requesting a variance to 1) reduce the rear yard setback from 25' to 14' to allow the placement of a 16' x 76' mobile home and 2) waive the sidewalk and paved driveway requirement. The request is compatible with existing development conditions in the neighborhood.

This subdivision is zoned MF-L, Multi-family Low Density, but has single-family characteristics. Only 4 out of 13 properties have a multi-family use; all other properties are single-family residences. In single-family districts, the required rear yard setback is 15', and the applicant is requesting 14'. Furthermore, only 2 out of 13 residential structures in the subdivision meet the district's rear yard setback. Also, in the subdivision only 4 properties have sidewalks, and 2 of them, paved driveways.

720 Poplar St



Front 30' New MM - 200' x 15'  
Side 8'  
Rear 25'

MFL-5001A

04/14/2019

005  
15  
11

© 2019



## 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 special condition is that Mr. Alcantara desires to place a more modern mobile home than the one that was originally set on the property (shown in the aerial). The permit for the new home triggers paved driveway and sidewalk requirements that did not previously exist. In addition, the length of the subject parcel is 10' to 20' shorter than the other properties in the subdivision.

In the neighborhood, properties display similar development characteristics to the request being pursued. Only 2 out of 13 residential structures meet the district's rear yard setback requirement. Also, only 4 properties have sidewalks, and 2 of them paved driveways.

**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.**

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 variance request is to allow the applicant to place a modern mobile home in a lot with reduced length. Moreover, per the applicant, the cost of installation of a paved driveway and sidewalk would exceed his budget for this project and he would not be able to place a home on this lot.

**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.**

It is reasonable to place a mobile home on this property, in a district that has a Special Mobile Home Area Overlay. The intent of the overlay is to provide citizens with affordable housing options. The request to reduce the rear yard setback to make use of the property, and waive the requirement for a paved driveway and sidewalk is a minimum easing of the code given similar development characteristics throughout the neighborhood.

**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 granting of the variance is in harmony with the general interest, purpose and intent of the code. Property owners in the neighborhood will not be adversely affected, as the surrounding structures are placed in similar fashion to the request. Allowing the renter to place a mobile home on the lot without sidewalk and paved driveway requirements is also compatible with the other properties in the area. The proposal is not 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 not otherwise allowed in the MF-L/SMHAO 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.**

As stated in this report, the applicant would suffer an unnecessary hardship if the variance request were denied. The property was rented before existing setback requirements were communicated to the applicant. He is currently paying the rent on this property. The applicant is also paying to have the new mobile home stored at another location until the hearing for the variance request. In addition, paved driveway and sidewalk requirements would exceed his budget for this project of setting a mobile home on the lot.

**This criterion IS met.**

**CONCLUSION**

The Community Works Department concludes that approval of Petition ARB 19-101 is a minimum easing of the code, meets the intent of the code and is a property that has characteristics unique enough to 1) reduce the rear yard setback from 25' to 14' to allow the placement of a 16' x 76' mobile home and 2) waive paved driveway and sidewalk requirements without adversely affecting the neighbors or the neighborhood.

**RECOMMENDATION**

The Community Works Department recommends **approval** of Petition ARB 19-101 from Arturo Alcantara for a variance to reduce the rear yard setback and waive paved driveway and sidewalk requirements.

## PLANNING MEMO COMMENTS SUMMARY

ARB 19-101 720 POPLAR ST.

Deadline: 01/13/20

### City of Farmington Departments

CD	Director	
CD	Addressing – Planning Division	
CD	Chief Building Official – D. Childers	No Comments
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office – J. Baird	No Comment
ELEC	Customer Care Manager – L. Richardson	
ELEC	Electrical Engineering – L. Aligarbes	No Comment
ELEC	T & D – Field Op – L. Lugenbeel	
FIRE	Fire Captain – K. Rix	
FIRE	Fire Marshall – B. Vega	
LEGAL	City Attorney – J. Breakell	
LEGAL	Deputy City Attorney – E. Wayne	No Comment
POLICE	Code Compliance – M. Romero	
POLICE	Sergeant – S. Goodsell	
PRCA	S. Reeves/ R. Crosby	No comment
PRCA	ORILL – C. Styron	
PW	City Engineer – N. Westerling	
PW	Engineering – T. Siba	No Comment
PW	Streets Superintendent	
PW	Traffic Engineer – I. BlueEyes	No Comment
PW	Water/Waste Water – M. Tso	

### Other Entities

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

	<b>PETITION APPLICATION</b>  Incomplete applications will not be accepted.  Return completed application to:	Planning Division Community Development Department City of Farmington 800 Municipal Drive Farmington, NM 87401 (505) 599-1317 (505) 599-1299 (fax)
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**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>Arturo Alcantara</u>	Project Location: <u>720 Poplar</u>
Address: <u>718 Poplar St Farmington NM 87401</u>	Existing Use: <u>MFL - SMHA - residential</u>
E-Mail: <u>arturoalcantara@comcast.net</u>	Proposed Use: <u>MFL - SMHA - residential</u>
Telephone: <u>(505) 592-3360</u>	Current Zoning: <u>MFL - SMHA</u>
Relationship to Property Owner: <u>Rent</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>20035931</u>
Legal Description of Subject Property: <u>Cottonwood LN Lot 6 125 E 20th Block 1B 1478 P 315</u>	
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>Arturo Alcantara</u>	E-Mail: <u>arturoalcantara@comcast.net</u>
Phone: <u>(505) 592-3360</u>	Address: <u>718 Poplar St Farmington NM 87401</u>

**OWNERSHIP**

PROPERTY OWNER (Identify Tenants, Partners, Mortgagee, Partner Corporation, Trust, Joint and Tenancy, Survivorship, or any other form of ownership interest, e.g., Trust Estate, Contract, Co-tenancy, etc.) Name: <u>Pilar Estrella</u> Phone: <u>(505) 609-0112</u>	MORTGAGE HOLDERS (if any) Name: _____ Phone: _____ Address: _____
Address: <u>1701 Camino Rio</u>	

**OWNER CERTIFICATION** \*(Physical and Mailing)

I certify that I am the owner and the information provided herein is 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, this matter can not lawfully be accomplished. I give my permission for summary reports 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 agenda session following the final review.

Name: <u>Pilar Estrella</u> Owner's Signature: 	Address: _____ Phone / Email: <u>(505) 609-0112</u>
---	--

**STAFF USE ONLY**

Received By: <u>FA</u> Date: <u>12/12/19</u> Fee Received: <u>70.00</u> Project File No.: <u>ARB19-101</u> Date of Hearing/Meeting: <u>2/6/2020</u>	<input type="checkbox"/> Blue-line Copies of Plans _____ <input type="checkbox"/> Ownership Report (subject and surrounding properties) <input checked="" type="checkbox"/> Legal Description _____ <input checked="" type="checkbox"/> Detailed Statement of Proposed Use _____
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### JUSTIFICATION OF VARIANCE

A variance may be granted only when 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 lot is 110 feet in depth and with the required set backs of 20ft for the front and 25 ft for the rear the mobile home would need to be 65ft in depth and the actual size being of 76 ft. (11ft difference). Other homes in the surrounding area don't seem to comply with the required set backs as new homes are larger. 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.  
Other homes around this lot don't comply with the variance required. (20 ft for the front or 25 ft for the rear)
2. 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 request is for a variance of ~~11~~ 11 ft for the back. The required is 25 ft and right now is at 14 ft.
3. 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.  
Other homes in the surrounding areas have similar set ups and none are injurious to the neighborhood.
4. That the proposed variance will not permit a use not otherwise allowed in the underlying district.  
The variance will not permit a use not otherwise allowed.

**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.

No neighboring lands, structures or buildings 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.

The mobile home has been purchased and title has been changed. The mobile home was ready to be moved to its new location which is already being paid for and the zoning was not known prior to requesting a parking permit.

Signature of Petitioner: Arturo Alcantara

Date: 12/12/19

Attach additional sheets if necessary, or use the space below

we are requesting a variance adjustment  
for the location 720 Poplar St Farmington, NM  
87401. we are not meeting the required  
set back for the back which is 25ft.  
we have a 76 ft in depth mobile home  
and a lot available of 110 ft in depth,  
we would be missing the required by 11 ft.

**RAND HYATT** other homes in the surrounding  
area do not meet with the variance set back  
requests with the home right behind this  
location being too close to the lot. The mobile  
home has been purchased and the lot space  
is being paid for. The required measurements  
were not known of until the day the parking  
permit was requested.

~~Arturo Alcantara~~

Arturo Alcantara

to me -

1:36 PM 3 minutes ago

Hello,

In addition to our variance setback application, we would also like to request a waiver for the requirement of the construction of a sidewalk and a paved driveway for the location 720 Poplar St.

Thank You,

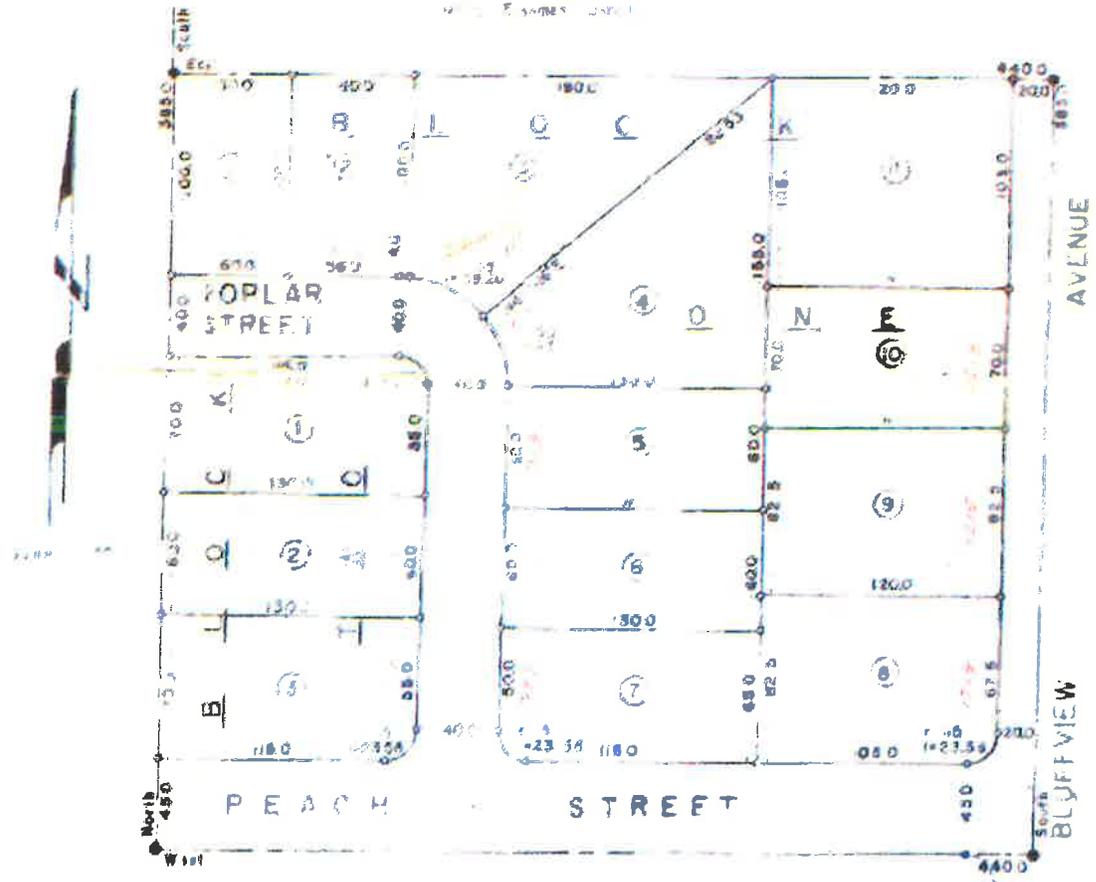
On Jan 7 2020 at 1:21 PM Avarado, Francisco <[faivarado@fmtn.org](mailto:faivarado@fmtn.org)> wrote

...

# COTTONWOOD SUBDIVISION

Farmington, New Mexico  
Sutton Engineering Company  
March 24, 1967 Sub. No. 64, 1339

East  
140  
440  
NW 1/4 NW 1/4  
T29N  
R12W



ST. PHILIP FORM WARRANTY DEEDS... REV. 2001 / NEW MEXICO STATUTORY CODE

31417

### WARRANTY DEED

JOSEBY DRINKARD, a single man

to consider as follows

to FRANCISCO S. ESTRADA and PILAR ESTRADA, husband and wife

whose address is 218 Poplar, Washington, New Mexico 87401

the following described real estate in San Juan County, New Mexico

Lot 514 (2) in Block One (1) of COTTONWOOD SUBDIVISION  
is shown on the 61st 00 0000 Survey filed for  
record July 10, 1955, T&S and EXCISE, however, the  
last 20 feet thereof

TO HAVE TO DO WITH FOR THE YEAR 2001 and hereafter several months  
in the conveyance operations matter and to pay and all expenses and  
be included, public or private, of whatsoever kind or nature, to  
be included at the date hereof

Witness my hand and seal

Given under my hand and seal this 2nd day of June 2005

Joseby Drinkard  
Notary Public  
San Juan County, New Mexico

### ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF SAN JUAN

Francisco S. Estrada and Pilar Estrada on this 2nd day of June 2005

By FRANCISCO S. ESTRADA, a single man

June 15, 2005  
Francisco S. Estrada

### ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

This instrument was acknowledged to me on this \_\_\_\_\_ day of \_\_\_\_\_ 2005

By \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 2005



200603918 03/06/2006 01:54P  
1 of 1 B1428 P815 R 9.00 D 0.00  
San Juan County, NM Clerk FROM HANNAHDT

REPRODUCED WARRANT FOR COUNTY AND APPLICABLE TO  
STATE OF NEW MEXICO A PUBLIC RECORD OFFICE

85115

SP-228047 WARRANTY DEED (Joint Tenants) - Rev. 7/78 New Mexico Notary Form

120

**WARRANTY DEED (Joint Tenants)**

ERNEST WEBB and CLORY WEBB, husband and wife

to JERRY GARCIA and PATSY A. GARCIA, husband and wife

whose address is 1215 Bluffview Drive, Farmington, New Mexico 87401

XXX

XXXXXXXXXXXX

As joint tenants the following described real estate in the City of Farmington, San Juan County, New Mexico:

Lot Nine (9) and the East Ten (10) feet of Lot Five (5) and the East Twenty (20) feet of Lot Six (6), All in Block One (1) of THE COTTONWOOD ADDITION, as shown on the Plat of said Addition filed for record July 16, 1957,

SUBJECT TO taxes for the year 1989 and thereafter; mineral reservations and/or conveyances heretofore made; and any and all easements and servitudes, public or private, of whatever kind or nature, in existence at the date hereof;

with warranty covenants.

WITNESS our hand and seal on this 3rd day of March, 19 89

(Seal) Ernest Webb (Seal)

(Seal) Clory Webb (Seal)

**ACKNOWLEDGMENT FOR NATURAL PERSONS**

STATE OF NEW MEXICO  
COUNTY OF SAN JUAN

My foregoing instrument was acknowledged before me this 6th day of March, 19 89 by ERNEST WEBB and CLORY WEBB, husband and wife

My commission expires: (Seal) December 14, 1997

(Seal) Notary Public

**ACKNOWLEDGMENT FOR CORPORATION**

STATE OF NEW MEXICO

COUNTY OF

My foregoing instrument was acknowledged before me this 6th day of March, 19 89

by (Name of Officer)

Title of Officer of Corporation Acknowledging

corporation, on behalf of said corporation

My commission expires: Notary Public

754 RECORDER'S USE ONLY  
FILED OR RECORDED  
BOOK 1100 PAGE 120  
SAN JUAN COUNTY, NEW MEXICO  
MAR 08 1989  
AT 8:26 AM BY A. M.  
Caryl Brady  
DEPUTY RECORDER



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**Text of Ad:** 01/08/2020

**(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 19-101- a request from Arturo Alcantara for a variance to reduce the rear yard setback and to waive the sidewalk and paved driveway requirement for property in the MF-L/SMHA, Multi-family Low Density Residential District for property located at 720 Poplar Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot Six (6) in Block One (1) of the COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957, except East 20 feet thereof.  
**Otherwise located at 720 Poplar Street**

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, February 6, 2020 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.

Elizabeth Sandoval  
Administrative Assistant  
#3991380, Daily Times, Jan 12, 2020

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**NOTICE OF PUBLIC HEARING  
VARIANCE REQUEST  
PETITION NO. ARB 19-101**

January 7, 2020

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 Arturo Alcantara for a variance 1) to reduce the rear yard setback from 25' to 14' to allow the placement of a 16' x 76' mobile home and 2) to waive the sidewalk and paved driveway requirement for property in the MF-L/SMHA, Multi-family Low Density Residential District with a Special Mobile Home Area overlay for property located at 720 Poplar Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot Six (6) in Block One (1) of the COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957, except East 20 feet thereof.

**Otherwise located at 720 Poplar Street**

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, February 6, 2020 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 Works 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@fmrn.org](mailto:falvarado@fmrn.org).

Sincerely,



Elizabeth Sandoval  
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 Six (6) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957, except East 20 feet thereof.

**TRACT 1**

Pilar Estrada  
1701 Camino Rio  
Farmington, NM 87401

Lot Six (6) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957, except East 20 feet thereof.

Book 1428, page 815

**TRACT 2**

Pilar Mendoza  
Estrada 1761 Camino Rio  
Farmington, NM 87401

Lot Five (5) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957, except East 10 feet thereof.

Book 982, page 110

**TRACT 3**

Ernesta Jean Brewer Foster Akin Phillip Brewer  
7838 Road 3470  
Flora Vista, NM 87415

Lot Four (4) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957.

Book 936, page 327

**TRACT 4**

Cruz and David J. Holguin  
1704 North Gibson  
Farmington, NM 87401

Lot Eleven (11) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957.

Book 1496, page 286

**TRACT 5**

Ernest F. and Clary Webb  
1125 South Hillview Avenue  
Farmington, NM 87401-7203

Lot Ten (10) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957.

Book 803, page 3  
Book 1163, page 783

**TRACT 6**

Patsy A. Garcia  
1125 A Bluffview Avenue  
Farmington, NM 87401

Lot Nine (9) and the East Ten (10) feet of Lot Five (5) and the East Twenty (20) feet of Lot Six (6) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957.

Book 1213, page 222  
Book 1106, page 120

**TRACT 7**

Jim Mac and Chon R Black  
1219 Bluffview Avenue  
Farmington, NM 87401-7205

Lot Eight (8) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957.

Book 883, page 126

**TRACT 8**

Lopez Guillermo and Rosa  
722 East Poplar Street  
Farmington, NM 87401

Lot Seven (7) in Block One (1) of COTTONWOOD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record July 16, 1957.

Book 1176, page 99  
Book 1221, page 197  
Book 1209, page 116

**TRACT 9**

Jose L. and Gertrudis Montelongo  
319 Peach Street  
Farmington, NM 87401

Lot Five (5) and the West Half of Lot Six (6) of the SHADY GROVE SUBDIVISION NO 3, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 4, 1975.

Book 1597, page 364

**TRACT 10**

Jacinto and Yolanda Cardenas  
1118 South Bluffview Avenue  
Farmington, NM 87401

Lot Four (4) of the SHADY GROVE SUBDIVISION NO 3, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 4, 1975.

Book 1146, page 781

**TRACT 11**

Jacinto and Yolanda Cardenas et ux  
1418 South Bluffview Avenue  
Farmington, NM 87401-7210

Lot Three (3) of the SHADY GROVE SUBDIVISION  
NO 3, in the City of Farmington, San Juan County,  
New Mexico, as shown on the Plat of said Subdivision  
filed for record June 4, 1975.

Book 1151, page 000

**TRACT 12**

Tony and Delvina V. Graham  
In Care Of Name Leonel and Luz Elena Contreras  
717 Poplar Street  
Farmington, NM 87401

Lot Three (3) in Block Two (2) of COTTONWOOD  
SUBDIVISION, in the City of Farmington, San Juan  
County, New Mexico, as shown on the Plat of said  
Subdivision filed for record July 16, 1957.

Book 1250, page 230

Book 1649, page 468

**TRACT 13**

Leonel C. Foye and Luz Elena Lucero Arzola  
717 Poplar Street  
Farmington, NM 87401

Lot Two (2) in Block Two (2) of COTTONWOOD  
SUBDIVISION, in the City of Farmington, San Juan  
County, New Mexico, as shown on the Plat of said  
Subdivision filed for record July 16, 1957.

Book 1594, page 865

**TRACT 14**

Wesley D. Speck  
711 Poplar Street  
Farmington, NM 87401-0659

Lot One (1) in Block Two (2) of COTTONWOOD  
SUBDIVISION, in the City of Farmington, San Juan  
County, New Mexico, as shown on the Plat of said  
Subdivision filed for record July 16, 1957.

Book 1158, page 49

10: November 18, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY



By: Rebekah Estroff, Abstracter

**ADMINISTRATIVE REVIEW BOARD**  
**Petition ARB 20-05**  
**Variance to waive sidewalk and paved driveway requirements in the**  
**MF-L/SMHAO, Multi-family Low Density Residential District**  
**with a Special Mobile Home Area Overlay**  
**1200 Cherry Lane**  
**February 6, 2019**

**DESCRIPTION OF PETITION**

Petition No. ARB 20-05 is a request from Luz Granados for a variance to waive paved driveway and sidewalk requirements (UDC 5.3.3.A & 6.4.8.C.1.A), in the MF-L/SMHAO, Multi-family Low Density Residential District with a Special Mobile Home Area Overlay, in the Helen Miller Subdivision. The property is legally described as:

Helen Miller Subdivision, Lot 3 Block 1, Also W1/2 of 20 ft wide alley adjacent to Lot 3, in the City of Farmington, San Juan County, New Mexico.

**Otherwise located at 1200 Cherry Lane**

**GENERAL INFORMATION**

<b>Applicant</b>	Luz Granados
<b>Property Owner</b>	Luz Granados
<b>Location of Property</b>	1200 Cherry Lane (R0029936)
<b>Nature of Petition</b>	Variance to waive paved driveway and sidewalk requirements.
<b>Applicable Regulations</b>	<u>UDC Section 5.3.3.A</u> : All driveways providing access to parking areas shall be paved. <u>UDC Section 6.4.8.C.1.A</u> : Sidewalks required on all streets in all multi-family districts.
<b>Zoning</b>	Multi-family Low Density Residential District with a Special Mobile Home Area Overlay
<b>Existing Use</b>	Residential
<b>Surrounding Zoning</b>	North: MF-L/SMHAO – Residential
<b>Land Use</b>	South: MF-L/SMHAO – Residential East: GC – Commercial West: MF-L/SMHAO – Residential
<b>Public Notice</b>	Publication of Notice of this petition appeared in the Daily Times on Sunday, January 19, 2020. Property owners within 100 feet were sent notice by certified mail on Wednesday, January 15, 2020. A sign was posted on the property on Friday, January 24, 2019.
<b>Staff</b>	Francisco Alvarado, Associate Planner

## BACKGROUND

The applicant is requesting a variance to waive paved driveway and sidewalk requirements, in the MF-L/SMHAO, Multi-family Low Density Residential District with a Special Mobile Home Area Overlay, in the Helen Miller Subdivision, recorded in 1959.

San Juan County Tax Assessor's records show that the size of the property is 0.22 acres. A mobile home parking permit was issued in December 2019, requiring a paved driveway and installation of a sidewalk. Per the applicant, a 16' x 80' mobile home and a 7' x 12' shed are currently on the property.

Pursuant to the City of Farmington Unified Development Code:

- Section 5.2.3.A *Minimum off-street parking requirements*, two parking spaces are required per mobile home dwelling unit.
- Section 5.3.3.A *Paving requirements*, all required parking areas must be connected to a public street or alley by means of a driveway or private access easement. All driveways providing access to such parking areas shall be paved.
- Section 6.4.8.C.1.A *Sidewalks*, sidewalks, designated crosswalks, safety islands are required on all streets, whether adjacent to or part of the subdivision, both private and public in nonresidential and all multi-family districts.

## PROPOSAL

The petitioner is requesting a variance to waive sidewalk and paved driveway requirements triggered by the mobile home parking permit. The request is compatible with existing development conditions in the neighborhood. There are no sidewalks and only two paved driveways on Cherry Lane, a local street. In the neighborhood, all connecting sidewalks are on Sullivan Avenue, a minor arterial.

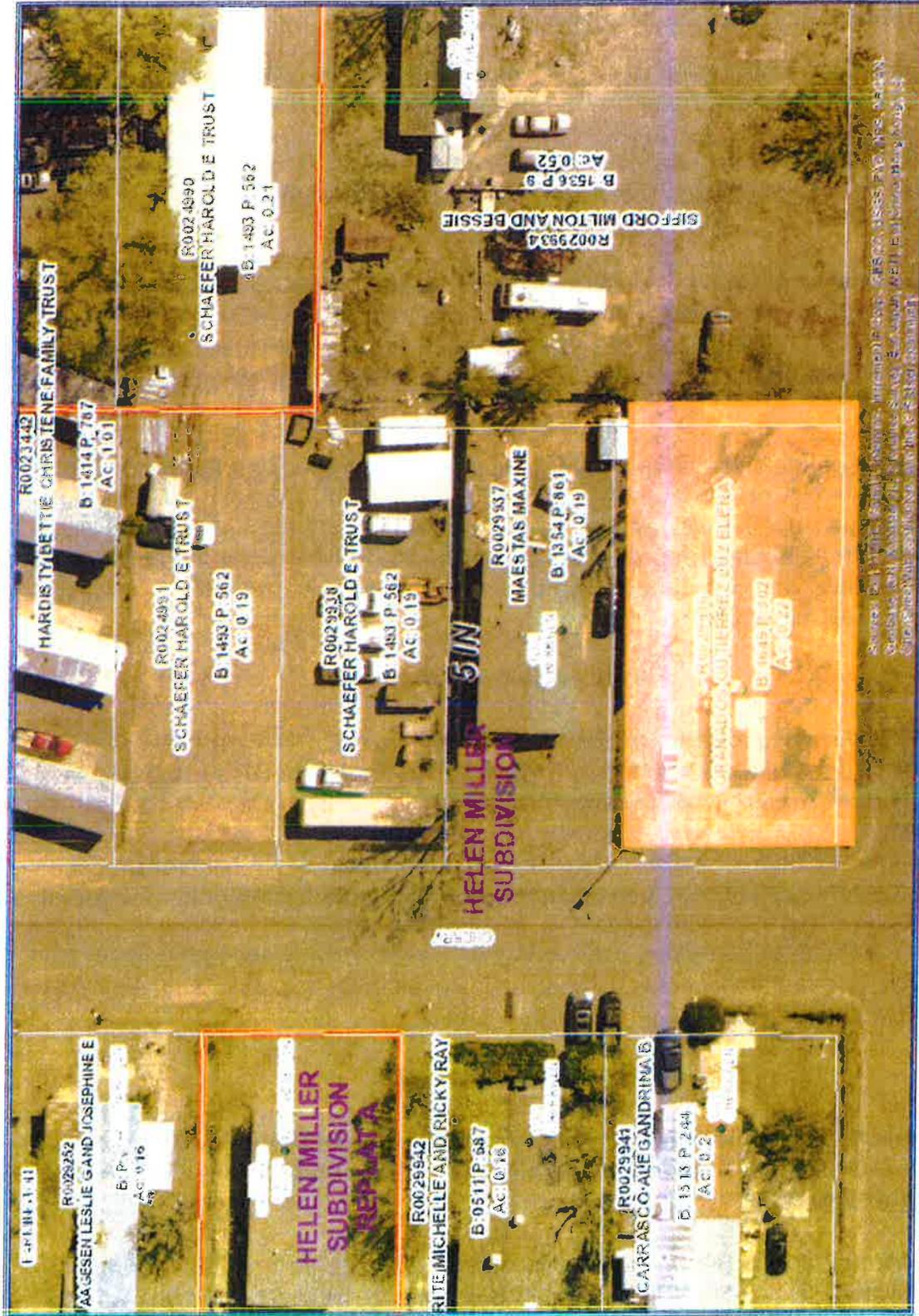
### Petitioner's letter

I am requesting a variance to the requirement of paving the driveway and sidewalk for property located at 1200 Cherry Ln, Farmington NM, 87401, in Helen Miller SD. The previous mobile home only had a gravel driveway, as in most of the properties on Cherry Ln. There are no sidewalks on this street. This property was bought for a family project and we were not aware of the requirements. We know that the Administrative Review Board has asked the City to revise this requirement as part of the UDC update.

Please consider this petition. Thank you.

Luz Elena Granados  
2011 Troy King Rd 299

1200 Cherry Lane



The San Juan County Assessor's Office assumes no liability for the accuracy of the information provided and it is not deemed to be used as a survey.  
 The data contained herein was derived from the most current information available at the time of publishing. While the San Juan County Assessor's Office makes every effort to have accurate and timely information, errors contained herein may occur. The San Juan County Assessor's Office makes every effort to have accurate and timely information, errors contained herein may occur.  
 The San Juan County Assessor's Office makes every effort to have accurate and timely information, errors contained herein may occur.  
 Date: 1/13/2020  
 San Juan County Assessor's Office  
 100 S. Oliver Dr.  
 Aztec, NM 87410  
 505-334-6157

## 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 special condition is that Ms. Granados desires to replace a mobile home that was originally set on the property (shown in the aerial). The permit for the new home triggers paved driveway and sidewalk requirements that did not previously exist. In the neighborhood, properties display similar development characteristics to the request being pursued. There are no sidewalks and only two paved driveways on Cherry Lane.

**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.**

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 variance request is to allow the applicant to place a mobile home in an old subdivision with very few paved driveways and sidewalks. Moreover, per the applicant, the cost of installation of a paved driveway and sidewalk would exceed her budget for this project.

**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.**

It is reasonable to place a mobile home on this property, in a district that has a Special Mobile Home Area Overlay. The intent of the overlay is to provide citizens with affordable housing options. The request to waive the requirement for

a paved driveway and sidewalk is a minimum easing of the code given similar development characteristics throughout the neighborhood.

**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 granting of the variance is in harmony with the general interest, purpose and intent of the code. Property owners in the neighborhood will not be adversely affected, as the request is compatible with surrounding properties, which have similar parking areas (gravel) and no sidewalks. The proposal is not 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 not otherwise allowed in the MF-L/SMHAO 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.**

As stated in this report, the applicant would suffer an unnecessary hardship if the variance request were denied. Paved driveway and sidewalk requirements would exceed her budget for this residential project.

**This criterion IS met.**

## CONCLUSION

The Community Works Department concludes that approval of Petition ARB 20-05 is a minimum easing of the code, meets the intent of the code and is a property that has characteristics unique enough to waive paved driveway and sidewalk requirements without adversely affecting the neighbors or the neighborhood.

## RECOMMENDATION

The Community Works Department recommends **approval** of Petition ARB 20-05 from Luz Granados for a variance to the paved driveway and sidewalk requirements triggered by a mobile home parking permit, subject to the following conditions:

1. A building permit is required for the 7' x 12' shed to remain on the property.
2. Parking must be in the property, off the right-of-way.

## PLANNING MEMO COMMENTS SUMMARY

**ARB 20-05 1200 CHERRY LN.**

**Deadline: 01/21/20**

### City of Farmington Departments

CW	Planning Manager – B. Escobar	
CW	Addressing – Planning Division	
CW	Chief Building Official – D. Childers	No Comment
CW	Long Range Planner	
CW	MPO	
CW	Oil & Gas Inspector	
CITY	City Manager’s Office – J. Baird	No Comment
ELEC	Customer Care Manager – L. Richardson	
ELEC	Electrical Engineering – L. Aligarbes	We have all overhead electric power line in the area and converting from overhead to underground is very remote. I say 'No Conflict' there.
ELEC	T & D – Field Op – L. Lugenbeel	
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	
POLICE	Sergeant – S. Goodsell	No Comment
PRCA	S. Reeves / R. Crosby	No Comment
PRCA	ORII – W. Unsicker	
CW	City Engineer – N. Westerling	
CW	Engineering – T. Sitta	
CW	Streets Superintendent – C. Fuller	
CW	Traffic Engineer – I. BlueEyes	No Comment
CW	Water/Waste Water – M. Tso	The lots 1,2,3,4 & 5 will need to have sewer and water extensions fees paid for if these areas are developed in the future.

### Other Entities

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

	<b>PETITION APPLICATION</b>	<b>Planning Division</b> <b>Community Works Department</b> <b>City of Farmington</b> <b>800 Municipal Drive</b> <b>Farmington, NM 87401</b> <b>(505) 599-1317</b> <b>(505) 599-1299 (fax)</b>
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**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"/> Appeal	<input type="checkbox"/> Zone Change to _____ District <input type="checkbox"/> Temporary Use Permit Proposed Length of Use: _____ <input type="checkbox"/> Well site equipment modification
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**INFORMATION**

Applicant's Name: <u>Luz Elena Granados</u>	Project Location: <u>1200 Cherry LN</u>
Address: <u>2011 Troy King RD 299</u>	Existing Use: <u>residential</u>
E-Mail:	Proposed Use: <u>residential</u>
Telephone: <u>505-801-7924</u>	Current Zoning: <u>MFL - SMHA</u>
Relationship to Property Owner: <u>self</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>R0029936</u>

Legal Description of Subject Property: Helen Miller SD Lot 3 Block 1 Also w/ a of 20ft wide

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes  No

If Yes, please provide copy with application. Alley adjacent to lot 3 BK 1649, PG. 302

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name: <u>Karla Rubio / Luz Granados</u>	E-Mail: <u>Karlitak42@gmail.com</u>
Phone: <u>(505) 635-4142</u>	Address: <u>(505) 801-7924</u>
	<u>rubioK42@gmail.com</u>

**OWNERSHIP**

<small>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary Specify type of ownership interest: Fee, Rent Estate Contract, Option to Purchase)</small>	<small>MORTGAGE HOLDERS (if any)</small>
Name: <u>Luz Elena</u> Phone: <u>505-801-7924</u>	Name: _____ Phone: _____
Address: <u>2011 Troy King RD 299</u>	Address: _____

**OWNER CERTIFICATION** " (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filling this application. I am acting with the knowledge and consent of all persons in interest, and I 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.

Name: <u>Luz Elena Granados</u>	Address: _____
Owner's Signature: <u>Luz Elena Granados</u>	Phone / Email: _____

**STAFF USE ONLY**

Received By: <u>PA</u> Date: <u>1/6/20</u> Fee Received: <u>70.00</u> Project File No. _____ Date of Hearing/Meeting: <u>F0016/2020</u> ✓	<input type="checkbox"/> Blueline Copies of Plans _____ <input type="checkbox"/> Ownership Report (subject and surrounding properties) <input checked="" type="checkbox"/> Legal Description _____ <input checked="" type="checkbox"/> Detailed Statement of Proposed Use
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### 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 majority of properties in the Park Lane Estates subdivision have older mobile homes on the lots. Most of the properties have gravel driveways.

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.

Per the applicant, the cost of installation of a paved driveway and sidewalk would exceed my budget for this project and I would not be able to place a home on this lot.

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.

waving the requirement for a paved driveway and sidewalk installation is a minimum easing of the code. This specific subdivision where there are a few paved driveways and sidewalks.

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.

waiver of the two requirements would not be injurious to the neighborhood since there is a preponderance of gravel driveways and no sidewalks.

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-MH District.

**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.

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

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

As stated in the application, installation of a paved driveway and sidewalk would exceed my budget for this project and I would not be able to go forward with my plans or setting a new home on this lot.

Signature of Petitioner: Luz Elena Granados

Date: 1/6/2020

Attach additional sheets if necessary or use the space below





San Juan County, NM

### WARRANTY DEED

Maxine L. Mestas, a single woman, for consideration paid grants to Luiz Elena Grajales Gutierrez, a single woman, whose address is 2011 Troy King Road #229 Farmington, New Mexico 87402.

the following described real estate in San Juan County, New Mexico:

Lot Three (3), in Block One (1), of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 18, 1959.

AND

The West Half of the Twenty (20) foot wide alley adjacent to Lot Three (3), in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 18, 1959 being 71.00 feet in length.

SUBJECT TO taxes for the year 2019 and thereafter; mineral reservations and/or conveyances heretofore made, and any and all easements and servitudes, public or private, of whatever kind or nature, in existence at the date hereof; with special warranty covenants

Witness our hands and seals this 23rd day of October, 2019

Maxine L. Mestas  
(Seal)  
Maxine L. Mestas

### ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

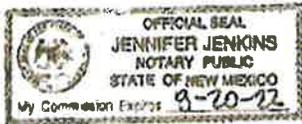
COUNTY OF SAN JUAN

This instrument was acknowledged by me on this 23rd day of October, 2019

By Maxine L. Mestas, a single woman.

My commission expires  
(Seal)

Jennifer Jenkins  
Notary Public



201910201 10/23/2019 02:40 PM  
1 of 1 B1649 P302 \$25.00  
San Juan County, NM TANYA SHELLEY



012

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Text of Ad: 01/14/2020

**(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 19-95** - a request from Kirby Mortensen, represented by Dennis Ivie, for a variance from Section 2.5.8.A(3) of the Unified Development Code, prohibiting a separate utility meter for a guest house in the SF-7, Single-family District for property located at 5109 Hallmarc Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION:**

Lot 4 of the Hallmarc Meadows Subdivision, in the City of Farmington, San Juan County New Mexico  
Otherwise located at 5109 Hallmarc Drive

**Petition No. ARB 20-05** - a request from Luz Granados for a variance to waive sidewalk and paved driveway requirements as part of a mobile home parking permit, in the MF-1/5MHA, for property located at 1200 Cherry Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION:**

Lot 3, Block 1, of Helen Miller Subdivision, in the City of Farmington, San Juan County New Mexico  
Otherwise located at 1200 Cherry Lane

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, February 6, 2020, 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.

Elizabeth Sandoval  
Administrative Assistant  
#4003426, Daily Times, Jan 19, 2020

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**NOTICE OF PUBLIC HEARING  
VARIANCE REQUEST  
PETITION NO. ARB 20-05**

January 14, 2020

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 Luz Granados for a variance to waive sidewalk and paved driveway requirements as part of a mobile home parking permit for property located at 1200 Cherry Lane, in the MF-L/SMHA, Multi-family Low Density Residential District with a Special Mobile Home Area overlay, in Helen Miller Subdivision, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 3, Block 1, of Helen Miller Subdivision, in the City of Farmington, San Juan County New Mexico

**Otherwise located at 1200 Cherry Lane**

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, February 6, 2020 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 Works 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](mailto:falvarado@fmtn.org).

Sincerely,



Elizabeth Sandova  
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 Three (3), in Block One (1), of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 18, 1959

AND

The West Half of the Twenty (20) foot wide alley adjacent to Lot Three (3), in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record June 18, 1959 being 71.00 feet in length.

**TRACT 1**

Luz Elena Granados Gutierrez  
2769 Wren Avenue  
Farmington, NM 87401

Lot Three (3) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959. AND W1/2 of 20 Ft. wide alley adjacent to Lot Three (3) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959.

Book 1649, page 302

**TRACT 2**

Maxine Maestas  
P.O. Box 354  
Dolores, CO 81323

Lot Four (4) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959. AND W1/2 of 20 Ft. wide alley adjacent to Lot Four (4) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959.

Book 1305, page 814

Book 1354, page 86f

**TRACT 3**

Harold F. Schaefer Trust  
4605 Samantha Lane  
Farmington, NM 87402

Lot Five (5) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959. AND W1/2 of 20 Ft. wide alley adjacent to Lot Four (4) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959.

Book 939, page 491

Book 1136, page 3n

**TRACT 4**

Harold E. Schaefer Trust  
4605 Samantha Lane  
Farmington, N.M. 87402

Lot Five (5) and Six (6) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959

AND

Beg at a point 642.8 feet East and 582 feet North of Southwest Corner of said Southwest Quarter of the Northwest Quarter Section 11 Township 29 Range 13 West;

THENCE West 150 feet;

THENCE North 60 feet;

THENCE East 150 feet;

THENCE South 60 feet to point of beginning

Book 1186, page 361

Book 1493, page 562

**TRACT 5**

Milton and Bessie Sifford  
1309 Schofield  
Farmington, NM 87401-7136

Lot One (1) and Two (2) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959.

AND E 1/2 of 20 foot wide alley adjacent to Lot 1 Block 1 in Book 949, page 489

Book 1536, page 9

**TRACT 6**

Theresa L. Van Ricer  
1113 Schofield Lane  
Farmington, NM 87401

Lot 1 of the WATERS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record May 16, 1960.

AND

That Ten (10) foot wide strip adjacent to the South line thereof formerly an alley, as shown by the recorded Plat.

Book 1620, page 888, page 887

**TRACT 7**

Leldon W. and Doris A. Hawkins  
1817 E. 11th Street  
Farmington, NM 87401-7470

Lot Eight (8) of WATERS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico and 10 foot wide abandoned alley shown on the Plat filed for record May 15, 1960.

Book 849, page 373

Book 846, page 282

Book 1451, page 397

**TRACT 8**

CARLSON SHAWN  
1815 E 11TH ST  
FARMINGTON, NM 87401

Lot Seven (7) of WATERS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico and 10 foot wide abandoned alley shown on the Plat filed for record May 16, 1960.

Book 1631, page 506

**TRACT 9**

Jack H. Mcquitty Revocable Trust and Janelle K  
Mcquitty Revocable Trust  
2014 N. Cochiti Avenue  
Farmington, NM 87401

Lots Three (3), Four (4), Five (5), and Six (6) of WATERS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico and 10 foot wide abandoned alley shown on the Plat filed for record May 16, 1960 BK 846 PG 578

Book 1640, page 440

**TRACT 10**

Alexandrina B. Carrasco  
1201 Cherry Lane  
Farmington, NM 87401-0000

Lot Eight (8) in Two (2) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959

Book 1264, page 800

Book 1513, page 244

**TRACT 11**

Michelle And Ricky Ray Britz  
1303 Cherry Lane  
Farmington, NM 87401-0000

Lot Nine (9) and the South 10 feet in Lot Ten (10) in Two (2) in Block One (1) of the HELEN MILLER SUBDIVISION, in the City of Farmington, San Juan County, New Mexico as shown on the Plat of said Subdivision filed for record June 18, 1959.

Book 1484, page 482

Book 1511, page 587

TO: November 18, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY



By: Rebekah Esmiol, Abstracter

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

The Administrative Review Board met in regular session on Thursday, December 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:

Francisco Alvarado  
Beth Escobar  
Karen Walker

Others addressing the Board:

Cody Waldroup

**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 Erickson to approve the agenda. The motion passed unanimously by a vote of 4-0.

**Approval of the Minutes from the November 7, 2019 Regular Meetings**

Board Member Erickson made a motion to approve the minutes of the November 7, 2019 regular meeting. The motion was seconded by Board Member Johanson 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 19-92  
Variance to allow a separate meter for a future guesthouse  
6250 Kokopelli Trail**

**Discussion of ARB No. 19-92 on December 5, 2019**

Associate Planner Francisco Alvarado presented the staff report for ARB 19-92, a request from Cody Waldroup for a variance to allow a separate power meter to provide electric service to a future guesthouse for property in the RE-1, Residential Estate District located at 6250 Kokopelli Trail.

The property consists of 2.5 acres with a 2-story house and a detached carport. A building permit for the detached guesthouse was approved on September 20, 2019. Construction is underway.

Pursuant to UDC, Unified Development Code, Section 2.5.8, one detached guesthouse may be allowed as an accessory use to a single-family dwelling in the RE-1 district, with shared utilities. Separate utility meters shall not be allowed.

The petitioner has stated that an electrical contractor did not recommend sharing utilities with the main house because the principal structure already consumes all of the available power supply. The power box in the northeast corner of the property is too far from the guesthouse and would require a great deal of digging through sandstone.

The petitioner has discussed with Farmington Electric Utility Service (FEUS) about using a separate meter to access an existing power pole. This power pole is located near the property entrance, about 100 feet from the proposed guesthouse. The petitioner has agreed to cover upgrading expenses for a taller pole that would eliminate low-hanging power lines into the property and a separate meter if he were allowed to access this power pole for a second meter.

The geological conditions in this area are classified as FA, Farb-Persayo-Rock, which is found in only 15% of the Farmington area, said Mr. Alvarado. This type of soil limits excavations to only shallow excavations. FEUS requires a minimum depth of 18 inches for the installation of underground conductors, and running wires from the existing power box around the property to the proposed guesthouse would require excavating a length of approximately 365 feet, of which 310 feet would be on FA soil.

Petition ARB 19-92 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 separate meter.

The Community Works Department recommends approval of Petition ARB 19-92 from Cody Waldroup for a variance to allow a separate electric meter for a detached guesthouse, subject to the following condition:

- The applicant shall work with the Electric Utility to install a new, taller power pole in place of the existing power pole by the property entrance. Applicable costs will be covered by the applicant, which he has already agreed to, according to the application.

Chair Dennis asked for clarification as to why a second meter was not allowed per the UDC. Mr. Alvarado said not allowing a second meter was an attempt to prevent owners from selling or renting guesthouses.

Cody Waldroup, 6250 Kokopelli Trail, said he is building the guesthouse for his mother in order to take care of her. He stated that he does not intend to rent the guesthouse. Mr. Waldroup said that trenching from the back of the property can be done, but it would be very expensive. There would also be an issue of loss of power due to the distance.

#### **Administrative Review Board Action of December 5, 2019**

A motion was made by Board Member Martin and seconded by Board Member Erickson to **approve** Petition No. ARB 19-92, a request Cody Waldroup for a variance to allow a separate power meter to provide electric service to a future guesthouse for property in the RE-1, Residential Estate District located at 6250 Kokopelli Trail subject to the following condition:

- The applicant shall work with the Electric Utility to install a new, taller power pole in place of the existing power pole by the property entrance. Applicable costs will be covered by the applicant, which he has already agreed to, according to the application.

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

NAY: None

ABSTAIN: None

ABSENT: None

**APPROVED 4-0**

**Discussion on the Food Truck Ordinance in City Limits**

Planning Manager Beth Escobar said the mobile food unit ordinance is part of the municipal code and was adopted in 2017. A person interested in selling from a food truck must obtain a Special Event permit from the City Clerk and must have a business license. Ms. Escobar said the City views food trucks as an opportunity for employment for families and small business owners. It is advantageous for the City to support these types of businesses.

Chair Dennis stated that he did not feel comfortable having food trucks allowed in every sector of the city. He said he would prefer a separate area where they could set up their trucks. Mr. Dennis said he is not concerned about the aesthetics of food trucks. His concerns involve regulations and appropriate zoning areas.

Ms. Escobar said the City is in the process of a Comprehensive Plan update, as well as an update to the UDC. She expressed an interest in receiving feedback or participation from the ARB members regarding those updates.

**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 announced that Elizabeth Sandoval would be taking over as the new Administrative Assistant for Planning.

Ms. Escobar said there would be a TED talk event on January 30, 2019 from 5:30-8:00 p.m. at the Civic Center to discuss broadband, senior living facilities, and outdoor recreation.

**Adjournment:** The December 5, 2019 meeting of the Administrative Review Board was adjourned at 6:43 p.m.

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James Dennis - Chair

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Karen Walker - Administrative Assistant