

**MINUTES**  
**ADMINISTRATIVE REVIEW BOARD**  
**March 7, 2019 – 6:00 P.M.**

The Administrative Review Board met in regular session on Thursday, March 7, 2019 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present James Dennis  
Jeff Johanson  
Paul Martin  
Oliver Roe

Members absent: None

Staff present: Gary Leikness  
David Sypher  
Karen Walker

Others addressing the Board: Mandy Culler  
Dennis Ivie  
George Payne  
Lloyd Upton

**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 Roe 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 February 7, 2019 Regular Meeting**

Board Member Johanson made a motion to approve the minutes of the February 7, 2019 regular meeting. The motion was seconded by Board Member Roe 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 19-10**

**Variance to reduce the (1) front yard setback, (2) northeast side yard setback, and (3) to increase the number of accessory structures allowed in the SF-7, Single-family Residential District**

**Discussion of ARB No. 19-10 on March 7, 2019**

Planning Manager Gary Leikness presented the staff report for ARB 19-10, a request from Gregory and Pamela R. Morris, represented by Ivie Consulting LLC, for a variance to (1) reduce the front yard setback to 12.5 feet, (2) to reduce the northeast side yard setback to 3.5 feet, and (3) to increase the number of accessory structures from three to four in a residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District. Mr. Leikness referred the Board Members to property pictures in the ARB Agenda Book. Presently, the residence and the pump house do not meet the required setbacks in the SF-7 District and are considered to be nonconforming structures, he said.

The applicants are proposing a lot split for the subject property. In order to accomplish this, they are required to bring the property into compliance with the zoning standards. Research shows that the existing home and the pump house preexisted the current owners. The home was built in 1964. The applicants purchased the home in 1993, and most of the accessory structures were already on the property except for the rectangular accessory structure to the west.

The Community Development Department recommends approval of Petition ARB 19-10, a request from Gregory and Pamela R. Morris, represented by Ivie Consulting, LLC., for a variance to allow the following:

- (1) Reduce the front yard setback to 12.5 feet for the existing structure.
- (2) Reduce the northeast side yard setback to 3.5 feet for the existing structure.

(3) Increase the number of accessory structures from three (3) to four (4) in a residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District.

Dennis Ivie, Ivie Consulting, LLC., 201 Taylor Drive, said this issue came up in the final review of the lot split. Some issues were addressed by adjusting the lot lines. Other issues needed to come into compliance with a variance. The house was built before it was annexed into the City.

George Payne, 5101 Samantha Lane, said he is in favor of the proposed variances for the property at 6509 Veda Lane. Mr. Payne's questions related to access to the property. He said when the Payne Subdivision was established to the south, he was required to give the City a 50' right-of-way to allow access to the southern section of the Morris's property. Mr. Payne explained that Veda Lane to the north is an easement. He said the City made statements at a Planning & Zoning meeting approximately 12 years ago, that if changes were made to the southern access to the Morris's property, the access from the highway would be changed or relinquished. Mr. Payne wanted to know if the southern access would be utilized by the Morris's and the owner of Lot 2, Mr. Mortenson, after the Morris's split their lot.

Mr. Payne asked what type of road surface will be required for the access to both properties once the lot was split. He said during the construction of the Payne Subdivision, he was required to put a hard surface not only for the street, but for the driveways as well. He said he was even required to have a hard surface for the driveway to his home which is over 300-feet long. Samantha Lane, Pryor Lane and Linda Lane are all hard surfaces. His concern involved the amount of dirt or mud that would be transferred through the Payne Subdivision if a hard surface driveway was not required for the Morris's property once the lot is split.

Chair Dennis said those issues will be reviewed during the site plan requirements. Mr. Payne asked if he would be allowed to have input to address those issues. Board Member Martin explained that a building permit and site plan would be submitted and reviewed by the Building Division. Mr. Martin suggested that David Sypher, Public Works Director, ask the Chief Building Inspector to notify Mr. Payne when the site plan is submitted as a courtesy.

Mr. Payne mentioned a concern about the number of horses on the Morris's lot once the lot is split and becomes smaller. Board Member Martin said the requirements of the UDC will need to be followed. At this time, the Board is only dealing with the requested variances.

Chair Dennis added that the developers will make the decision concerning access to the lots. That issue will be reviewed by the Planning Division.

David Sypher reiterated that this meeting concerns the requested variances. He said that the hard surface roads were required for the Payne Subdivision due to the large number of lots in the subdivision. The lot split for the subject property will not require a hard surface road until the three proposed lots are developed. At that time, hard surface roads and utility extensions will be required. As to the access on Veda Lane, said Mr. Sypher, a recent survey has shown it as an easement on the neighbor's property. The roadway easement that exists is on the property to the north. Upon proposal of splitting the southern lot, if animals are an issue, that will be addressed by staff.

Mr. Payne said that he was required by the City to give the right-of-way to the south in order to obtain approval of the Payne Subdivision so the Morris's would not be landlocked. Concession was made by the council that Veda Lane would be either abandoned or removed so the Morris's still had access to the south through Samantha Lane, said Mr. Payne. The discussion was that once the Morris's developed the property to the south, they would access their property through the southern entrance and abandon the access to the north.

Mr. Sypher said those minutes would be researched. Any representations will need to be followed. The easement is not in favor of the City, but may be in favor of the neighbor. That issue will need to be resolved.

Dennis Ivie said that in the process of the lot split, the intention was to provide access to build a house. If more than one house is built, a subdivision will be created and it will be platted so that there is access to the Morris's property. The current plat shows a dedicated easement across the front of the Morris's property. From the west edge of the property to the highway is a prescriptive easement, said Mr. Ivie. At some point, the Morris's may want to access the property from the south. There may be more houses added so that the property becomes a minor subdivision. Mr. Ivie said a lot split is the only item that is currently being discussed. Hard surface roads and utility extensions can be discussed at a later date.

Lloyd Upton, 5109 Hallmarc Drive, said his property adjoins the Morris's property and was concerned as to how the variances might affect his property. Chair Dennis said the issue of tonight's meeting concerns the requested variances.

Mr. Payne asked if the approval to the variances is granted, what other process will be necessary prior to the lot split. Board Member Martin said the next step for the lot split to advance is through the Planning and Building Divisions. Mr. Payne asked if splitting the property will cut off the Morris's ability to use the southern right-of-way. Board Member Roe noted that the lot split was not being addressed at this time.

Mandy Culler, 5205 Hallmarc Drive, asked if she will be notified once the property is split. Dennis Ivie said she would be notified. She said her concerns do not have to do with this portion of the proposal.

Board Member Martin chose to abstain from a decision after hearing the discussion.

**Administrative Review Board Action of March 7, 2019**

A motion was made by Board Member Johanson and seconded by Board Member Roe to **approve** Petition No. ARB 18-91, a request from Gregory and Pamela R. Morris, represented by Ivie Consulting LLC, for a variance (1) to reduce the front yard setback to 12.5 feet for the existing structure, (2) to reduce the northeast side yard setback to 3.5 feet for the existing structure, and (3) to increase the number of accessory structures from three to four in a residential district for property located at 6509 Veda Lane in the SF-7, Single-family Residential District.

AYE: Chair Dennis, Board Members Johanson, and Roe.

NAY: None

ABSTAIN: Board Member Martin

ABSENT: None

**APPROVED 3-0**

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

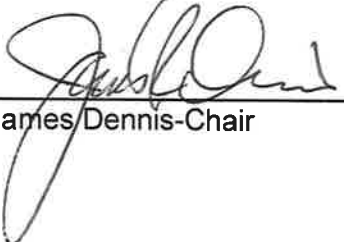
**Business from the Chair:** There was no business from the Chair.

**Business from the Members:** Board Member Martin told David Sypher that the previous Community Development Director had a policy that anytime a lot was split into two lots the city, it would be considered a Minor Subdivision and a Summary Plat would need to be performed to insure that every parcel in Farmington was in a subdivision. Mr. Martin asked if this policy was going to continue or would lot splits be allowed without seeking a Summary Plat for a subdivision.

Mr. Sypher said he has not made that decision yet. He said his intent at this point, without further investigation, would be that a single lot line adjustment does not constitute a subdivision.

**Business from Staff:** Gary Leikness noted two petitions that will be heard at the next ARB meeting on April 4, 2019. Board Member Martin said he will not be available for that meeting.

**Adjournment:** The March 7, 2019 meeting of the Administrative Review Board was adjourned at 6:42 p.m.

  
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 James Dennis-Chair

  
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 Karen Walker-Administrative Assistant

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