

## MEMORANDUM

**DATE:** August 11, 2009

**TO:** Board of County Commissioners

**FROM:** John M. Salazar, Development Review Team Leader

**VIA:** Jack Kolkmeier, Land Use Administrator  
Shelley Cobau, Building and Development Services Manager  
Wayne Dalton, Building and Development Services Supervisor

**FILE REF.:** CDRC CASE # V 09-5200 Romero Variance

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### **ISSUE:**

Helen Romero, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Family Transfer Land Division of 0.54 acres into two lots.

The property is located at 2271 Entrada Fabian, within Section 31, Township 17 North, Range 9 East, (Commission District 2).

### **SUMMARY:**

The Applicant requests a variance of Article III, Section 10 of the Land Development Code to allow a Family Transfer Land Division of 0.54 acres into two lots. There are currently (2) homes on the property. The main house on the property is served by the Agua Fria Community Water System and City of Santa Fe sewer system. The Applicant has received a Letter of Commitment from the Agua Fria Community Water System and the City of Santa Fe for additional water and sewer connections for the second home. The property is located in the Traditional Community of Agua Fria. The property is 0.54 acres which is 0.12 acre (4,360sq. ft.) smaller than required by Code.

Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 0.75 acres per dwelling unit. Lot size may be reduced to 0.33-acres with community water and community sewer.

The Applicant states the homes were placed on the property prior to 1981 and her husband left her son the portion of the property that he now resides on. The Applicant also states that she is ill and has fallen and broken several bones and her son has been there to care for her. The Applicant further states now that while she is still capable, she would like to give her son the northernmost 125 feet of Tract A as it was stated in her husband's will.

Article II Section 3 (Variances) of the County Code states that "where in the case of proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This section goes on to state, "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

At its regularly scheduled meeting on June 18, 2009, the County Development Review Committee (CDRC) recommended approval with Staff conditions.

**REQUIRED ACTION:**

The BCC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions, or table for further analysis of this request.

**RECOMMENDATION:**

Staff concurs with the CDRC's recommendation of approval. Staff believes this can be considered a minimal easing of the Code.

If the decision of the BCC is to approve the Applicant's request, staff recommends the following conditions be imposed:

1. No additional dwellings will be allowed on the property.
2. The Applicant must comply with the Santa Fe County Land Development Code for all development.

**ATTACHMENTS:**

- Exhibit "A" - Letter of request for Variance
- Exhibit "B" -Article III, Section 10 (lot size requirements) of the Code
- Exhibit "C" -Article II, Section 3 (Variances)
- Exhibit "D"- Warranty Deed (Pre-Code)
- Exhibit "E" -Vicinity Map
- Exhibit "F" -City of Santa Fe Memo
- Exhibit "G" -Agua Fria Water Association Memo
- Exhibit "H" - June 18, 2009 CDRC Minutes