

BOARD OF COUNTY COMMISSIONERS

**CASE NO. V06-4572
EDWARD GRABOWSKI VARIANCE
EDWARD GRABOWSKI, APPLICANT
JAVIER ORTEGA, AGENT**

ORDER

THIS MATTER came before the Board of County Commissioners (“BCC”) for hearing on June 8, 2010, on the Application of Edward Grabowski (herein after referred to as “the Applicant”) for a request for three variances of the County Land Development Code to construct a 6,862 sq. ft. residence on 1.12 acres: 1) to allow disturbance of slopes of 30% and greater; 2) to allow the height of the residence to exceed 18’; and 3) to allow retaining walls to exceed 10’ in height. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted and makes the following findings of fact and conclusions of law:

1. The Applicant requests variances of Article VII, Section 3.4.1.c.1.c (Slope and Buildable Areas), Article III, Section 2.3.6.b.1 (Height Restrictions for Dwellings), and Article VII, Section 3.4.3.d (Grading and Clearing) of the Santa Fe County Land Development Code (“Code”) regarding slope disturbance, height of building and height of retaining wall standards, to allow the construction of a 6,862 square foot residence on 1.2-acres.

2. The property is located at 59 Cloudstone Dr., which is located off Old Santa Fe Trail, within Section 6, Township 16 North, Range 10 East.
3. In support of the Application the Applicant's agent submitted a letter of request, proof of legal lot of record, site plans, slope analysis, and building plans including elevations.
4. Article VII, Section 3.4.1.c.1.c of the Code states that natural slopes of 30% or greater are no build areas and shall be set aside from use for development. Based on the slope analysis submitted, the majority of the slopes on the lot are near or at 30% or greater.
5. Article III, Section 2.3.6.b.1 of the Code states: "The height of any dwelling or residential accessory structure located on land which has a natural slope of fifteen percent (15%) or greater shall not exceed eighteen feet (18')." Due to the steep terrain, in order to keep the entire house on one level a height of up to 24'9" is being requested where a maximum of 18' is allowed by Code.
6. Article VII, Section 3.4.3.d of the Code states: "Retaining walls shall not exceed ten feet (10') in height..." The Applicant states that in order to minimize the height of the structure, it will have to be cut into the slope to provide a low profile appearance. In order to accomplish this, a retaining wall of up to 24'9" in height will be required.
7. Article II, Section 3.1 (Variances) of the County Code states: "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 non-self-inflicted conditions or that these conditions would result in inhibiting in achievement of the purposes of the Code, an applicant may file a written request for a variance."
8. On April 15, 2010, following a public hearing, the CDRC recommended approval of the requested variances.

9. At the June 8, 2010 hearing, Staff recommended approval of the request.
10. There was no one from the public present to speak in regards to this Application.
11. The subject property is a legal lot of record and therefore is entitled to development of a single residence. Due to the unusual topography present on the site, the requested variances are reasonable in order to maintain a compact, low-profile residence and minimize environmental and visual impacts.

WHEREFORE, the BCC hereby **APPROVES** the Application for the three variances of slope disturbance, building height and retaining wall height to construct a 6,862 sq. ft. residence on 1.12 acres.

IT IS SO ORDERED:

This Order was approved by the Board of County Commissioners on this _____ day of _____, 2010.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Harry B. Montoya, Chair

ATTEST:

Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, County Attorney