

MEMORANDUM

DATE: January 12, 2010
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 # V09-5400 Nikolos Cecere Variance

ISSUE:

Nikolos Cecere, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 5.6 acres into two lots.

The property is located at 101 Lower La Joya Road, within Section 36, Township 16 North, Range 11 East, (Commission District 4).

SUMMARY:

On November 19, 2009 the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the requested variance by a vote of 3-2.

The Applicant requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a Land Division of 5.6 acres into two lots. Article III, Section 10 states the minimum lot size in the area 20 acres per dwelling unit. The Applicant requests this variance due to financial hardship. The Applicant is proposing to split his 5.6 acre lot into one 2.5 acre lot and one 3.1 acre lot. The Applicant would then construct a new “green” home for him and his sister to reside in. The 2.5 acre lot would contain the existing home and the Applicant would sell it in order to maintain the rest of his property otherwise he is at risk of losing the whole 5.6 acres.

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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.”

RECOMMENDATION:

The CDRC recommends that the request for a variance be denied. Article III, Section 10 states that the minimum lot size in the area of the subject property is 20 acres per dwelling unit.

Should the BCC decide to approve the variance, staff recommends the following conditions:

1. The applicant shall apply for a land division with the Santa Fe County Land Use Department.
2. Water use on the property shall be restricted to 0.25-acre feet per year for each lot and water meters shall be installed on both lots.
3. Annual water meter readings shall be submitted to the Land Use Administrator every January.
4. Further land divisions of the subject property shall be restricted.

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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) of the Code
- Exhibit “D” -Vicinity Map
- Exhibit “E” - Site Plan
- Exhibit “F” – November 19, 2009 CDRC Minutes