

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 # V 09-5340 Robert Garcia Variance

ISSUE:

Robert Garcia, 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 13.1 acres into two lots.

The property is located at 3 Woodland Way via State Highway 14, within Section 30, Township 14 North, Range 8 East (Commission District 3).

SUMMARY:

On October 15, 2009 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval for the requested variance by a vote of 4-3.

The Applicant originally purchased two 6.5 acre properties in 1998. These lots were legal non-conforming created before 1981. In 1999, on the advice of a family member, the Applicant consolidated the two lots into the current 13.1 acre lot. In 2005 the Applicant and his neighbor recorded a lot line adjustment. Currently there are two (2) dwellings on the property as the Applicant was allowed to maintain the original density from the original two lots. The property is served by an onsite well and two conventional septic systems. The Applicant states that the

purpose of subdividing the property back to its original two lot configuration is so that each of his sons will have a piece of property.

The subject property is located within the Homestead Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 160 acres per dwelling unit. Lot size may be reduced to 40-acres with water restrictions of 0.25-acre feet per year. Lot size can further be reduced by way of a small lot family transfer to 20 acres.

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.”

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:

The BCC recommends that the request for a variance be approved. Article III, Section 10 of the Land development Code states the minimum lot size in this area is 160 acres per dwelling unit.

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

1. The applicant shall apply for a small-lot family transfer 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.
3. Annual water meter readings shall be submitted to the Land Use Administrator every January.
4. Further subdivision of the subject property shall be restricted after the family transfer is completed.

Deleted:

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 2 (Variances) of the Code
- Exhibit “D” -Vicinity Map
- Exhibit “E” – Site Plan
- Exhibit “F” – October 15, 2009 CDRC Minutes

