

**DATE:** March 15, 2012

**TO:** County Development Review Committee

**FROM:** Wayne Dalton, Building and Development Services Supervisor

**VIA:** Shelley Cobau, Building and Development Services Manager  
Penny Ellis-Green, Interim Land Use Administrator

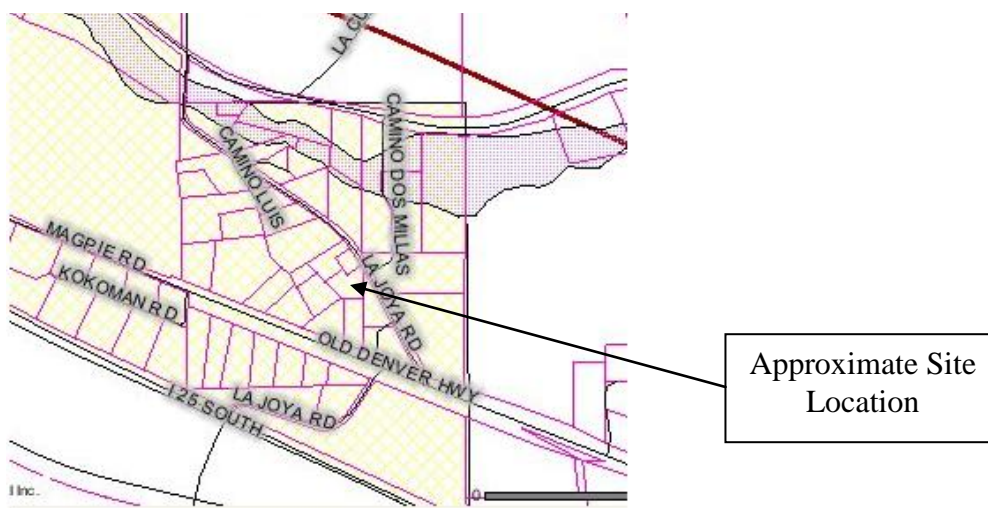
**FILE REF.:** CDRC CASE # MIS 12-5010 Victor and Patsy Roybal Legal Lot Recognition

**ISSUE:**

Victor and Patsy Roybal, Applicant's, request the recognition of a (0.84) acre parcel as a legal lot of record.

The property is located at 38 La Joya Road, in the vicinity of Glorieta, within Section 2, Township 15 North, Range 11 East, (Commission District 4).

**Vicinity Map:**



**SUMMARY:**

The Applicant’s request the recognition of a (0.84) acre parcel as a legal lot of record. There is currently a residence, a mobile home, multiple sheds and a carport on this portion of the property.

The mobile home located on the property was permitted on March 3, 2004, (Permit # 04-263). At that time a Plat of Survey was submitted indicating a 1.6 acre parcel was owned by the Applicant (Survey Attached as Exhibit 3). A site plan was also submitted showing an existing residence and garage on the property. Because the property is located with the Traditional Community two homes were permitted. Staff feels the permit was issued based on misrepresentation, due to the Applicant submitting a Survey showing more acreage then what the Applicant is requesting the CDRC recognize.

Taxes have been paid on the (0.84) acre portion of property since 1984 and the Applicant has submitted deeds dating back to 1956. Recorded Plats have also been submitted by the Applicant demonstrating a single 1.6 acre parcel (Exhibit 3). It appears the (0.84) acre lot was created through deed as depicted on the Warranty Deed recorded on January 10, 1986, (Warranty Deed Attached as Exhibit 4).

Article II, § 4, subsection 4.4.2 of the County states; “If the Applicant has evidence which does not include a notarized document, the evidence shall be submitted to the appropriate Development Review Committee. The Development Review Committee shall determine if the evidence establishes the existence of the lot prior to the effective date of the Code.” Thus, the CDRC may recognize non-notarized deeds or plats as proof of legal lot.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. The Applicant has not provided sufficient documentation that the (0.84) acre parcel was in existence prior to 1981, so recognition as a legal lot is not substantiated. The Applicant would also exceed the maximum density allowed by Code.

**APPROVAL SOUGHT:** Recognition of a (0.84) acre parcel as a legal lot of record;  
Approval from Article II, §4.4

**GROWTH MANAGEMENT AREA:** Galisteo, SDA-2

**HYDROLOGIC ZONE:** Traditional Community of Glorieta, minimum lot size per Code is 0.75 acres per dwelling unit. Two dwellings on 0.84 acres would exceed minimum lot size for the area.

**WATER SUPPLY:** Glorieta Water Association

**LIQUID WASTE:** Conventional Septic System

**VARIANCES:** No

**AGENCY REVIEW:** None

**STAFF RECOMMENDATION:** Denial for Approval of a 0.84 parcel as a Legal Lot of Record.

**APPLICANT OPTIONS:** a). The Applicant submit an application for a land division and request a variance of Article III, § 10 (Lot Size Requirements) to allow two homes on the 0.84 +/- acre parcel.

b). The Applicant remove the mobile home from the property and submit for a land division as per Article II, § 2.3 (Administrative Decisions).

**EXHIBITS:**

1. Letter of request
2. Article II, §4.4
3. Existing Survey Plat
4. Warranty Deed Dated 1986
5. All Warranty Deeds and Surveys
6. Site Photographs
7. Site Plan
8. Proposed Plat of Survey
9. Aerial of Site and Surrounding Area