

BOARD OF COUNTY COMMISSIONERS

**CASE NO. V 08-5260
AMY HEWLETT VARIANCE
AMY HEWLETT, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners of Santa Fe County (“BCC”) for hearing on January 13, 2009, on the Application of Amy Hewlett (“Applicant”) for a variance of Article III, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code (“the Code”). After conducting a public hearing and reviewing the record, the BCC makes the following findings of fact and conclusions of law:

1. Pursuant to Article II, Section 3.1 of the Code, the Applicant requests a variance of Article III, Section 10 of the Code to allow three dwellings on 2.87 acres. The Applicant seeks the variance so that ill family members can live in two of the residences on the property.

2. Article III, Section 10 of the Code states the minimum lot size in this area is 2.50 acres per dwelling unit with water restrictions of .25 acre feet per year. The minimum lot size can be further reduced to 1.25 by way of a family transfer. Staff testified at the January 13, 2009 hearing that the Applicant’s request to allow three dwellings on her lot does not comply with the Code requirements.

3. Currently there are three dwellings on the property, and it is not in compliance with the Code.

4. On November 13, 2008, the County Development Review Committee met and recommended approval for a temporary permit until the Applicant's hardship no longer existed.

5. At the January 13, 2009 hearing, Staff recommended that the BCC deny the request for a variance, based on Article III, Section 10 of the Code. Staff does not support this variance request as it would result in increased density not allowed by the Code.

6. Joe Garcia from the public spoke in opposition to the Application.

7. Staff recommends two conditions of approval in the event the recommendation of denial does not meet with Board approval:

a. No additional dwellings shall be permitted the property.

b. All debris and junk vehicles must be removed from the property.

The Applicant accepts the conditions as well as the condition imposed by the BCC that the property be brought into code compliance within six months. .

8. After conducting a public hearing on the request and having heard from the Applicant, the Board of County Commissioners hereby denies the requested variance but temporarily allows the two additional dwellings subject to Staff's conditions, and imposes a third condition that the Applicant has six months to bring the property into compliance with Code requirements. County Staff shall flag the property and when the six months are up, County Staff shall send out Code enforcement to enforce the necessary remedies.

IT IS THEREFORE ORDERED that the Application is denied, but the Applicant is allowed a second and third dwelling on the property for six months from date of this order subject to the conditions set forth herein.

I certify that the Application was approved by the Board of County Commissioners on this _____ day of _____, 2009.

The Board of County Commissioners of Santa Fe County

By: _____
Mike Anaya, Chair

ATTEST:

Valerie Espinoza, County Clerk

Approved as to form:

Stephen C. Ross, County Attorney