

REQUEST SUMMARY:

The Applicants request a variance to allow the reconstruction of a driveway to access an existing residence on two parcels totaling 7.33 acres. A permit was issued on June 19, 1998, under permit # 98-823 for a residence and a driveway. The existing access contains grades greater than 15% which exceed access requirements for Fire and Emergency vehicles. The proposed grade would be within fire requirements of 11%

The request would require a variance of Article VII, § 3.41.c.c.i (No Build areas) to allow four (4) separate areas of 30% slope disturbance. The first isolated occurrence is 388 square feet, the second occurrence is 2,801 square feet, the third is 308 square feet, and the fourth is 2,806 square feet. The total combined disturbance is 6,303 square feet.

The Applicants state it is their intent to make their house accessible with a driveway that can be used by emergency vehicles such as ambulance and fire apparatus.

This Application was submitted on February 5, 2013.

On March 21, 2013, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request subject to conditions imposed by staff by a 7-0 vote

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.

APPROVAL SOUGHT:

Approval for a driveway to access an existing residence on two parcels totaling 7.33 acres, which due to site conditions would require a variance of Article VII, § 3.41.c.c.i (No Build Areas) to allow four (4) separate areas of 30% slope disturbance.

VARIANCES:

Article VII, § 3.41.c.c.i (No Build Areas) of the Land Development Code states: "access for corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1,000) square feet each provided the Applicant demonstrates that no alternative development location is available"

Article II, § 3 (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 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”.

GROWTH MANAGEMENT AREA: El Norte, SDA-2

HYDROLOGIC ZONE: Basin Hydrologic Zone, minimum lot size per Code is 10 acres per dwelling. Lot size can be reduced to 2.5 acres per dwelling with signed and recorded water restrictions.

ACCESS: State Road 76.

FIRE PROTECTION: La Puebla Fire District.

WATER SUPPLY: Domestic Well

LIQUID WASTE: Conventional Septic System

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	County Fire	Conditional Approval

STAFF RECOMMENDATION: Staff acknowledges this request does not meet Code requirements. However, staff feels this could be considered a minimal easing of code requirements due to the proposed driveway being more accessible for emergency vehicles and life safety concerns and meeting fire code requirements. Therefore, Staff recommends approval of the Applicants request.

If the decision of the BCC is to approve the Applicant’s request for a variance, staff recommends imposition of the following conditions:

1. The Applicant must obtain a development permit from the Building and Development Services Department for construction of the driveway. (As per Article II, § 2).
2. The Applicant shall comply with all Fire Prevention Division requirements at time of development

application (As per 1997 Fire Code and 1997 Life Safety Code).

EXHIBITS:

1. Letter of request
2. Review Agency Comments
3. Article VII, § 3.4.1.c.c.i (No Build Areas)
4. Article II, § 3 (Variances)
5. Plans
6. Site Photographs
7. Aerial of Site and Surrounding Area
8. March 21, 2013 CDRC Meeting Minutes

Wladimir Senutovitch
P.O. Box 217
Santa Cruz, NM 87567

John Lovato
Santa Fe County
Land Use Department
102 Grant Ave
Santa Fe, NM 87504-0276

January 29, 2013

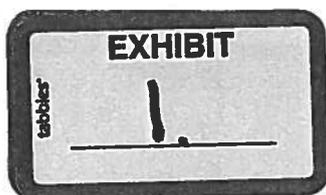
Letter of Intent

It is my intent to make my house accessible with a driveway that can be used by emergency vehicles such as an ambulance and fire apparatus.

Sincerely,

Wladimir Senutovitch
1/29/13

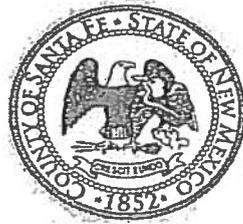
Wladimir Senutovitch



Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

Santa Fe County Fire Department Fire Prevention Division

Official Submittal Review

Date	3/13/13		
Project Name	Senutovitch, Wladimir		
Project Location	214 and 216 State Road 76 in La Puebla		
Description	Driveway Improvements – Variance to disturb 30%	Case Manager	J. Lovato
Applicant Name	Wladimir and Diane Senutovitch	County Case #	13-5030
Applicant Address	P.O. Box 217 Santa Cruz, NM 87567	Fire District	La Puebla
Applicant Phone	505-753-8355		
Review Type	Commercial <input type="checkbox"/>	Residential <input checked="" type="checkbox"/>	Sprinklers <input type="checkbox"/>
	Master Plan <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Final <input type="checkbox"/>
	Wildland <input type="checkbox"/>	Variance <input checked="" type="checkbox"/>	
		Hydrant Acceptance <input type="checkbox"/>	Inspection <input type="checkbox"/>
		Lot Split <input type="checkbox"/>	
Project Status	Approved <input type="checkbox"/>	Approved with Conditions <input checked="" type="checkbox"/>	Denial <input type="checkbox"/>

The Fire Prevention Division/Code Enforcement Bureau of the Santa Fe County Fire Department has reviewed the above submittal and requires compliance with applicable Santa Fe County fire and life safety codes, ordinances and resolutions as indicated (*Note underlined items*):

Summary of Review

- The access road improvements submitted to our office on 2/20/13 have been reviewed and approved. (*page #2*)
- The alternative hammer head turnaround submitted to our office on 3/4/2013 has been reviewed and approved. (*page #2*)
- Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building. (*page #2*)
- Upon completion of the permitted work, the Contractor/Owner shall call for a final inspection. (*page #3*)



Fire Department Access

Shall comply with Article 9 - Fire Department Access and Water Supply of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal

▪ Roadways/Driveways

Shall comply with Article 9, Section 902 - Fire Department Access of the 1997 Uniform Fire Code inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The access roads improvements submitted to our office on 2/20/13 have been reviewed and approved.

The alternative hammer head turnaround submitted to our office on 3/4/2013 has been reviewed and approved.

▪ Street Signs/Rural Address

Section 901.4.4 Premises Identification (1997 UFC) Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

Section 901.4.5 Street or Road Signs. (1997 UFC) When required by the Chief, streets and roads shall be identified with approved signs.

Properly assigned legible rural addresses shall be posted and maintained at the entrance(s) to each individual lot or building site within 72 hours of the commencement of the development process for each building.

▪ Slope/Road Grade

Section 902.2.2.6 Grade (1997 UFC) The gradient for a fire apparatus access road shall not exceed the maximum approved.

Driveway/fire access shall not exceed 11% slope and shall have a minimum 28' inside radius on curves.

▪ Restricted Access/Gates/Security Systems

Section 902.4 Key Boxes. (1997 UFC) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible

location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the chief.

To prevent the possibility of emergency responders being locked out, all access gates should be operable by means of a key or key switch, which is keyed to the Santa Fe County Emergency Access System (Knox Rapid Entry System). Details and information are available through the Fire Prevention office.

A final inspection by this office will be necessary to determine the applicability of the installation of the Knox lock access system in regards to emergency entrance into the fenced area. Should it be found suitable for such, the developer shall install the system.

Life Safety

Fire Protection requirements listed for this development have taken into consideration the hazard factors of potential occupancies as presented in the developer's proposed use list. Each and every individual structure of a private occupancy designation will be reviewed and must meet compliance with the Santa Fe County Fire Code (1997 Uniform Fire Code and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code, which have been adopted by the State of New Mexico and/or the County of Santa Fe.

General Requirements/Comments

▪ Inspections/Acceptance Tests

Shall comply with Article 1, Section 103.3.2 - New Construction and Alterations of the 1997 Uniform Fire Code, inclusive to all sub-sections and current standards, practice and rulings of the Santa Fe County Fire Marshal.

The developer shall call for and submit to a final inspection by this office prior to the approval of the Certificate of Occupancy to ensure compliance to the requirements of the Santa Fe County Fire Code (1997 UFC and applicable NFPA standards) and the 1997 NFPA 101, Life Safety Code.

Prior to acceptance and upon completion of the permitted work, the Contractor/Owner shall call for and submit to a final inspection by this office for confirmation of compliance with the above requirements and applicable Codes.

▪ Permits

As required

Final Status

Recommendation for VARIANCE approval with the above conditions applied.

Victoria DeVargas, Inspector

Victoria DeVargas
Code Enforcement Official

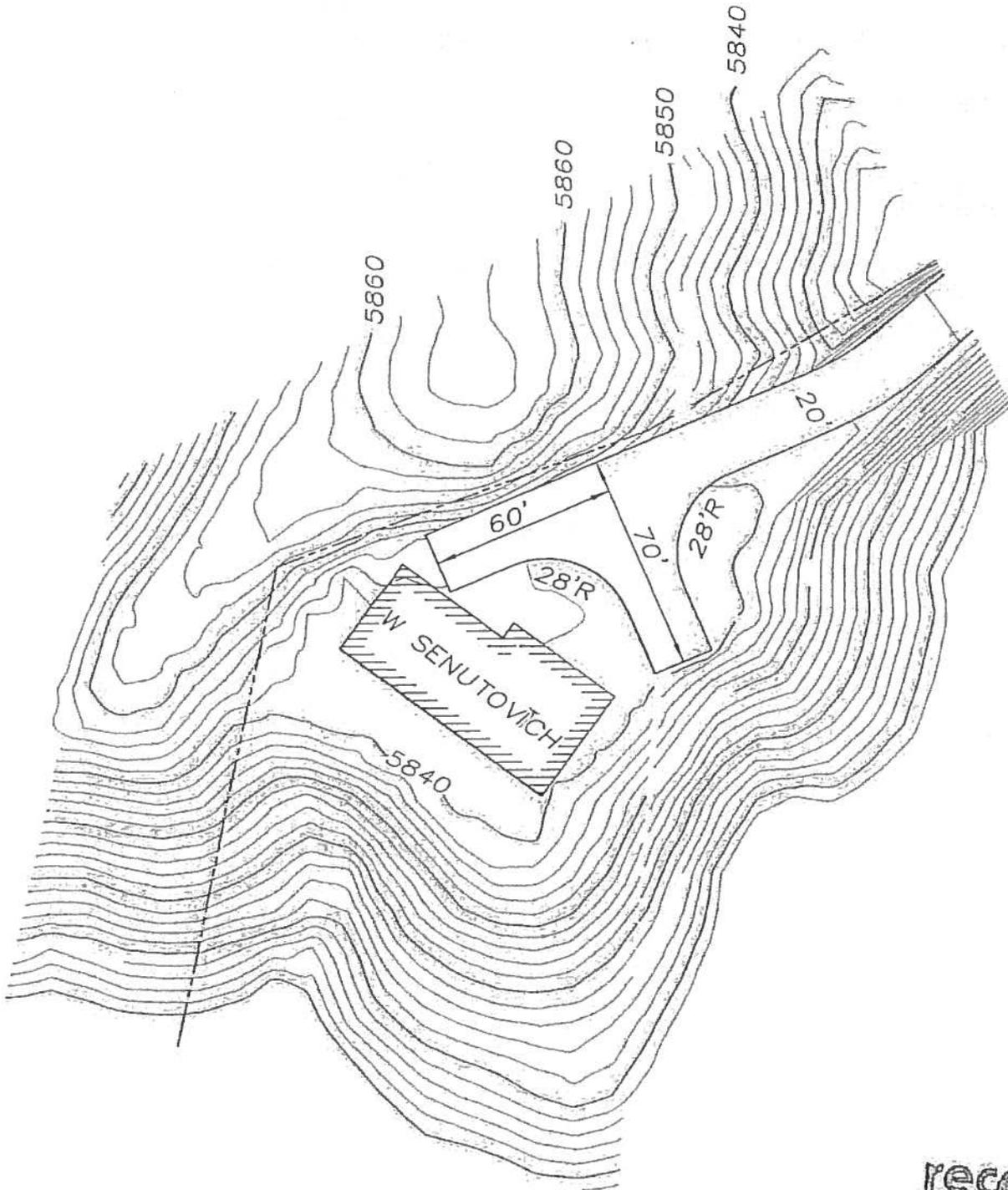
3/13/13
Date

Through: David Sperling, Chief
Buster Patty, Fire Marshal *B*

File: NorthReg/DevRev/LaPuebla/SenutovitchWladimirVAR.doc

Cy: J. Lovato, Land Use
Applicant
District Chief
File

753-8359



received
3/4/13
JLH

WLADIMIR SENUTOVITCH
NEW DRIVEWAY TO EXISTING BUILDING SITE
OFF STATE ROAD 76 TO MEET FIRE APPARATUS
ACCESS AND ALTERNATE HAMMERHEAD

b. Buildable Areas. Each lot shall have a Buildable Area which shall meet the following criteria:

- 1) The natural slope is less than thirty percent (30%);
- 2) New lots shall contain an area suitable for building, including areas suitable for access corridor and utility sites and corridors which can be developed in accordance with these terrain management regulations and other requirements of the Code.
- 3) Meet all required setback standards for ridgetops, drainage ways, etc.
- 4) Contain a site with slope of less than fifteen percent (15%) and soils adequate by type and thickness in order for installation of a septic tank with leach field to be approved. In all other cases, alternative liquid waste disposal will be required.

c. No Build Areas

- 1) The following areas shall be set aside from use for development:
 - a) areas of rock outcropping, wetlands, arroyos and natural drainage ways;
 - b) A minimum of twenty-five feet (25') set back is required from the natural edge of streams, waterways, drainage ways or arroyos that may convey a discharge ("Q") of one hundred cubic feet per second (100 cfs) or more, generated by a design storm (100 year recurrence, 24 hour duration); the required setback may be increased if the Code Administrator determines that a clear hazard exists because of slope stability and hydrologic/hydraulic conditions. In evaluating the need to increase the setback, the Code Administrator shall consider property and channel slope, velocity of channel flow, hydraulic radius, roughness coefficient and sectional area of the particular drainage way. A requirement for increased setback imposed by the County shall not be interpreted to be an engineered development plan for development or encroachment to any FEMA designated 100 year floodplain or significant tributary thereof.
 - c) Natural slopes of thirty percent (30%) or greater. Exceptions may be approved by the Code Administrator for :
 - i. access corridors, utility corridors and landscape areas proposed on natural slopes in excess of thirty percent (30%) that disturb no more than three (3) separate areas of no more than one thousand (1000) square feet each, provided the applicant demonstrates that no alternative development location is available; and
 - ii. arroyo crossings may be approved which disturb more than one thousand (1000) square feet in each instance provided that slope stability and hydrologic/hydraulic conditions are not changed from pre-development values; and
 - iii. siting of structures to preserve remaining traditional agricultural lands and uses.
 - iv. The applicant shall demonstrate that crossing such slopes has minimal impact to terrain or to visual quality and otherwise would conform to the purposes and standards set forth in Article III, Section 2.3 and Article VII, Section 3.4. See the Guidelines for Site Planning and Development in Santa Fe County.
- 2) No Build Areas may be used as part of the dedicated open space or may be included in lots as conservation easements or may be platted as common area within a subdivision or land division.

EXHIBIT

3.

VII - 18

2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

➤ SECTION 3 - VARIANCES

➤ 3.1 Proposed Development

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 conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking or property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. 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.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

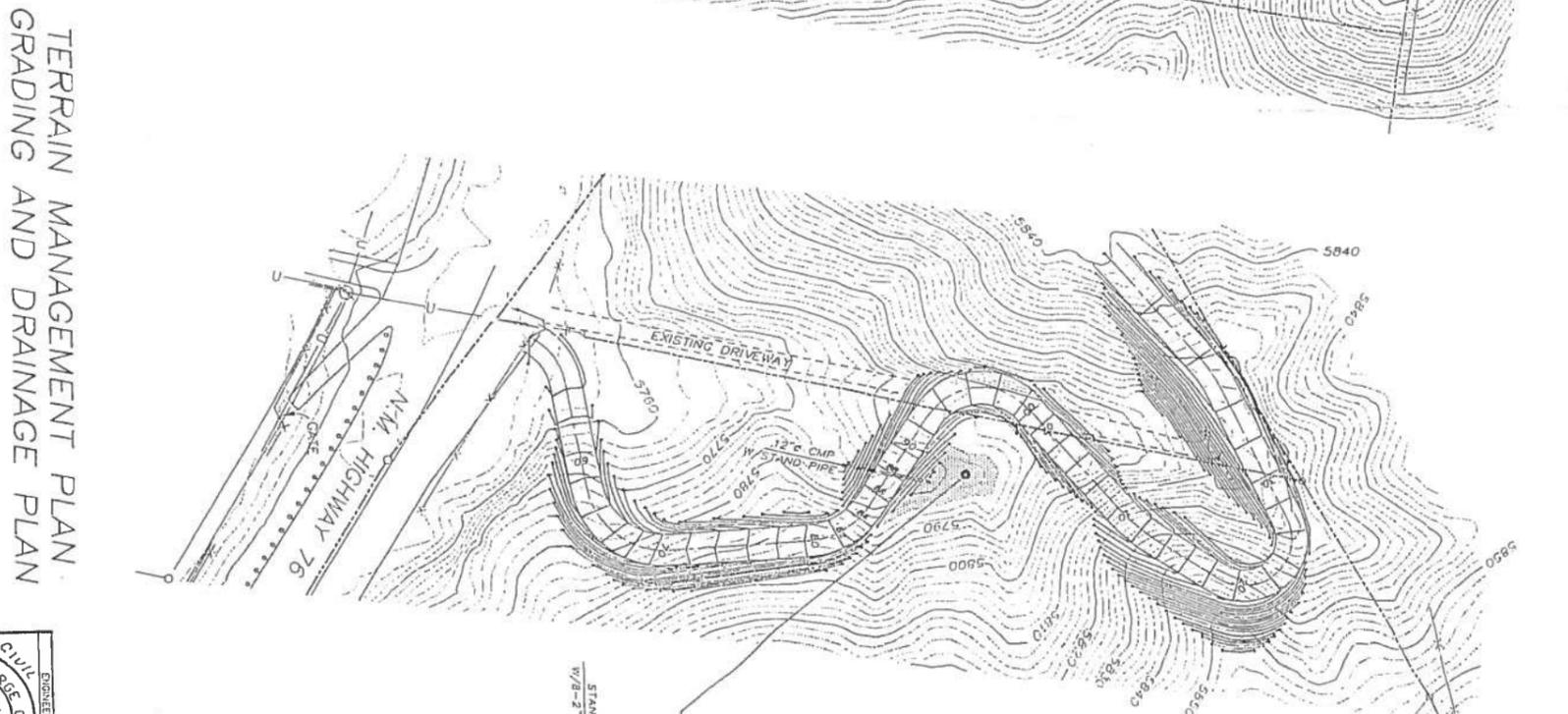
3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the



LEGEND

- INDICATES SLOPES BETWEEN 0 AND 20 PERCENT.
- INDICATES SLOPES BETWEEN 20 AND 30 PERCENT.
- INDICATES SLOPES 30 PERCENT AND ABOVE.
- FOUR AREAS OF 10%+ ENCROACHMENT
 - 1) 368 SQ. FT.
 - 2) 2201 SQ. FT.
 - 3) 308 SQ. FT.
 - 2) 2806 SQ. FT.



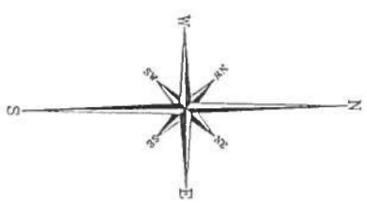
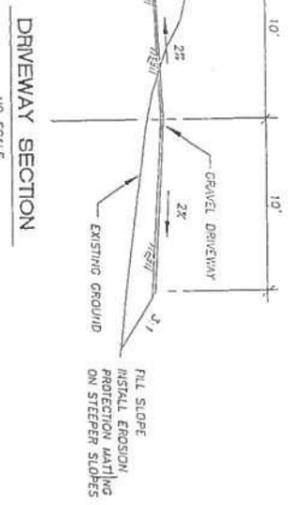
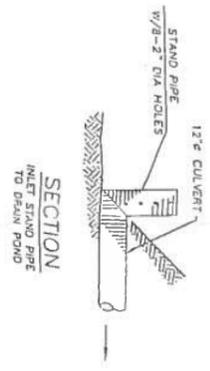
STORM DRAINAGE CALCULATION AND DRIVEWAY AREA OF 22,500 S.F.

SITE: 319,686.00 S.F. (7.339 AC)

TITLE OF CONCENTRATION: = 10.0 MIN
 UNITS DISCHARGE: 2.3 CFS/AC-IN
 100-YR RAINFALL: 3.8 IN

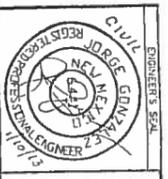
	PRE-DEVELOPMENT		POST DEVELOPMENT	
	CN	SF	CN	SF
UNDISTURBED	EO	319686.00	100.00	50.00
DRIVEWAY AREA	90	0.00	0.00	22500.00
WEIGHTED CN:		80.00		80.70
RUNOFF:		1.28 IN		1.93 IN
PEAK:		31.693 CFS		32.603 CFS
VALUE:		1.1483 AC-FT		1.1813 AC-FT
VOLUME:		50020 CF		51457 CF
RETAINAGE NEEDED TOTAL:		1,437 CF		
RETAINAGE AVAILABLE:		2061 CF		

PONDING AREA TO BE RELEASED WITHIN 48 HRS. VOLUME 2061 C.F. AREA 1374 SF x 1.5 FT DEEP



TERRAIN MANAGEMENT PLAN SLOPE ANALYSIS MAP

TERRAIN MANAGEMENT PLAN GRADING AND DRAINAGE PLAN



NUTOVITCH
 ENGINEERING BUILDING SITE
 MEET FIRE APPARATUS
 ACCESS AND OBLITERATE OLD DRIVEWAY
 SHEET C-13



Wladimir & Diane

Senutovitch





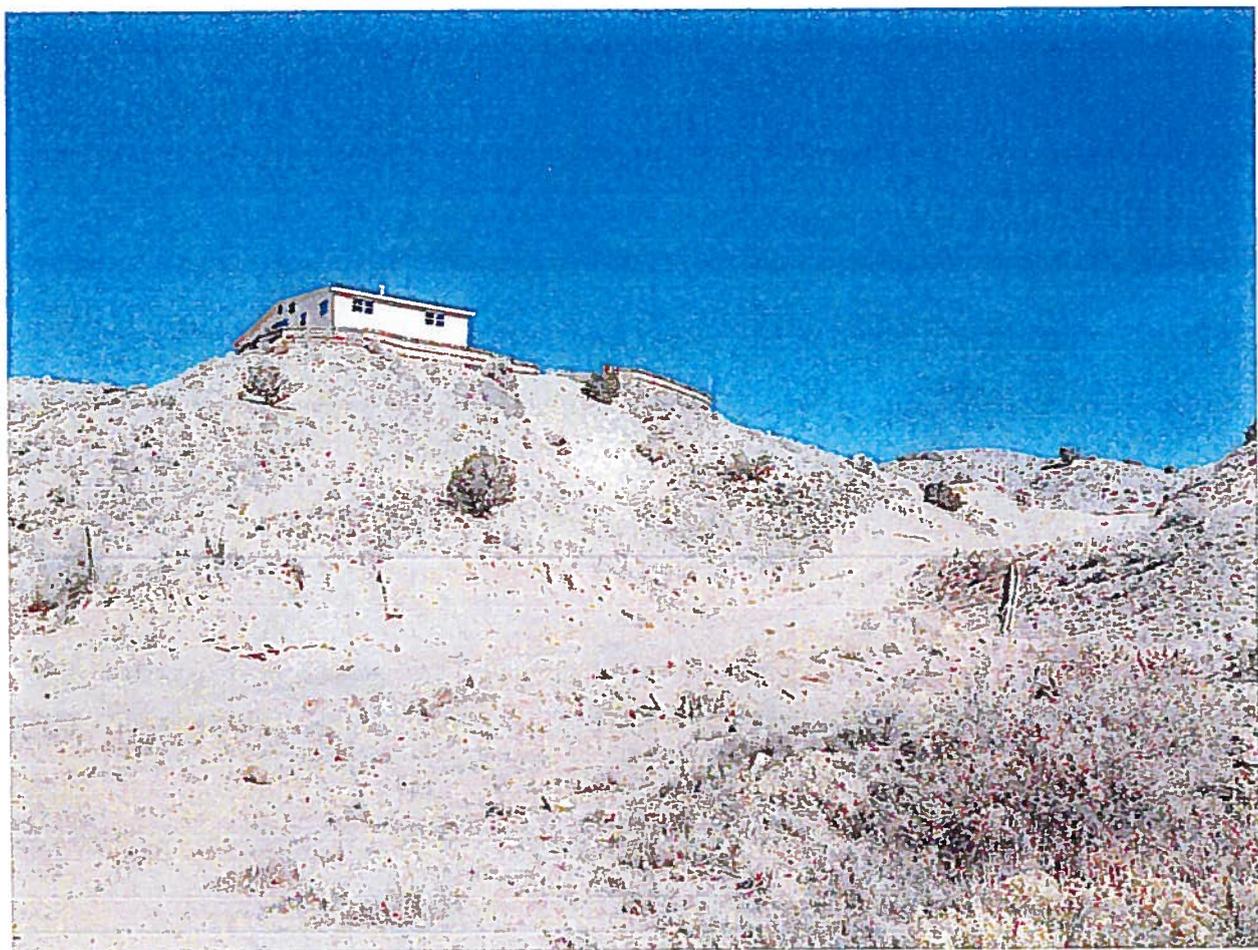
Wladimir & Diane

Senutovitch



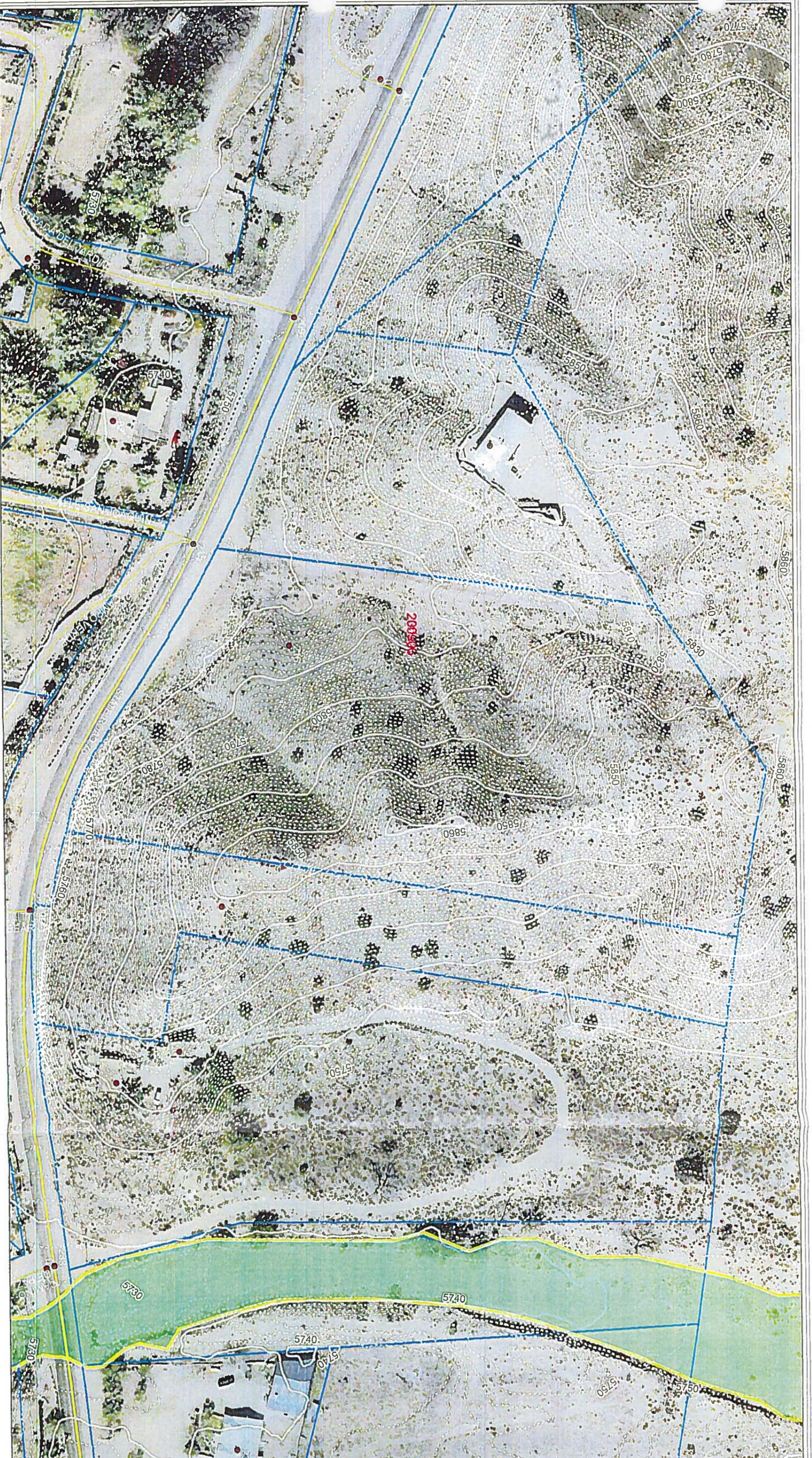
Wladimir & Diane

Senutovitch



Wladimir & Diane

Senutovitch



Legend

- 0.2% Annual Chance Flood Hazard
- 2012 Zone A
- 2012 Zone AE
- 2012 Floodways
- 2012 Zone AO
- 2012 Zone D
- Major
- Minor
- Parcels

EXHIBIT
7.

1:1,245

1 Inch = 103,76663 feet



2008 Orthophotography
2 Foot Contours

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



March 13, 2013

IV. APPROVAL OF THE AGENDA

Vicki Lucero said there were no changes from the recently published amended agenda: Old Business case A, CDRC Case #Z/S 12-5450, Cielo Colorado Subdivision is tabled.

She noted that Old Business item B, Tierra Bello Subdivision, was presented for deliberation and vote only and requires the presence of all seven members. She recommended postponing action until Member Anaya arrives.

Member Martin moved to approve the agenda as amended. Her motion was seconded by Member Katz and passed by unanimous [6-0] voice vote. [Member Anaya was not present for this action.]

V. APPROVAL OF THE MINUTES: February 21, 2013

Although he was not present for CDRC Case #V 12-5111, William Frederick Wagner Variance, Member Katz said he would have recused himself because of a conflict with his nephew serving as representative.

Chairman Gonzales noted a gender error on page two.

Member Martin moved to approve the minutes as corrected. Her motion was seconded by Member Drobnis and passed by unanimous [6-0]. [Member Anaya was not present for this action.]

VII. NEW BUSINESS

- A. **CDRC CASE # V 13-5030 Wladimir Senutovitch Variance Wladimir & Diane Senutovitch, Applicants, request a variance of Article VII, Section 3.4.1.c.c.i (No Build Areas) to allow four (4) separate areas of 30 percent slope disturbance for a proposed driveway on two parcels totaling 7.33 acres. The property is located at 214 and 216 State Road 76 in the vicinity of Santa Cruz, within Section 6, Township 20 North, Range 9 East, (Commission District 1)**

John Lovato, Case Manager, presented the staff report as follows:

“The Applicants request a variance to allow the reconstruction of a driveway to access an existing residence on two parcels totaling 7.33 acres. A permit was issued on June 19, 1998, under permit # 98-823 for a residence and a driveway. The existing access contains grades greater than 15 percent which exceed access requirements for Fire and Emergency vehicles. The proposed grade would be within fire requirements of 11 percent



The request would require a variance of Article VII, § 3.41.c.c.i , No Build areas, to allow four separate areas of 30 percent slope disturbance. The first isolated occurrence is 388 square feet, the second occurrence is 2,801 square feet, the third is 308 square feet, and the fourth is 2,806 square feet. The total combined disturbance is 6,303 square feet.

The Applicants state it is their intent to make their house accessible with a driveway that can be used by emergency vehicles such as ambulance and fire apparatus. This Application was submitted on February 5, 2013.”

Mr. Lovato said that Growth Management staff has 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. Acknowledging that, staff feels this should be considered an easing of code requirements due to the proposed driveway being more accessible for emergency vehicles and life safety concerns. Therefore, Staff recommends approval of the Applicants’ request.

If the decision of the CDRC is to recommend approval of the Applicants’ request for a variance, staff recommends imposition of the following conditions:

1. The Applicants must obtain a development permit from the Building and Development Services Department for construction of the driveway. (As per Article II, § 2).
2. The Applicants shall comply with all Fire Prevention Division requirements at time of development application (As per 1997 Fire Code and 1997 Life Safety Code).

[Member Anaya arrived]

Mr. Lovato confirmed that a driveway to the residence exists and to improve the driveway for accessibility slopes of 30 percent will be disturbed.

Duly sworn, Wladimir Senutovitch, Santa Cruz, New Mexico, said the existing driveway is very steep and was created for the construction of the residence. The proposed driveway will be accessible to emergency vehicles. It currently contains a hairpin corner and steep slopes. He confirmed that he met with the County Fire Marshal.

In response to Member DeAnda’s question regarding stabilization of the slope, Mr. Senutovitch said he would have grasses.

Member Roybal noted the engineering plans call for erosion protection matting on the steeper slopes. Mr. Senutovitch said he will be following the engineering plan.

There was no in the public wishing to speak on this issue.

Member Katz recognized the applicant was improving the access and safety of the property and moved approval with staff conditions. Member Martin seconded. The motion passed by unanimous [7-0] voice vote.