

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: May 27, 2015

TO: Board of County Commissioners

FROM: Mathew Martinez, Development Review Specialist *MM*

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: CDRC CASE # V 15-5080 Thomas Ketcheson Variance

ISSUE:

Thomas Ketcheson, Applicant, requests a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards), to allow two dwelling units on 2.99 acres.

The property is located within the Agua Fria Low-Density Urban Zone, at 1719 Roys Way within Section 31, Township 17 North, Range 9 East, (Commission District 2).

Vicinity Map:



Site Location

SUMMARY:

On April 16, 2015, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request. The motion passed by a unanimous [6-0] vote (Minutes Attached as Exhibit 1).

The subject lot was created in 2001, by way of land division and is recognized as a legal lot of record. There are currently two dwelling units and a garage on the property. The Applicant resides in one dwelling unit (3,816 sq. ft. main residence) and the other is occupied by tenants (825 sq. ft. guest house). Staff has found no evidence of development permits being issued for this property.

The owner of the property Thomas Ketcheson, acquired the property by Warranty Deed recorded as Instrument # 1340446 in the Santa Fe County Clerk's records dated August 4, 2004 (Exhibit 2).

The Applicant requests a variance of Ordinance No. 2007-2, (Village of Agua Fria Zoning District), § 10.6 (Density and Dimension Standards), to allow two dwelling units on 2.99 acres. The Applicant claims when he purchased the property in 2004 it contained both the single family home and guest house. The Applicant states he purchased the property with the intent to use the guest house occasionally, however, current financial circumstances have led him to continuously rent out the guest house, otherwise, he would be unable to keep up with his mortgage payments.

On July 14, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the property. On July 15, 2014, Code Enforcement conducted an inspection and found the property contained three dwelling units (a duplex in the main residence and a separate guesthouse). On that date, Code Enforcement issued a Notice of Violation for the density violation of Ordinance No. 2007-2, §10.6, Ordinance No. 1996-10, Article 2, § 2 Unpermitted Development, Ordinance No. 1993-6, Article 2, § 2 Junked Vehicles, and Ordinance No. 1993-11 Anti-Litter. The Applicant has removed one of the kitchens in the main residence converting it back to a single family residence, which has been verified by Code Enforcement, and cleaned up the property. Currently, the property contains two dwelling units, the single family home and the guest house.

Notice requirements were met as per Article II § 2.4.2, of the Land Development Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on March 26, 2015. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on March 26, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners (Exhibit 3).

Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and Dimensional Standards) allows for a minimum lot size of 2.5 acres per dwelling unit.

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 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 of 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." **The variance criterion does not consider financial or medical reasons as extraordinary hardship.**

Article II, § 3.2 (Variation or Modification) states: "in no case shall any variation or modification be more than a minimum easing of the requirements."

This Application was submitted on February 27, 2015.

On April 16, 2015, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of the Applicant's request

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria under the Code for this type of request.

APPROVAL SOUGHT: Approval of a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), § 10.6 (Density and Dimension Standards), to allow two dwelling units on 2.99 acres. The request does not meet the minimum lot size requirements for this area, 2.5 acres per dwelling unit.

GROWTH MANAGEMENT AREA: SDA-2

HYDROLOGIC ZONE: Agua Fria Low-Density Urban Zone, minimum lot size is 2.5 acres per dwelling unit. Lot size can be further reduced to 1.0 acre per dwelling unit with community water or sewer or to 0.5 acres per dwelling unit with Community Water and Community Sewer. **The property is not served by Community Water or Sewer. Community Water and**

Sewer are approximately 4.800 ft. (.91miles) away from the property.

FIRE PROTECTION:

The property is in the Agua Fria Fire District.

WATER SUPPLY:

Shared Domestic well

LIQUID WASTE:

Conventional Septic System

VARIANCES:

To allow two dwelling units on 2.99 acres.

AGENCY REVIEW:

Agency:

Fire Prevention

Recommendation:

Approved

STAFF RECOMMENDATION:

Staff recommends denial of the Applicant's request for a variance of Ordinance No. 2007-2 Village of Agua Fria Zoning District), § 10.6 (Density and Dimension Standards) to allow two dwelling units on 2.99 acres.

The decision of the CDRC was to recommend approval of the variance subject to the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per home. A water meter shall be installed for each home within 90 days of recording the order granting the variance. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2).
2. The Applicant must obtain a development permit from the Building and Development Services Department for all structures on the property within 90 days of recording the order granting the variance. (As per Article II, § 2).
3. The placement of additional dwelling units is prohibited on the property. (As per Ordinance No. 2007-2 § 10.6).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

5. The Applicant shall provide an updated liquid waste permit for both homes from the New Mexico Environment Department with the Development Permit Application. (As per Article III, § 2.4.1a.1 (a) (iv).
6. These conditions are conditions precedent to the granting of the variance. If the Applicant fails to comply with any conditions set forth above within the time periods provided, the variance shall be denied.

EXHIBITS:

1. April 16 2015 CDRC Minutes
2. Letter of request
3. Warranty Deed
4. Noticing
5. Ordinance No. 2007-2 § 10.6 (Density and Dimension Standards)
6. Article II, § 3 (Variances)
7. Site Plan
8. Site Photographs
9. Aerial of Site and Surrounding Area
10. Review Comments

to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office at the time of Development Permit (As per Article III, § 10.2.2 and Ordinance No. 2002-13).

2. The Applicant must obtain a development permit from the Building and Development Services Division for the proposed dwelling unit (As per Article II, § 2).
3. The placement of additional dwelling units is prohibited on the property (As per Article III, § 10).
4. The Applicant shall provide an updated liquid waste permit for the proposed dwelling unit from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1(a)iv).
5. The Applicant shall comply with all Fire Prevention Division requirements at the time of Development Permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

Chair Katz asked how the enactment of the Sustainable Land Development Code would change the situation. Mr. Salazar stated that the applicant's property would be within a residential fringe area where the density would be one dwelling unit per 5 acres and thus allowed to have the two units. The SLDC also allows for accessory structures and a guesthouse would be allowed.

The applicant, Juan Gonzalez was placed under oath and said the staff report accurately reflects the request. They had hoped the zoning map would pass and their request could be handled administratively. Mr. Gonzalez confirmed that at this point he wants another house on the 10 acres.

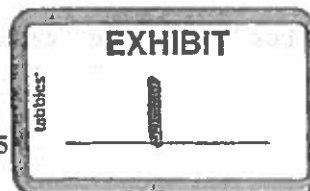
In response to Member Anaya's question to why he couldn't wait for the passage of the zoning map, Mr. Gonzalez said that his sister-in-law is ill and would be better served in a quiet home. The barn which is a block and wood structure would be converted to a house. Mr. Gonzalez said the property is served by a well and there have never been problems with it.

There was no one from the public wishing to speak to this case and the public hearing portion was closed.

Mr. Salazar confirmed that if approved the applicant will have two units on one 10-acre lot. If the lot were split in the future there would be one structure on each of the 5-acre lots.

Member Martin moved to approve CDRC #V 14-5130, Juan Gonzalez variance with the staff-imposed conditions. Member Anaya seconded and the motion passed by unanimous [6-0] voice vote.

C. **CDRC CASE # V 15-5080 Thomas Ketcheson Variance.** Thomas Ketcheson, Applicant, requests a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 (Density and



Dimensional Standards), to allow two dwelling units on 2.99 acres. The property is located within the Agua Fria Low-Density Urban Zone, at 1719 Roys Way within Section 31, Township 17 North, Range 9 East, (Commission District 2)

Wayne Dalton, Building and Development Services Supervisor, read the case caption and staff report as follows:

"The subject lot was created in 2001, by way of land division and is recognized as a legal lot of record. There are currently two dwelling units and a garage on the property. The Applicant resides in one dwelling unit which is 3,816 square feet main residence and the other is occupied by tenants which is 825 square feet. Staff has found no evidence of development permits being issued for this property.

"The Applicant requests a variance to allow two dwelling units on 2.99 acres. The Applicant claims when he purchased the property in 2004 it contained both the single family home and a guesthouse. The Applicant states he purchased the property with the intent to use the guesthouse occasionally, however, current financial circumstances have led him to continuously rent out the guesthouse, otherwise, he would be unable to keep up with his mortgage payments.

"On July 14, 2014, the Building and Development Services Division received a complaint regarding a potential density violation on the property. On July 15, 2014, Code Enforcement conducted an inspection and found the property contained three dwelling units; a duplex in the main residence and a separate guesthouse. On that date, Code Enforcement issued a Notice of Violation for the density violation, junked vehicles, and litter.

"The Applicant has removed one of the kitchens in the main residence converting it back to a single family residence, which has been verified by Code Enforcement, and cleaned up the property. Currently, the property contains two dwelling units, the single family home and the guesthouse."

Mr. Dalton said staff recommends denial of the Applicant's request for a variance of Ordinance No. 2007-2 to allow two dwelling units on 2.99 acres. If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each home within 90 days of recording the order granting the variance. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2).
2. The Applicant must obtain a development permit from the Building and Development Services Department for all structures on the property within 90 days of recording the order granting the variance. (As per Article II, § 2).

3. The placement of additional dwelling units is prohibited on the property. (As per Ordinance No. 2007-2 § 10.6).
4. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).
5. The Applicant shall provide an updated liquid waste permit for both homes from the New Mexico Environment Department with the Development Permit Application. (As per Article III, § 2.4.1a.1 (a) (iv).
6. These conditions are conditions precedent to the granting of the variance. If the Applicant fails to comply with any conditions set forth above within the time periods provided, the variance shall be denied.

Duly sworn applicant, Tom Ketcheson, 1719 Roys Way, Santa Fe presented a diagram of the property to the CDRC indicating that the property was originally developed and occupied by the Atunno family. He said he purchased the property over a decade ago and there are 12 properties in the immediate opposite side of the area ranging in size from 1.4 acres to 1.5 acres. On the side he resides there are nine properties with an approximate average of 1.5 acres. Of the 21 properties the largest, 4 acres, is at the end of the street and was recently granted a variance to allow three dwellings. He owns the second largest property.

Mr. Ketcheson said when he acquired the property the guesthouse and main house were there. He acknowledged that he failed to conduct due diligence and now understands the property exceeds density. He noted that he may be the only one in his area required to meet the current zoning requirement. None of the residence in his area meets the 2.5 acres per dwelling requirement.

The guesthouse on his property accommodates one tenant. Mr. Ketcheson noted that with the variance the property will still be well below the average density in his neighborhood.

Duly sworn, Beth Wright, Mr. Ketcheson's tenant, said she loves living in the guesthouse and she requested the CDRC approve the variance.

There were no other speakers and Chair Katz closed the public hearing.

Mr. Dalton confirmed that the homes in the area are served by individual wells and septic systems. Without having researched the residences in the area, Mr. Dalton assumed the smaller lots were created by family transfer. Mr. Ketcheson would be allowed to conduct a family transfer on his property.

Member Anaya asked whether the rental property had an approved septic system and Mr. Ketcheson responded that the main house has an ED approved septic tank and he is currently in the process of having the existing septic tank that services the guesthouse approved. Mr. Ketcheson said both dwellings are served by one well.

Member Anaya moved to approved CDRC case V 15-5070 with the staff-imposed conditions. Member Gonzales seconded and the motion passed by unanimous [6-0] voice vote.

D. CDRC CASE # V 15-5070 Jennifer Farquhar Variance. Jennifer Farquhar, Applicant, requests a variance of Article III § 10 (Lot Size Requirements) of Santa Fe County Ordinance 1996-10, the Santa Fe County Land Development Code (Code) to allow a Land Division of 11.34 acres into two lots. The property is located at 21 Piedras Negras, within the vicinity of Old Santa Fe Trail, within Section 21, Township 16 North, Range 10 East, (Commission District 4)
[Exhibit 2: Farquhar-supplied lot divisions; Exhibit 3: Letter of opposition to request signed by Kate Fitz Gibbon, Andrew Hale, Vilo Montoya, and John Andrews of Piedras Negras]

Mr. Dalton read the case caption and presented the staff report as follows:

"The subject lot is part of the Vista Piedras Negras Subdivision which was created in 1980 and is recognized as a legal lot of record. There is currently a residence which is 2,770 square feet, where the Applicant resides, and an accessory structure which is 200 square feet on the property.

"The Applicant requests a variance to allow a land division of 11.34 acres into two lots, she has not specified whether they will be split equally. The Applicant states that she and her husband intended to split the property in order to build on the lower portion of the property for their retirement. The Applicant asserts that neighboring properties on Piedras Negras are all between 5 to 6 acres apiece, making their lot the largest in the area. The Applicant claims that the lower half of the property is more accessible than the upper 5 to 6 acres where the existing home is located. The Applicant's existing home has a long driveway and the access from the driveway and carport to the residence requires a walk up the stairs or a long walkway with a steep change in elevation. The Applicant further states that since her husband passed away 8 years ago, it is difficult raising their son as a single mother living on a property where the elevation affects driving to and from their home when there is snow. The Applicant also states that it is difficult to haul firewood and groceries up to the residence. The Applicant claims that she needs to sell the existing residence for both physical and financial reasons."

Mr. Dalton said staff recommends denial of the Applicant's request for a variance to allow a Land Division of 11.34 acres into two lots. If the decision of the CDRC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions:

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2).

Thomas Ketcheson
PO Box 28292
Santa Fe, NM 87592

February 27, 2015

RE: Letter of Intent/ Variance
1719 Roys Way,
Santa Fe, New Mexico 87507.

To Whom it May Concern.

I am the owner of the indicated property.

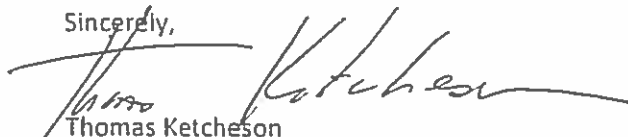
The property is Zoned for a single family residence. However, It has had a 750 square foot guest house on the property since some time before I bought it. I did not research the property to determine whether this zoning issue was a consideration at the time of my purchase, approximately 11 years ago.

I am now seeking a variance for the property to allow for this guest house.

Although I had intended to use it only occasionally, current circumstances have led to a requirement for continuous occupancy. Otherwise I am unable to keep up with mortgage payments.

Because of this I am requesting a variance that will allow for the structure to remain as an occupied building.

Sincerely,


Thomas Ketcheson
(505) 920-5209



1225 Grant Ave.
Santa Fe, NM 87501
04-0124 gk

WARRANTY DEED

Bettina Smith, a single person for consideration paid, grants to Thomas J. Ketcheson and Donna Ketcheson, husband and wife _____, whose address is 4150 Blue Spruce Dr., Santa Fe, NM 87507 the following described real estate in Santa Fe County, New Mexico:

Tract A-2, as shown and delineated on that certain plat entitled "Boundary Survey for Alvis E. and Joann R. McDonald, 4810 & 4812-A West Alameda, Tracts A-1 & A-2 Portion S.H.C. 1179, Tract 3, Section 31, T17N, R9E, N.M.P.M., Santa Fe County, New Mexico" prepared by Morris A. Apodaca, NMPS #5300 dated February 12, 2002, filed as Document No. 1193,002, recorded in Plat Book 494, Page 001, in the records of Santa Fe County, New Mexico.

SUBJECT TO: Restrictions, reservations and/or easements of record and taxes for the year 2004 and thereafter.

with warranty covenants.

Witness my hand(s) and seal this 29th day of July, 2004.

Bettina Smith (Seal)
Bettina Smith

(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF New Mexico

COUNTY OF Los Alamos

This instrument was acknowledged before me on the 29th day of July, 2004, by Bettina Smith.

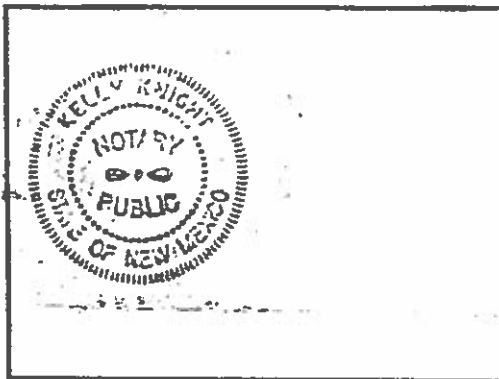
My Commission Expires: 03-22-2008

[Signature]
Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 4TH Day Of August, A.D., 2004 at 15:48 And Was Duly Recorded as Instrument # 1349456 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Frank Quella County Clerk, Santa Fe, NM
Rebecca Bustamante

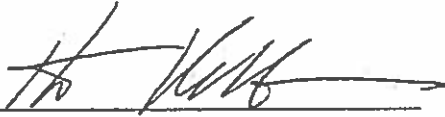


SFC CLERK RECORDED 08/04/2004

11

CERTIFICATION OF POSTING

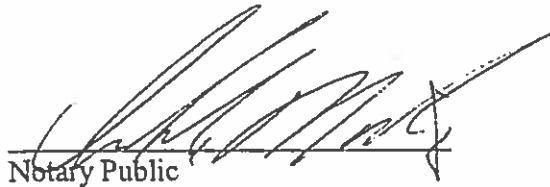
I hereby certify that the public notice posting regarding Land Development Case #V 15-5080 was posted for 21 days on the property beginning the 26th day of March, 2015.



Signature

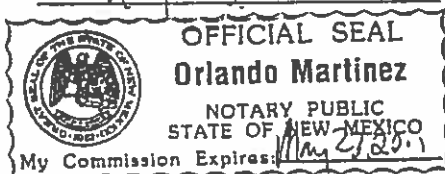
STATE OF NEW MEXICO }
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 8th day of April, 2015 By Thomas Ketcheson.


Notary Public

My Commission Expires:

May 23 2017



PUBLIC NOTICE

Notice is hereby given that an application has been filed with Santa Fe County for A VARIANCE OF ORDINANCE NO. 2007-2 VILLAGE OF ALBUQUERQUE ZONING DISTRICT SECTION 10.40 DENSITY & DIMENSION STANDARDS TO TWO DWELLING UNITS ON 2.998 ACRES

Name of Applicant THOMAS KETTESON
Address of Request 1719 KODIAK BLVD
Legal Description: Section 31 T24N03E07M01
Range 9 EAST NMPM Santa Fe County New Mexico
A PUBLIC HEARING will be held at the
Old Santa Fe County Courthouse, corner of Paseo del Arroyo
Avenues, Santa Fe, New Mexico on/after the 15th day of
APRIL 2015 at 4pm before the Clerk of the County
Further information can be obtained by contacting
the Land Use Department, P.O. Box 276, Santa Fe, NM 87504
Phone (505) 986-6225 Development Permit # 15-300



PUBLIC NOTICE
Notice is hereby given that a public hearing will be held on the 14th day of April, 2016, at 10:00 a.m. at the De Soto County Courthouse, 100 North Main Street, De Soto, Georgia 30030, to consider the proposed rezoning of a portion of the land located in the De Soto County, Georgia, from the R-1 (Residential Single-Family) zoning to the R-2 (Residential Medium-Density) zoning. The land is located in the De Soto County, Georgia, and is owned by the De Soto County Board of Commissioners. The public hearing will be held at the De Soto County Courthouse, 100 North Main Street, De Soto, Georgia 30030. The public meeting will be held on the 14th day of April, 2016, at 10:00 a.m. at the De Soto County Courthouse, 100 North Main Street, De Soto, Georgia 30030. The public meeting will be held at the De Soto County Courthouse, 100 North Main Street, De Soto, Georgia 30030. The public meeting will be held at the De Soto County Courthouse, 100 North Main Street, De Soto, Georgia 30030.

10.6 Density and Dimensional Standards

The following table illustrates the dimensional standards that apply in the Village of Agua Fria Zoning District. Measurements and exceptions to the standards of this schedule are listed in the table notes.

Commentary: The density and dimensional standards set forth in this section are not a guarantee that stated development density and intensities can be attained. Other factors — water and other public facility availability, infrastructure capacity, building layout, physical limitations, and parking configuration to name a few — may have the effect of limiting development intensity more than the stated standards.

Village of Agua Fria Zoning District															
Sub districts	Minimum Lot Area/Principal Use (acres) (1)							Max. Coverage (%)		Max. Height (ft)			Min. Setbacks (ft) (2)		
	Base Density/ Intensity		Water Cons.	Long Term Water	Community Services										
	Res Uses	Non Res Uses			Water	Sewer	Both W&S	Residential Uses	Non-residential Uses	Residential Uses SF	MF	Non Res Uses	Front & Street Side	Interior Side	Rear
	AFTCZD	.75			.75			.75	.75	0.33		40	24	24	24
AFLDUZ	2.5	2.5			1	1	0.5		20	24	24	24	0	20	20
Notes:															
(1) Where adequate water is available, minimum lot area may be reduced by employing water conservation measures and reducing water use. Further reductions may be achieved by submitting proof of adequate long term water availability, connecting to community water, community sewer or both (W&S), all in accordance with Article III, Section 10, Lot Size Requirements of the Code or, such additional density bonus and lot size provisions of County Ordinance 2006-02, Affordable Housing.															
(2) Setbacks shall be measured from the property line or from the edge of the road easement where the property line is inside the road easement.															



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



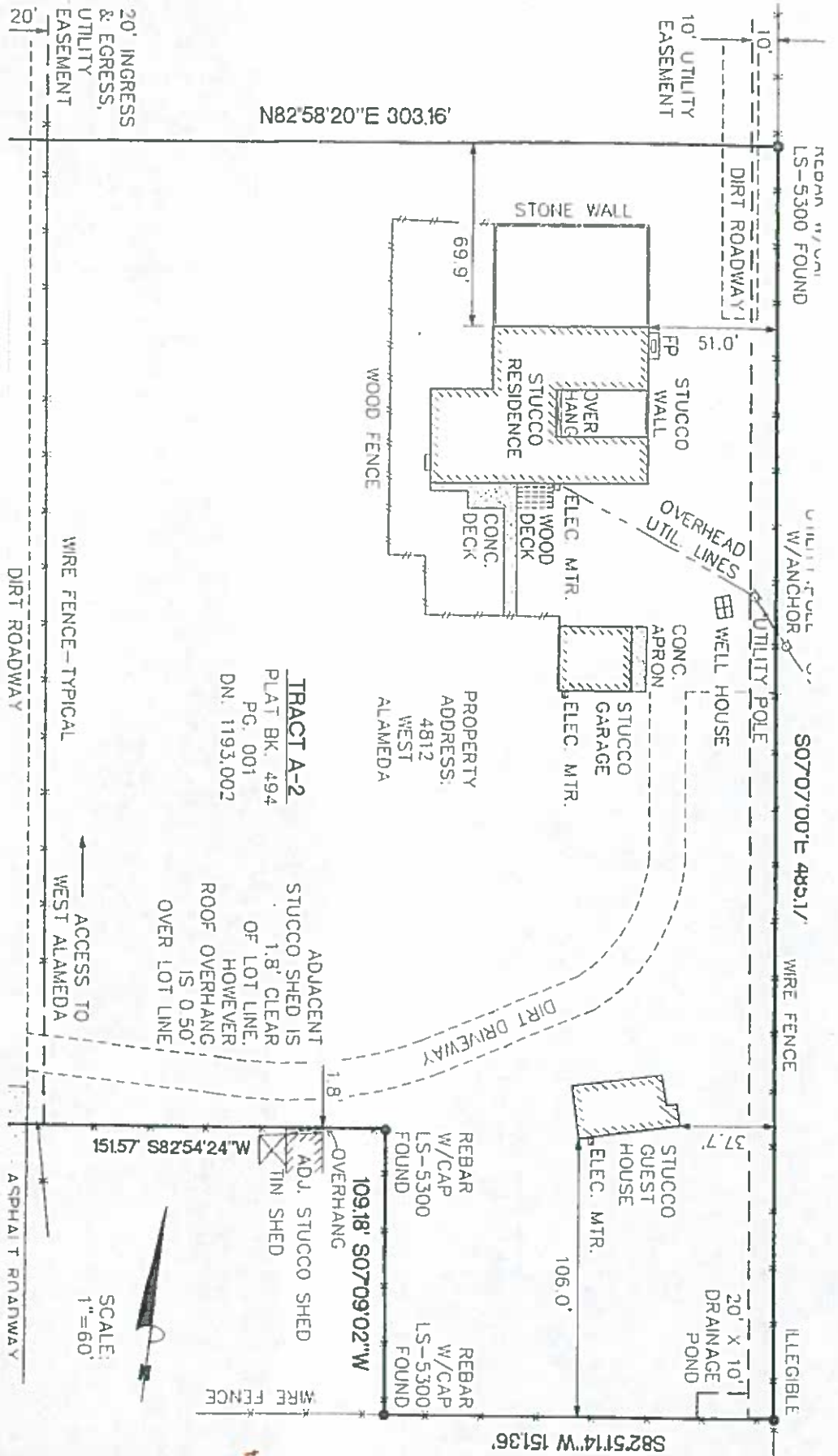
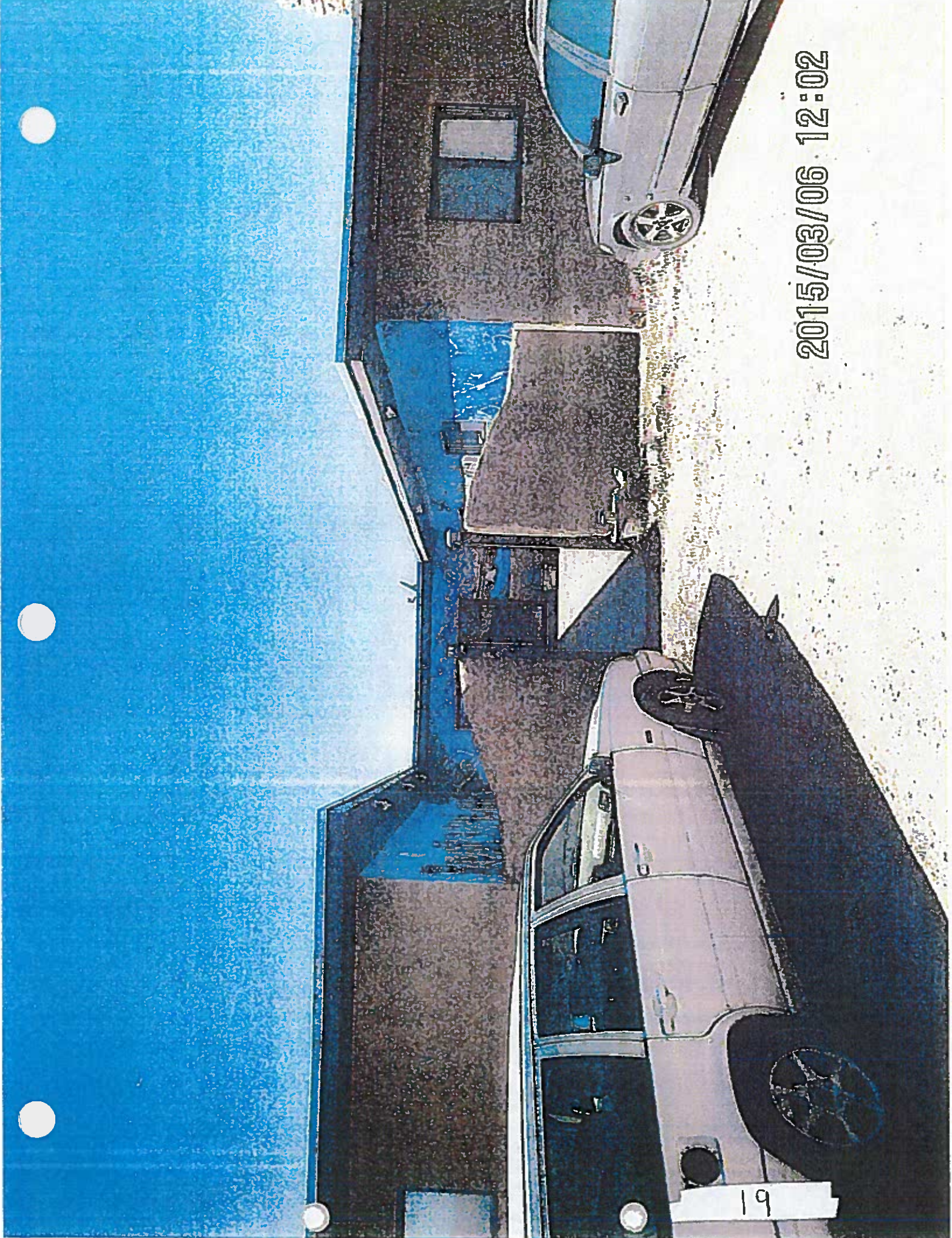


EXHIBIT
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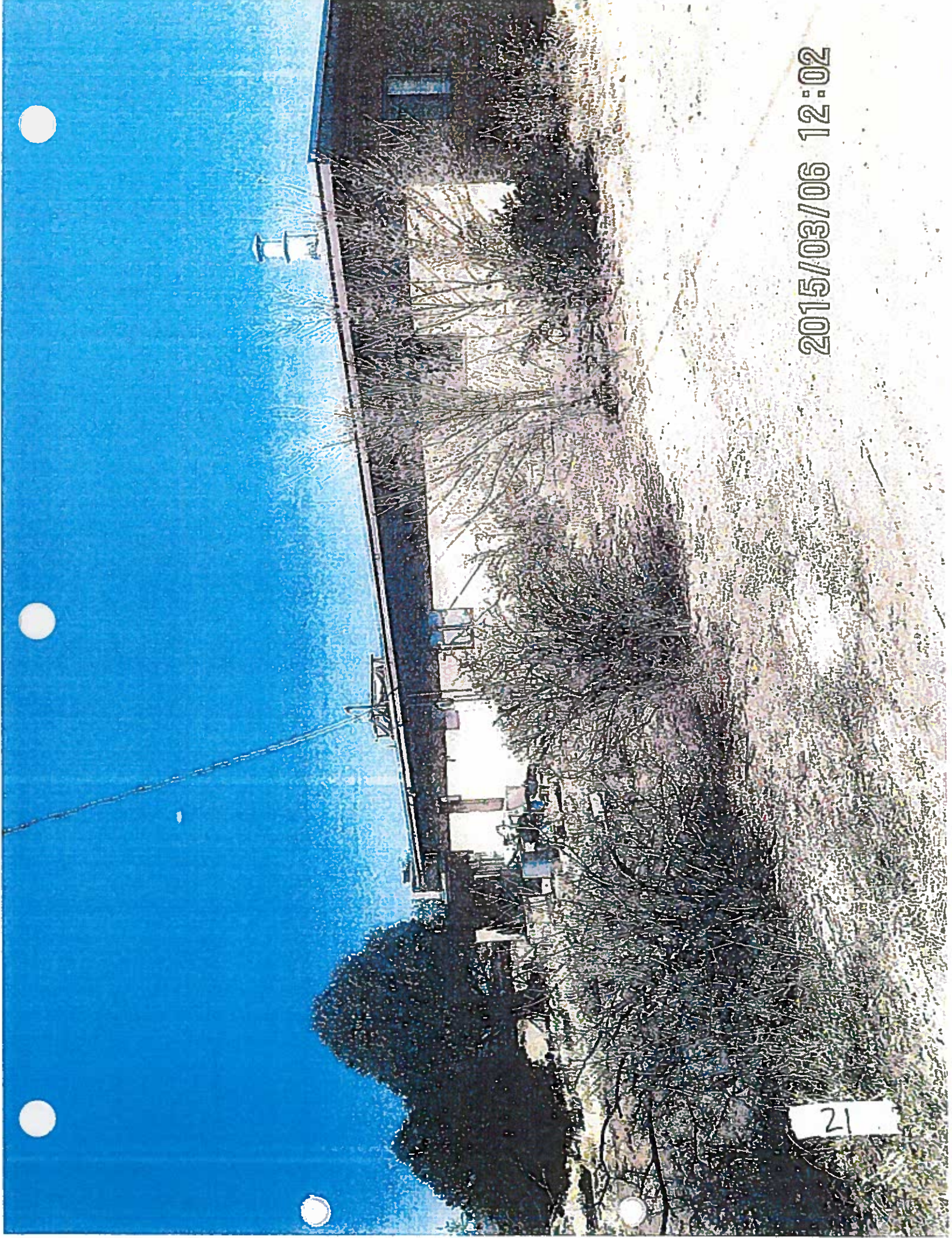


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2015/03/06 12:01



2015/03/06 12:02

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Henry P. Roybal
Commissioner, District 1

Miguel Chavez
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	03/18/2015		
Project Name	Thomas Ketcheson		
Project Location	1719 Roys Way, Santa Fe, New Mexico 87507		
Description	Variance to allow pre-existing guest house	Case Manager	M. Martinez
Applicant Name	Thomas Ketcheson	County Case #	Var.15-5080
Applicant Address	PO Box 28292 Santa Fe, New Mexico 87592	Fire District	Agua Fria
Applicant Phone	505-920-5209		
Review Type	Commercial <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Sprinklers <input type="checkbox"/> Hydrant Acceptance <input type="checkbox"/> Master Plan <input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input checked="" type="checkbox"/> Inspection <input checked="" type="checkbox"/> Lot Split <input type="checkbox"/> Wildland <input type="checkbox"/> Variance <input checked="" type="checkbox"/>		
Project Status	Approved <input checked="" type="checkbox"/> Approved with Conditions <input 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:

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

• Fire Access Lanes

Section 901.4.2 Fire Apparatus Access Roads. (1997 UFC) *When required by the Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.*

▪ 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 20' wide driveway to the guest house and hammerhead turnaround on plan submitted to this office meets the minimum County *Fire Apparatus Access Roads* within this type of proposed
35 Camino Justicia



www.santafecountyfire.org

development. Driveway shall be County approved all-weather driving surface of minimum 6" compacted basecourse or equivalent. Minimum gate width shall be 14' and an unobstructed vertical clearance of 13'6".

- **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.*

All access roadway identification signs leading to the approved development area(s) shall be in place prior to the required fire hydrant acceptance testing. Said signs shall remain in place in visible and viable working order for the duration of the project to facilitate emergency response for the construction phase and beyond.

- **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.*

There are no slopes greater than 11%.

- **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.

Fire Protection Systems

- **Automatic Fire Protection/Suppression**

This office highly recommends the installation of an automatic fire suppression system as per 1997 Uniform Fire Code, Article 10 Section 1003.2.1 and the Building Code as adopted by the State of New Mexico and/or County of Santa Fe. Required automatic fire suppression systems shall be in accordance with NFPA 13 and 13D Standard for automatic fire suppression systems. It is recommended that the homeowner contact their insurance carrier to find their minimum requirements.

- **Fire Alarm/Notification Systems**

Automatic Fire Protection Alarm systems are highly recommended per 1997 Uniform Fire and Building Codes as adopted by the State of New Mexico and/or the County of Santa Fe. Required Fire Alarm systems shall be in accordance with NFPA 72, National Fire Alarm Code for given type of structure and/or occupancy use. Said requirements will be applied as necessary as more project information becomes available to this office during the following approval process.

▪ Fire Extinguishers

Article 10, Section 1002.1 General (1997 UFC) *Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the chief. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.*

Portable fire extinguishers are highly recommended to be installed in occupancies and locations as set forth in the 1997 Uniform Fire Code. Portable fire extinguishers shall be in accordance with UFC Standard 10-1.

▪ 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.

Permits

As required

Final Status

Recommendation for Final Development Plan approval with the above conditions applied.

Renee Nix, Inspector

Renee Nix
Code Enforcement Official

3-25-15
Date

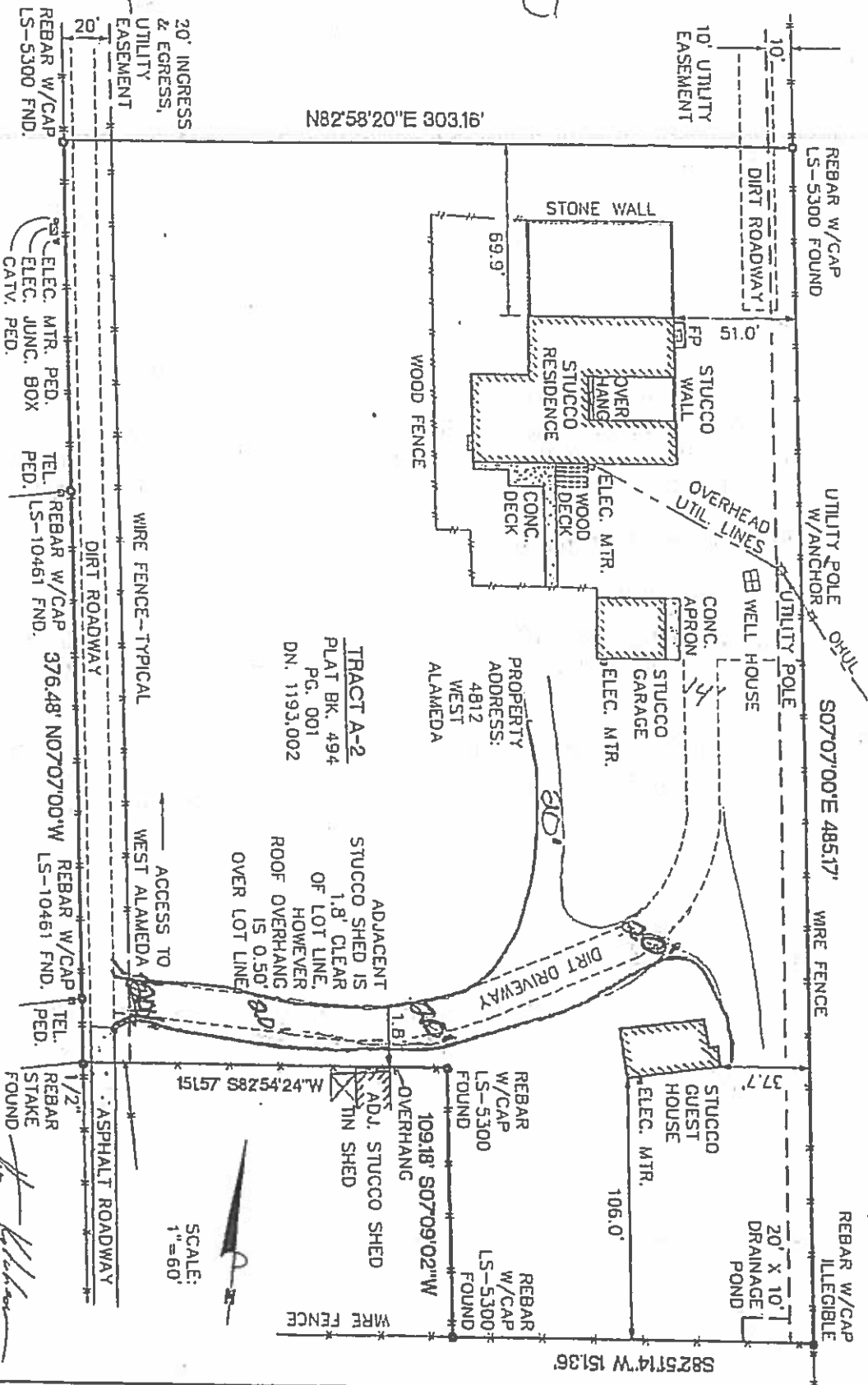
Through: Chief David Sperling

File: DEV/ThomasKetcheson/031815/AF

Cy: Buster Patty, Fire Marshal
M Martinez, Land Use
Applicant
District Chief Agua Fria
File

Improvement Location Report Sketch of Improvements Prepared for
 Alvis E. McDonald and Joann R. McDonald and
 Tracy Smith and Bettina Smith

Tom Ketcheson, 4812-A W. Alameda



THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE

PLAT REFERENCE: TRACT A-2, AS SHOWN ON "BOUNDARY SURVEY FOR ALVIS E. & JOANN R. McDONALD" PLAT FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK, ON FEBRUARY 12, 2002, IN PLAT BOOK 494, PAGE 001, AS DOCUMENT NO. 1193.002.

NOTE: IMPROVEMENT LOCATION IS BASED ON THE ABOVE MENTIONED SURVEY, NO MONUMENTS WERE SET. THIS TRACT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD WHICH PERTAIN. THIS REPORT IS NOT TO BE RELIED ON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS OR OTHER FUTURE IMPROVEMENTS.

ARMJO SURVEYS (505) 471-1955

IMPROVEMENT LOCATION REPORT - PAGE 3

PROJECT NO. 2310643

SCALE:
1"=60'

Tom Ketcheson
3-17-15

