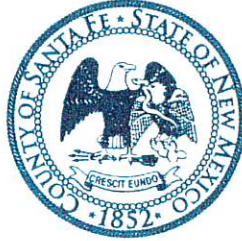


**Henry P. Roybal**  
Commissioner, District 1

**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Anna T. Hamilton**  
Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** June 22, 2017

**TO:** Santa Fe County Hearing Officer

**FROM:** John Lovato Development Review Specialist Sr. *JL*

**VIA:** Penny Ellis-Green, Growth Management Director *PEG*  
Vicki Lucero, Building and Development Services Manager *VL*

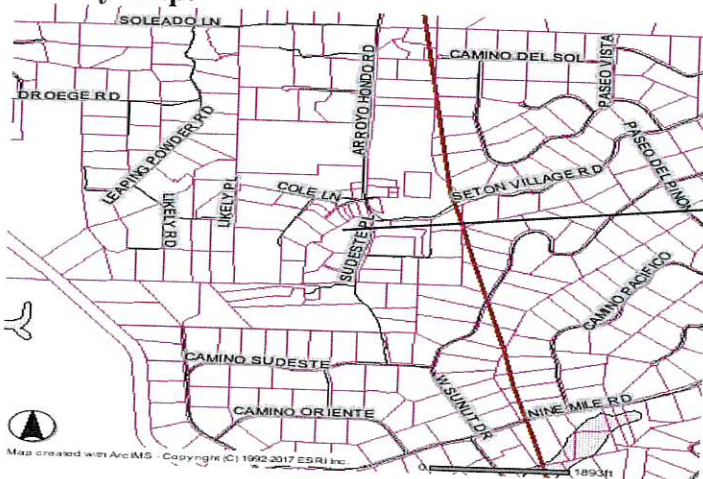
**FILE REF.:** CASE # V 17-5100 Regina Buckley Variance

**ISSUE:**

Regina Buckley, Applicant, Scott Hoeft, Agent requests a variance of Ordinance 2016-9, Chapter 8.6.5 Table 8.9, (Dimensional Standards) Residential Fringe (RES F) to allow 9.19 acres to be divided by way of Family Transfer, into two 4.6 acre lots.

The property is located at 11 Sudeste Place, within Section 24, Township 16 North, Range 9 East (Commission District 4).

**Vicinity Map:**



Site  
Location

A-1

## **SUMMARY:**

The Applicant acquired the property as evidenced by warranty deed recorded in the records of the Santa Fe County Clerk on June 7, 2002, Book 2144, Page 474. The property is recognized as a legal lot of record consisting of 9.19 acres.

The Applicant requests a variance of Chapter 8.6.5, Table 8.9 Dimensional Standards, Residential Fringe (RES-F) to allow 9.19 acres to be divided by way of a Family Transfer into two 4.6 acre lots. Minimum lots size in the Residential Fringe Zoning District is 5 acres per dwelling. Currently there is a 1,694 square foot residence on the property in which the Applicant resides in.

If the variance is granted the Applicant intends to give her son one of the lots, so he can construct a residence to reside in.

The Applicants agent states, "The property is located in Sunlit Hills, an area composed of a variety of residential lots that range in size from 1-acre to 25 acres. The site abuts Seton Village (to the north), which is a Residential Community (RES C-1) and features 1-acre-densities."

### **Chapter 4, Section 4.9.7.4, Variance Review Criteria.**

A variance may be granted by only a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) based upon the following criteria:

1. where the request is not contrary to public interest;
2. where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
3. so that the spirit of the SLDC is observed and substantial justice is done.

### **Chapter 4, Section 4.9.7.5 Variance Conditions of approval.**

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time

The Applicant has addressed the variance criteria as follows:

- 1. Where the request is not contrary to public interest;**

**Applicant's Statement:** The request for a family transfer lot split is not contrary to public interest and is a family exemption land division in the SLDC, Section 8.6.5.3. The proposed division is a natural part of the estate planning process that most families embark upon. It is permitted to divide a piece of land and donate or give to a family member as stipulated in this section of the code. The lot sizes at 4.6-acre are slightly substandard and a minor deviation from the Code in an area that features a wide range of lot sizes.

**Staff Response:** The property lies within the Residential Fringe Zoning District. The base density is 5 acres per dwelling unit. Family transfers are required to meet density requirements of the code. The subject lot which is 9.19 acres does not meet the density requirement. The lot would need an additional 0.81 acres in order to qualify for a Family Transfer Land Division. However, since the 9.19 acre lot is a legal lot of record, the Applicant could qualify for an accessory dwelling unit in accordance with Chapter 10.4 of the SLDC.

**2. Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant;**

**Applicant's Statement:** Literal enforcement of the SLDC will not permit the family transfer to occur. In an area that features a host of lot sizes (the subject lot is actually one of the larger parcels) that range in size from 1-acre to 25-acres, not permitting the division would seem contrary to the spirit of the development of the area. Seton Village has small lots that are 1-acre in size. The subject parcel is 9.19-acres. This lot split is 4.6 acres per lot, which is 92% of the density requirement per the new SLDC code.

**Staff Response:** The 1996 Land Development Code allowed for densities of 5 acres in this area or 2.5 acres if community water was available. There is no community water available on this lot. Under the Sustainable Land Development Code, the minimum lot size is 5 acres in this zoning district. Many of the surrounding lots are legal non-conforming lots. The lots were created prior to 1981 and are in the range of 1-40 acres in size.

**3. So that the spirit of the SLDC is observed and substantial justice is done.**

**Applicant's Statement:** The variance request maintains the intent of the SLDC with this minimal density reduction. The land will appear and have a look and feel of a 5-acre parcel and will not appear that is smaller than the intention of the RES-F density. It is anticipated that the minimal easing will have no discernable impact on the value of the neighboring lots in this area.

**Staff Response:** Increased density in this area creates more traffic, water use, and creates a substandard lot size. The proposed variance if approved also creates a precedent for other lots/property owners in the area to create substandard lots.

The other applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9 (SLDC), which governs this Application are the following:

Chapter 8.6.5 Table 8.9 Dimensional Standards (Res-F) which states the density allowed in this zoning district is 1 dwelling unit per 5 acres

Chapter 4, Section 4.9.7.1, Variances, Purpose, states:

The purpose of this Section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

As required by the SLDC, the Applicant presented the Application to the Technical Advisory Committee (TAC) on November 17, 2017, at the regularly scheduled monthly meeting, which satisfied the requirements set forth in Chapter 4, Section 4.4.4.3, Pre-application TAC Meeting and Table 4-1.

The Applicants also conducted a Pre-Application Neighborhood Meeting on February 17, 2017, as required by the SLDC, Chapter 4, Section 4.4.4 Pre-Application Neighborhood Meeting (Refer to meeting material in Exhibit 9).

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the Application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on June 7, 2017. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on June 7, 2017, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record. (Exhibit 8).

This Application was submitted on April 21, 2017.

#### **RECOMMENDATION:**

Staff recommends **denial** of the Applicant's request to allow 9.19 acres to be divided by way of a Family Transfer into two 4.6 acre lots. The property lies within the Residential Fringe Zoning District. The base density in the Residential Fringe is 5 acres per dwelling unit. Allowing a variance creates a precedent to surrounding properties and creates substandard lot sizes. Previous lot sizes that range from 1-40 acres are legal non-conforming or created prior to the Sustainable Land Development Code.

If the decision of the Hearing Officer is to recommend approval of the request, staff recommends the following conditions be imposed.

- 1. No further division of this property will be allowed.**
- 2. Accessory dwelling units will not be allowed on either lots due to the substandard lot size.**

A-4

**Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommendation. The Santa Fe County Planning Commission (SFCPC) will be holding a public hearing on this matter on August 17, 2017.**

**EXHIBITS:**

1. Applicants Request
2. Proposed Survey Plat
3. Aerial of Site and Surrounding Area/Site Plan
4. Chapter 8, Table 8-6-5 Table 8-9 Dimensional Standards
5. Chapter 4, Table 4-1, Procedural Requirements.
6. Chapter 4, Section 4.9.7.4, Variance review criteria
7. Chapter 4, Section 4.9.7.4, Conditions of approval
8. Noticing
9. Community Meeting Material

A-5

# SANTA FE PLANNING GROUP, INC.

P.O. BOX 2482  
SANTA FE, NM 87504  
www.sfpqi.com  
(505) 988-1129, FAX 983-6785

April 21, 2017

Vicente Archuleta  
Santa Fe County Land Use  
102 Grant Ave  
Santa Fe, NM 87501

Re: Regina Buckley Family Transfer & Density Variance  
11 Sudeste Place; 9.19-acres

Dear Mr. Archuleta:

## Request

Santa Fe Planning Group, Inc. (agent) for Regina Buckley is requesting a variance of Chapter 8, Section 8.6.5 (Residential Zoning District) of the SLDC to divide a 9.19-acre property into two lots. The property is located in RES-F (residential fringe), which requires a 5-acre lot minimum with a minimum lot width of 100-ft. This application divides the parcel into two 4.6-acre lots. Both lots are wider than the 100 feet as required.

## Exemption Affidavit

A signed exemption affidavit is attached. If the density variance is approved, the newly created parcel of land will be transferred from Ms. Regina Buckley to her son, Jonathan Cohen.

## Location and Abutters

The property is located in Sunlit Hills, an area composed of a variety of residential lots that range in size from 1-acre to 25-acres. The site abuts Seton Village (to its north), which is a Residential Community (RES C-1) and features 1-acre-density. The property zoning is residential fringe and as stated in the SLDC Section 8.6.5.1 is land suitable for a combination of estate-type residential development, smaller scale agricultural uses, ranches and other compatible uses.

## Variance Criteria

### **1. Where the request is not contrary to public interest;**

The request for a family transfer lot split is not contrary to public interest and is a family exemption land division in the SLDC, Section 8.6.5.3. The proposed division is a natural part of the estate planning process that most families embark upon. It is permitted to divide a piece of land and donate or give to a family member as stipulated in this section of the code. The lot sizes at 4.6-acre are slightly substandard and a minor deviation from the Code in an area that features a wide range of lot sizes.



A-6



**2. Where, owing to special conditions, a literal enforcement of the SLDC will result in unnecessary hardship to the applicant;**

Literal enforcement of the SLDC will not permit the family transfer to occur. In an area that features a host of lot sizes (the subject lot is actually one of the larger parcels) that range in size from 1-acre to 25-acres, not permitting the division would seem contrary to the spirit of the development of the area. Seton Village has small lots that are 1-acre in size. The subject parcel is 9.19-acres. This lot split is 4.6 acres per lot, which is 92% of the density requirement per the new SLDC code.

**3. So that the spirit of the SLDC is observed and substantial justice is done.**

The variance request maintains the intent of the SLDC with this minimal density reduction. The land will appear and have a look and feel of a 5-acre parcel and will not appear that is smaller than the intention of the RES-F density. It is anticipated that the minimal easing will have no discernable impact on the value of the neighboring lots in this area.

TAC Meeting

This case was presented to the Technical Advisory Committee (TAC) on November 17, 2016.

Neighborhood Meeting

A neighborhood meeting was held on February 17, 2017 at the Fire House #21 – 21 Seton Village. Three residents in the area attended the meeting and one letter was received regarding this request as required by the SLDC in section 4.4.4.1.

Water Service

The property may be served by water through Sunlit Hills Water System for potable water or an existing well via a shared well agreement. The applicant would prefer hook-up to Sunlit Hills Water System if ready and able to serve. An optional choice is a shared well. The 9.19-acre site has a well (RG-81890) that was drilled in 2004 and accepted by NM OSE on May 27, 2004. The well purpose is irrigation use not to exceed 1-afy for domestic per household. The permit maximum is 3-afy.

Septic System

The septic system is per NMED permit number SF-100212 that stipulates a two bedroom at 300 gallons per day issued on September 7, 2010. There is a 1,000-gallon septic tank on site that is serving the existing home. Any new structures on the newly created lot would have a separate septic permit.

Existing Home

The home is an addition that was permitted from Santa Fe County on September 13, 2010 adding 598 square feet to the existing structure. The existing structure was 728 square feet of heated space with 9 square feet of mechanical, and 359 square feet of portal. This was part of the quitclaim deed on this property executed on July 14, 1969. This addition was permitted in 2010 and has 1,326 heated square feet with 1,694 total roofed square feet.

Thank you for considering our request. We anticipate the variance request will go before the Hearing Officer for recommendation and the Planning Commission for final decision. If you require further information, do not hesitate to contact me at 412.0309.

Sincerely,



Scott Hoeft  
Vice President

Attachments:

- Application, fee, location map
- Exemption Affidavit
- Warranty deed
- Proof all existing structures on property are permitted
- Neighborhood meeting materials
- Septic Permit
- Well Permit

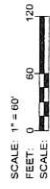
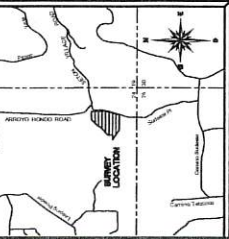


# Family Transfer Land Division Plat

for  
Regina A. Buckley

A tract of land within project, Section 24, T16 N., R9 E., N.M.P.M.,  
Subsection de Vargas Grant, Santa Fe County, New Mexico,  
11 Subsection de Vargas

PURPOSE STATEMENT: To create two residential parcels

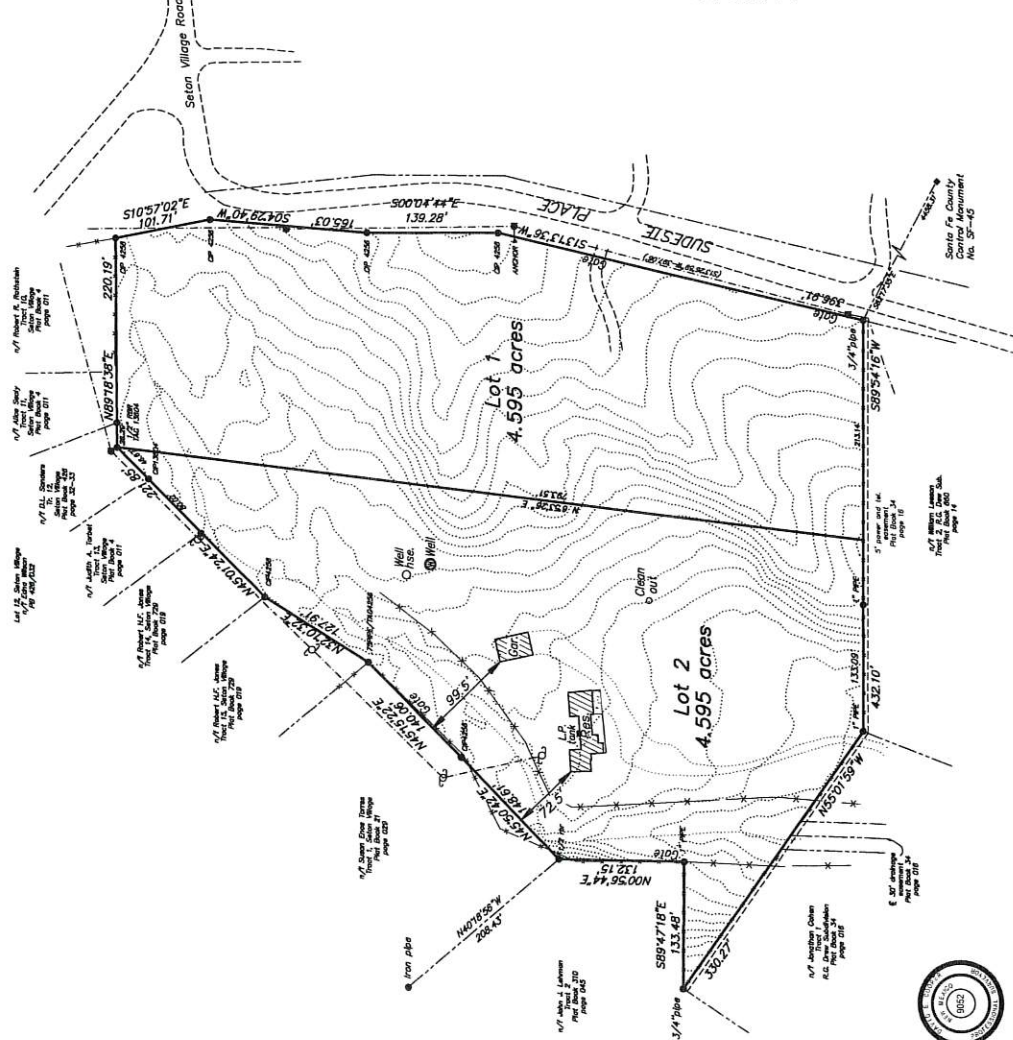


- LEGEND**
- Survey Boundary
  - Property Boundary
  - 1/2" Copied from plat met this survey
  - Utility poles and lines
  - Other
  - CONVEYANCE

was taken a plat entitled "Boundary Survey of the Family Transfer Land Division Plat" and recorded in Plat Book 354, page 100. The plat is a true and correct copy of the original plat and is not subject to any other plat or record.

EXHIBIT

2.



CERTIFICATE

I, David E. Cooper, a duly registered Professional Surveyor in the State of New Mexico, do hereby certify that the foregoing plat is a true and correct copy of the original plat and is not subject to any other plat or record. I have under my direction that it meets the Minimum Standards for Surveys in New Mexico and that it is a true and correct copy of the original plat and is not subject to any other plat or record.

FOR REVIEW

David E. Cooper P.S. No. 9052

## DEDICATION-AFFIDAVIT

The foregoing Land Division, which is contained in Section 24, T16 N., R9 E., N.M.P.M., Subsection de Vargas Grant, Santa Fe County, New Mexico, is made with the free consent and in full knowledge of the undersigned owners. This survey lies within the planning and zoning jurisdiction of Santa Fe County.

Regina A. Buckley

Date

State of New Mexico

County of Santa Fe

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016

By \_\_\_\_\_

My Commission expires \_\_\_\_\_

Notary Public

## SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS

County Land Use Administrator Date \_\_\_\_\_ County Fire Marshal Date \_\_\_\_\_

County Board Addressing Date \_\_\_\_\_

County Treasurer Date \_\_\_\_\_

County Development Permit No. \_\_\_\_\_

- 1) The lands shown herein lie within the Planning and Zoning Jurisdiction of Santa Fe County.
- 2) Maintenance of private access easements, utility easements and or private roadways is not required by this instrument. The applicant is responsible for maintaining access to the property by the Santa Fe County Public Works Department and the Board of County Commissioners.
- 3) The approval of this plat does not constitute the approval of any further development including building permits. All standard County permits and fees must be paid prior to the construction of any building or structure. The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure. The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure.
- 4) According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 17000-01-0000, the property is located in a Flood Hazard Zone. The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure. The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure.
- 5) The tracts, parcels and/or lots shown herein lie within the moderate hazard area of the Flood Insurance Rate Map (FIRM) No. 17000-01-0000. The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure. The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure.
- 6) The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure. The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure.

### Special Building Permit Conditions

- 1) The installation of an automatic fire suppression system is highly recommended for all homes on all lots.
- 2) The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure. The applicant is responsible for obtaining all necessary permits and fees for the construction of any building or structure.
- 3) These lots are subject to Santa Fe County Fire and Rescue impact fees at the time of application for development permit.
- 4) Development permits for building construction will not be issued until required permits for road and emergency turn-around are completed and approved by staff.

Instrument No. \_\_\_\_\_

COUNTY OF SANTA FE

STATE OF NEW MEXICO

I hereby certify that this instrument was filed for

record on the \_\_\_\_\_ day of \_\_\_\_\_, A.D.

20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_, and was duly

recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the

records of Santa Fe County.

Witness my Hand and Seal of Office.

County Clerk Santa Fe County, New Mexico

Geraldine Salazar

Deputy

SIERRA LAND SURVEYING, INC.			
1450 SE. Franklin Ave.	Santa Fe, New Mexico	865-943-9337	
Project No. S-201-2216	Map, SEC.	City, DTC	
	File, sec.	File, 100	
INDEXING INFORMATION FOR COUNTY CLERK			
NAME	LOCALITY	FILE NO.	SUBDIVISION
Regina A. Buckley	Project No. S-201-2216		9/9
U.P.C. Number: 1-054-093-415-096			

David E. Cooper

P.S. No. 9052

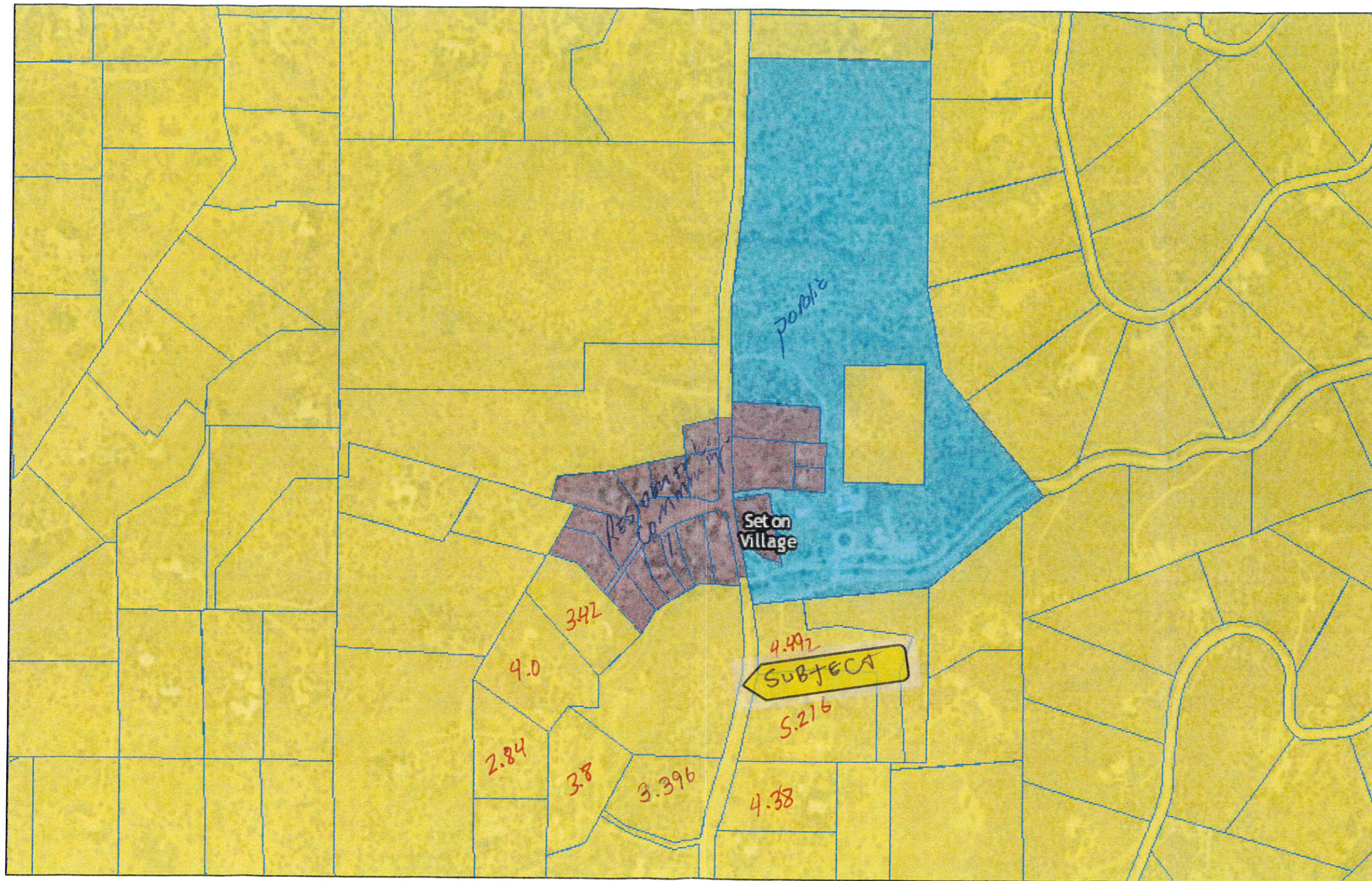
FOR REVIEW

EXHIBIT

2.

A-9





November 16, 2016

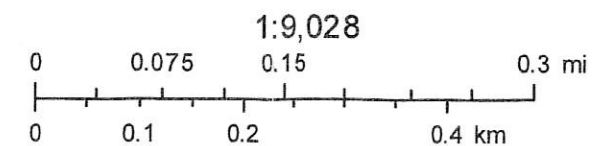
Zonning\_Comm\_Air\_Rural\_Turq

zoning\_map\_slde\_adopted\_12\_8\_15\_ord\_2015\_12

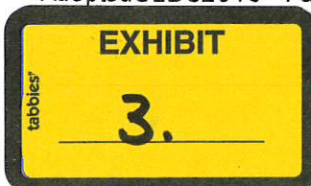
AdoptedSLDC2015 - Parcels

- Residential Fringe, RES-F (1 dwelling per 5 acres base density)
- Residential Community, RES-C (1 dwelling per acre base density)

Public / Institutional, PI



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



A-10



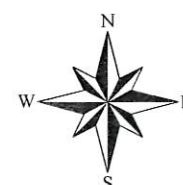
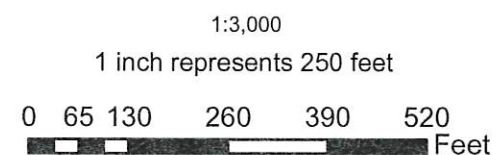






# Legend

- ROADS
- DRIVEWAYS
- Parcels



2015 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.



A-12

June 12, 2017



allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**8.6.4.2. Permitted Uses.** Appendix B contains a list of all permitted, accessory, and conditional uses allowed within the within the RUR-R district.

**8.6.4.3. Dimensional Standards.** The dimensional standards within the RUR-R district are outlined in Table 8-8.

**Table 8-8: Dimensional Standards – RUR-R (Rural Residential).**

Zoning District	RUR-R
Density (# of acres per dwelling unit)	10
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

**8.6.5. Residential Fringe (RES-F).**

**8.6.5.1. Purpose.** The purpose of the Residential Fringe (RES-F) district is to designate areas suitable for a combination of estate-type residential development, smaller-scale agricultural uses, ranchettes and other compatible uses. The RES-F district provides an intermediate step in single family residential development between open space and/or agricultural/ranching lands, and typically suburban residential densities. The RES-F district may be comprised of a variety of residential lot sizes, clustered housing and community open space and can include limited agricultural use accessory to residential uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

**8.6.5.2. Permitted Uses.** Appendix B contains a list of all permitted, accessory and conditional uses allowed within the within the RES-F district.

**8.6.5.3. Dimensional Standards.** The dimensional standards within the RES-F district are outlined in Table 8-9.

**Table 8-9: Dimensional Standards – RES-F (Residential Fringe).**

Zoning District	RES-F
Density (# of acres per dwelling unit)	5
Lot width (minimum, feet)	100
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24

**8.6.6. Residential Estate (RES-E).**

**8.6.6.1. Purpose.** The purpose of the Residential Estate (RES-E) district is to designate areas suitable for a combination of large-lot and suburban-type residential development, ranchettes and other compatible uses. The RES-E district supports single-family homes on medium sized lots consistent with contemporary community development. Generally this district applies to low to medium density residential development in established neighborhoods (lands to residential uses and have been

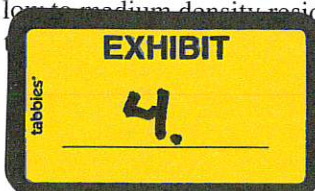


Table 4-1: Procedural Requirements by Application Type

Application Type	Discretionary review?	Application Requirements			Review/Approval Process				
		Pre-application TAC meeting	Pre-application neighborhood meeting	Studies, reports, assessments	Agency review	Approval by Administrator	Hearing required?		
							Hearing Officer	Planning Commission	BCC
Development permit: residential	no	no	no	no	as needed	yes	no	no	no
Development permit: non-residential, mixed use & multi-family	no	yes	as needed	see Table 6-1	as needed	yes	no	no	no
Land divisions, subdivision exemptions and other plat reviews	no	no	no	no	as needed	yes	no	no	no
Family transfer	no	no	no	no	as needed	yes	no	no	no
Temporary use permit	no	no	no	no	as needed	yes	no	no	no
Minor subdivision - final plat, 5 or fewer lots	no	yes	no	see Table 6-1	as needed	yes	no	no	no
Minor subdivision - final plat, more than 5 lots	yes	yes	no	see Table 6-1	as needed	no	no	no	yes
Major subdivision - preliminary plat	yes	yes	yes	see Table 6-1	yes	no	no	no	yes
Major subdivision final plat	yes	yes	No	no	no	no	no	no	yes
Conceptual plan for subdivision - phased or over 24 lots, phased MU, I, IL, CG, CN	yes	yes	Subdivision - yes Others - no	see Table 6-1	as needed	no	no	no	yes
Conceptual plan PDD, CCD	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Vacation of subdivision plat	yes	no	no	no	as needed	no	no	no	yes
Conditional use permit	yes	yes	as needed	see Table 6-1	as needed	no	yes	yes	no
DCI Conditional use permit	yes	yes	yes	yes	yes	no	yes	yes	no
Variance	yes	yes	as needed	no	as needed	no	yes	yes	no
Time extension	yes	no	no	as needed	as needed	no	no	no	yes
Planned development district	yes	yes	yes	see Table 6-1	yes	no	yes	yes	yes
Overlay zones	yes	yes	yes	no	as needed	no	yes	yes	yes
DCI overlay zones	yes	yes	yes	yes	yes	no	yes	yes	yes
Zoning map amendment (rezoning)	yes	yes	yes	see Table 6-1	as needed	no	yes	yes	yes
Text amendment	yes	yes	no	no	as needed	no	no	yes	yes
Area, district community plan, or plan amendment	yes	yes	yes	no	as needed	no	no	yes	yes
Beneficial use determination	yes	yes	no	no	no	no	yes	no	yes
Appeals	See Sec. 4.5	no	no	no	no	no	no	See Sec. 4.5	See Sec. 4.5





c. the proposal conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP.

**2. Minor Amendments Causing Detrimental Impact.** If the Administrator determines that there may be any detrimental impact on adjacent property caused by the minor amendment's change in the appearance or use of the property or other contributing factor, the owner/applicant shall be required to file a major amendment.

**3. Major Amendments.** Any proposed amendment, other than minor amendments provided for in Section 4.9.6.9.1, shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original CUP development approval.

**4.9.6.10. Expiration of CUP.** Substantial construction or operation of the building, structure or use authorized by the CUP must commence within twenty-four (24) months of the development order granting the CUP or the CUP shall expire; provided, however, that the deadline may be extended by the Planning Commission for up to twelve (12) additional months. No further extension shall be granted under any circumstances, and any changes in the requirements of the SLDC, or federal or state law shall apply to any new CUP development approval application.

▼ **4.9.7. Variances.**

**4.9.7.1. Purpose.** The purpose of this Section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

**4.9.7.2. Process.** All applications for variances will be processed in accordance with this chapter of the Code. A letter addressing Section 4.9.7.4. review criteria must accompany the application explaining the need for a variance.

**4.9.7.3. Applicability.** When consistent with the review criteria listed below, the planning commission may grant a zoning variance from any provision of the SLDC except that the planning commission shall not grant a variance that authorizes a use of land that is otherwise prohibited in the relevant zoning district.

→ **4.9.7.4. Review criteria.** A variance may be granted only by a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) based upon the following criteria:

1. where the request is not contrary to the public interest;
2. where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
3. so that the s and substantial justice is done.



A-15



**4.9.7.5. Conditions of approval.**

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.

**4.9.7.6. Administrative minor deviations.** The Administrator is authorized to administratively approve minor deviations upon a finding that the deviation is required, that the result is consistent with the intent and purpose of this SLDC, and that the deviation is not detrimental to adjacent or surrounding properties as follows:

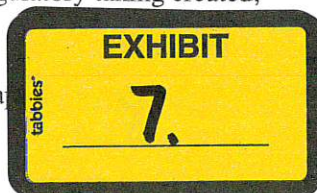
1. minor deviations from the dimensional requirements of Chapters 7, 8 and 9 of the SLDC not to exceed ten percent (10%) of the required dimension; and
2. minor deviations from the density dimensional standards of Chapter 8 of the SLDC not to exceed five tenths of a percent (0.5%) of the gross acreage allowed in the zoning district.

**4.9.8. Beneficial Use and Value Determination (BUD).**

**4.9.8.1. Purpose.** The intent of the SLDC is to provide, through this Section, a process to resolve any claims that the application of the SLDC constitutes an unconstitutional regulatory taking of property. This Section is not intended to provide relief related to regulations or actions promulgated or undertaken by agencies other than the County. The provisions of this Section are not intended to, and do not, create a judicial cause of action.

**4.9.8.2. Application.** In order to evaluate whether, and if so, the extent to which, application of the SLDC unconstitutionally creates a regulatory taking without just compensation, or other constitutional deprivation, an applicant, once denied development approval or granted conditional development approval, or as otherwise provided in Section 7.16.3.1, may apply to the Administrator for a beneficial use and value determination, the application for which shall describe:

1. the extent of diminution of use and value with respect to the entirety of the owner's, or lessee's real property interests in common ownership;
2. the distinct and reasonable investment backed expectations of the owner, lessee, or predecessors in interest, in common ownership;
3. the availability of cluster development, phased development, tax incentives, or transfers of development rights;
4. any variance or relief necessary or available to relieve any unconstitutional hardship or regulatory taking created;



## CERTIFICATION OF POSTING

I hereby certify that the public notice posting regarding Sustainable Land Development Code.

Case # V17-5100 was posted for 15 days on the property beginning

The 7<sup>th</sup> day of June  
\*\*

Signature

\*Photo of posting must be provided with certification

**\*\*PLEASE NOTE:** Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 15 days. It is the applicant's responsibility to ensure that the notice is on the property for the full 15 days.

STATE OF NEW MEXICO }  
COUNTY OF SANTA FE }

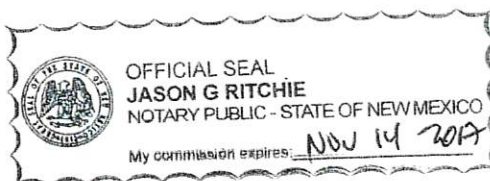
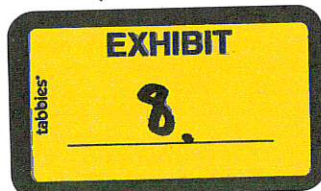
The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of

JUNE, 2017, By SCOTT HOEFT

Notary Public

My Commission Expires:

NOV 14 2017



A-17



**PUBLIC NOTICE**  
Police & County Criminal Investigation has been issued  
with State & County for a WARRANT OF ARRESTMENT. ZONE 9.  
PUBLIC & COUNTY CRIMINAL INVESTIGATION has been issued  
with State & County for a WARRANT OF ARRESTMENT. ZONE 9.  
PUBLIC & COUNTY CRIMINAL INVESTIGATION has been issued  
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POLICE & COUNTY CRIMINAL INVESTIGATION has been issued  
with State & County for a WARRANT OF ARRESTMENT. ZONE 9.

Name of Applicant: Michael Joseph  
 Address: 1000 N. 1st St.  
 City: San Jose  
 State: Calif.  
 Zip: 95126  
 Date: 10/1/78  
 Signature: [Signature]  
 Title: President  
 Organization: San Jose Chapter  
 of the International Brotherhood of  
Teamsters, Local 1000  
 I hereby certify that the above information is true and correct.



LEGAL #82730

CASE #V 17-5100  
Regina Buckley  
Variance

**NOTICE OF PUBLIC  
HEARING**

Notice is hereby given that a public hearing will be held to consider a request by Regina Buckley, Applicant, to request a variance of Ordinance 2016-9, Chapter 8.6.5 Table 8.9, (Dimensional Standards) Residential Fringe (RES F) to allow 9.19 acres to be divided by way of Family Transfer, into two 4.6 acre lots. The property is located at 11 Sudeste Place, within Section 24, Township 16 North, Range 9 East (Commission District 4).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on June 22, 2017, at 3 p.m. on a petition to the Santa Fe County Hearing Officer and on August 17, 2017, at 4 p.m. on a petition to the Santa Fe County Planning Commission.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Hearing Office/Planning Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P. O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published in the Santa Fe New Mexican on June 7, 2017.

Account Number

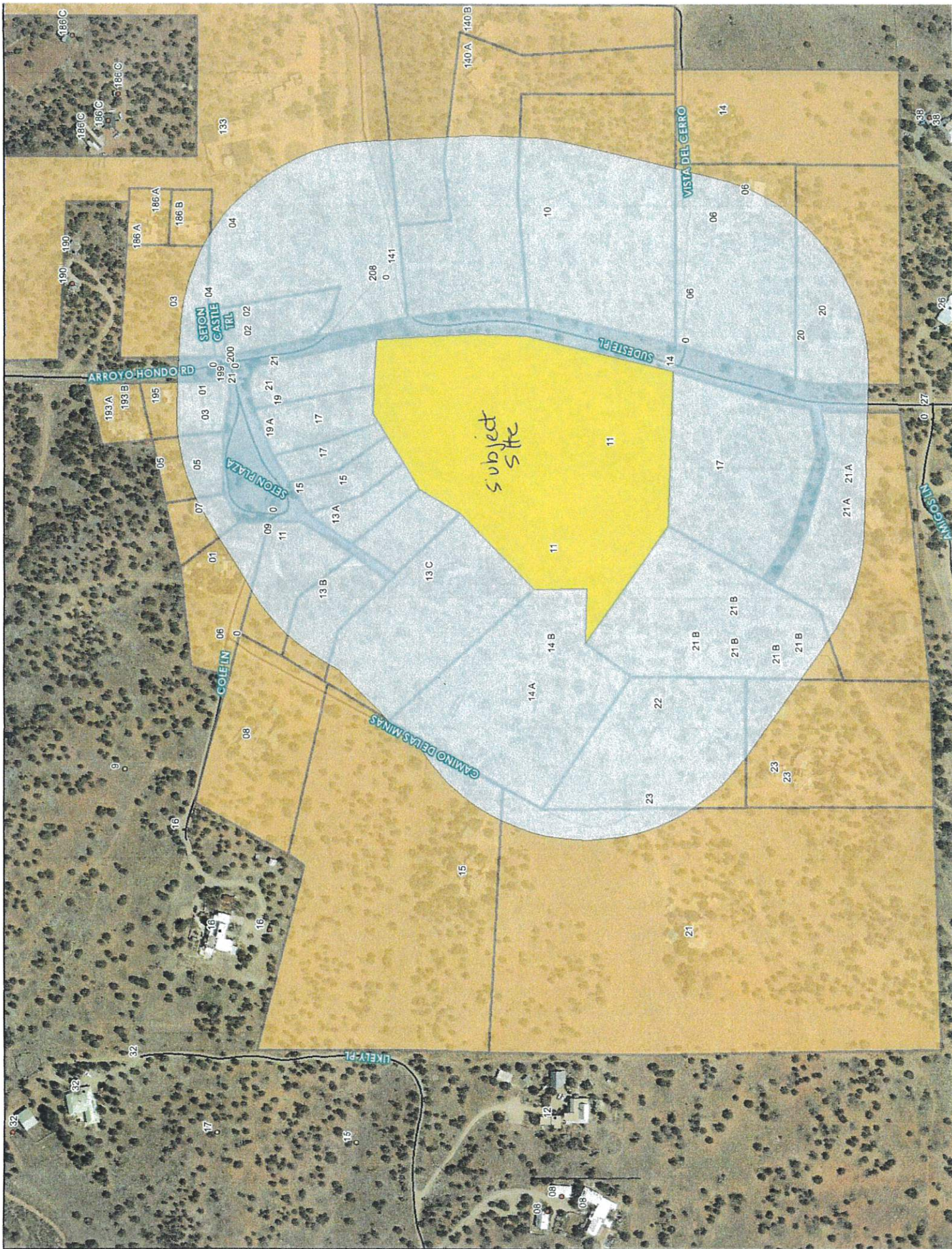
1811

Ad Order Number

0000199275

SF PLANNING GROUP INC.







Situs_Line	OwnerName	Owner_Line	Owner_City	Owner_Stat	Owner_Zip
19 SETON PLAZA	SEALEY, ALICE	32 LA BARBERIA RD	SANTA FE	NM	87505-8183
21 SETON PLAZA	THE ROBERT R & SARAH E BENNETT REVOCABLE TRUST	21 SETON PLAZA	SANTA FE	NM	87508-5965
1 COLE LN	NICHOLS, WAYNE D	1 COLE LN	SANTA FE	NM	87505
SETON PLAZA	JONES, CAROLYN S & ROBERT H F	1234 SAN RAFAEL	DALLAS	TX	75218
13 C SETON PLAZA	TORRES, SUSAN ENOS	13 C SETON PLAZA	SANTA FE	NM	87508
15 SETON PLAZA	TARRET, JUDITH A	15 SETON PLAZA	SANTA FE	NM	87508
17 SETON PLAZA	SANDERS, D L & SHERY S	17 SETON PLAZA	SANTA FE	NM	87508
193 AB ARROYO HONDO RD	EVANGELOS, NICK	05 C RAVENS RIDGE TRAIL	SANTA FE	NM	87505
15 CAMINO DE LAS MINAS	HYDE, RICHARD C & MARILYN J	11480 PEXIN RD	NEWBURY	OH	44065
7 SETON PLAZA	LEWIS, GREGORY J &	7 SETON PLAZA	SANTA FE	NM	87508
22 CAMINO DE LAS MINAS	COVER, CHARLES E & SUSAN A	22 CAMINO DE LAS MINAS	SANTA FE	NM	87508
21 A SUDESTE PL	JAMES H & PEYTON H AUERBACH RE	21A SUDESTE PL	SANTA FE	NM	87508
140 A SETON VILLAGE RD	APPEL, TOBY & CAROLYN MEYER	164 WEST 79TH ST #11A	NEW YORK	NY	10024
186 A ARROYO HONDO RD	SHEPPARD, MICHAEL	1114 HICKOX ST UNIT G	SANTA FE	NM	87505
21 B SUDESTE PL	COHEN, JONATHAN	21B SUDESTE PL	SANTA FE	NM	87508
1 SETON PLAZA	ROBERTS, JUDITH CORWIN	1 SETON PLAZA	SANTA FE	NM	87508
8 COLE LN	RANKIN, SINGLETON	8 COLE LANE	SANTA FE	NM	87508
13 B SETON PLAZA	KESSLER, MARCH	13 B SETON PLAZA	SANTA FE	NM	87508
23 CAMINO DE LAS MINAS	CUNNINGHAM, SARA J (TRUSTEE)	23 CAMINO DE LAS MINAS	SANTA FE	NM	87508
14 VISTA DEL CERRO	CELADON, LLC	16 VISTA DEL CERRO	SANTA FE	NM	87508
5 SETON PLAZA	MOORE, LUCY	5 SETON PLAZA	SANTA FE	NM	87508
20 SUDESTE PL	ROGERS, TIM B	20 SUDESTE PL	SANTA FE	NM	87508
6 VISTA DEL CERRO	ROSS, ALEXANDER B & MARY	6 VISTA DEL CERRO	SANTA FE	NM	87508
17 SUDESTE PL	LESSON, WILLIAM & KARLSON,	PO BOX 8371	SANTA FE	NM	87504
186 B ARROYO HONDO RD	ZOLLARS, GERALD F & SHARLENE	186 B ARROYO HONDO RD	SANTA FE	NM	87508
3 SETON CASTLE TRL	CILLO, ROBERT D & JANET E	3 SETON CASTLE TRL	SANTA FE	NM	87508
21 CAMINO DE LAS MINAS	RUBOVITS, EDWARD F & NANCY	7430 SW CAPITOL HWY	PORTLAND	OR	97219-2433
11 SETON PLAZA	THE EUGENE S NEWMANN & VIRGINIA D NEWMANN (REVOC TRST)	PO BOX 266	RIBERA	NM	87560-0266
133 SETON VILLAGE RD	ACADEMY FOR THE LOVE OF	133 SETON VILLAGE RD	SANTA FE	NM	87508
2 SETON CASTLE TRL	GONZALES, JENNIFER R & CARLOS R	2 SETON CASTLE TRL	SANTA FE	NM	87508
14 CAMINO DE LAS MINAS	LEHMAN, JOHN J	14 CAMINO DE LAS MINAS	SANTA FE	NM	87508
10 SUDESTE PL	ENGLAND, MARK	25524 COLORADO CANYON DR	MARBLE FALLS	TX	78654

# SANTA FE PLANNING GROUP, INC

LAND PLANNING AND LANDSCAPE ARCHITECTURE

P. O BOX 2482, SANTA FE, NM 87504

505.983.1134; 505.983.4884 FAX

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February 01, 2017

Dear Neighbor,

Project: Regina Buckley Family Transfer Lot Split & Density Variance  
Acreage: 9.19-acres  
Address: 11 Sudeste Place

Santa Fe Planning Group, Inc, on behalf of landowner Regina Buckley, is applying for a family transfer lot split of a 9.19-acre parcel of land. The split will result in two parcels that are 4.595-acres in size. The minimum lot size in the residential fringe zoning category is 5-acres. A variance to Chapter 8, Section 8.6.5 of the SDLC will be required in order to divide the property into two lots.

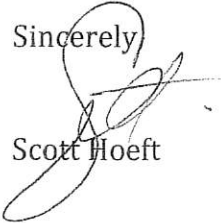
In accordance with the requirements of new Santa Fe Sustainable Land Use Development Code (SLDC Section 4.4.4.1), a neighborhood meeting is required of the application. The meeting is scheduled for:

**Time: 5:30 pm**  
**When: February 16, 2017; Thursday**  
**Where: Fire Station #1 - 21 Seton Village Road**

Neighborhood Notification is intended to provide an exchange of information between prospective applicants for development projects and the project's neighbors.

If you have any questions or comments, please contact Scott Hoeft at 412.0309 or email at [scotthoeft@hotmail.com](mailto:scotthoeft@hotmail.com).

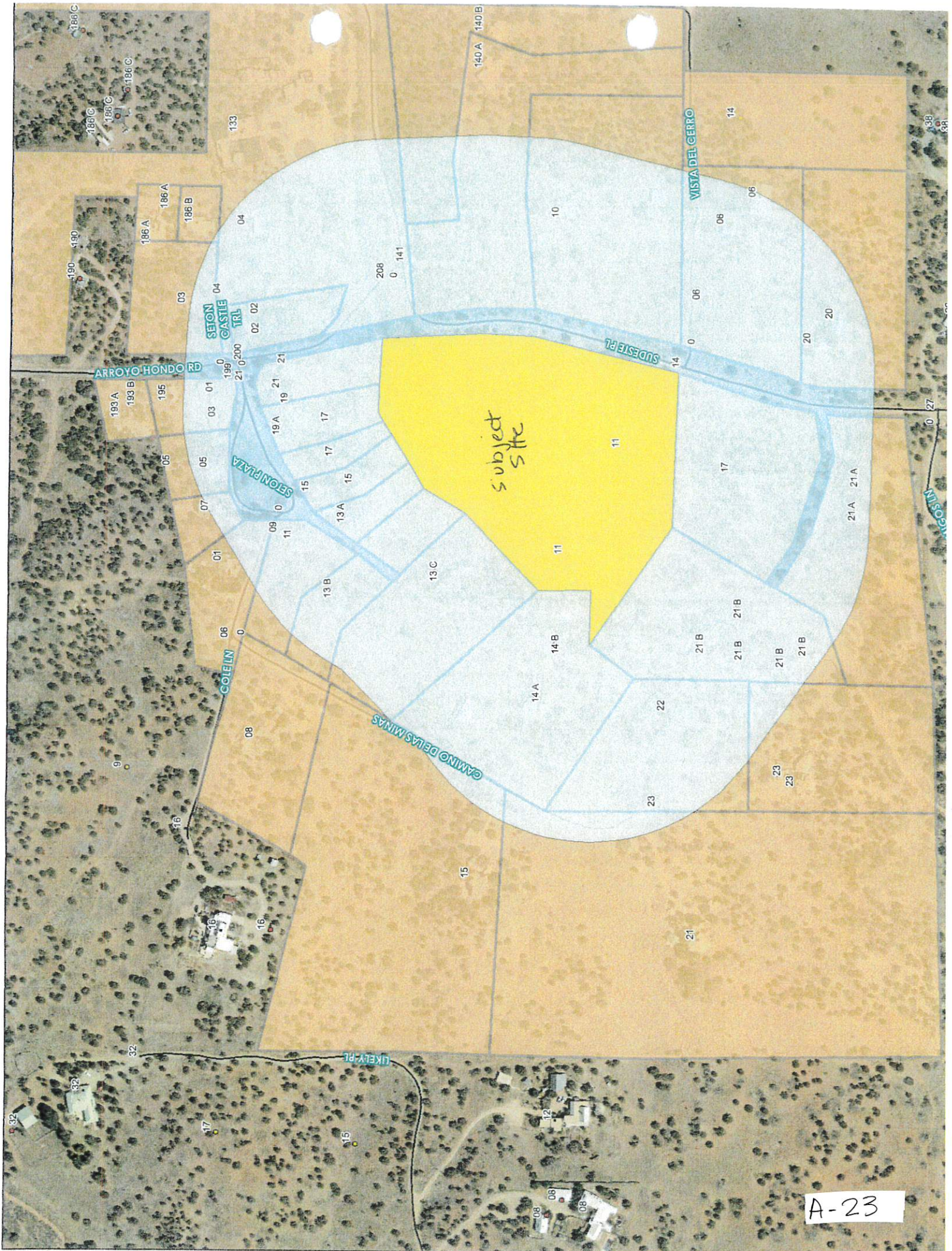
Sincerely,

  
Scott Hoeft



A-22





A-23



Situs\_Line  
 140 B SETON VILLAGE RD  
 19 SETON PLAZA  
 21 SETON PLAZA  
 1 COLE LN  
~~13 SETON PLAZA~~  
 SETON PLAZA  
 13 C SETON PLAZA  
 15 SETON PLAZA  
 17 SETON PLAZA  
 13 A SETON PLAZA  
 193 AB ARROYO HONDO RD  
 15 CAMINO DE LAS MINAS  
 7 SETON PLAZA  
 22 CAMINO DE LAS MINAS  
 21 A SUDESTE PL  
 140 A SETON VILLAGE RD  
 186 A ARROYO HONDO RD  
 21 B SUDESTE PL  
 1 SETON PLAZA  
 8 COLE LN  
 13 B SETON PLAZA  
 23 CAMINO DE LAS MINAS  
 14 VISTA DEL CERRO  
 5 SETON PLAZA  
 20 SUDESTE PL  
 6 VISTA DEL CERRO  
 17 SUDESTE PL  
 186 B ARROYO HONDO RD  
 8 SETON CASTLE TRL  
 21 CAMINO DE LAS MINAS  
 11 SETON PLAZA  
 133 SETON VILLAGE RD  
 2 SETON CASTLE TRL  
 14 CAMINO DE LAS MINAS  
 10 SUDESTE PL

OwnerName  
 APPEL, TOBY ✓  
 SEALEY, ALICE ✓  
 THE ROBERT R & SARAH E BENNETT REVOCABLE TRUST  
 NICHOLS, WAYNE D  
~~BURGESS, REGINA A~~  
 JONES, CAROLYN S & ROBERT H F  
 TORRES, SUSAN ENOS  
 TARBET, JUDITH A  
 SANDERS, D L & SHERRY S  
 JONES, CAROLYN S & ROBERT H F ✓  
 EVANGELOS, NICK ✓  
 HYDE, RICHARD C & MARILYN J ✓  
 LEWIS, GREGORY J &  
 COVER, CHARLES E & SUSAN A  
 JAMES H & PEYTON H AUERBACH RE  
~~APPEL, TOBY & CAROLYN MINAS~~ ✓  
 SHEPPARD, MICHAEL ✓  
 COHEN, JONATHAN  
 ROBERTS, JUDITH CORWIN  
 RANKIN, SINGLETON  
 KESSLER, MARCH  
 CUNNINGHAM, SARA J (TRUSTEE)  
 CELADON, LLC  
 MOORE, LUCY  
 ROGERS, TIM B  
 ROSS, ALEXANDER B & MARY  
 LEESON, WILLIAM & KARLSON, ✓  
 ZOLLARS, GERALD F & CHARLENE  
 CILLO, ROBERT D & JANET E  
 RUBOVITS, EDWARD F & NANCY ✓  
 THE EUGENE S NEWMANN & VIRGINIA D NEWMANN (REVOC TRST) ✓  
 ACADEMY FOR THE LOVE OF  
 GONZALES, JENNIFER R & CARLOS R  
 LEHMAN, JOHN J  
 ENGLAND, MARK ✓

Owner\_Line  
 164 W 79TH ST APT 11-A  
 32 LA BARBERIA RD  
 21 SETON PLAZA  
 1 COLE LN  
~~13 SETON PLAZA~~  
 1234 SAN RAFAEL  
 13-C SETON PLAZA  
 15 SETON PLAZA  
 17 SETON PLAZA  
 1234 SAN RAFAEL  
 05 CRAVENS RIDGE TRAIL  
 11480 PERIN RD  
 7 SETON PLAZA  
 22 CAMINO DE LAS MINAS  
 21A SUDESTE PLACE  
 164 WEST 79TH ST #11A  
 1114 HICKOX ST UNIT G  
 21B SUDESTE PL  
 1 SETON PLAZA  
 8 COLE LANE  
 13 B SETON PLAZA  
 23 CAMINO DE LAS MINAS  
 16 VISTA DEL CERRO  
 5 SETON PLAZA  
 20 SUDESTE PLACE  
 6 VISTA DEL CERRO  
 PO BOX 8371  
 186 B ARROYO HONDO RD  
 9 SETON CASTLE TRL  
 7430 SW CAPITOL HWY  
 PO BOX 266  
 133 SETON VILLAGE RD  
 2 SETON CASTLE TRL  
 14 CAMINO DE LAS MINAS  
 23524 COLORADO CANYON DR

Owner_City	Owner_State	Owner_Zip
NEW YORK	NY	10024
SANTA FE	NM	87505-8183
SANTA FE	NM	87508-5965
SANTA FE	NM	87505
<del>SANTA FE</del>	<del>NM</del>	<del>87505</del>
DALLAS	TX	75218
SANTA FE	NM	87505
SANTA FE	NM	87505
SANTA FE	NM	87501
DALLAS	TX	75218
SANTA FE	NM	87505
NEWBURY	OH	44065
SANTA FE	NM	87505
SANTA FE	NM	87508
SANTA FE	NM	87508
NEW YORK	NY	10024
SANTA FE	NM	87505
SANTA FE	NM	87508
SANTA FE	NM	87506
SANTA FE	NM	87508
SANTA FE	NM	87508
SANTA FE	NM	87508
SANTA FE	NM	87505
SANTA FE	NM	87505
SANTA FE	NM	87508
SANTA FE	NM	87504
SANTA FE	NM	87505
SANTA FE	NM	87508
PORTLAND	OR	97219-2433
RIBERA	NM	87560-0266
SANTA FE	NM	875088101
SANTA FE	NM	87508
SANTA FE	NM	87508
MARBLE FALLS	TX	78654

35

Buckley