

MEMORANDUM

DATE: April 16, 2009

TO: County Development Review Committee

FROM: John F. Lovato, Development Review Specialist

VIA: Shelley Cobau, Building and Development Services Manager
Wayne Dalton, Building and Development Services Supervisor

FILE REF.: CDRC CASE # APP 08-5350 Adam Montoya and Ann Lanzante Appeal

ISSUE:

Adam Montoya and Ann Lanzante, Applicants, are appealing the Land Use Administrator's decision to deny an after-the-fact Development Permit for a second driveway and parking area on 3.096-acres.

The property is located at 1339 Bishop's Lodge Road, within Section 6, Township 17 North, Range 10 East, (Commission District 1).

SUMMARY:

The Applicant's are requesting an appeal of the Land Use Administrator's decision to deny an after-the-fact Development Permit application for a second driveway and parking area on 3.096-acres.

On June 30, 2008, the Applicant's were issued a Notice of Violation for a driveway and parking area that were constructed without approval from Santa Fe County. On July 14, 2008, the Applicant's applied for an after-the-fact Development Permit for the driveway and parking area. Staff reviewed the application and determined that the application was not in conformance with Article III, Section 4.4.3a (Driveway Access) therefore, the request for an after-the fact Development Permit was denied.

The denial of the Application by the Code Administrator was based on Article III, Section 4.4.3a states spacing between points of ingress and egress shall be determined by the posted design

speed and intended function of the road creating access to the development site. (Exhibit B) The posted speed limit on Bishop's Lodge Road is 25 mph; therefore the spacing between the neighboring driveway and the illegally constructed driveway does not meet the Code required 200' foot separation between access points.

The following are the Applicant's grounds of appeal (Exhibit A) and Staff's response:

- The Applicant's claim that it has been, in fact, a safety hazard not to have a driveway to enter the property from the north. The Applicant's also claim that as you enter the old driveway from the north you have to block traffic on Bishop's Lodge Road to reverse and turn your vehicle around.

Staff's Response: Staff asserts that the existing driveway can be upgraded to accommodate a north access to the property, and the current configuration is not Code compliant.

- The Applicant's also state that other driveways in the area do not comply with Article III, Section 4.4.3a (Driveway Access) for spacing between points of ingress and egress.

Staff's Response: Other existing driveways within the area are legal non-conforming. Those driveways that are not legal non-conforming may have not received approval from Santa Fe County or Santa Fe County Public Works. Consideration of approvals is not based on prior non-conforming uses.

REQUIRED ACTION:

The CDRC should review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions, or table for further analysis of this request.

RECOMMENDATION:

Staff's position is that the Application is not in conformance with Article III, Section 4.4.3a (Driveway Access) which states spacing between points of ingress and egress shall be determined by the posted design speed and intended function of the road creating access to the development site. The posted speed limit on Bishop's Lodge Road is 25 mph; therefore the spacing between the neighboring driveway and the illegally constructed driveway does not meet the required separation. The illegally constructed driveway must be abandoned and the existing driveway must be reconfigured at a perpendicular angle to Bishops Lodge Road to facilitate turning movement from the southbound lane.

Staff recommends denial of the appeal.

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ATTACHMENTS:

Exhibit "A" Letter of Appeal

Exhibit "B" Article III, Section 4.4.3a (Driveway Access)

Exhibit "C" Site Plan

Exhibit "D" Vicinity Map

Exhibit "E" Letter of opposition