City of Santa Fe, New Mexico

memo

DATE: July 28, 2015, for the August 6, 2015 Meeting

TO: Planning Commission

VIA: Lisa Martinez, Director, Land Use Department
Greg Smith, Division Director, Current Planning Division

FROM: Noah Berke, CFM, Senior Planner, Current Planning Division NLB

Case #2015-66. 820 Camino Vistas Encantada Variance. Jeff Mathis and Julia Fjeldsted request approval of a Variance to allow development within the Ridgetop Subdistrict of the Escarpment Overlay District. The 0.94 acre property is zoned R-2 (Residential – 2 units per acre). (Noah Berke, Case Manager)

RECOMMENDATION

If the Commission determines that the 400 square foot expansion of the house meets the variance approval criteria and is within "reasonable use" as defined in subsection 14-3, staff recommends the Conditions of Approval as outlined in this report.

The variance is limited to the building footprint as shown on the plans submitted with this application.

I. BACKGROUND AND SUMMARY

The applicant requests a variance to Section 14- 5.6(D)(1) "Location of Structures; Buildable Site" which states

> "For all *lots* subdivided or resubdivided on or before February 26, 1992, all *structures* shall be located within the foothills subdistrict unless the only *buildable site* is located within the ridgetop subdistrict. For all *lots* subdivided or resubdivided after February 26, 1992, *development* in the ridgetop subdistrict of the escarpment overlay district, other than driveway access and utilities, is prohibited."

The applicant proposes a 402 square-foot addition to the existing 2,194 square-

foot existing home. The existing home and the proposed addition are within the ridgetop subdistrict of the Escarpment Overlay District.

The ridgetop and foothills subdistricts of the Escarpment Overlay are mapped on the official City Escarpment Overlay Map. Ridgetop and foothills subdistricts are areas that are considered to be areas that have large visual impact to the city. The ridgetop is considered the most visible and highest areas and the foothills are considered the less visible areas of the Escarpment Overlay District. Building height within the ridgetop is limited to 14 feet above natural or finished grade, whichever is more restrictive. Height within the foothills is limited to 14 feet above the highest adjacent grade while allowing for up to 20 feet above natural or finished grade on the downhill portion of the site. The Escarpment Overlay requires compliance with a set of architectural and landscaping standards as set forth in Section 14-5.6.

Lot 28 of the Cerro Del Sol Subdivision, is partially within the ridgetop Subdistrict of the Escarpment Overlay District. Cerro Del Sol Subdivision was created in 1994, and the existing house was built in compliance with the Escarpment Overlay regulations that were in effect at the time. In 2006, revisions to the Escarpment Ordinance prohibited development within the ridgetop subdistrict on post-1992 lots. Therefore, a variance is required to construct the attached addition.

The applicant is proposing to construct a 410 square foot attached addition on Lot 28 of Cerro Del Sol Subdivision. The location of the proposed attached addition lies completely within the Ridgetop subdistrict of the Escarpment Overlay. The applicant worked with the Land Use Department for placement of the dwelling on the lot for best tree preservation, least amount of natural disturbance and visual impact.

II. VARIANCE APPROVAL CRITERIA

Santa Fe City Code 1987 14-3.16(C)(1) through (5) are required to grant a variance for construction of an attached addition in the Ridgetop .

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

(b) the parcel is a legal nonconforming lot created prior to the adoption of

the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

Applicant Response (to (b) above):

Our parcel is a legal nonconforming lot. The Cerro Del Sol subdivision was approved in 1992, and the Ridgetop building restrictions were put in place several years after this approval. Our entire house is located within the ridgetop subdistrict. It is relevant to point out that a new Ridgetop designation map for the city has been created, but the new map has not yet been legally adopted. Our house and lot do not fall into a Ridgetop designation under the proposed new Ridgetop map.

Staff Response:

The applicant submittals demonstrate that the non-conformity exists as the subdivision was created after February 26, 1992, however at the time the subdivision was created building within the ridgetop was not prohibited. Legislation that was based by the City of Santa Fe in 2005 created the non-conformity, as it created the restriction that new construction in the ridgetop subdistrict is prohibited for lots created, subdivided or re-subdivided after February 26, 1992. These unique circumstances identify compliance with 14-3.16(C)(1) above.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

Applicant Response:

We, with our architect Courtenay Mathey, looked into 2 different possibilities for our addition that were to be built more in the foothills subdistrict. Both of the options would still have about 100 SF of space constructed within the ridgetop subdistrict with about 300 sf of space located in the foothills. Due to the existing drop in the grades away from the house, these options also would make a significant portion of the walls about 19' high out of the ground rather than the +/- 13' high addition we can achieve with a variance. These options also make access around the house very difficult, requiring lots of additional steps and walkways to allow reasonable

circulation. Additionally, these options severely limit the views and sunlight in the existing bedroom and living room spaces.

Staff Response:

Special circumstances do make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14. Alternate siting of the proposed addition was examined and analyzed by staff. The location examined still had portions of the addition within the Ridgetop sub-district. In addition, staff concurs with the applicant's response that there are steeper grades, greater visual impacts, and effects to the natural environment would be greater in the alternate location.

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

Applicant Response:

The Cerro del Sol subdivision covenants allow for reasonable additions to be built. We will re-stucco the entire house with the same color of stucco we currently have. The driveway location is the least visible portion of our lot to our neighbors, so building the addition there will have the smallest visual impact.

Staff Response:

Chapter 14 defines intensity as "The extent of *development* per unit of area; or the level of use as determined by the number of *employees* and customers and degree of impact on surrounding *properties* such as noise and traffic." Based on this definition, the intensity of development for an attached addition does not exceed developments that are allowed on other properties in the vicinity. Noise and traffic will be no different from any other properties in the vicinity. The size of the proposed attached addition and the extent of proposed grading, are generally consistent with the development of other nearby lots. The applicant has also agreed to comply with all Escarpment Overlay regulations.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

Applicant Response:

We understand and support the purpose of ridgetop designations. As noted above we looked at options where the addition was more in the foothills subdistrict, but these options are the most impactful from both visual and lot development perspectives. Getting the variance to build the addition in the driveway preserves the intent of ridgetop designations.

Staff Response:

Granting this variance is the minimum variance to make reasonable use of the land. Alternate siting was examined and analyzed. The proposed location of the attached addition is located in an area where disturbance to the natural environment is minimal and has the least visibility. No development could occur on this lot without a variance which provides qualifying factors to the criteria specific to 14-3.16(C)(4)(a) and (b) above.

The proposal is consistent with the Very Low Density Residential General Plan Land Use Category. As stated before, the applicant has taken steps to utilize the existing disturbed terrain and minimize visual impact, therefore complying with the General Plan policies regarding Terrain Management and Visual Resource Conservation.

(5) The variance is not contrary to the public interest.

Applicant Response:

The proposed addition fits with the existing architecture of the house. The addition is relatively small, 410 square feet, to be attached to a 2194 sq. ft. house. We are not aware of any aspect of this variance that is contrary to the public interest.

Staff Response:

The construction of an attached addition on the lot is not contrary to the public interest. The public interest in relation to Section 14-5.6 "Escarpment Overlay District" has to do with protecting, maintaining and enhancing the health safety and general welfare of the citizens. It also has to do with protecting the visual impact of development and the natural environment of Santa Fe. The proposed addition ensures sound and orderly development while adhering to the Escarpment Overlay Regulations. Staff does not believe that the proposed request for a variance to the Escarpment Overlay District violates the purpose and intent of the regulations as

set forth in Section 14-5.6.

III. CONCLUSION AND RECOMMENDATION

A variance to the Escarpment Overlay District as stipulated in Section 14-5.6(D)(1), would be required for any attached additions on Lot 28 of Cerro Del Sol Subdivision. The buildable site proposed by the applicant minimizes disturbance on the natural environment and has the least visual impact. The applicants proposal further minimizes disturbance to the natural vegetation. The average house size of a home located in the ridgetop subdistrict in Cerros Del Sol Subdivision is 3,857 square feet. This data was taken by analyzing 13 homes located in the ridgetop within the Cerro Del Sol Subdivision. The proposed 402 square foot addition to the existing 2,194 square foot home would not exceed the average house size at 2,596 square feet.

Staff's findings, based on analysis and the applicant's submittals, are in support of the variance and confirm all variance criterions have been satisfied. Staff recommends approval to the Planning Commission, with Conditions of Approval, in favor of the proposed variance to Section 14-8.2 (D)(3)(b).

IV. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval:

a. Development on the lot be restricted to only the area shown by the applicant.
b. Fire Department access to any new construction shall not be less than 20 feet in width or greater than a 10% grade. However, a variance to this requirement, up too 15% grade, may be granted by the Fire Department if alternative fire suppression systems are provided.
c. New development shall have water supply that meets fire flow requirements as per IFC or install an automatic sprinkler system.
d. Fire Department requires that the applicant meet the 150 foot driveway requirements as per IFC, or an emergency turn-around that meets IFC requirements shall be provided.
e. Fire Department Access shall not be less than 20 feet width.
f. Fire Department shall have 150 foot distance to any portion of the building on any new construction.
g. Fire Suppression shall have water supply that meets fire flow requirements as per IFC.

V. ATTACHMENTS:

EXHIBIT A: City Staff Memoranda

1. Waste Water Division Engineer Memorandum, Stan Holland
2. Water Division Memorandum, Dee Beingessner
3. Fire Department Memorandum, Rey Gonzales
4. City Engineer Memorandum, Risana "RB" Zaxus, PE
5. Traffic Engineering Division Memorandum, Sandra Kassens

EXHIBIT B: Maps and Photos

1. Zoning and Aerial View

EXHIBIT C: Applicant Materials

1. Letter of Application
2. Cerro Del Sol Subdivision Plat
3. Site Plan
4. Street View Renderings

Exhibit A

BERKE, NOAH L.

From: BEINGESSNER, DEE
Sent: Tuesday, July 28, 2015 3:38 PM
To: BERKE, NOAH L.
Subject: RE: RE: CAse 205-66 820 Vistas Encantada Variance

Noah,

There is no impact to water. The house already has water service and this variance will not affect their service.

Dee

From: BERKE, NOAH L.
Sent: Tuesday, July 28, 2015 3:35 PM
To: BEINGESSNER, DEE; HOLLAND, TOWNSEND S.
Subject: RE: CAse 205-66 820 Vistas Encantada Variance

Can you please provide me final comments today??

Noah Berke, CFM
Planner Senior
City of Santa Fe
Land Use Department
200 Lincoln Ave.
Santa Fe, NM 87504
Work: (505) 955-6647
Cell: (505) 490-5930
Fax: (505) 955-6829

City of Santa Fe, New Mexico

memo

DATE: **July 6, 2015**

TO: **Noah Berke, Case Manager**

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: **Case #2015-66** 820 Camino Vistas Encantada Variance

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction or remodel shall comply with the current code adopted by the governing body.

1. All Fire Department access shall be no greater that a 10% grade throughout.

2. Fire Department Access shall not be less than 20 feet width.

3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided.

4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

5. Shall have water supply that meets fire flow requirements as per IFC

BERKE, NOAH L.

From: ZAXUS, RISANA B.
Sent: Thursday, July 16, 2015 9:41 AM
To: BERKE, NOAH L.
Subject: Case # 2015-66, 820 Camino vistas Encantada Variance

Mr. Berke –

Regarding Case # 2015-66, the 820 Camino Vistas Encantada Variance, I have the following review comment:

At the time of building permit, the proposed construction must meet all requirements of Article 14-8.2, Terrain Management Regulations.

Risana B "RB" Zaxus, PE
City Engineer

BERKE, NOAH L.

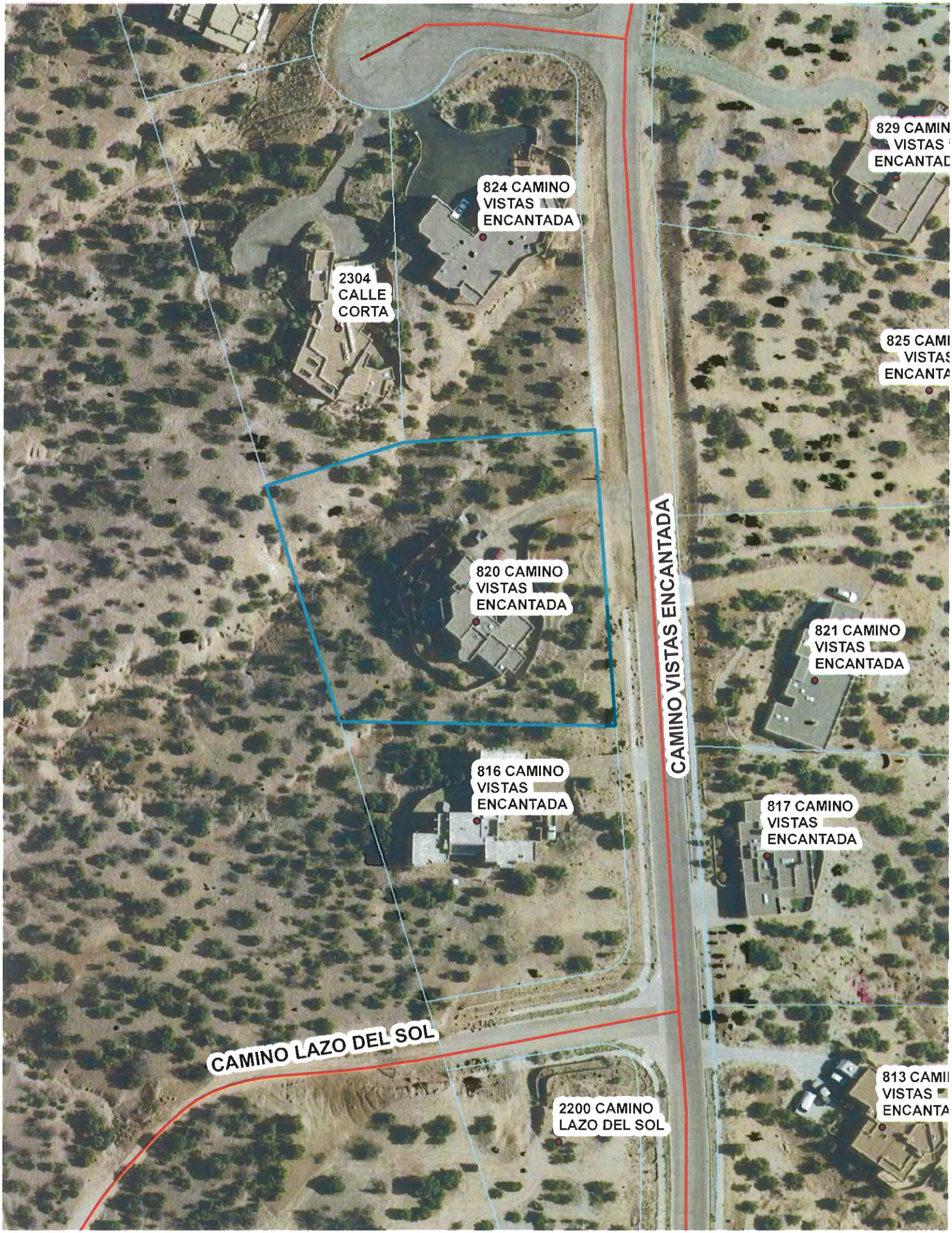
From: KASSENS, SANDRA M.
Sent: Tuesday, July 07, 2015 4:24 PM
To: BERKE, NOAH L.
Cc: ROMERO, JOHN J
Subject: 820 Camino Vistas Encantada Variance

Noah,
The Traffic Engineering Division has no comments on the request for a variance to the Escarpment District development requirements for 820 Camino Vistas Encantada, case #2015-66.

Sandra Kassens
Traffic Engineering Division
Public Works Department
City of Santa Fe
PO Box 909
Santa Fe, New Mexico 87504

Phone: 505-955-6697

Exhibit B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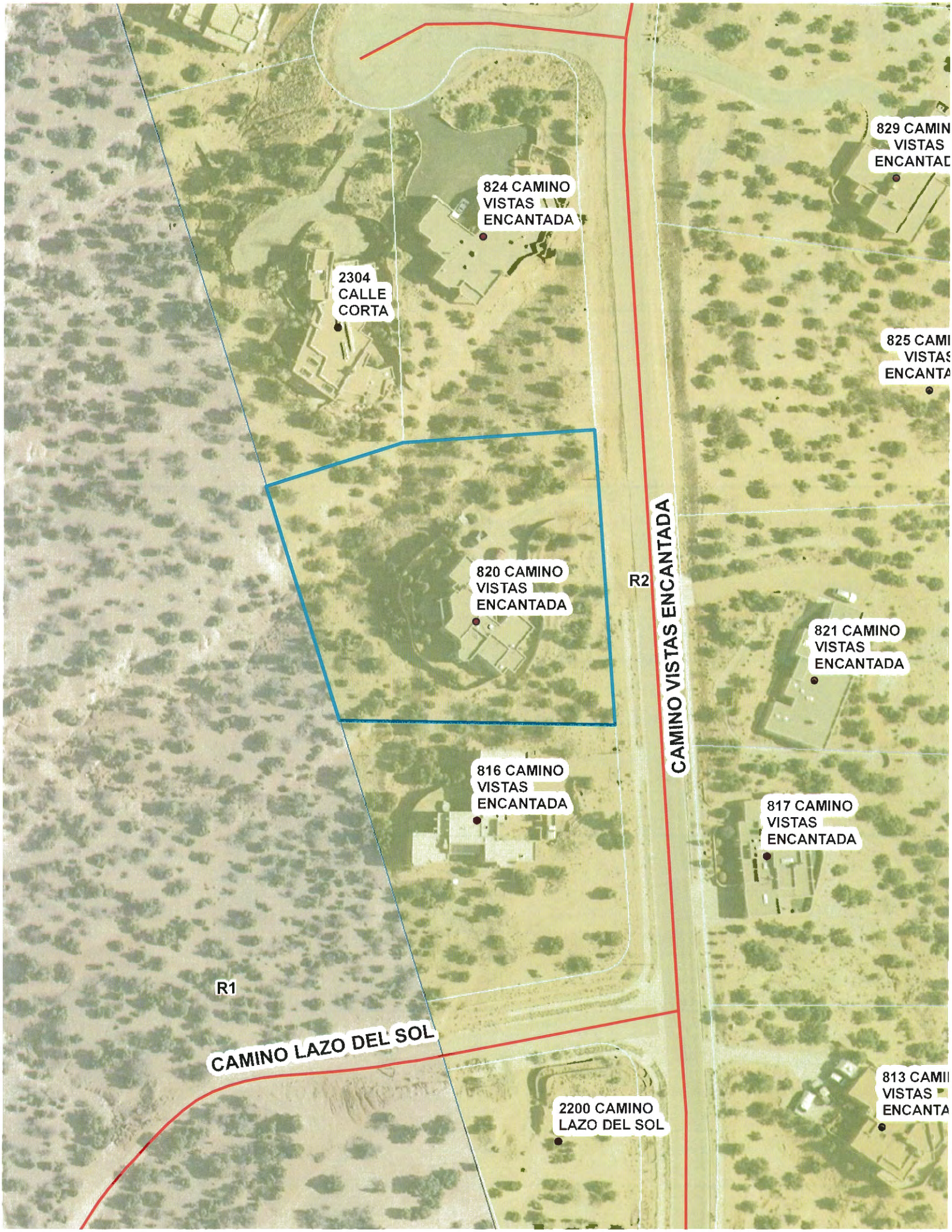
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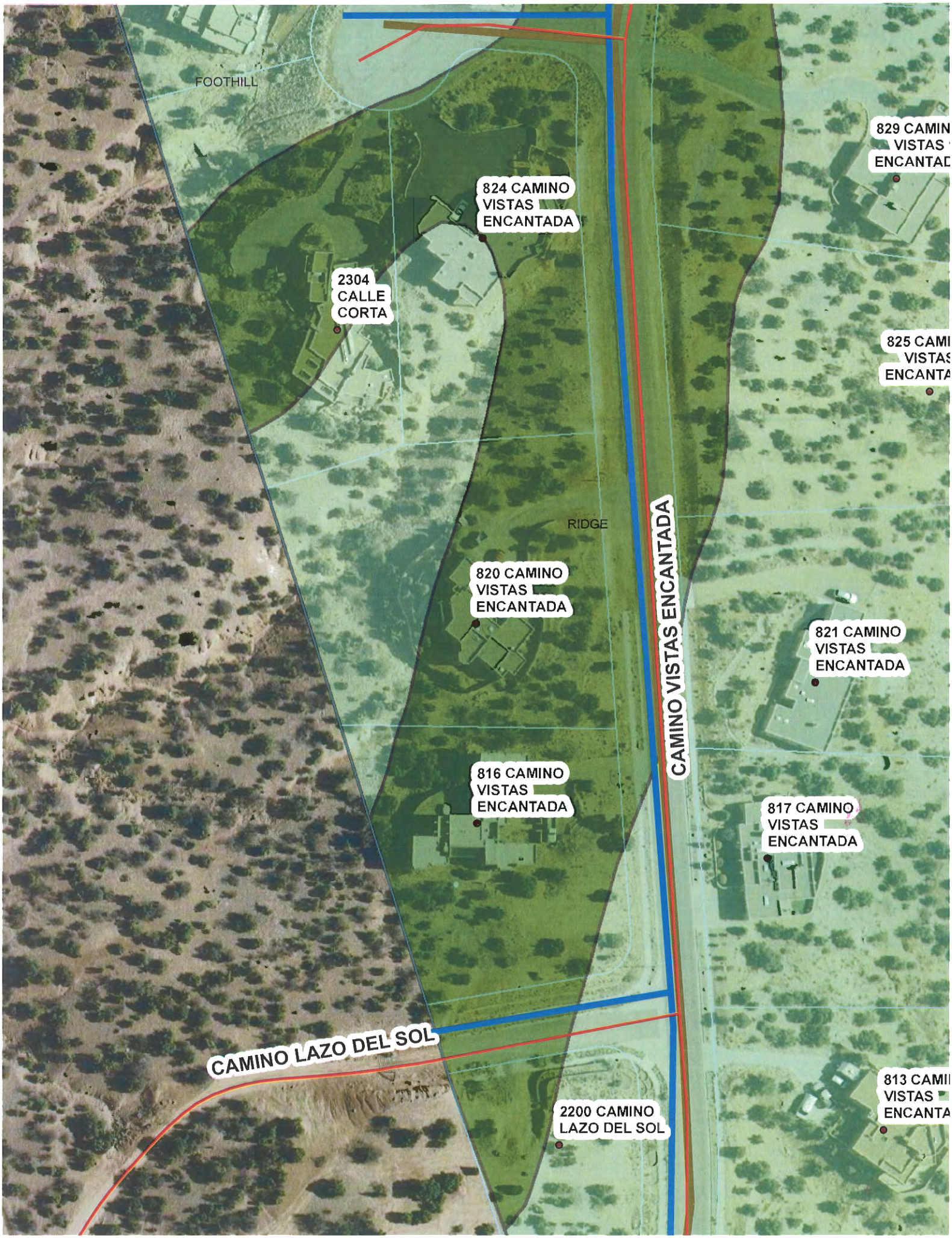
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LAZO DEL SOL

Exhibit C

Jeff Mathis and Julia Fjeldsted
820 Camino Vistas Encantada
Santa Fe, NM 87507
505-992-0553
mathisjr@earthlink.net

June 27, 2015

Board of Adjustment Variance Application
City of Santa Fe

Contents: Letter of application (intent, location, acreage), statements addressing approval criteria.

Intent, Location, Acreage

We would like to build a 410 sq. ft. addition to our house, consisting of a bedroom and 3/4 bathroom. The addition would be attached to our house, and extend into the existing driveway. Our house is located within the Cerro del Sol subdivision at 820 Camino Vistas Encantada. Our property is located near the top of Camino Vistas Encantada oriented to the West, and is adjacent to the city/county line that intersects West Alameda. Our lot size is 0.94 acres, and our 2200 (+/-) sq. ft. house is located approximately in the middle of the lot.

The house and garage are located entirely within the Ridgetop District, with the rest of the property being located within the Foothills District. Any addition to the residence will require construction in the Ridgetop portion of the site.

Approval Criteria Subsections 14-3.16(C) 1 though 6.

(1)

a, c, d. Not applicable

b. Our parcel is a legal nonconforming lot. The Cerro del Sol subdivision was approved in 1992, and the Ridgetop building restrictions were put in place several years after this approval. Our entire house is located within the Ridgetop District. It is relevant to point out that a new Ridgetop designation map for the city has been created, but the new map has not yet been legally adopted. Our house and lot do not fall into a Ridgetop designation under the proposed new Ridgetop map.

(2)

We, with our architect Courtenay Mathey, looked into 2 different possibilities for our addition that were to be built more in the Foothills District. Both of the options would still have about 100 SF of space constructed within the Ridgetop district with about 300 sf of space located in the Foothills. Due to the existing drop in the grades away from the house, these options also would make a significant portion of the walls about 19' high out of the ground rather than the +/- 13' high addition we can achieve with a variance. These options also make access around the house very difficult, requiring lots of additional steps and walkways to allow reasonable circulation. Additionally, these options severely limit the views and sunlight in the existing bedroom and living room spaces.

(3)

The Cerro del Sol subdivision covenants allow for reasonable additions to be built. We will re-stucco the entire house with the same color of stucco we currently have. The driveway location is the least visible portion of our lot to our neighbors, so building the addition there will have the smallest visual impact.

(4)

a, b. We understand and support the purpose of Ridgetop designations. As noted above we looked at options where the addition was more in the Foothills District, but these options are the most impactful from both visual and lot development perspectives. Getting the variance to build the addition in the driveway preserves the intent of Ridgetop designations.

(5)

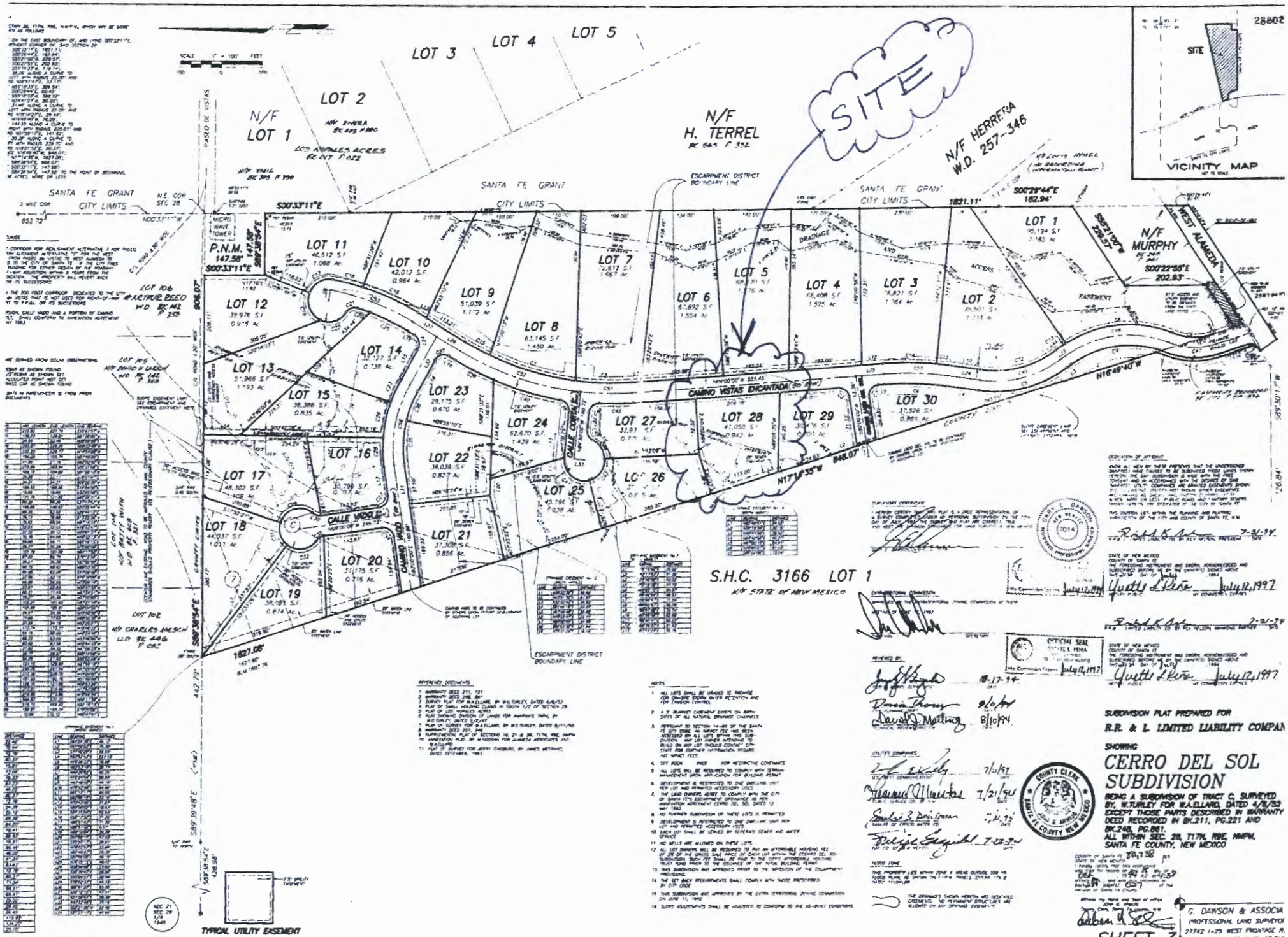
The proposed addition fits with the existing architecture of the house. The addition is relatively small, 410 sq. ft, to be attached to a 2194 sq. ft. house. We are not aware of any aspect of this variance that is contrary to the public interest.

(6)

We are not aware of any additional requirements or special findings.

6/28/15

Jeff Mathis Julia Fjeldsted Date



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LOT 3
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LOT 5
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N/F H. TERREL
N/F HERRERA W.D. 257-346
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VICINITY MAP
SANTA FE GRANT CITY LIMITS
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TYPICAL UTILITY EASEMENT
SUBDIVISION PLAT PREPARED FOR
R.R. & L. LIMITED LIABILITY COMPAN
SHOWING
CERRO DEL SOL SUBDIVISION
BEING A SUBDIVISION OF TRACT C, SURVEYED BY, W.TURLEY FOR W.A.ELLARD, DATED 4/8/52 EXCEPT THOSE PARTS DESCRIBED IN WARRANTY DEED RECORDED IN BK.211, PG.221 AND BK.248, PG.661.
ALL WITHIN SEC. 28, T17N, R9E, NMPM, SANTA FE COUNTY, NEW MEXICO
G. DAWSON & ASSOCIA
PROFESSIONAL LAND SURVEYOR
27742 I-25 WEST FRONTAGE R.
FILE 1854\SUBD DATE. 07/20
SHEET 3

①

File No. [illegible] Territorial Abstract & Title Co. Inc.

2138368

WARRANTY DEED

Thomas R. Hofstedt and Sharon B. Hofstedt, Trustees of the Hofstedt Family Trust dated March 12, 1996

, for consideration paid, grant to **Jeffrey R. Mathis and Julia Z. Fieldsted**, husband and wife, whose address is 820 Camino Costas Endantada, Santa Fe, NM 87507, the following described real estate in **Santa Fe** County, New Mexico

Lot 28 of Cerro Del Sol Subdivision, as shown on plat filed in the office of the County Clerk, Santa Fe County, New Mexico, on October 18, 1994, recorded in Plat Book 288, page 027, as Document No 881,738

COUNTY CLERK SANTA FE COUNTY NEW MEXICO

1208.437

COUNTY OF SANTA FE
STATE OF NEW MEXICO } ss
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 30 DAY OF May A.D. 20 02 AT 11:22 O'CLOCK 2 AND WAS DULY RECORDED IN BOOK 2738 PAGE 365 OF THE RECORDS OF SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.
Marcella [illegible]
DEPUTY

Subject to **Reservations, restrictions and easements of record and taxes for the year 2002 and thereafter.**

with warranty covenants

Witness my hand this **28th** day of **May**, **2002**

TR Hofstedt, Trustee
Thomas R. Hofstedt, Trustee

Sharon B. Hofstedt, Trustee
Sharon B. Hofstedt, Trustee

ACKNOWLEDGMENT FOR NATURAL PERSONS:

State of **New Mexico**)
) SS
County of **Santa Fe**)

OFFICIAL SEAL
Greta Kolhede

This instrument was acknowledged before me on the **28th** day of **May**, **2002**, by **Thomas R. Hofstedt and Sharon B. Hofstedt Trustees of the Hofstedt Family Trust**

My commission expires 1/8/05

Notary Public

(Seal)

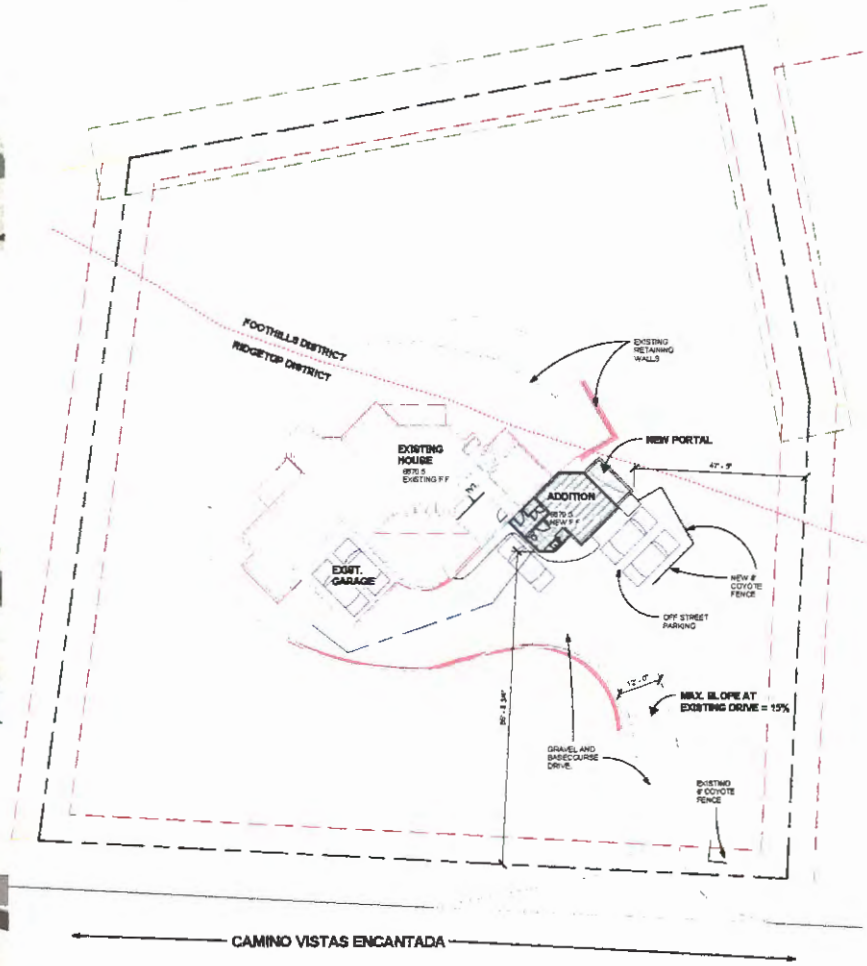
SP-RE FORM WARRANTY DEED

Form [illegible] Rev. [illegible]

4 VIEW FROM EAST

2 VIEW FROM SOUTH

3 VIEW FROM WEST



1 SITE PLAN

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AREA = 458 SF
AREA = 273 SF
OFE AREA = 3335

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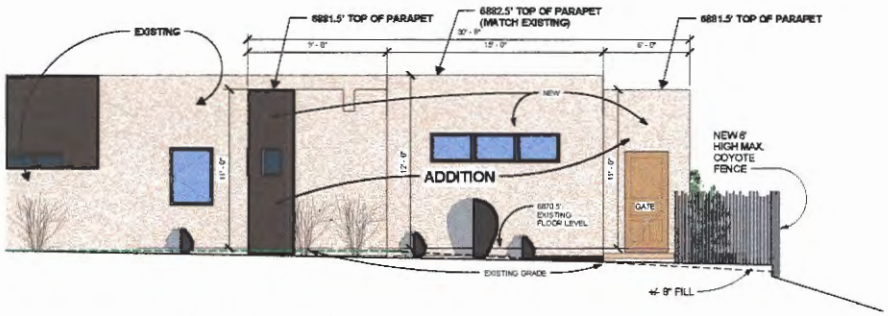
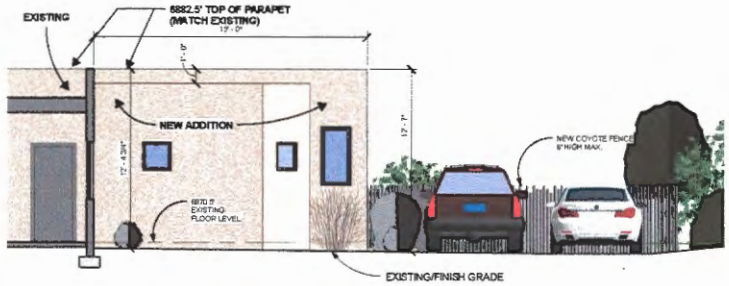
City of Santa Fe, NM



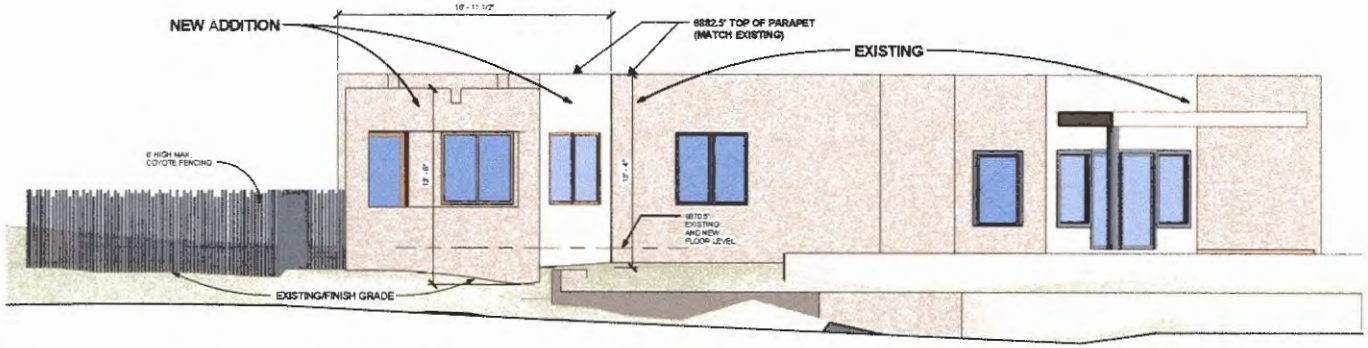
2 NORTHEAST ELEVATION

1/4" = 1'-0"



1 SOUTHEAST ELEVATION

1/4" = 1'-0"



3 NORTHWEST ELEVATION

1/4" = 1'-0"

TYPICAL EXTERIOR WALL FINISHES

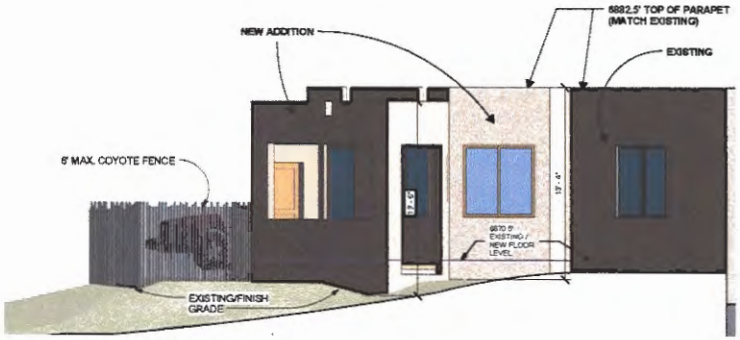
EXISTING EXTERIOR WALLS: NEW PATCH AND FINISH COATS OF CEMENT STUCCO OVER EXISTING.

NEW ADDITION EXTERIOR WALLS: 3-COAT CEMENT STUCCO OVER WIRE AND PAPER ON WOOD FRAMING. EARTHTONE STUCCO.

EXPOSED WOOD: STAIN AND SEAL

WINDOWS: DOUBLE PANE GLAZING, LOW 'E'. COLOR TO MATCH EXISTING. METAL CLAD TAN EXTERIOR FINISH, WOOD STAIN INTERIOR FINISH.

EXTERIOR DOORS: METAL CLAD TAN EXTERIOR FINISH, WOOD STAIN INTERIOR FINISH.



4 WEST ELEVATION

1/4" = 1'-0"

Architects
N.K. Valentino Programs, Santa Fe, New Mexico
505.988.8254 nkathryncrtdirector@gmail.com

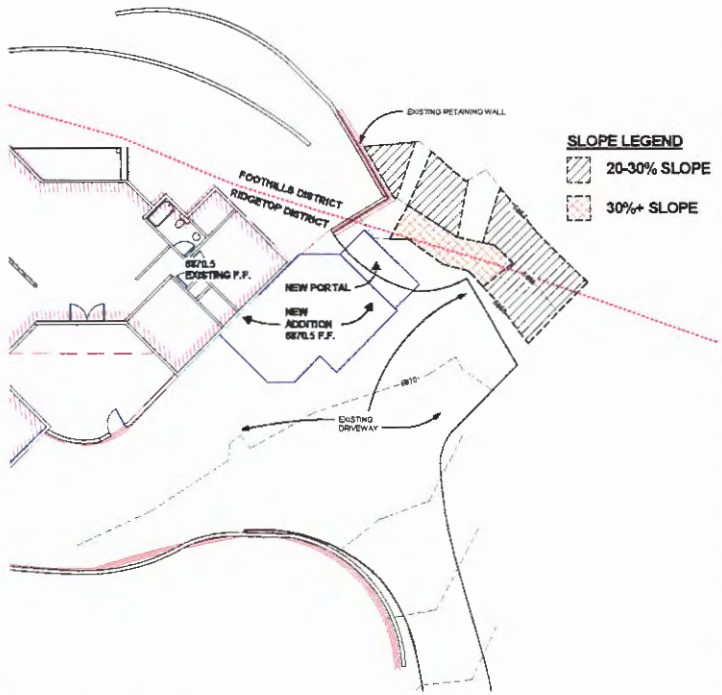
820 Camino Vistas Encantada
City of Santa Fe, NM

SECTIONS

Sheet No.
A-3.1

2 TERRAIN MANAGEMENT PLAN

1" = 10'-0"



1 SLOPE ANALYSIS PLAN

1" = 10'-0"

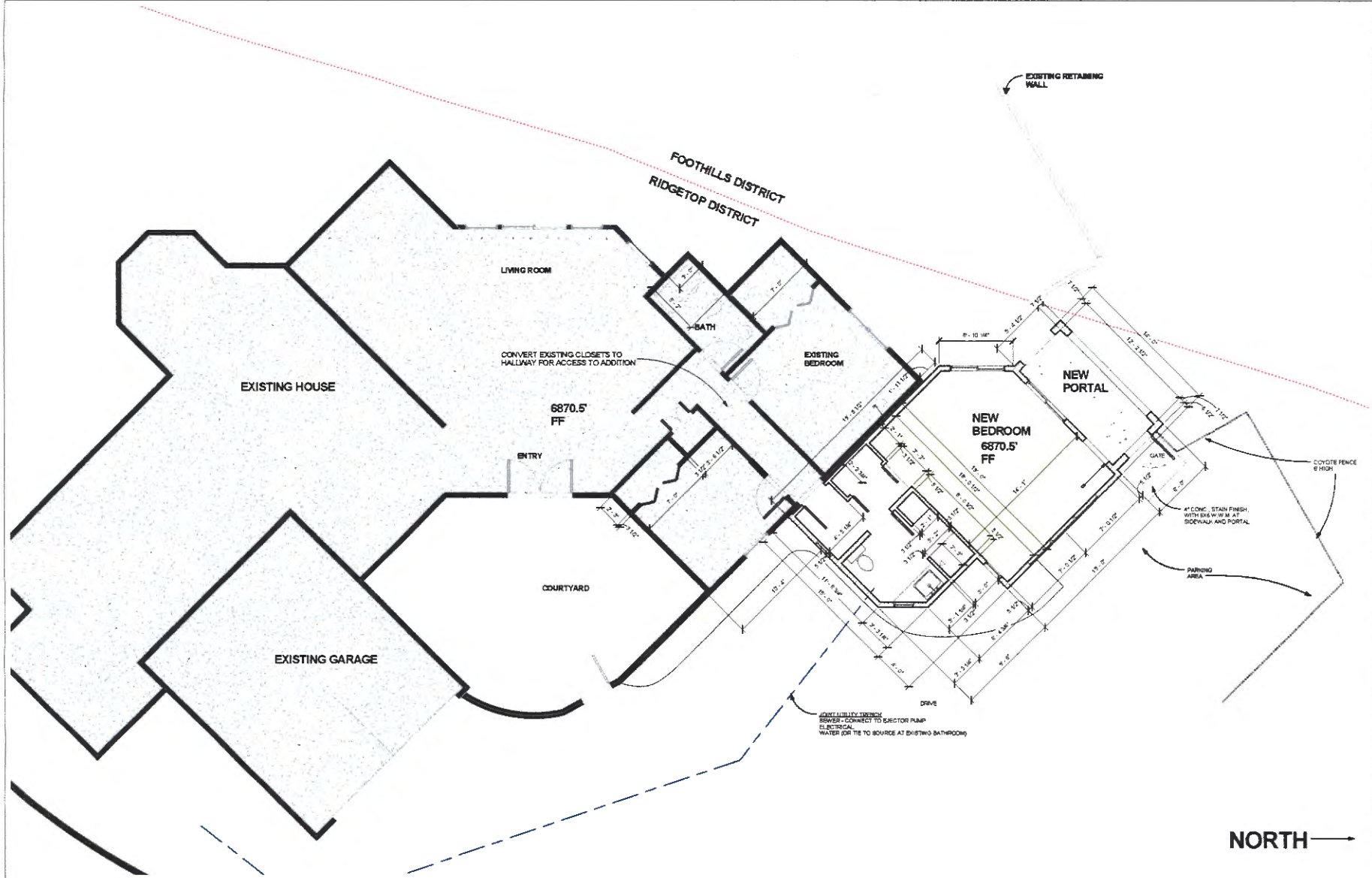
Mathey and Associates Architects
#2 Camino Pequeno, Santa Fe, New Mexico
505.986-9854 matheyarchitecture@gmail.com

RESIDENTIAL REMODEL AND ADDITION
820 Camino Vistas Encantada
City of Santa Fe, NM

TERRAIN MANAGEMENT

DATE
CITY PRELIM REVIEW
JUNE 28, 2015

Sheet No.
A-1.2



1 FLOOR PLAN
1/4" = 1'-0"

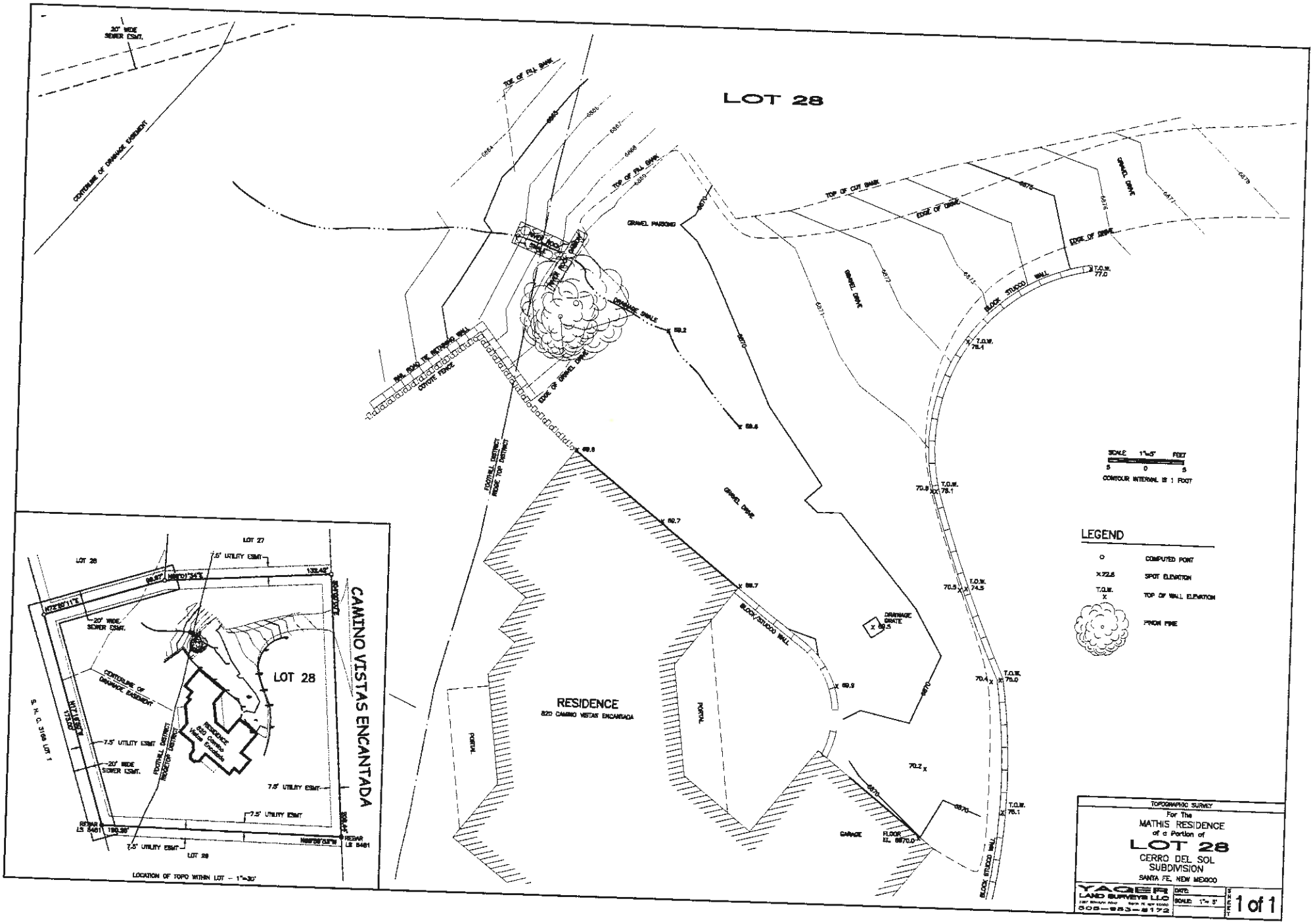
Mathey and Associates Architects
#2 Camino Pequeño, Santa Fe, New Mexico
505.989.9554 mattheyarchitecture@gmail.com

RESIDENTIAL REMODEL AND ADDITION
820 Camino Vistas Encantada
City of Santa Fe, NM

FLOOR PLAN

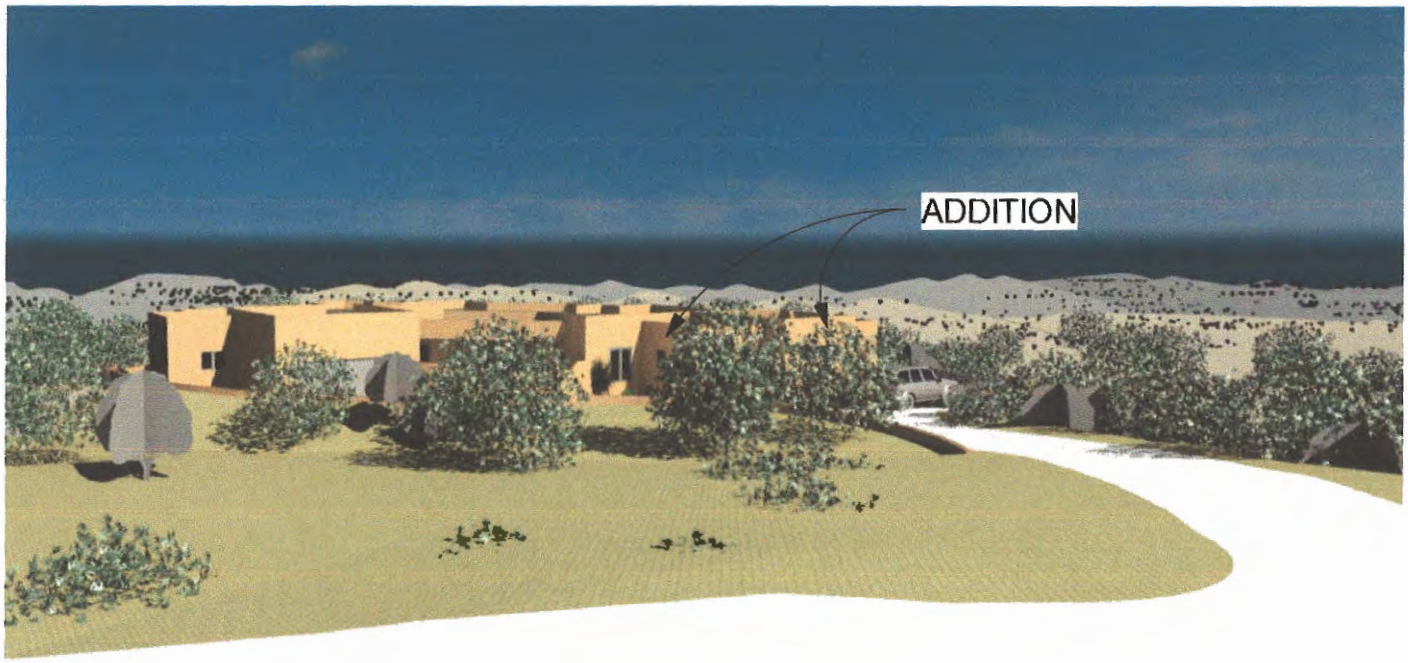
DATE:
CITY PRELIM REVIEW
JUNE 26, 2012

Sheet No.
A-2.1


LOT 28
20' WIDE SEWER ESMT.
CENTERLINE OF DRAINAGE EASEMENT
TOE OF FILL BANK
TOP OF FILL BANK
GRAVEL PARKING
TOP OF CUT BANK
EDGE OF DRIVE
GRAVEL DRIVE
BLOCK STUCCO WALL
DRAINAGE SWALE
EDGE OF GRAVEL DRIVE
COYOTE FENCE
FOOTHILL DISTRICT RIDGE TOP DISTRICT
RESIDENCE
820 CAMINO VISTAS ENCANTADA
PORTAL
GARAGE
FLOOR EL. 6870.0
DRAINAGE GRATE
T.O.W. 77.0
T.O.W. 76.4
T.O.W. 76.1
T.O.W. 74.5
T.O.W. 70.0
T.O.W. 76.1
SCALE 1"=5' FEET
CONTOUR INTERVAL IS 1 FOOT
LEGEND
COMPUTED POINT
SPOT ELEVATION
TOP OF WALL ELEVATION
PINON PINE
LOT 27
LOT 28
7.5' UTILITY ESMT
20' WIDE SEWER ESMT.
CENTERLINE OF DRAINAGE EASEMENT
RESIDENCE 820 Camino Vistas Encantada
FOOTHILL DISTRICT RIDGETOP DISTRICT
S. H. C. 3168 LOT 1
REBAR LS 8481
LOT 29
CAMINO VISTAS ENCANTADA
LOCATION OF TOPO WITHIN LOT - 1"=30'
TOPOGRAPHIC SURVEY
For The
MATHIS RESIDENCE
of a Portion of
LOT 28
CERRO DEL SOL
SUBDIVISION
SANTA FE, NEW MEXICO
YAGER LAND SURVEYS LLC
505-953-8172
DATE:
SCALE: 1"= 5'
SHEET 1 of 1

820 CM. VISTAS ENCANTADA
Street View #1

STREET VIEW #1 - PHOTOGRAPH OF EXISTING HOUSE



STREET VIEW #1 - RENDERING OF REMODEL

820 CM. VISTAS ENCANTADA
STREET VIEW #2

STREET VIEW #2 - PHOTOGRAPH OF EXISTING HOUSE

STREET VIEW #2 - RENDERING OF REMODEL