City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2016-18
165 Brownell Howland Road Escarpment Variance
Owners' Names- B & L Land, LLC
Agent's Name – JenkinsGavin Design

THIS MATTER came before the Planning Commission (Commission) for hearing on April 7, 2016, upon the application (Application) of JenkinsGavin Design as agent for B & L Land, LLC (Applicant).

The Applicant seek a variance from the requirements of Santa Fe City Code (SFCC) §14-5.6(D) to allow an accessory structure within the Ridgetop Subdistrict (Ridgetop) of the Escarpment Overlay District (Escarpment). The Applicant proposes to demolish 904 square feet of an existing stable, adding 783 square feet on a different side of the building and keeping 606 square feet in order to convert the stable into a garage. The property is on 5.46 acres of land at 165 Brownell Howland Road (Property). The subject property was subdivided in 1995 (lot line adjustment). The subject property was also part of a lot split on March 3, 2016. As SFCC §14-5.6(D) prohibits development in the Ridgetop on lots subdivided or resubdivided after February 26, 1992, the 1995 subdivision necessitates the need for a Variance to allow development within the Ridgetop on the subject property.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and one letter of support jointly submitted by two neighbors.
2. SFCC §14-2.3(C)(5)(a) authorizes the Commission to review and grant or deny requests for variances from the SFCC §14-5.6 in compliance with SFCC §14-3.16.
3. SFCC §14-5.6(K) authorizes the Commission to vary the requirements of the Ordinance so that substantial justice may be done and the public interest secured where the Commission finds that strict compliance with those requirements may result in extraordinary hardship.
4. Pursuant to SFCC §14-3.1(F)(2)(a)(vii) an Early Neighborhood Notification meeting is not required for variances requesting construction of an individual single-family dwelling and appurtenant accessory structures.
5. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variance based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
6. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the

Commission with a written report of its findings (Staff Report) and Conditions together with a recommendation that the Commission approve the variance.

7. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-5.6(D) that pursuant to §14-3.16(C):
   (a) special circumstances exist as unique physical characteristics do exist that distinguish the land from others in the vicinity that are subject to the escarpment overlay district.
      a. Due to the unique topography of the site there are no buildable sites on the property that are accessible from the road that are not within the Ridgetop Subdistrict.
      b. The portion of the site that is not within the Escarpment Overlay District is on the north side of the property, where the property sharply slopes down away from the street access with slopes greater than 30%.
      c. The Applicant wishes to reuse an existing stable and convert it into a garage, with a net reduction in square footage, reducing the current amount of development within the Ridgetop Subdistrict.
   (b) the special circumstances make it infeasible to develop the Property in compliance with the Ordinance since:
      a. It is infeasible to convert the stables into a garage, because all new construction is prohibited in the Ridgetop Sub-district.
      b. Locating the proposed garage elsewhere on the site would be infeasible due to the steep slopes outside of the Ridgetop Subdistrict.
   (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the Ordinance as:
      a. The amount of development on the site, including the house and stable is, and would continue to be, one of the smallest in the surrounding neighborhood.
      b. The footprints of the development on other lots around the subject lot range from 1,527 to 9,290 square feet.
      c. The proposed footprint, including the reconfigured stable/garage, would be 4,597 square feet.
      d. This data was taken by analyzing nine homes located adjacent to, or within 2 lots, of the subject property and most are either partially or completely within the Ridgetop Subdistrict.
      e. The proposed 4,597 square foot footprint would less than the median footprint size of 5,070 square feet.
   (d) the variance is the minimum variance:
      a. It will make possible the reasonable use of the Property because the site is zoned R-1, one residential dwelling unit per acre, and the Applicant has taken steps to reduce impacts by using an existing structure and replacing less square footage than the existing building.
      b. The size of the structure is consistent with adjacent structures and is consistent with the Very Low Density Residential General Plan land use designation.
   (e) the variance is not contrary to the public interest, in that the proposed addition will be sited in a manner to meet the purpose and intent of the Escarpment regulations by minimizing visual impact.
8. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicants' request for a variance from the

requirements of SFCC §14-5.6(D) that extraordinary hardship will result from compliance with such requirements, in that without the variance the Property could not be developed to an intensity similar to adjacent properties.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

1. The Commission has the power and authority under the Code to review and approve the Applicant's request for a variance.
2. The Applicant has met the criteria for a variance set forth in SFCC §14-3.16(C) and §14-5.6(K).

WHEREFORE, IT IS ORDERED ON THE _____ OF _____ 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the variance is approved as applied for.

_____ _____
Vince Kadlubek Date:
Chair

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

APPROVED AS TO FORM:

_____ _____
Zachary Shandler Date:
Assistant City Attorney