



**BEFORE THE TAOS COUNTY
BOARD OF COMMISSIONERS
TAOS, COUNTY NEW MEXICO**

TAOS COUNTY
ELAINE S. MONTANO, CLERK
000355962
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09/04/2009 09:33:29 AM
BY LILLIAN

IN THE MATTER OF THE APPLICATION
FOR A VARIANCE FROM ORDINANCE 2005-10 LANDUSE REGULATIONS
PARKING SPACES IN THE FRONT OF THE EL VALLE OFFICE, FOR ALEX
ABEYTA, P.E. OF ABEYTA ENGINEERING INC., TAOS, NM. AGENT
REPRESENTING EL VALLE DE LOS RANCHOS WATER & SANITATION
DISTRICT (EL VALLE).

DECISION OF THE BOARD OF COMMISSIONERS
Meeting of August 18, 2009

On August 18, 2009, the aforementioned matter came before the Taos County Board of Commissioners at a duly advertised public hearing to consider a Variance from Ordinance 2005-10 specifically Article Two Section III (B) "Parking Location". The Variance (VAR-003-09) is to allow seven (7) parking spaces in the front of the El Valle office. The Taos County Planning Commission approved Special Use Permit (SUP-09-09) contingent on approval of the Variance (VAR-003-09) by the Board of Commissioners. The special use permit was to construct a (2,048) square feet office building for El Valle along with all site and utility improvements; a future (920) square feet garage; and a future (4,000) square feet steel building garage; all to be located on tract "A" which is one (1.0) acres in size. The front half of the one (1.0) acre site will be used for the office building and parking with the back half of the one (1.0) acre site to be used for the two (2) garage buildings and as a yard for storage of construction materials. The matter was considered under a Variance application and in accordance with the Taos County Land Use Regulations, Ordinance 2005-10, Amending 1997-4 and Incorporating 1998-6, 2003-1, 2003-7; and

THE TAOS COUNTY PLANNING STAFF ADVISED that the proposed project is located at (#6 County Road C-139) in Llano Quemado, Taos County, New Mexico. The proposed project is further described as lying and being situated within projected section 1, township 24 north, range 12 east, lying and being situated within the Cristoval De La Serna Grant and also described as being part of Tract 152, Map 15, Survey 1, of the 1941 Taos County Reassessment Survey and that the applicant had complied with the requirements of a Variance from Ordinance 2005-10 specifically Article Two Section III (B) "Parking Location". The Variance (VAR-003-09) is to allow seven (7) parking spaces in the front of the El Valle office; and

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THE TAOS COUNTY PLANNING STAFF ADVISED The proposed site is vacant land with wild grass and natural drainage areas within the property. The site is located south of the Town of Taos, NM off of Taos County Road C- 139. The property is zoned Rural Agricultural. Miranda Canyon is to the East of the property and the Llano Quemado community center is to the North of the property. The property south of the property is owned by El Valle and is 1.76 acres it does have a wooden barn constructed by the previous owner. The property adjacent to the west side is undeveloped land as well as the property adjacent to the eastside of County Road C-139; and

THE TAOS COUNTY BOARD OF COMMISSIONERS afforded proponents and opponents the opportunity to testify concerning Variance application (VAR-003-09). There was 1 proponent and 1 opponent that gave testimony on behalf of the proposal; and

THE TAOS COUNTY PLANNING STAFF Advised that before approving a Variance, the Zoning Administrator has made findings of fact to approve. These same findings were made by the Planning Commission in which they recommended approval to the Board of County Commissioners. Finally, these same findings must be made by the Board of County Commissioners before it may approve a variance; and

THE TAOS COUNTY BOARD OF COMMISSIONERS FOUND BY REFERENCE that the review of the standards for variance identified in the Planning Commission Decision dated July 14, 2009 staff report were findings of fact in rendering a decision; and

THE TAOS COUNTY BOARD OF COMMISSIONERS FOUND that construction of the 7 parking spaces in front of the El Valle Office would not have a negative impact on the health, safety or general welfare of the community; and

THE TAOS COUNTY BOARD COMMISSIONERS voted to approve Variance (VAR-003-09) with the following Findings:

- a. Granting of the variance shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the area of notice. **The Llano Quemado community Center is in the property north of the site and the building has parking in the front of the building. The applicant is building the Valle office to match the exterior of the community center building. The community center is also used as an office building by the Taos County Emergency Management Department.**
- b. Granting of the variance will not be detrimental to the public health, safety, or Welfare, or be materially injurious to properties or improvements in the area of notice. **Since the El Valle must separate the employee and customer parking from the construction materials yard (for safety reasons) and since the existing and adjacent Llano Quemado Community Center has parking along the entire frontage (19 parking spaces) approval of this**

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variance is not detrimental to public, safety, or Welfare, or be materially injurious to properties or improvements in the area of notice.

c. Granting the variance is justified because there is a physical hardship for the Applicant resulting from site size, shape or existing structures thereon, or from topographic or physical conditions on the site or in the area of notice. **Tract A is a rectangular shaped lot perpendicular to County Road C-139 and there is no other way to separate the employee and customer parking from the construction materials yard. Therefore the parking must be located in the front of the building.**

d. Granting the variance upholds the spirit and intent of this Land Use Management Ordinance, with public safety and welfare secured, and substantial justice done. **The El Valle site plan engineering sheet no. 4 shows the new building to be parallel to County Road C-139 with a two access location looped parking lot so that the paying customers can enter the parking lot safely to park and enter the building to perform business and then safely leave the parking lot.**

e. The variance shall be warranted for one or more of the following reasons:

(1) Strict or literal interpretation and enforcement of the specified performance Standard or regulation would result in unnecessary physical hardship inconsistent with the purpose of this Ordinance.

(2) Exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the vicinity.

(3) Strict or literal interpretation and enforcement of the specified performance standard or regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the area of notice. **Since the El Valle must separate the employee and customer parking from the construction materials yard (for safety reasons) and since the existing and adjacent Llano Quemado Community Center has parking along the entire frontage (19 parking spaces) approval of this variance is not detrimental to public, safety, or welfare, or be materially injurious to properties or improvements in the area of notice.**

E. Conditions on Variances. In granting variances, the Zoning Administrator, the Planning Commission and the Board of County Commissioners may impose conditions regarding further expansions, maximum height limits, time limitation, type of construction, and buffering as will ensure that the use of the property to which the variance applies will be as compatible as practicable with and not adversely affect properties within the area of notification for the requested variance. **The applicant shall comply with the conditions imposed in their Special Use Permit (SUP-09-09) approval by the Taos County Planning Commission.**

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**THEREFORE ORDERED BY THE BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY** that the application for Approval of Variance (VAR-003-09)
for El Valle Water and Sanitation District be and hereby is approved.

**THE TAOS COUNTY
BOARD OF COMMISSIONERS
TAOS COUNTY, NEW MEXICO**

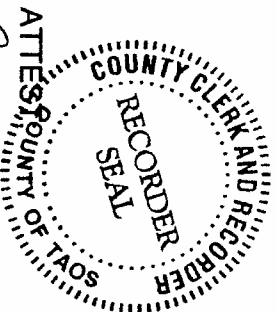
[Signature]
El R. Barr
Chairman

[Signature]
Chair

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Nicholas E. Jaramillo, Commissioner

[Signature]
Andrew Chavez, Commissioner

[Signature]
Larry Sanchez, Commissioner



[Signature]
Elaine Montano, County Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *[Signature]*
Adam Baker, Assistant County Attorney

VOTE RECORD:					
D. Barrone	Yes	no	abstain	abstain	absent
J. Duran	Yes	no	abstain	abstain	absent
N. Jaramillo	Yes	no	abstain	abstain	absent
A. Chavez	Yes	no	abstain	abstain	absent
L. Sanchez	Yes	no	abstain	abstain	absent

