



Agenda

CITY CLERK'S OFFICE

DATE 12/19/11 TIME 2:45

APPROVED BY [Signature]

RECEIVED BY [Signature]

BOARD OF ADJUSTMENT

Tuesday, January 17, 2012 at 6:00 P.M.

201 West Marcy Street. Santa Fe NM

Community Convention Center in the Nambé Room (second floor)

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES: December 20, 2011 minutes

E. FINDINGS/CONCLUSIONS: None

F. OLD BUSINESS:

G. NEW BUSINESS

1. **Case #2011-134.** 571 Garcia St., property zoned RC-8 (Residential Compound, 8 dwelling units per acre). Roger O'Brien applicant, Architectural Alliance agent, requests the following variances to allow construction of a garage:
 1. Variance to Subsection 14-8.6(B)(1)(b) "Standards for Off-Street Parking Lots and Spaces" to allow spaces that are not designed so that vehicles can be removed without moving another automobile.
 2. Variance to Subsection 14-7.1-1 "Table of Dimensional Standards for Residential Districts" to allow 50% lot coverage where 40% lot coverage is normally allowed
 3. Variance to Subsection 14-7.4(D)(4)(b) "Visibility at Driveways" to construct a garage within the required "not buildable" triangle.

H. BUSINESS FROM THE FLOOR

I. STAFF COMMUNICATIONS

J. MATTERS FROM THE COMMISSION

K. ADJOURNMENT

NOTES:

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

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OF THE BOARD OF ADJUSTMENT MEETING
Tuesday, January 17, 2012

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<u>NEW BUSINESS</u>		
<u>CASE 2010- 196. 517 GARCIA STREET, PROPERTY ZONED RC-8 (RESIDENTIAL COMPOUND, 8 DWELLING UNITS PER ACRE). ROGER O'BRIEN APPLICANT, ARCHITECTURAL ALLIANCE AGENT, REQUESTS THE FOLLOWING VARIANCES TO ALLOW CONSTRUCTION OF A GARAGE:</u>		
VARIANCE TO SUBSECTION 14-8.6(B)(1)(b) "STANDARDS FOR OFF-STREET PARKING LOTS AND SPACES "TO ALLOW SPACES THAT ARE NOT DESIGNED SO THAT VEHICLES CAN BE REMOVED WITHOUT MOVING ANOTHER AUTOMOBILE."	Withdrawn by applicant	2-3
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VARIANCE TO SUBSECTION 14-7.4(D)(4)(b) "VISIBILITY AT DRIVEWAYS" TO CONSTRUCT A GARAGE WITHIN THE REQUIRED "NOT BUILDABLE" TRIANGLE.	Withdrawn by applicant	2-3
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**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
SANTA FE, NEW MEXICO
Tuesday, January 17, 2012**

A. CALL TO ORDER AND ROLL CALL

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Gary Friedman, Chair, at approximately 6:00 p.m., on Tuesday, January 27, 2012, in the Council Chambers, City Hall, Santa Fe, New Mexico.

MEMBERS PRESENT:

Gary Friedman, Chair
Rachel L. Winston, Vice-Chair
James A. Brack
Patricia Hawkins
Monica Montoya

MEMBERS EXCUSED:

Alexandra G. Ladd
Daniel H. Werwath

OTHERS PRESENT:

Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for conducting official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

Mr. Esquibel said Case #2011-134 has been withdrawn, and should be removed from consideration, noting there is a letter in the Board packet.

MOTION: Monica Montoya moved, seconded by James Brack, to approve the agenda as amended.

VOTE: The motion was approved unanimously on a voice vote.

D. APPROVAL OF MINUTES – December 20, 2011

MOTION: Patricia Hawkins moved, seconded by Rachel Winston, to approve the minutes of the meeting of December 20, 2011, as presented

VOTE: The motion was approved unanimously on a voice vote.

E. FINDINGS/CONCLUSIONS – NONE

There were no Findings/Conclusions.

Responding to a question from the Chair, Mr. Esquibel said Kelley Brennan, Assistant City Attorney, said she was not going to prepare Findings/Conclusions because there was no opposition to the case which was considered at the meeting on December 20, 2011, and the approval stands with the gavel.

F. OLD BUSINESS

There was no old business

G. NEW BUSINESS

1. **CASE 2010- 196. 517 GARCIA STREET, PROPERTY ZONED RC-8 (RESIDENTIAL COMPOUND, 8 DWELLING UNITS PER ACRE). ROGER O'BRIEN APPLICANT, ARCHITECTURAL ALLIANCE AGENT, REQUESTS THE FOLLOWING VARIANCES TO ALLOW CONSTRUCTION OF A GARAGE:**
 - a) **VARIANCE TO SUBSECTION 14-8.6(B)(1)(b) "STANDARDS FOR OFF-STREET PARKING LOTS AND SPACES "TO ALLOW SPACES THAT ARE NOT DESIGNED SO THAT VEHICLES CAN BE REMOVED WITHOUT MOVING ANOTHER AUTOMOBILE."**
 - b) **VARIANCE TO SUBSECTION 14-7.1-1 "TABLE OF DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS" TO ALLOW 50% LOT COVERAGE WHERE 40% LOT COVERAGE IS NORMALLY ALLOWED.**
 - c) **VARIANCE TO SUBSECTION 14-7.4(D)(4)(b) "VISIBILITY AT DRIVEWAYS" TO CONSTRUCT A GARAGE WITHIN THE REQUIRED "NOT BUILDABLE" TRIANGLE.**

DAN ESQUIBEL, CASE MANAGER)

A letter dated January 17, 2011, to the Board of Adjustment, from Eric P. Enfield, Architectural Alliance, Inc., withdrawing the applications for variance in this case, is incorporated herewith to these minutes as Exhibit "1."

This case was withdrawn by the applicants. See Exhibit "1."

H. BUSINESS FROM THE FLOOR

There was no business from the floor.

I. STAFF COMMUNICATIONS

Future Meetings

Mr. Esquibel said he has no cases for February, and perhaps will have a new case for March.

Chapter 14 Changes/Study Session

Mr. Esquibel said there are some new rules and regulations in place, and "we will be trained on them." He said, "Special Exception is being changed to Special Use. He said some changes have been made and the Planning Commission will have more input in some of these cases which typically would have come before this Board."

Commissioner Montoya asked if this Board will have training on the new Chapter 14 Code changes, noting she understands there are changes to the Code in terms of a variance, and what qualifies as a variance.

Mr. Esquibel said the Code got a lot tougher, noting an applicant has to be qualified in order to go for the variance criteria.

Chair Friedman suggested that Mr. Esquibel schedule a time the Board can meet and go over those changes with the Board.

Mr. Esquibel said the Board can meet in February and have a study session, and perhaps Greg Smith would be available to go over the changes impacting the Board of Adjustment.

Chair Friedman asked if it could be done during lunch, instead of at a night meeting, saying this is his preference, and Mr. Esquibel said this could be done.

Chair Friedman asked Mr. Esquibel to speak to Greg Smith to see when he is available, and email suggested days to the Board, and the Board can then decide on a date.

Mr. Esquibel said it would need to be a series of lunch meetings, because he doesn't believe everything can be covered in one luncheon meeting.

Chair Friedman asked if this Board can get a copy of the updated Chapter 14.

Mr. Esquibel said the codified version will be available around the time Chapter 14 becomes effective on March 1, 2012. He said the updated Chapter 14 will be on the website on March 1, 2012.

Chair Friedman asked if we can get the handouts which were done by the Neighborhood Law Center for its workshop identifying some of the changes, and Mr. Esquibel said he doesn't have those. Chair Friedman said he will scan the material he has from those sessions and email them to the Board.

Mr. Esquibel said the matrix of all the changes prepared by Greg Smith, along with the Ordinances adopted, are on the web page along with some of the amendments made by some of the Councilors.

Mr. Esquibel noted changes to Chapter 14 were made by the Council at last Wednesday's Council meeting, and it will be difficult to find where all of those changes were made.

Mr. Esquibel said he will work with Matthew O'Reilly and Greg Smith to provide the changes affecting this Board which he will email to the members.

Mr. Esquibel noted there are some changes in the appeals process.

J. MATTERS FROM THE COMMISSION

Commissioner Montoya asked, regarding the requirement to be qualified for a variance, if that happens before it get to this Board.

Mr. Esquibel said he understands variances now have to meet certain qualifications to be considered, and there are standards that have to be met when applying for a variance. He said if

they do not qualify, "and we identify that they don't qualify, they can appeal that decision which would go to you, to determine whether they qualify or they don't qualify. In which case, it goes back down then to come back to you for the variance criteria. If they qualify, it then just comes to you with the qualifying factors as well as the standards they have to meet in order to make that variance work."

Commissioner Montoya commented that the Code was supposed to be simplified, and observed perhaps this Board won't be very busy during the coming year.

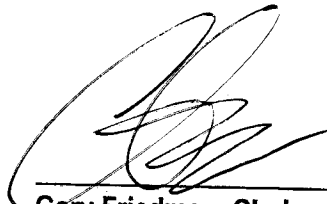
Commissioner Hawkins asked if this case could come back to this Board for consideration.

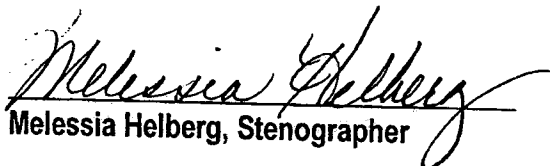
Mr. Esquibel said probably not. He said he met with the Applicant and advised the Applicant what staff's position would be. He said he is unsure the reason the Applicant decided to withdraw the case.

Responding to the Board's request, Mr. Esquibel said his telephone numbers where members can reach him are: (505) 490-6482 [personal – voice & text] and (505) 955-6587 [office].

K. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at approximately 7:25 p.m.



Gary Friedman, Chair

Melessia Helberg, Stenographer



January 17, 2011

Board of Adjustment
City of Santa Fe
200 Lincoln
Santa Fe, NM 87501

RE: 571 Garcia Street

Dear Board Members:

We are requesting the application for the three variances be withdrawn due to the owner's request. The poster's from the site have already been removed and we will not be going to the meeting this evening. If you have any questions or concerns please feel free to call

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Enfield".

Eric P. Enfield, AIA
Architectural Alliance, Inc.

Cc: Roger O'Brien
File

Exhibit "1"