



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909  
www.santafenm.gov

*Javier M. Gonzales, Mayor*

Councilors:

Signe I. Lindell, Mayor Pro Tem, Dist. 1  
Renee Villarreal, Dist. 1  
Peter N. Ives, Dist. 2  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Mike Harris, Dist. 4

## Memorandum

To: Members of the Board of Adjustment

From: Zachary Shandler *38*  
Assistant City Attorney

Re: Appeal by Ms. Francoise Garcia from the August 11, 2016 Decision of the Land Use Department to Issue Building Permit #16-1776 to Ms. Patricia Sherrin to Build a Fence at 1618 Brae Street.  
Case #2016-92.

Date: September 28, 2016 for the October 4, 2016 Meeting of the Board of Adjustment

### The Appeal

On August 18, 2016, Ms. Francoise Garcia (Appellant) filed a Verified Appeal Petition (Petition) appealing the August 11, 2016 issuance by the Land Use Department (HUD) of Building Permit No. 16-1776 to Ms. Patricia Sherrin ("Respondent") for the construction of a fence at 1618 Brae Street. (Property). The Petition included signatures from fifteen neighbors. (Petition attached as **Exhibit A**; BP No. 16-1776 attached as **Exhibit B**).

### The Property

1618 Brae Street is zoned R-5 (Residential, 5 dwelling units per acre) and is several blocks off Cerrillos Road near Santa Cruz Drive and Navajo Drive. Ms. Garcia recently purchased a residential building at 1616 Brae Street and Ms. Sherrin recently purchased a residential building at 1618 Brae Street.

### History of the Case

- Up until 2016, the two properties were separated by a chainlink wire fence with brown aluminum lattice pieces.
- Sometime in July 2016, Ms. Sherrin decided to tear down most of the fence.
- Ms. Sherrin constructed a new fence made of corrugated metal. This was done without a permit.
- The Land Use Department placed a red-tag on the fence, but let it remain (pending submittal of a permit).
- Ms. Garcia alleged that Ms. Sherrin built the fence on Ms. Garcia's property and tore down several of Ms. Garcia's trees.
- On July 16, 2016, Armijo Surveys provided a written survey of the property line for Ms. Garcia and put in stakes/tape for the property line. (Attached as **Exhibit C**).
- On July 22, 2016, Ms. Sherrin submitted a building permit for the fence.

- On July 28, 2016, the Land Use Department made a written comment as part of the permitting process that corrugated metal was not an approved material. (Attached as **Exhibit D**).
- On August 5, 2016, the Land Use Department made a written comment as part of the permitting process that it would approve the corrugated metal if both sides were painted with non-reflective paint (and the color had to match the colors of the adjacent buildings). (Attached as **Exhibit E**).
- On August 5, 2016, the Land Use Department made a written comment as part of the permitting process that the fence would have to be built on Ms. Sherrin's property. (Attached as **Exhibit E**).
- Ms. Sherrin accepted these conditions.
- On August 11, 2016, the Land Use Department issued Building Permit No. 16-1776. (Attached as **Exhibit F**).
- Ms. Sherrin moved the corrugated fence approximately one foot to the west.
- Ms. Sherrin painted it with a non-reflective brown color.
- Ms. Sherrin left a portion of the old chainlink fence up in the back of the property.
- Ms. Sherrin left a small opening in the front of the property between a tree and the fence.
- On August 15, 2016, the Land Use Department inspected and approved the installation of the fence. (Attached as **Exhibit G**).
- On August 18, 2016, Ms. Garcia filed an appeal of the issuance of Building Permit No. 16-1776.
- On August 25, 2016, Ms. Garcia filed a civil lawsuit against Ms. Sherrin in State Magistrate Court for trespass and asked for money damages. (Attached as **Exhibit H**).

### Basis of Appeal

Ms. Garcia has claimed that corrugated metal is not an approved material for fences.  
Ms. Garcia has claimed that Ms. Sherrin still has built the fence on Ms. Garcia's property.

### Discussion

Code §14-3.17(A)(2) provides that an appeal can only be filed if:

- (1) the final action appealed from does not comply with Code Chapter 14 or §§3-21-1 through 3-21-14 NMSA<sup>1</sup> (the Statute);
- (2) Code Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence.

### General Claims.

The general rule is that when a neighbor files a lawsuit against another neighbor, the City will freeze its administrative action and wait for the Court's ruling on the case. The Board of Adjustment has this option. However, this situation may be unique because Ms. Garcia's lawsuit deals with the property line issue (i.e. trespass across the property line). It is unlikely the Magistrate Court will also tackle whether corrugated metal is an approval material for fences under City Code. It may serve judicial economy for the Board of Adjustment to handle the corrugated metal issue, but let the Magistrate Court handle the property line dispute.

**Issue #1— Ms. Garcia has claimed that corrugated metal is not an approved material for fences.**

---

<sup>1</sup> Section 3-21-8 B. NMSA 1978 provides in pertinent part: "Any aggrieved person...affected by a decision of an administrative...commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. ..."

City Code Section 14-8.5 is the “Walls and Fences” Ordinance. It mainly governs the height of walls and fences. It does not govern the materials used in fences. Section 14-8.5(A)(3) does note that “additional regulations may apply to walls and fences, including Section 14-5.2 (Historic Districts), Section 14-5.4(A)(4) (South Central Highway Corridor Overlay District Standards) and Section 14-71.(F) (Visibility at Driveways and Yards).” 1618 Brae Street is not within one of these overlay districts and it does not impair access to the street.

City Code Section 14-8.4 is the “Landscape and Site Design” Ordinance. City Code Section 14-8.4(J) states: “[f]or any project to which this Subsection 14-8.4(J) applies, publicly visible walls and fences shall be wrought iron or simulated wrought iron, wood or simulated wood, cedar pole, adobe, split-faced concrete block, stone, stuccoed or rectangular mesh wire on wooden posts in combination with vines or other climbing plant material.”

This list does not include corrugated metal. This would seem to support Ms. Garcia’s position.

However, Subsection 14-8.4(J), only applies to subdivision plats applications, master plans applications, commercial buildings permit applications and multi-family housing building permits applications. City Code Section 14-8.4(B)(3) states: “[t]he requirements of this Section 14-8.4 other than [water harvesting]... do not apply to ... applications for new or modified single-family dwelling units....”

Therefore, it appears that Section 14-8.4(J) does not apply to single-family dwelling units like Ms. Sherrin’s property. This means there is not a prohibition at single family dwelling unit locations on corrugated metal as a fence material. This supports Ms. Sherrin’s position.

City staff does review applications for fence permits for life and safety issues under the International Building Code provisions. In this case, city officials felt the corrugated material was a life and safety issue because the reflection of the sun could harm a driver’s ability to see on Brae Street. Once Ms. Sherrin agreed to paint the metal with a non-reflective brown color, City staff was willing to issue Building Permit No. 16-1776.

Therefore, Claim #1 does not fall within any of the three bases for appeal cited above and should be denied.

Please note, Ms. Garcia remains concerned about issues of equity. (Attached as **Exhibits I, J, K**). She is concerned the paint is poor quality and is already chipping away. She, and fifteen other neighbors, are concerned the fence looks ugly and will detract from the property values in the neighborhood. It is unclear at this time whether Ms. Sherrin is planning to use the corrugated metal as a short-term solution or whether Ms. Sherrin is planning in the next 12 months to replace it with a more traditional fence. Since the parties are at odds, City staff has not been able to see if there is room for a resolution between the parties.

**Issue #2— Ms. Garcia has claimed that Ms. Sherrin still has built the fence on Ms. Garcia’s property.**

On July 16, 2016, Armijo Surveys provided a written survey of the property line for Ms. Garcia and put in stakes/tape for the property line. (Attached as **Exhibit C**). City staff anticipates that Ms. Garcia will present photographs showing where she believes Ms. Sherrin’s current fence still crosses the property line. City staff anticipates that Ms. Garcia will also raise issue with the lack of quality of Ms. Sherrin’s application in providing a site location for fence. (Attached as **Exhibit L**). That being said, according to the Magistrate Court’s website, Ms. Garcia filed a lawsuit on August 25, 2016, regarding trespass and requesting money damages. According to Magistrate Court’s website, Ms. Sherrin filed a written response (a/k/a Answer) on September 13, 2016. According to Magistrate Court’s website, Judge Donita Sena has scheduled a pre-trial conference between Ms. Garcia and Ms. Sherrin for Thursday, October 6,

2016. When City staff scheduled the Board of Adjustment meeting, staff did not know Judge Sena would be setting up a hearing during the same week as your meeting.

Therefore, it would be prudent to defer to the Magistrate Court on handling on Claim #2 (or at least postpone tackling the property issue until after monitoring the results of the pre-trial conference).

### **Conclusion**

Based upon the foregoing, Appellant has failed to state a valid basis for appeal under Code §14-3.17(A)(2) for Claim #1.

### **Motions**

Option #1—I move to dismiss the appeal on the fence material on grounds the Land Use Department's issuance of the building permit was consistent with Chapter 14. I move to postpone action on the issue of the property line until the Board's meeting immediately following the final resolution of the Magistrate Court case.

Option #2—I move to grant Ms. Garcia's appeal on the fence material on grounds the Land Use Department's issuance of the building permit was not consistent with Chapter 14 and therefore the fence must be removed. I move to postpone action on the issue of the property line until the Board's meeting immediately following the final resolution of the Magistrate Court case.

Option #3—I move to postpone action on both issues in Ms. Garcia's appeal until the Board's meeting immediately following the final resolution of the Magistrate Court case.



**LUD Use Only**  
 Time Filed: 9:23AM  
 Fee paid: \$100.00  
 Receipt attached:

(date stamp)  
**RECEIVED**  
 AUG 18 2016  
 Land Use Dept.

Case # 2016-92  
**VERIFIED APPEAL**  
**PETITION**

**\*\*Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.\*\***

**Appellant Information**

Name: GARCIA FRANCOISE  
Last First M.I.  
 Address: 1616 BRAE #B  
Street Address Suite/Unit #  
Santa Fe NM 87505  
City State ZIP Code  
 Phone: (505) 577-3983 E-mail Address: \_\_\_\_\_  
 Additional Appellant Names: \_\_\_\_\_

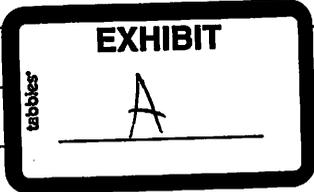
Correspondence Directed to:  Appellant  Agent  Both

**Agent Authorization (if applicable)**

I/We: \_\_\_\_\_  
 authorize \_\_\_\_\_ to act as my/our agent to execute this application.  
 Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
 Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Subject of Appeal**

Project Name: 1618 BRAE ST FENCES  
 Applicant or Owner Name: \_\_\_\_\_  
 Location of Subject Site: 1618 BRAE ST  
 Case Number: 160000 1776 Permit Number (if applicable): \_\_\_\_\_



Final Action Appealed:  
 Issuance of Building Permit  Other Final Determination of LUD Director

Final Action of Board or Commission (specify):  Planning Commission  Board of Adjustment  BCD-DRC  HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

Basis for Appeal:  The facts were incorrectly determined  Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:  
Corrugated metal is not an approved material for fence see attached document from City of Santa Fe Drawing are not acceptable  
 Check here if you have attached a copy of the final action that is being appealed.

Site plans do not show fence location! It is separating 2 properties

Enclosed petition from neighbours to remove fence

**Description of Harm**

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

Reduce property values - out of character of the neighborhood eye sore - Source of heat. if painted it will faded and cracked - set with styrofoam. No cement - need to find out who will enforce it. It is already.

**Explain the Basis for Appeal**

Please detail the basis for Appeal here (be specific):

Patricia built a fence on my property without consent or permit from myself or city. She kept on working on her fence even though she was red tagged. The fence reflects heat and it's an eye sore. Should not be allowed for fence. Fence panels already install and peeling off built on property line.

**Signature and Verification**

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: F [Signature]

Date: 08/18/16

Agent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

State of New Mexico )

) ss.

County of Santa Fe )

I/We Francoise Garcia, being first duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

Petitioner/s:

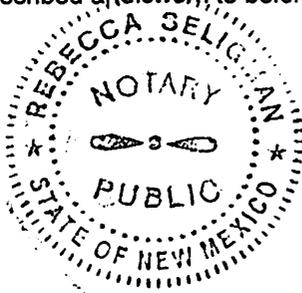
[Signature]  
Signature

\_\_\_\_\_  
Signature

Francoise Garcia  
Print Name

\_\_\_\_\_  
Print Name

Subscribed and sworn to before me this 18<sup>th</sup> day of AUGUST, 2016.



[Signature]  
NOTARY PUBLIC

My commission expires:  
10-26-19

Attention Brea St residents and land owners:

Patricia Sherrin that resides at 1618 Brea St has put up an ugly corrugated metal fence, without a city permit. It has been there for a month now and it looks terrible.

she cut my trees - Removed original fence and cross property line. I started this petition to have the fence removed immediately. It is an eyesore. It detracts from the neighborhoods environment, takes away the character of the original neighborhood, and lowers property values.

This should not be allowed to happen, and the city should force the removal of the metal fence. A wooden or coyote fence would be more appropriate.

Patricia went to the city and applied for a permit after the fence was red tagged. She was granted the permit for the fence as long as she paints it and adds an anti-reflective chemical which may have ingredients that may be harmful to the environment.

I am appealing the city's permit. If you could please sign this petition to show your support it would be greatly appreciated. Thank you.

Name:	Signature:	Address & Phone number:
Jeff Enman	Jeff Enman	1433 Santa Cruz, Santa Fe, NM 87505
Jimmy Chavez	Jimmy Chavez	1619 Brea
Frank Demij	Frank Demij	1320 Brea St
817 Padgett	Jupiller	1600 Brea St
Erick Droure	Erick Droure	1625 Brea
Rosal Martin	Rosal Martin	1616 Brea st
Allen Wood	Allen Wood	1618 Brea st

Attention Brea St residents and land owners:

Patricia Sherrin that resides at 1618 Brea St has put up an ugly corrugated metal fence, without a city permit. It has been there for a month now and it looks terrible.

*She cut my trees - Removed original fence and cross property line*  
 I started this petition to have the fence removed immediately. It is an eyesore. It detracts from the neighborhoods environment, takes away the character of the original neighborhood, and lowers property values.

This should not be allowed to happen, and the city should force the removal of the metal fence. A wooden or coyote fence would be more appropriate.

Patricia went to the city and applied for a permit after the fence was red tagged. She was granted the permit for the fence as long as she paints it and adds an anti-reflective chemical which may have ingredients that may be harmful to the environment.

I am appealing the city's permit. If you could please sign this petition to show your support it would be greatly appreciated. Thank you.

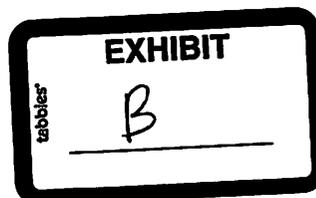
Name:	Signature:	Address + Phone number:
LAURA GONZALEZ	<i>[Signature]</i>	1616 Brea St. Apt B Santa Fe NM 87505
Francoise Garcia	<i>[Signature]</i>	1616 Brea St Apt B. Santa Fe NM 87505
Hugo Espinoza	Hugo Espinoza	1611 1/2 Brea St
Sam Rodriguez	Sam Rodriguez	1611 Brea St.
Genevieve Rodriguez	Genevieve Rodriguez	
William Sinasinos	William Sinasinos	1616-C BREA ST.
Elena Vigil	Elena Vigil	1617 BREA ST
Murchai Burns		1612 Brea St
Denise Brown	<i>[Signature]</i>	1612 Brea St #2

BP200I01

City of Santa Fe  
Application Inquiry

9/27/16  
15:32:27

Application number . . . . . : 16 00001776  
 Application status, date . . . : PERMIT ISSUED 8/11/16 Exp  
 Property . . . . . : 1618 BRAE ST  
 UPC Code . . . . . : 1-053-097-016-526- -  
 County Assessor Acct Num . . . :  
 Subdivision . . . . . :  
 Zoning . . . . . : R5 RESIDENTIAL 5DU  
 Application type . . . . . : FENC FENCES/WALLS  
 Application date . . . . . : 7/22/16  
 Tenant number, name . . . . . : LOT 13, BLK 2,  
 Master plan number, rev'wd by: JDR  
 Estimated valuation . . . . . : 3500  
 Total square footage . . . . . : 0  
 Public building . . . . . : NO  
 Work description, qty . . . . . :  
 Pin number . . . . . : 243184  
 Application desc . . . . . : 3'/6' high corrugated metal fence on front & sid  
 Press Enter to continue.  
 F3=Exit F5=Land inq F7=Appl names F8=Tracking inq F9=Bond inquiry F10=Fees  
 F11=Receipts F12=Cancel F13=Val calcs F14=Misc info F24=More keys





BRAE STREET  
ASPHALT ROADWAY

CONCRETE CURB

$R1-N70^{\circ}39'00''E$  107.63'

1" IRON PIPE  
STAKE FOUND

2" IRON FENCE  
POSTS

2.0'

105.56'  $N11^{\circ}17'49''W-R1$

CORRUGATED METAL PANELS  
ATTACHED TO IRON  
FENCE POSTS

1616 BRAE STREET  
PLAT BOOK 580,  
PAGE 043,  
DOC. NO. 1367,518

### Asbuilt Survey of Existing Conditions on a portion of 1616 Brae Street

#### SURVEY NOTES

1. THIS 2016 ASBUILT SURVEY IS BASED ON THE PRIOR RECORD BOUNDARY SURVEY OF 1616 BRAE STREET FILED IN SANTA FE COUNTY CLERK PLAT BOOK 580, PAGE 043.
2. THE BASIS OF BEARING FOR THIS 2016 SURVEY IS THE INVERSE BETWEEN THE TWO SURVEY MONUMENTS FOUND ON THE WESTERLY LOT LINE OF THE SUBJECT PROPERTY.
3. THIS ASBUILT SURVEY SHOWS THE EXISTING CONDITIONS ALONG THE WESTERLY LOT LINE OF THE SUBJECT PROPERTY ON JULY 13, 2016.

DATA LABELED  
R1-DATA IS TAKEN  
FROM THE RECORD SURVEY  
OF THE SUBJECT PROPERTY  
NOTED HEREON

2.8'  
CHAINLINK WIRE  
FENCE WITH IRON  
FENCE POSTS

TREE  
TRUNK

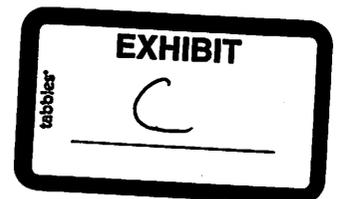
TREE  
TRUNK

*Paul A. Armijo* July 16, 2016

ASBUILT SURVEY PREPARED BY  
PAUL A. ARMIJO N.M.P.S. NO. 13604

SCALE:  
1"=15'

1" IRON PIPE  
STAKE FOUND  
CHAINLINK  
WIRE FENCE  
108.79'  $S71^{\circ}12'24''W-R1$



BP251I03

City of Santa Fe  
Application Tracking Individual Step Inquiry

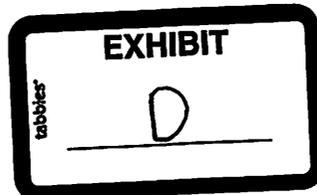
8/05/16  
16:28:48

Application . . . . . : 16 00001776  
Address . . . . . : 1618 BRAE ST  
Application type . . . . . : FENCES/WALLS  
Revision/Path/Step/Seq/Agency: A 01 00 ZON2 ZONING2  
Required step, approval code : Y AP APPROVED  
Date submitted, resulted . . . : 7/22/16 7/28/16  
Status code . . . . . : AP APPROVED  
Reviewed by . . . . . : DTG DOMINIC T. GONZALES  
Org cmpl date, revised . . . : 7/27/16 7/27/16  
Copies of plans . . . . . :

Comments	Print	Date
T/S: 07/28/2016 08:13 AM DOMINICGON -----		7/28/16
Zoning: fence replacement.		7/28/16
Corrections: Corrugated metal is not an approved material fo r fence. Also site plan needs to show fence location.		7/28/16
T/S: 08/05/2016 11:06 AM DOMINICGON -----		8/05/16
		More...

Press Enter to continue.  
F3=Exit F8=In/Out Status

F12=Cancel F14=Action log inq



BP251I03

City of Santa Fe  
Application Tracking Individual Step Inquiry

8/17/16  
08:25:14

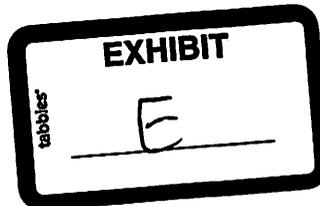
Application . . . . . : 16 00001776  
Address . . . . . : 1618 BRAE ST  
Application type . . . . . : FENCES/WALLS  
Revision/Path/Step/Seq/Agency: A 01 00 ZON2 ZONING2  
Required step, approval code : Y AP APPROVED  
Date submitted, resulted . . : 7/22/16 7/28/16  
Status code . . . . . : AP APPROVED  
Reviewed by . . . . . : DTG DOMINIC T. GONZALES  
Org cml date, revised . . . : 7/27/16 7/27/16  
Copies of plans . . . . . :

Comments	Print	Date
T/S: 08/05/2016 11:06 AM DOMINICGON -----		8/05/16
Approved per Greg Smith with condition that "both sides of fence to be painted non-reflective paint colors to match existing colors on buildings."		8/05/16
Also fencing must be maintained on property of applicant.		8/05/16
		Bottom

Press Enter to continue.

F3=Exit F8=In/Out Status

F12=Cancel F14=Action log inq



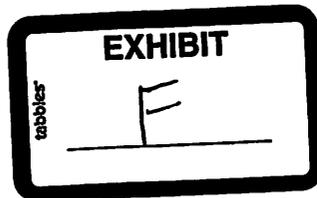
BP401I01

City of Santa Fe  
Permit Inquiry

9/27/16  
15:33:18

UPC Code . . . . . : 1-053-097-016-526- -  
 Property address . . . . . : 1618 BRAE ST  
 Application, str, pmt nbr . . . . . : 16 00001776 000 000 BLDR 00  
 Application type . . . . . : FENCES/WALLS  
 Permit type . . . . . : BUILDING PERMIT RESIDENTIAL  
 Permit status, date . . . . . : PERMIT PRINTED 8/11/16  
 Issue date by . . . . . : 8/11/16 RICHARDTRU  
 Expiration date . . . . . : 8/11/17  
 Reissue date by . . . . . :  
 Permit value . . . . . : 3500  
 Permit square footage . . . . . : 0  
 Property owner . . . . . : SHERRIN, PATRICIA  
 Contractor . . . . . : HOMEOWNER  
 Additional permit desc . . . . . :  
 Phone interface number . . . . . : 1258854  
 Permit pin number . . . . . : 1258854  
 Last maintained by . . . . . : RICHARDTRU 8/11/16 11:31:21

F3=Exit      F5=Land inq      F6=Sub-contractors      F8=Permit fees      F9=Req'd insp  
 F12=Cancel



BP502I01

City of Santa Fe  
Inspection Inquiry

9/27/16  
15:32:51

UPC Code . . . . . : 1-053-097-016-526- -  
Property address . . . . . : 1618 BRAE ST  
Appl, structure nbr . . . . . : 16 00001776 000 000  
Permit type, seq nbr . . . . . : BLDR 00 BUILDING PERMIT RESIDENTIAL  
Inspection type, seq nbr . . . . . : F001 0001 FOOTING  
Inspection status, date . . . . . : INSPECTION COMPLETED 8/15/16  
Requested date, time, by . . . . . : 8/15/16 VRU  
Override date, time, by . . . . . :  
User ID to request, result : VRU MICHAELRIV  
Phone interface number . . . . . : 3692034  
Inspector assigned . . . . . : MJR MICHAEL RIVERA  
Results status, date . . . . . : APPROVED 8/15/16  
Final inspection flag . . . . . : N  
Penalty amount . . . . . : .00  
Inspection request comments  
VOICE MESSAGE LEFT

Bottom

Press Enter to continue.

F3=Exit F5=Land inq F7=Insp result comments F12=Cancel



**Francoise Garcia, Plaintiff(s)**

**v.**

**Patricia Sherrin, Defendant(s)**

**CASE DETAIL**

CASE #	CURRENT JUDGE	FILING DATE	COURT
M-49-CV-201600897	Sena, Donita O	08/25/2016	SANTA FE Magistrate

**PARTIES TO THIS CASE**

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
D	Defendant	1	SHERRIN PATRICIA
P	Plaintiff	1	GARCIA FRANCOISE

**CIVIL COMPLAINT DETAIL**

COMPLAINT DATE	COMPLAINT SEQ #	COMPLAINT DESCRIPTION	DISP	DISP DATE
08/25/2016	1	OPN: COMPLAINT		

COA SEQ #	COA DESCRIPTION
1	Debt and Money Due

PARTY NAME	PARTY TYPE	PARTY #
GARCIA FRANCOISE	P	1
SHERRIN PATRICIA	D	1

**HEARINGS FOR THIS CASE**

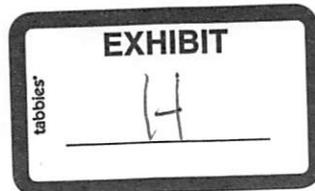
HEARING DATE	HEARING TIME	HEARING TYPE	HEARING JUDGE	COURT	COURT ROOM
10/06/2016	10:30 AM	Pre-Trial Hearing	Sena, Donita O	SANTA FE	Courtroom 2

**REGISTER OF ACTIONS ACTIVITY**

EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT
09/14/2016	NTC: OF HEARING Pre trial set for 10/6				
09/13/2016	ANS: TO CIVIL COMPLAINT FILED		D	1	
08/29/2016	RET: SUMMONS SERVED				
08/25/2016	SUMMONS ISSUED		D	1	
08/25/2016	MISCELLANEOUS ENTRY Interpreter Form: No Interpreter Needed				
08/25/2016	OPN: GENERAL CIVIL COMPLAINT FILED				

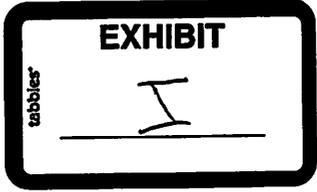
**JUDGE ASSIGNMENT HISTORY**

ASSIGNMENT DATE	JUDGE NAME	SEQ #	ASSIGNMENT EVENT DESCRIPTION
08/25/2016	Sena, Donita O	1	INITIAL ASSIGNMENT



Patricia Sheeran  
1612 Elm St  
Santa Fe, NM 87505

July 23<sup>rd</sup>, 2016.



Patricia

After our telephone conversation on July the 20<sup>th</sup> My husband and I decided that we will not sell our parcel of property.

I am however very pleased that you decided to remove the corrugated metal fence this weekend from my property.

As you know, you are required to get a building permit from the city that will meet code and guidelines of the city of Santa Fe.

Meanwhile, I would like the original fence (chain link) to be put in place ~~before~~ beyond my property line defined by Armita's survey.

A corrugated metal fence will not meet MY criteria on the neighborhood on the city of Santa Fe. It will take away the character of the old neighborhood.

A wood, coyote or chainlink fence would be a much better option.

Metals fence engender a source of heat that make my tenant homes very hot and uncomfortable due to the reflection of the metal.

I am getting together the mixed beliefs for the un-incident accidents that occurred due to the lack

OR NO communication beforehand, before the building of the fence.

I will keep trying to keep the neighborhood original as it will increase our well being as well as the property values.

Hope we can work together

Sincerely,

Francoise Garcia

August 9<sup>th</sup> 2016.



Yollaunda.

I appreciate the time that you took for talking to me yesterday even though it was a little after 5:00pm.

Enclosed is the survey that had been done by Armijo Surveys and also pictures. As you can see - the fence was build very fast, very tacky inside my property line.

Also Patricia Sherrin (the lady that built the fence) did not have a permit from the city.

Prior to that she had removed the existing fence and cut 2 of my trees without consulting with me.

The fence is a safety hazard. ~~The~~ The foundations are unstable (she used styro foam) and wood, metal sticks out on my side of the property with very rough edges.

Also it is very hot, it reflects heat through the apartment, as we recorded the temperature of 119<sup>°</sup> degrees inside the adobe house. Thank you for your consideration.

Françoise Garcia

September 13<sup>th</sup> - 2016

Françoise Garcia  
1616 Brae st # B.  
Santa Fe, NM 87505  
505-577-3983.



Mr. Zachary Shandler  
City of Santa Fe.

Mr Shandler:

First, I would like to Thank you for meeting with me this morning.

We talk about what would be a good solution for the outcome of the fence on Brae st.

After talking with my partner, we agree that building a common fence is not the solution, as we feel that Mrs Sherrin cannot be trusted with such a fence.

We agree that the existing fence (corrugated painted metal) is taking value off the property and take off from the unique, old character of the neighborhood. We would like such fence to be removed and replaced by a wood fence in a timely matter. (It took just 2 days each for Mrs Sherrin to build both fences)

The fence needs to be build on Mrs Sherrin side of the property line and need to be finished in front from the base or stone wall and in back to the wall. I appreciate your consideration.

Thank

Sincerely

Françoise Garcia

