



Agenda

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BOARD OF ADJUSTMENT
Wednesday May 18, 2011 at 5:30 P.M.
200 Lincoln Ave. Santa Fe NM
City Council Chambers

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: April 19, 2011 minutes
- E. APPROVAL OF FINDINGS/CONCLUSIONS: Case #2010—195 and #2011-16
- F. OLD BUSINESS: None
- G. NEW BUSINESS: None

- 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
Wednesday, May 18, 2011**

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**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
SANTA FE, NEW MEXICO
Wednesday, May 18, 2011**

A. CALL TO ORDER AND ROLL CALL

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by James Brack, Chair, at approximately 5:30 p.m., on Wednesday, May 18, 2011, in the Council Chambers, City Hall, Santa Fe, New Mexico.

MEMBERS PRESENT:

James A. Brack, Chair
Gary Friedman, Vice-Chair
Daniel H. Werwath
Monica Montoya
Rachel L. Winston

MEMBERS ABSENT:

Alexandra G. Ladd
Susan E. Rooney

OTHERS PRESENT:

Daniel Esquibel, 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

MOTION: Daniel Werwath moved, seconded by Monica Montoya, to approve the agenda as presented.

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

D. APPROVAL OF MINUTES – APRIL 19, 2011

MOTION: Gary Friedman moved, seconded by Daniel Werwath, to approve the minutes of the meeting of April 19, 2011, as presented.

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

E. APPROVAL OF FINDINGS/CONCLUSIONS – CASE #2010-195, AND CASE #2011-16.

A copy of the “City of Santa Fe Board of Adjustment Findings of Fact and Conclusions of Law,” in Case #2010-195, is incorporated herewith to these minutes as Exhibit “1.”

A copy of the “City of Santa Fe Board of Adjustment Findings of Fact and Conclusions of Law,” in Case #2011-16, is incorporated herewith to these minutes as Exhibit “2.”

MOTION: Gary Friedman moved, seconded by Daniel Werwath, to approve the Findings of Fact and Conclusions of Law in Case #2010-195 and Case #2011-16, as presented.

VOTE: The motion was approved on a voice vote, with Commissioner Friedman, Commissioner Montoya, Commissioner Werwath and Chair Brack voting in favor of the motion, none against and Commissioner Winston abstaining .

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

There was no New Business.

H. BUSINESS FROM THE FLOOR

A copy of a letter dated May 13, 2011, with attachments, to the City of Santa Fe Board of Adjustments (BOA), Chairman and Members, from Steve Boyles, regarding Reconsideration of February/April Minutes concerning Case #2011-195, is incorporated herewith to these minutes as Exhibit “3.”

Unidentified [Peter Boyle?] said, "I just want to be sure that by voting on the Findings that you will be concluding that action for the Desert Academy school."

Chair Brack said, "Yes."

Peter McCarty said, "As far as an appeal to the City Council, because I am concerned about serious breaches of process, and I can read what you did from the minutes... just all kinds of due process questions which I think you haven't represented us in the way you should be as elected officials...no elected/appointed officials. But what I'd like to know is the appeals process. I've been given different information that we have fifteen days or thirty days to appeal. I assume you, Mr. Brack, would know what that is."

Chair Brack said, "The order of the Board can be approved to the City Council, and I would advise you to work with Dan with the City."

Mr. McCarty said, "Right. But, I understand that you, as the Chairman, do know..."

Chair Brack said, "I believe it's 30 days."

Matthew O'Reilly, Director, Land Use Department, said, "You have fifteen days from today's date."

Mr. McCarty said, "Now, seeing this was before this Board much longer than that time, when this was changed by the.... you basically approved the minutes to this on April fifteenth, and you approved the variances on February fifteenth, and seeing the changes that the City Council did, you remember that..."

Mr. O'Reilly said, "I'm sorry, Mr. Chair, I don't understand the question. The final action taken on this case was just taken. The Findings of Fact and Conclusions of Law for this case were just approved. You have fifteen days from today's date to appeal this decision to the City Council."

Mr. McCarty said, "All right. And just one other question I would just have, that in processing these rights and whatnot, is this customary for your Board when there are things like Commissioner Montoya said, 'We are reviewing the application in its entirety at this point and not just the variance to the site size. Correct.' And Mr. Esquibel said, 'Yes, this is correct'."

Mr. McCarty said, "Is it your policy always to... starting off reviewing an application in total, and then not review an application in total. Basically divide things up. Or drop things precipitously from an application."

Chair Brack said, "If this is a concern of yours, then you should take it and address it in your appeal to the City Council."

Mr. McCarty said, "Thank you."

I. STAFF COMMUNICATIONS

There were no Staff Communications.

J. MATTERS FROM THE COMMISSION

There were no Matters from the Commission.

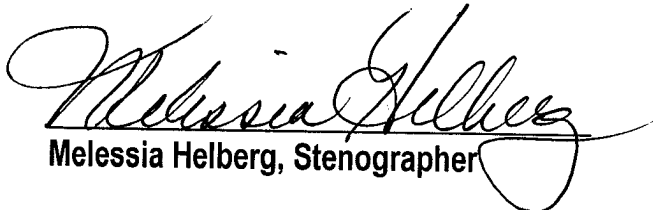
K. ADJOURNMENT

There was no further business to come before the Board.

MOTION: Commissioner Friedman moved, seconded by Commissioner Montoya, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at 5:45 p.m.

James A. Brack, Chair


Melessia Helberg, Stenographer