



Agenda

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DATE 11/28/11

TIME 2:25pm

REVIEW BY

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BOARD OF ADJUSTMENT
Tuesday December 20, 2011 at 7:00 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: May 18, 2011 minutes**
- E. APPROVAL OF FINDINGS/CONCLUSIONS: None**
- F. ELECTION OF OFFICERS**
- G. OLD BUSINESS: None**
- H. NEW BUSINESS:**

1. **Case #2011-108.** 300 Garcia Street Special Exception. JenkinsGavin Design and Development, agent for Pallas Athene Inc., request a Special Exception for professional office use. The property is zoned RC8AC. (Dan Esquibel, case manager)
2. **Case #2011-121.** Guy Fuller and John Reeder appeal the September 30, 2011 approval by the Land Use Director of an amendment to Building Permit #07-2396 permitting the construction of a wall and other improvements at 814 Gonzales Road. (Kelley Brennan)

- I. BUSINESS FROM THE FLOOR**
- J. STAFF COMMUNICATIONS**
- K. MATTERS FROM THE COMMISSION**
- L. 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.

**SUMMARY INDEX
OF THE BOARD OF ADJUSTMENT MEETING
Tuesday, December 20, 2011**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF MINUTES – May 11, 2011	Approved	2
FINDINGS/CONCLUSIONS – NONE	None	2
ELECTION OF OFFICERS	Gary Friedman elected Chair	2
OLD BUSINESS	None	2
<u>NEW BUSINESS</u>		
<u>CASE 2011- 108. 300 GARCIA STREET SPECIAL EXCEPTION. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR PALLAS ATHENE, INC., REQUEST A SPECIAL EXCEPTION FOR PROFESSIONAL OFFICE USE. THE PROPERTY IS ZONED RC8AC</u>	Approved w/conditions	3-5
<u>CASE 2011- 121. GARY FULLER AND JOHN REEDER APPEAL THE SEPTEMBER 30, 2011, APPROVAL BY THE LAND USE DIRECTOR OF AN AMENDMENT TO BUILDING PERMIT #07-2396, PERMITTING THE CONSTRUCTION OF A WALL AND OTHER IMPROVEMENTS AT 814 GONZALES ROAD</u>	Appeal withdrawn	5
BUSINESS FROM THE FLOOR	None	6
STAFF COMMUNICATIONS	Information	6
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ADJOURNMENT		6

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
SANTA FE, NEW MEXICO
Tuesday, December 20, 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 7:00 p.m., on Tuesday, December 20, 2011, in the Council Chambers, City Hall, Santa Fe, New Mexico.

MEMBERS PRESENT:

Gary Friedman, Chair
Rachel L. Winston, Vice-Chair
James A. Brack
Alexandra G. Ladd
Patricia Hawkins
Daniel H. Werwath

MEMBERS EXCUSED:

Monica Montoya

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

MOTION: Gary Friedman moved, seconded by Daniel Werwath, to approve the agenda as presented.

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

D. APPROVAL OF MINUTES – May 11, 2011

MOTION: Rachel Winston moved, seconded by Gary Friedman, to approve the minutes of the meeting of May 11, 2011, as presented.

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

E. FINDINGS/CONCLUSIONS – NONE

There were no Findings/Conclusions.

F. ELECTION OF OFFICERS

MOTION: James Brack moved, seconded by Rachel Winston, to elect Gary Friedman, as the Chair of the Board of Adjustment.

VOTE: There were no further nomination and Gary Friedman was elected by acclamation to serve as the Chair of the Board of Adjustment.

Chair Friedman appointed Rachel Winston to serve as Vice-Chair, and Ms. Winston accepted the appointment.

Gary Friedman assumed the duties of the Chair.

G. OLD BUSINESS

There was no Old Business.

Chair Friedman noted, with regard to Item #2 under New Business, there is a letter in the packet from him on behalf of his client John Reeder, and a letter from Don Walcott on behalf of his client Guy Fuller, withdrawing the appeal. He said if it hadn't been withdrawn, he would recuse himself on that case.

MOTION: Rachel Winston moved, seconded by James Brack, to amend the Agenda to remove Item #2 from the Agenda because the appeal has been withdrawn, and to approve the agenda as amended.

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

H. NEW BUSINESS

1. **CASE 2011- 108. 300 GARCIA STREET SPECIAL EXCEPTION. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR PALLAS ATHENE, INC., REQUEST A SPECIAL EXCEPTION FOR PROFESSIONAL OFFICE USE. THE PROPERTY IS ZONED RC8AC. (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum prepared December 15, 2011, for the December 20, 2011 meeting, with attachments, to the Board of Adjustment, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1."

Staff was sworn

Staff Report

The staff report was presented by Daniel A. Esquibel which is contained in Exhibit "1."

Staff recommendation: The Land Use Department has found no adverse impacts associated with the proposed use change, and staff recommends approval subject to the following conditions:

1. On street parking for the business be restricted to the extent possible, and
2. The applicant secures appropriate permits and licenses by the City prior to occupancy.

Questions from the Board

Ms. Ladd asked what are the appropriate permits and licenses.

Mr. Esquibel said they will get a business license and will get inspections for occupancy, fire protection, etc., the basic license requirements.

Ms. Hawkins asked what kind of office use will it be.

Mr. Esquibel said he needs to refer that to the applicant, saying he has had phone calls in this regard, but he hasn't had the chance to ask the applicant what kind of office use it will be.

Public Hearing

Presentation by the Applicant

Jennifer Jenkins, JenkinsGavin Design and Development, 130 Grant Avenue, Suite 101, Agent for Pallas Athene, Inc., Applicant, was sworn. Ms. Jenkins said the new use for the property is financial services. There are two people in the office, but there is no local client base, so there will be no real comings and goings, noting it is a low level of intensity. She said the Applicant is in favor of the conditions of approval. She said she has nothing to add, and will be happy to answer any questions.

Chair Friedman asked if the Applicant is expecting to see customers at the office.

Ms. Jenkins said no, but there will be occasional meetings quarterly with partners, noting there is another office in another part of the country, so this is sort of a satellite, reiterating there is no customer base.

Chair Friedman asked if the applicant has sufficient parking spaces.

Ms. Jenkins said yes, noting there are 4 off-street parking spaces at the property, and they lease two spaces across the street for extra overflow.

Commissioner Winston asked if there is a Bryn Mawr College connection, because the Bryn Mawr mascot is Pallas Athene.

Ms. Jenkins said she doesn't know.

Ms. Hawkins asked if this will be exclusively office use for two people.

Ms. Jenkins said ½ of the building is a guest house, so it is ½ residential and ½ commercial. She said the residential portion will be a guest house for the owners when they have family visiting in town.

Ms. Ladd noted in the summary of the ENN meetings, it says "the concerns were centered on off-street parking."

Ms. Jenkins said it was a discussion regarding on-street and off-street parking, in terms of establishing that the Applicant had adequate off-street parking. She said it really isn't a good place to be parking cars on the street, so they demonstrated what they are providing off-street in response to the concerns to limit on-street parking.

Ms. Ladd said then the concern was about on-street parking, and Ms. Jenkins said yes.

Speaking to the Request

There was no one speaking for or against this request.

The public testimony portion of the public hearing was closed

MOTION: Commissioner Winston moved, seconded by Commissioner Hawkins, to approve Case #2011-108, 300 Garcia Street Special Exception, with all conditions of approval as recommended by staff.

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

Responding to the Chair, Mr. Esquibel said the appeal period begins when the Findings of Fact are approved. If that approval comes next month, the 30 day appeal process begins.

2. **CASE 2011- 121. GARY FULLER AND JOHN REEDER APPEAL THE SEPTEMBER 30, 2011, APPROVAL BY THE LAND USE DIRECTOR OF AN AMENDMENT TO BUILDING PERMIT #07-2396, PERMITTING THE CONSTRUCTION OF A WALL AND OTHER IMPROVEMENTS AT 814 GONZALES ROAD. (KELLY BRENNAN)**

A Memorandum dated December 15, 2011 for the December 20, 2012 Board of Adjustment Meeting, with attachments, to the Board of Adjustment, from Kelley Brennan, Assistant City Attorney, saying this case has been withdrawn by the appellant, is incorporated herewith to these minutes as Exhibit "2."

I. BUSINESS FROM THE FLOOR

There was no business from the floor.

J. STAFF COMMUNICATIONS

Mr. Esquibel wished everyone a Happy Holiday, and welcomed Patricia Hawkins to the Board.

K. MATTERS FROM THE COMMISSION

Mr. Brack congratulated the new Chair.

Chair Friedman thanked everyone for attending the meeting. He thanked Commissioner Winston for agreeing to serve as the Vice-Chair of the Board. He wished everyone a very, very safe, happy and healthy holiday.

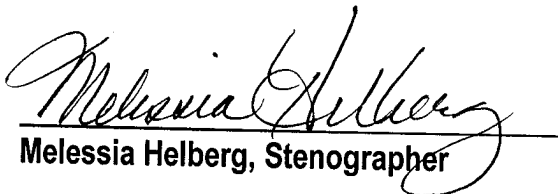
L. ADJOURNMENT

There was no further business to come before the Board,

MOTION: Daniel Werwath moved, seconded by James Brack to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 7:30 p.m.

Gary Friedman, Chair


Melessia Helberg, Stenographer