

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO**

**CASE NO. CDRC 08-5220
NEIDINGER APPEAL
ADRIANE NEIDINGER, APPLICANT**

ORDER

THIS MATTER came before the Board of County Commissioners for hearing on January 13, 2009, on the Appeal by Adriane Neidinger, Applicant, of the County Development Review Committee's decision to uphold the Land Use Administrator's decision to deny an application for a variance of the Land Development Code to divide 9.08 acres into two 4.54 acre lots. (APP Case # 07-08-5220). After conducting a public hearing on the request, the BCC finds the Application should not be granted and makes the following findings of fact and conclusion of law:

1. On March 27, 2008, the Applicant requested a variance to divide 9.08 acres into two 4.54 acre lots. The Application was denied by the Code Administrator as the Spirit Wind Subdivision Plat conditional note states, "No further subdivision of these lots is permitted."
2. Article II, Section 2.3.1a allows the Code Administrator to approve or deny a development permit application for certain development without referring the application to the County Development Review Committee ("CDRC") or the Board.
3. On June 19, 2008, the Applicant appealed the Code Administrator's decision to deny

the Application for a variance.

4. The CDRC heard this matter on October 16, 2008, and the CDRC disapproved the Application.
5. At the January 13, 2009 public hearing Staff recommended that the BCC deny the Application and request for an appeal, based on the Spirit Wind Subdivision Plat conditional note that states: "No further subdivision of these lots is permitted."
6. No one from the public spoke for or against the Application.
7. After conducting a public hearing on the Application and having heard from the Applicant, the Board of County Commissioners hereby denies the requested Application.

IT IS THEREFORE ORDERED that the Application (08-5220) is Denied.

I certify that the Application was not approved by the Board of County Commissioners on this _____ day of _____, 2009.

Santa Fe County Board of County Commissioners

Mike Anaya, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

Approved as to form:

Stephen C. Ross, Santa Fe County Attorney

