

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

**CASE NO. 08-5271  
ARMIJO APPEAL  
JOHN, LARRY, AND RICHARD ARMIJO, APPLICANTS**

**ORDER**

THIS MATTER came before the Santa Fe County Board of County Commissioners (hereinafter referred to as “the BCC” or “the Board”) for hearing on January 13, 2009, on the Application of John, Larry and Richard Armijo (Applicants) seeking reversal of a decision by the Land Use Administrator to deny an Application for a Home Occupation Business License to operate “Armijo Desighns” on residential property consisting of 2.2 acres (“Application”). After conducting a public hearing on the Appeal wherein presentations were made by Staff and the Applicant, the BCC finds that the Application is well-taken and should be approved and makes the following findings of fact and conclusions of law:

1. The property is located at # 4 Red Hills Lane, within Section 12, Township 15 North, Range 10 East, (Commission District 4).
2. On June 25<sup>th</sup>, 2008 the Applicants were issued a Notice of Violation for operating a business without a County Business Registration, Ordinance 1993-3 (Business Registration and Licensing Ordinance) requires persons engaging in business in Santa Fe County to register or license such

activities with the County.

3. On June 27<sup>th</sup>, 2008 the Applicants applied for a Home Occupation Business License. Staff reviewed the application and determined that the business did not meet the criteria set forth in Article III, Section 3 (Home Occupations) of the Land Development Code. A letter of denial dated August 8, 2008 was sent to the Applicants listing the basis for denial. The Applicants appealed the denial to the County Development Review Committee (CDRC) by letter dated September 4, 2008.

4. On October 16, 2008, the CDRC met and acted on Case No. 08-5270 Armijo Appeal. The decision of the CDRC was to support the Land Use Administrator's decision and deny the Applicants request.

5. The Applicants submitted a vicinity map and description of existing site data and a letter appealing the CDRC's decision to deny a Home Occupation Business License.

6. The Applicants testimony indicated compliance with staff conditions of the following restrictions set forth by Article III, Section 3.2 (Home Occupation Performance Standards) of the Land Development Code:

a) Paragraph d (3) states, "There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated nameplate sign not more than one (1) square foot in area."

b) Paragraph d (4) states, "The Home Occupation shall not involve operations of structures not in keeping with the residential character of the neighborhood."

c) Paragraph d (8) states, "No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off

the premises.”

7. The BCC has determined that the Application shall be approved based upon the Applicants ability to comply with conditions set forth by Article III, Section 3.2., apart from the limitation on floor area to be used for the home occupation.

8. The evidence does support reversal of the CDRC’s denial. The Application does comply with requirements set forth by Article III, Section 3.2 (Conditional Uses; Home Occupations) of the Land Development Code.

**IT IS THEREFORE ORDERED** that the Appeal is granted and the denial is reversed subject to compliance with all staff conditions apart from the limitation of floor space for the home occupation.

The Board of County Commissioners of Santa Fe County

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Mike D. Anaya, Chair

ATTEST:

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Valerie Espinoza, Santa Fe County Clerk

Approved as to form:

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Stephen C. Ross, Santa Fe County Attorney

