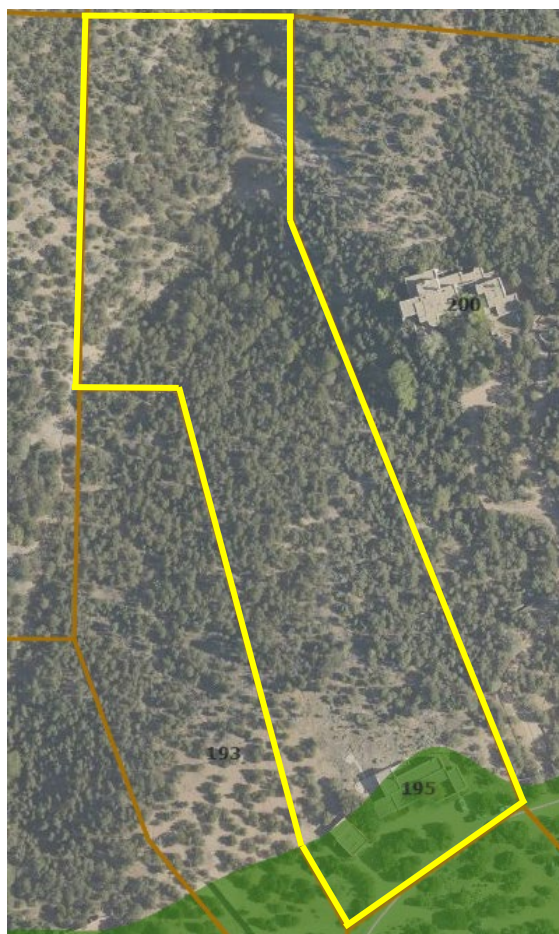




## Planning and Land Use Department Board of Adjustment Staff Report

<b>Case Number</b>	#2025-11289
<b>Hearing Date</b>	November 4, 2025
<b>Agent</b>	Palo Santo Designs, LLC
<b>Applicant</b>	Seonaidh Davenport and Brian Sharon
<b>Request</b>	Special Use Permit
<b>Location</b>	195 Brownell-Howland, Santa Fe, NM 87501
<b>Case Manager</b>	Alexa Hempel
<b>Zoning</b>	R-1 (Residential, 1 unit per acre)
<b>Overlay</b>	*Escarpment-Ridgetop Overlay *Suburban Archaeological Review District *Mountainous and Difficult Terrain District
<b>Proposal</b>	The Applicant requests a Special Use Permit to change a garage into an accessory dwelling unit.



Site Map

**Case #2025-11289, 195 Brownell-Howland Rd Special Use Permit Request.** Palo Santo Designs, (“Agent”), for Seonaidh Davenport and Brian Sharon, Owners and Applicants (“Applicant”), requests a Special Use Permit to change an existing legal nonconforming use, a garage, to another legal nonconforming use, an accessory dwelling unit, at the home at 195 Brownell-Howland Rd (“Property”). The Property is 5.079-acres, zoned R-1, within the Escarpment-Ridgetop Overlay. (Alexa Hempel Case Manager, [anhempel@santafenm.gov](mailto:anhempel@santafenm.gov)).

## I. RECOMMENDATION:

Staff recommends Board of Adjustment **APPROVE** Case #2025-11289, “195 Brownell-Howland Special Use Permit Request,” subject to Conditions of Approval and Technical Corrections outlined in Attachment A of this report.

One motion will be required for this case:

- **APPROVE** or **DENY** Case #2025-11289, “195 Brownell-Howland Special Use Permit Request,” subject to the Conditions of Approval and Technical Corrections listed in Attachment A “Conditions of Approval & Technical Corrections.”

## II. EXECUTIVE SUMMARY

The Property is located at 195 Brownell-Howland Rd, near the northern edge of the City limits, northeast of US 84-285. The Property was subdivided in 2009 through a lot-split, making it the current 5.079 acres. It is zoned R-1, with one existing home, detached garage, and garage attached via breezeway, built in 1958.

The existing structures are legal nonconformities as they lie almost entirely within the Escarpment-Ridgetop Overlay, which restricts development in the Ridgetop to driveway and utility access only for lots created after 1992 (Adopted by Ord No. 2006-55 on September 13, 2006).

The Applicant is requesting a Special Use Permit to convert the existing garage into an Accessory Dwelling Unit (ADU), including a bedroom, bathroom, and kitchenette. This conversion will modify the exterior windows and doors of the garage. The Santa Fe City Code (“SFCC” of “Code”) requires a special use permit for this conversion:

*A legal nonconforming use may, as a special use permit, be changed to another legal nonconforming use if the board of adjustment finds that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use and the new use does not increase the level of nonconformity. In allowing such change, the board of adjustment may require appropriate conditions and safeguards in accordance with the purposes of Chapter 14.*

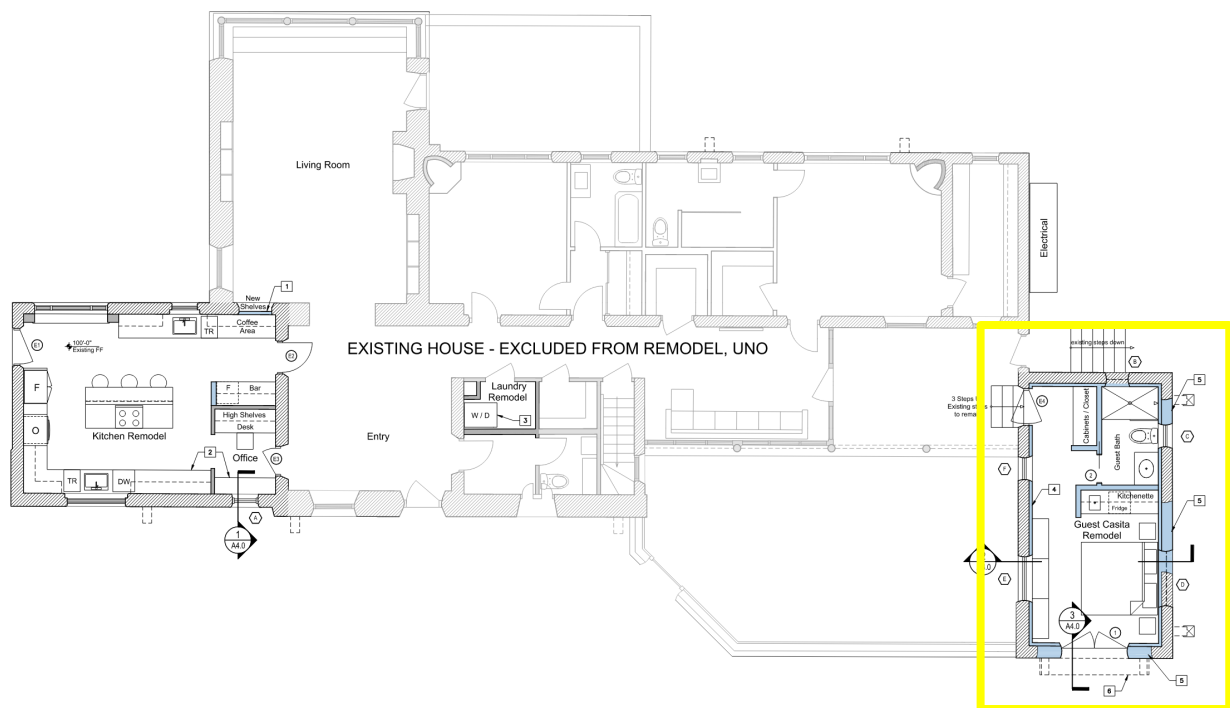
SFCC 1987, 14-10.2(E)

An Early Neighborhood Notification (ENN) meeting was held on September 16, 2025. The Applicant, Agent, and City Staff were in attendance, though no neighbors joined. The Applicant has complied with subsection SFCC 14-3.1(H) “Notice Requirements” for public hearing.

Staff’s analysis finds that the Applicant’s proposed ADU conversion has addressed the necessary findings per SFCC 14-3.6(D) “Approval Criteria and Conditions,” and recommends **APPROVAL** of the Special Use Permit subject to conditions identified in Attachment A “Conditions of Approval” & “Technical Corrections.”



**Figure 1:** Existing footprint of home within ridgetop overlay (green).



**Figure 2:** Proposed floor plan of the ADU change of use outlined in yellow.

### III. PROJECT ANALYSIS: SPECIAL USE PERMIT REQUEST

#### Escarpment-Ridgetop Overlay

195 Brownell-Howland is located almost entirely within the Escarpment-Ridgetop Overlay, on a lot created in 2009, making the existing structures that were built in 1958 legal nonconforming in accordance with SFCC 14-5.6(D)(1), which states:

*“... For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict of the escarpment overlay district, other than driveway access and utilities, is prohibited.”*

The purpose of the Escarpment-Ridgetop Overlay District is to regulate development in order to preserve view lines and preserve environmentally sensitive ridgetop areas. SFCC 14-5.6(A)(3)) provides the intent as follows:

- (a) *Preservation of the city's aesthetic beauty and natural environment is essential to protect the general welfare of the people of the city, to promote tourism and the economic welfare of the city , and to protect the cultural and historic setting of the city ;*
- (b) *Development is highly visible on or about the ridgetop areas of the foothills for great distances and detracts from the overall beauty of the natural environment and adversely impacts the aesthetics of the mountain and foothill vistas as seen from the city ;*
- (c) *Land within the escarpment overlay district is environmentally sensitive due to the presence of steep slopes, erosion problems, drainage problems and other environmental attributes;*
- (d) *The interest and welfare of the people of the city is to prohibit development on ridgetop areas of the foothills to the extent possible as allowed by law; and*
- (e) *The interest and welfare of the people of the city is to restrict development in the escarpment overlay district to preserve the aesthetic beauty and natural environment of the ridgetop areas of the foothills and to protect the mountain views and scenic vistas from the city to the extent possible.*



**Figure 3:** View of 195 Brownell-Howland (left) from Bishops Lodge Road (north).

## Legal Nonconformities

Due to the garage existing within the Escarpment-Ridgetop Overlay prior to the adoption of that section of code, the garage is a legal nonconforming structure. A legal nonconforming structure is defined as:

*A structure or portion of a structure that was lawfully constructed but that fails to conform to the standards of Chapter 14 for structures , such as restrictions on area, lot coverage, height, required yards or other characteristics of the structure or its location on the lot as a consequence of annexation of the structure into the city or as a consequence of adoption of or amendments to Chapter 14.*

SFCC 1987, 14-12.1, Definitions, Legal Nonconforming Structure

The intent of the Code's regulations for legal nonconformities is to allow the legal nonconformities to continue to exist, but to discourage their continuation by limiting their enlargement, expansion, or extension:

*It is the intent of this article to allow legal nonconforming uses to continue until they are ceased and to allow legal nonconforming structures to be maintained until they are removed, but not to encourage their survival. Nonconforming uses are deemed incompatible with permitted uses. It is further the intent of this article to limit nonconforming structures so they are not allowed to be enlarged, expanded, extended or reconstructed after major damage or used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise allowed by Chapter 14.*

SFCC 1987, 14-10.1(A)

Both garages and ADUs are permitted uses in R-1 zoning and the Escarpment-Ridgetop Overlay, however converting this uninhabitable space into a habitable space involves relocation and alteration to windows and doors on the exterior of the legal non-conforming structure. Therefore, a Special Use permit is required and may be approved so long as:

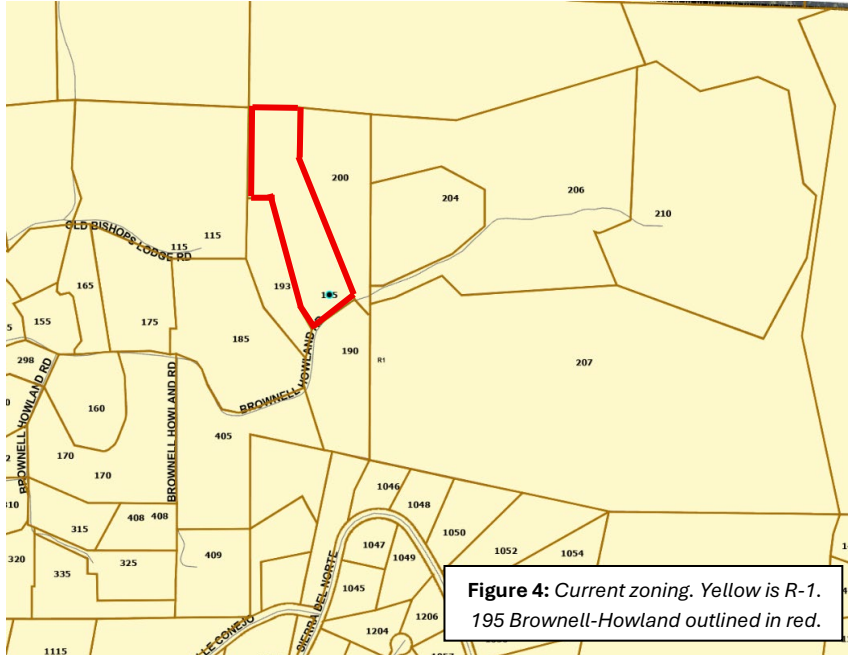
*... The board of adjustment finds that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use and the new use does not increase the level of nonconformity. In allowing such change, the board of adjustment may require appropriate conditions and safeguards in accordance with the purposes of Chapter 14.*

SFCC 1987, 14-10.2(E)

## Land Use

The Property and all surrounding properties are zoned R-1 (Residential, 1 dwelling unit per acre). R-1 allows for ADUs and private garages in addition to homes, along with other uses (see SFCC Table 14-6.1).

The General Plan Future Land Use Map (“FLUM”) designates the Property mostly 1 dwelling unit per acre, with a small section on the northern side 1-3 dwelling units per acre. All parcels adjacent to the Property have existing homes or homes currently under construction within the Escarpment-Ridgetop and Escarpment-Foothills Overlays. The site is also located within the Mountain and Difficult Terrain Overlay, which indicates that over 25% of the lot has an existing slope of over 20%.

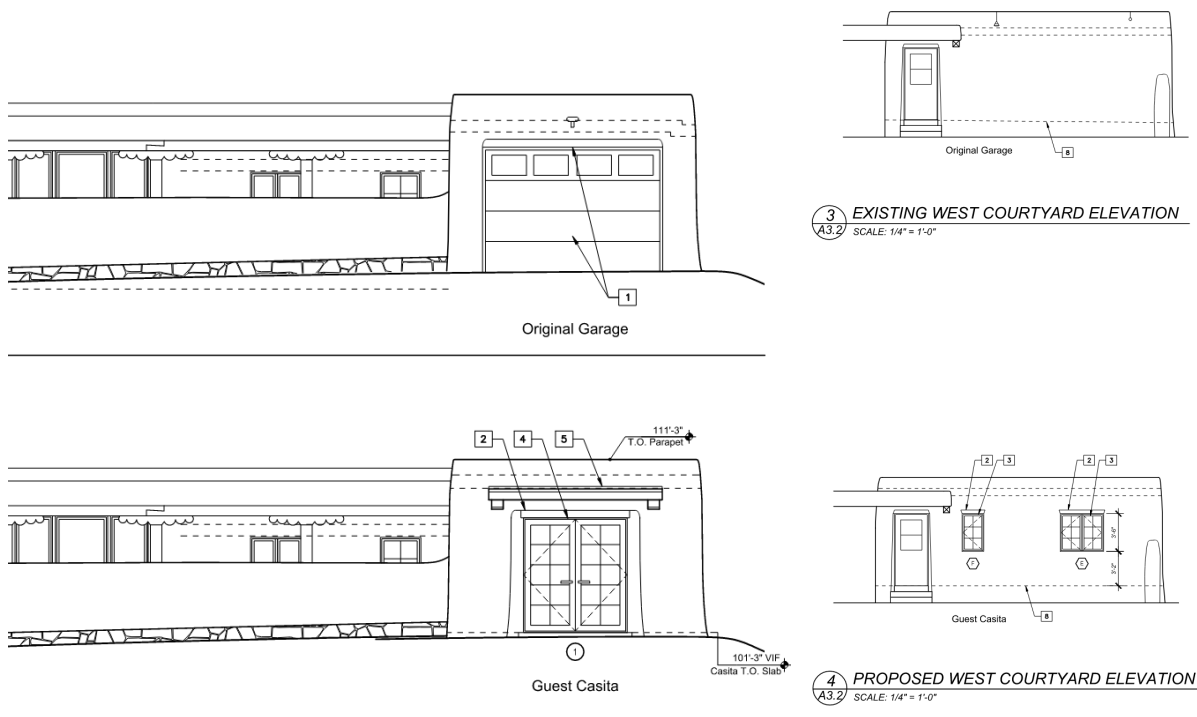


## Architecture



The existing home is a 3,242 sq ft Pueblo Revival style structure with tan stucco and turquoise blue accents. The turquoise blue is a bold accent color that is not allowed within the Escarpment Overlay District per SFCC 14-5.6(F)(2) which only allows accents to be white, off-white, yesso, or similar. However, the homeowner submitted proof that the turquoise accent color predates the development of the Escarpment Overlay Code (February 26, 1992) (Attachment C-1), making it legal nonconforming. The Applicant may not expand, enlarge, or extend this nonconformity with the proposed change in use.

The proposed conversion will not alter the existing square footage of the garage and meets all dimensional standards for height, lot coverage, setbacks, and lot size set forth in SFCC 14-7.2 and 14-5.6(F). The exterior will remain mostly unchanged except for the relocation of some windows and a swap from the garage door to French doors.



**Figure 6:** Existing and proposed south and west elevations. See Attachment C-2 for full plans.

### Accessory Dwelling Unit Standards

R-1 zoning (Residential, 1 dwelling unit per acre) permits one (1) accessory dwelling unit (“ADU”) per legal lot of record as regulated by SFCC 14-6.3(D)(1).

ADUs are required to adhere to the off-street parking standards in SFCC Section 14-8.6, which requires off-street parking be supplemented to accommodate intensified uses. Since the Project converts a garage to an ADU with one bedroom, the applicant included one (1) additional parking space for the unit. This parking space is accommodated within the existing driveway to the Property and will not restrict emergency access to the residence. The Applicant has a Condition of Approval prior to building permit to demonstrate that traffic maneuvers for ingress and egress can be accommodated on the private property.

ADUs are to be regulated per city regulations and policies regarding city utilities. The Property and proposed ADU are serviced via a private well used by 195 Brownell-Howland and 193 Brownell-Howland through a well-share agreement. The Property is on a private septic system which was recently upgraded to accommodate the addition of a bedroom, bathroom, and kitchenette, and was inspected by the State of New Mexico Environment Department (see Attachment C-1). This septic system shall comply with SFCC Chapter 22. The property is approximately 1,000 linear feet from the nearest public water and sewer lines, and no Conditions of Approval or Technical Corrections were imposed by the City Water department.

The proposed ADU will total 371 square feet, converting a previously uninhabitable garage into a habitable space. This area is under the maximum 1,500 square feet permitted for ADUs. The change in use will not alter setbacks, height, or other restrictions imposed through the property’s zoning and Escarpment Overlay District.

The Applicant understands that the ADU;

1. May be rented in accordance with SFCC 14-6.3(D)(1)(g),
2. Shall not be subdivided unless the ADU meets all requirements of a principal dwelling unit, and
3. Shall remain in continuous compliance with the provisions of SFCC 14-6.3(D)(1).

### Terrain Management

The proposed change in use will not disturb any natural land on the property. The existing home is built entirely on 0-20% slopes near the southern edge of the parcel within the Escarpment-Ridgetop Overlay. Directly north of the house exists a small land area of 0-20% slopes which is currently native vegetation and houses the septic leach field. The rest of the Property, north of this area, is a forested 20-30% and 30% or greater slope. See the topographic survey in Attachment C-2 and the GIS contour lines in Figure 7.

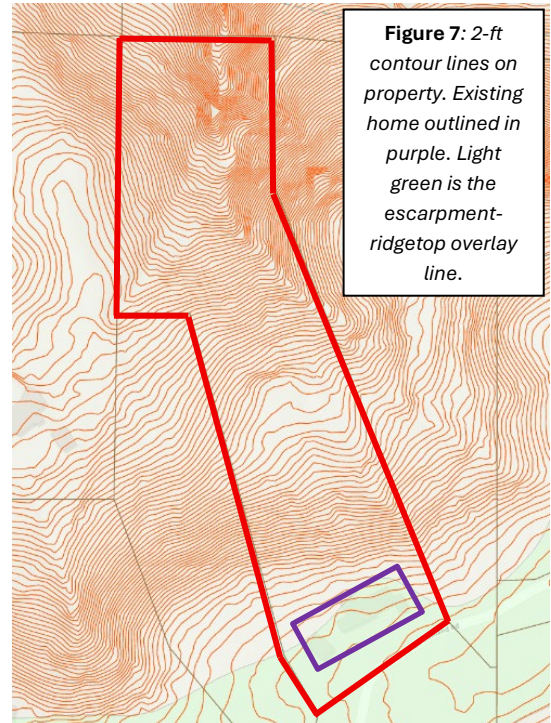
The Applicant understands that if the Special Use Permit is approved, they will need to follow all requirements of the Code as it relates to landscaping (SFCC 14-5.6(G) and 14-8.4), including but not limited to landscape improvements, screening, replacing significant trees, and irrigation. The Applicant has Technical Corrections to provide landscaping details at the time of building permit.

### Suburban Archaeological Review District

The Property is within the Suburban Archaeological Review District; however, no further review is required unless utility plans exceed 550-linear feet of utility lines (200 feet after the adoption of Phase 1 of the Land Development Code update).

### Fire Prevention

Due to the existing home being legal nonconforming and the change of use not altering the homes' square footage, no additional fire flow requirements were imposed by the fire department.



#### IV. SPECIAL USE PERMIT APPROVAL CRITERIA

SFCC Section 14-3.6 governs the authority, procedures, and restrictions for special use permits. The Criteria for approval of special use permits, applicant responses, and staff responses are detailed below.

<p><b>14-3.6(D)(1)(a):</b> To grant a special use permit, a land use board shall make the following findings: (a) That the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit</p>	<p><b>Criterion Met:</b> (Yes/No) <b>YES</b></p>
<p><b>Applicant Response:</b> <i>Per the Planning Staff, criteria "a" has been met.</i></p>	
<p><b>Staff Response:</b> The Board of Adjustment has the authority to grant special use permits under SFCC 14-2.4(C)(2), which states: <i>"The BOA has the review and decision-making responsibilities ... to hear and decide applications for special use permits as provided in Section 14-3.6 and Article 14-6 (Permitted Uses and Use Regulations), unless jurisdiction for such special use permits is specifically reserved to another land use board."</i></p> <p>SFCC 14-10.2(E) gives the BOA jurisdiction for this specific type of special use permit, stating:</p> <p><i>A legal nonconforming use may, as a special use permit, be changed to another legal nonconforming use if the board of adjustment finds that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use and the new use does not increase the level of nonconformity. In allowing such change, the board of adjustment may require appropriate conditions and safeguards in accordance with the purposes of Chapter 14.</i></p> <p>Therefore, the Board of Adjustment has authority to review and decide this application.</p>	

<p><b>14-3.6(D)(1)(b):</b> That granting the special use permit does not adversely affect the public interest</p>	<p><b>Criterion Met:</b> (Yes/No) <b>YES</b></p>
<p><b>Applicant Response:</b> <i>The proposed Guest Casita does not impact the welfare, rights, health, safety, or well-being of the wider community or society at large for the following reasons.</i></p> <ul style="list-style-type: none"> <li>• <i>The proposed improvements are residential in nature, consistent with the R-1 zoning and surrounding low-density residential context.</i></li> <li>• <i>The project does not introduce any commercial uses, traffic-generating facilities, or high impact development patterns that would negatively affect surrounding property owners or infrastructure. The existing drive entry will be used for access; no additional driveway access is required. Parking for one car is currently allotted outside the Casita, and that will be maintained.</i></li> <li>• <i>The footprint of the improvements will remain the same. The size of the proposed Casita will not change from the size of the original single-car garage, and only one additional Bedroom will be provided in the Casita.</i></li> <li>• <i>The remodel emphasizes low visual impact, maintaining the building height under the 14 ft maximum allowed in the Escarpment Overlay District. New windows and a glazed double door with a small exterior overhang will be added, as well as a Bathroom and small Kitchenette with a refrigerator and a sink. The stucco color will remain unchanged. The new glazed double doors will replace the existing overhead Garage door. Thus, the appearance from the street will be improved.</i></li> </ul>	

- *The proposed improvements incorporate rain water harvesting and low-water use native plant landscaping, which reflects the Owners commitment to environmental responsibility and resilience, in alignment with city sustainability goals.*
- *No change in occupancy is proposed, and existing infrastructure is sufficient to serve the residence without imposing any burden on the public. The Casita (and the entirety of the home) are located close to the street for fire-fighting access and that will not change. The Owners have recently upgraded the septic system, which is now sized to meet the needs of a three-bedroom home.*
- *By converting the existing garage structure and limiting new development, the remodel advances public interest in preserving view corridors, minimizing ecological impact, and maintaining the low-density, residential character of the area.*

**Staff Response:**

The term “Public Interest” is not specifically defined in Chapter 14; however, the Governing Body has implemented the General Plan as stated in Subsection Section 14-1.3 (General Purposes). The resulting ordinances establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest from within the municipality. Staff reviewed the special use permit application in accordance with these ordinances and found that the change in legal nonconforming use will not adversely affect the public interest as detailed in Staff’s report.

**14-3.6(D)(1)(c):**

That the use and any associated buildings are compatible with and adaptable to buildings , structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

**Criterion Met:**

(Yes/No)  
**YES**

**Applicant Response:**

*The proposed remodel of the original garage is fully compatible with the scale, massing, and architectural character of the surrounding neighborhood, for the following reasons.*

- *The existing structure is retained and improved, rather than replaced or massively expanded, preserving continuity in built form. The low-profile roof-line, horizontal massing, and natural earth-tone stucco blend with the existing home and the neighboring structures.*
- *The new windows and glazed doors, and the small addition of an overhang at the new glazed double doors, are all visually subordinate to the original house aesthetic.*
- *It is likely that every house in the immediate vicinity contains some form of guest quarters, in addition to a primary residence and a private garage. Neighboring houses may have attached or detached Guesthouses. In this case, the Casita would be consistent with an attached Guesthouse.*

**Staff Response:**

Staff finds that the conversion from a garage to an accessory dwelling unit (ADU) is adaptable and compatible with properties in the vicinity. ADUs are a permitted use for R-1 zoned properties and the conversion into an ADU at this property will not expand the existing footprint of the home. The ADU will maintain consistency with the color and form of the home and will conform to required zoning and escarpment standards. The only visible change to the exterior of the home will be in the style and location of doors and windows. The abutting properties and those in the vicinity are all zoned R-1 with existing homes.

**V. EARLY NEIGHBORHOOD NOTIFICATION**

The Applicant held an Early Neighborhood Notification (ENN) meeting on September 16, 2025. The Project Agent, Applicants, and City staff attended. No members of the public attended.

**VI. EXPIRATION**

Per SFCC Section 14-3.19(B)(5) “Approval of special use permits ... shall expire three years after final action approving them unless actual development of the site or off-site improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6) or unless a different expiration date is specified elsewhere in Chapter 14.”

**VII. ATTACHMENTS**

**ATTACHMENT A: Conditions of Approval & Technical Corrections**

- 1. Table of Conditions of Approval
- 2. Table of Technical Corrections
- 3. Development Review Team Compiled Comments

**ATTACHMENT B: Maps & Photos**

- 1. Aerial View
- 2. Existing Conditions Photos
- 3. Current Zoning Map
- 4. Future Land Use Map

**ATTACHMENT C: Applicant Submittals**

**C-1: Application**

- a. Application Letter
- b. Special Use Permit Approval Criteria
- c. Blue Façade Paint
- d. Septic Letter

**C-2: Site Plans**

**APPROVED AS TO FORM BY THE PLANNING AND LAND USE DEPARTMENT:**

<b>Title</b>	<b>Name</b>	<b>Initials</b>
Department Director	Heather Lamboy	HLL
Assistant Department Director	Maggie Moore	MRM
Planner Manager	Daniel A Esquibel	DAE
Planner Senior	Alexa Hempel	ANH