

**Village of Corrales Governing Body Findings of Fact and Conclusions of Law and  
Final Decision on Appeal of Denied Building Permit at 66 Bad Coyote Place**

**Findings**

1. On July 21, 2021 the Village of Corrales Planning and Zoning Department approved a Building Permit for a Dwelling Unit at 66 Bad Coyote Place in the Village of Corrales submitted by Applicant/Appellant Kenneth Dehoff. (Appellant)
2. Appellant submitted a Building Plan for the dwelling unit on July 19, 2021 that contained a primary dwelling unit with a “Casita” attached to the Garage of the Dwelling Unit. The Casita contained no interior connections to the rest of the Dwelling Unit or the Garage.
3. The first plan with the attached Casita was rejected because it created two separate dwelling units in violation of the Zoning Code, Ordinance 21-04
4. Appellant submitted a second building plan that was not in compliance with the Zoning Code because it still created a second dwelling unit attached to the Garage with no interior connectivity to the primary dwelling unit.
5. The Appellant submitted a third building plan that was approved after he added a heated hallway from the former Casita adjacent to the Garage to the primary dwelling unit, creating an interior heated connection, and thereby eliminating the second dwelling unit.
4. The Appellant’s Building Permit was issued on July 21, 2021 and he paid the building permit and review fees on August 5, 2021.
5. This appeal to the Village of Corrales Governing Body was filed on \_\_\_\_\_, and purports to appeal the denial of a building permit because Appellant’s first two building plans with a second dwelling unit were rejected.
6. The Zoning Code at Section 21-04 and Section 18-33 specifically requires only one dwelling unit be allowed per residential lot. 7. Evidence was presented at the hearing that the basis of the rejection of the first two building plans was solely based upon the addition of a second dwelling unit to the residential lot at 66 Bad Coyote Place through the placement of a Casita abutting the wall of the garage of the dwelling unit with no internal connection between the two living areas of the home.
8. The Planning Director, Ms. Laurie Stout, established a policy to implement the intent of Ordinance 21-04 to approve portions of a dwelling unit physically separated from the primary area of the dwelling as long as there is only one primary entrance to the dwelling unit and the two parts of the building are part of the same contiguous heated square footage
9. One dwelling unit was approved by the Planning Department that had a separation of rooms and Ms. Stout presented unrefuted evidence that it was approved shortly after Ordinance 21-04 was passed and it was an inadvertent error. Finally, separated area did not contain a kitchen; while the Dehoff’s submittals did.
10. Ms. Stout has consistently applied her interpretation of the requirements of 21-04 in all other cases in the same manner she did in Appellant’s case.

11 The Zoning Code has consistently not allowed two dwelling units per lot in Corrales since at least 1987 and Ordinance 21-04 was simply a re-compilation of the requirement to make it more clear and enforceable.

12. The Comprehensive plan set out goals to evaluate and potentially change the one dwelling unit per lot requirement but neither the Ordinances nor the Comprehensive Plan were ever altered again. The intent has always been expressed in the Comprehensive Plan to retain the rural character of Corrales through continuing low density development.

13. All witnesses were sworn in and cross examination was allowed.

14. At the conclusion of the presentation of evidence and argument neither party requested more time to present further argument or testimony.

### **Conclusions of Law**

1. Substantial evidence in the record supports that the Zoning Code interpretation of Ms. Laurie Stout was reasonable, complied with the intent of the Code and as adopted by the Governing Body.

2. Insufficient evidence was presented by Appellant as to why the proposed building of two dwelling units would have been legal under the Zoning Code.

3. The Governing Body adopts Ms. Stout's method of applying the one dwelling unit requirements of the Zoning Code by requiring connected heated space between two parts of a dwelling unit to prevent the building of two or more dwelling units per lot.

4. Appellant received an approved building permit and paid his fees to build a home on 66 Bad Coyote Lane and the rejection of two building plans before the third was approved did not constitute a denial of a building permit.

5. The two proposed building plans that were rejected as creating two dwelling units constituted separate dwelling units prohibited by the Zoning Code even though they were connected by an adjoining wall with a Garage of the dwelling unit. No legal difference existed between the proposals and adjoined townhomes which would be prohibited under the Zoning Code.

### **Decision**

The Governing Body of the Village of Corrales hereby denies the Appeal of by Kenneth Dehoff of his request to build two dwelling units on his single lot at 66 Bad Coyote Place and affirms the grant of the building permit for one dwelling unit.

Appellant may appeal this Decision of the Governing Body within 30 days of the entry of this Decision.

**PASSED, APPROVED, AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, this 12<sup>th</sup> day of October, 2021.

**APPROVED:**

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JoAnne D. Roake, Mayor

**ATTEST:**

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Aaron Gjullin, Village Clerk