

MINUTES
Tuesday January 6, 2009
Planning and Zoning Commission Meeting
County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Chair David Gershenson
Lori Ann Bonomo
Ken Foster
Alice Jones
Teri Matelson
Gillian Sherwood

Commissioners Absent

Doug Abbott

Staff Present

Alexandra Perrault
Luan Mitchell

The regular meeting of the Planning and Zoning Commission for the Town of Silver City was called to order at 7:00 p.m. by Chairman David Gershenson. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum was present.

Approval of Agenda

Commissioner Foster moved to approve the agenda as written. Commissioner Bonomo seconded the motion. All in favor, motion carried.

Chair Gershenson introduced new commission member, Gillian Sherwood.

Approval of Minutes

Commissioner Jones requested two sentences be added to the Minutes. Under Reports from the Commission, her question "Would it be possible to do a search for all such properties and to enact an ordinance that all single properties must be in one zone" should have the following clarification added, "with the largest segment of land determining in which zone it would lie." The second change was to her comments about subjective comments in the staff report. The word *non-subjective* should be changed to *subjective* and the following sentence added: "For instance, actions should be noted but not characterizations of people or motives." Commissioner Jones moved to approve the Minutes as revised. Commissioner Matelson seconded. All in favor, motion passed.

Old Business

None

New Business

Public Hearings

CU 08-4 – request for a Conditional Use Permit to allow a duplex in a Residential A zone. The property is located on a tract of land addressed as 707 W. College St., on Lots 10, 12, 14, and 16, Block 173, Section 3 of the Black's Addition. The applicant is Sharyn McDonald.

There was no ex parte conversation or conflict of interest on the part of any commissioner. Three people were sworn in for testimony. Zan Perrault presented the case. The applicant's house has two porches that are in need of extensive repair and the expense would be prohibitive. In place of the porches she would like to add another living unit to make the house a duplex as it was before. The small unit would be a rental and the applicant feels it would be beneficial to have a compatible person on the property with her. Work in the rear yard is being done to provide proper on-site water drainage and to construct four off-street parking spaces.

The applicant received several letters in support of the variance. The Community Development Department received a letter from Charlotte McCaughey in opposition to the variance, stating that her family had experienced difficulties with WNMU students in the area and would prefer the single-family characteristics of the neighborhood be maintained. Cheryl Ward also expressed bad experiences with rental properties but realizes that a single-family dwelling can be rented also.

The Community Development Department recommended approval of the variance with the conditions that the applicant must pay water acquisition and sewer development fees for the new residential unit, and must control local drainage to prevent nuisance complaints from neighboring properties.

The commission had several questions for Steven Shelendich, architect for the applicant, who testified that the footprint of the porches would not be made much larger. He stated that it may extend further into the setback on Lyon Street, but as the house is in the historic district they would only have to match the setbacks of neighboring houses. Rather than follow the original layout for the duplex, Mr. Shelendich said that they thought it would function better for the historic fabric of the neighborhood to leave the home in one piece and add the other unit where the porches are. He said the porches have almost no foundation or insulation and there were some electrical problems, but the adobe structure of the home was still sound.

Commissioner Matelson moved to approve the variance and was seconded by Commissioner Foster. Commissioner Jones moved that a third condition be added that each dwelling unit have its own water meter. Commissioner Bonomo seconded the motion. Commissioner Matelson questioned the reasoning for the third condition and was answered that it would prevent future problems between owner and tenant. She suggested that someday the property may be returned to a single unit and the second water meter would be unnecessary. A roll call vote was taken on the amendment and it was passed with Commissioner Matelson as the single dissenting vote. The amended motion to approve the variance was passed unanimously

Reports from Staff

Zan reported that it would not be possible to do a mailing of a brochure or flyer to educate the public about some rules and regulations due to the Town's limited budget, but we can still use the newspaper and CATS. Chair Gershenson reiterated that the main message is to get people to call and ask what is allowed or not allowed or required before starting any kind of a project on their property. Commissioner Sherwood suggested information also be available on the Town's website.

Reports from Commission

Chair Gershenson reported that Dr. Willow would not be pursuing the project for which she had gotten a variance as it turned out to be too expensive. Commissioner Jones stated that she had gotten a complaint from a citizen who felt the commission had shown bias in granting the variance to Alexandra and Alfred Perrault at the December meeting because Mrs. Perrault is an employee of the Community Development Department.

Community Input

None

Adjournment

Commissioner Jones moved to adjourn the meeting. Commissioner Bonomo seconded the motion. All in favor, the meeting adjourned at 7:33 p.m.

David Gershenson
Planning & Zoning Commission Chair

February 3, 2009
Approved