

MINUTES

Wednesday, January 2, 2008
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
Roxana Marsh
Teri Matelson

Commissioners Absent

Doug Abbott
Alice Jones

Staff Present

Peter Russell
Alexandra Perrault
Luan Mitchell

The regular meeting was called to order at 7:00 pm by Chair David Gershenson. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum was present.

Approval of Agenda

Commissioner Marsh moved to approve the agenda and was seconded by Commissioner Foster. The agenda was approved by unanimous vote.

Approval of Minutes

Commissioner Marsh moved to approve the minutes as written. Commissioner Bonomo seconded the motion. The minutes were approved by unanimous vote.

Old Business

None

New Business

VA 07-13 – A request for a variance to allow an 8' setback where a 20' setback is required (Table 151.033(B) of the Land Use Code). The property is located on a tract of land in a Residential A zone, addressed as 1919 Cactus St., on Lots 7 and 9, Block 23, Section 34 of the Silver Heights Subdivision. The applicant is Tasha Marshe.

There was no ex parte conversation or conflict of interest on the part of the commissioners. Six people were sworn in for testimony. Alexandra Perrault presented the case and noted that the Community Development Department recommended approval of

the variance. It was made known that the applicant has constructed a gazebo/carport on her property, one post of which encroaches 12 feet into the setback. There is an old mimosa tree that prevents the applicant from moving the gazebo further into her property. There was also mention of a fence on the property that had been deemed to be in the clear-sight triangle. Ms. Marshe testified that she had met with Ed Reynolds, Chief of Police, and he had asked her to move one corner of the fence in question two feet to protect the clear-sight triangle, and she had done that. She asked Community improvement Officer Roger Groves to verify her conversation with Chief Reynolds and he did so. Commissioner Marsh stated that she drives by the property frequently and she had noticed that it had been moved more than two feet. Chair Gershenson asked Zane if the Community Development Department felt there was any overwhelming danger in approving this variance. She replied there was not a problem now that the clear-sight triangle had been taken care of. Portions of the fence are more than six feet high and that will need to be corrected.

Commissioner Marsh moved to approve VA 07-13 as it met all the necessary findings, and with the condition that the wall be lowered to a maximum of six feet in height all around. Commissioner Bonomo seconded the motion and it was approved by unanimous roll call vote.

VA 07-14 – A request for a variance to allow a 10’ setback where a 20’ setback is required (Table 151.033 (B) of the Land Use Code). The property is located on a tract of land in a Commercial zone, addressed as 201 E. 14th St., on Lots 2 and 4, Block 265, Section 34 of the Fraser Survey. The applicant is Norvell Barnes on behalf of Sonic Drive-In.

There was no ex parte conversation or conflict of interest on the part of the commissioners. Four people were sworn in for testimony. Alexandra Perrault presented the case. The applicant, Norvell Barnes, testified that he is making improvements to the Sonic Drive-in and a new canopy would extend 10 feet into the setback which is only two feet further than what the vestibule is already encroaching. The canopy would go over the top of the vestibule. At the Town’s request, the applicant has already made changes to his plans to meet safety concerns. These changes include an agreement to name the city as co-insured on the liability policy and vacating the on-street parking in front of the building to eliminate customers from backing out onto city property. He has also agreed to use two of the parking stalls that encroach in the right-of-way for employee parking and will partner with the Town in adding a sidewalk to the site.

Commissioner Marsh moved to approve VA 07-14 as it met all the necessary findings. The motion was seconded by Commissioner Matelson and approved unanimously by roll call vote.

ZC 07-7 – A request for a Map Amendment/Zone Change from Rural to Residential B for a tract of land addressed as 1121 S. Bard St. The tract of land is located in the NE 1/4 of Section 10 of the Town of Silver City. The applicant is Sylvia L. Murillo.

There was no ex parte conversation or conflict of interest on the part of the commissioners. Four people were sworn in for testimony. Zane Perrault presented the case

and acknowledged that response to the Citizen Participation notifications had been overwhelmingly in favor of the zone change. She also noted that the area is more residential than rural and all of the properties in the area to the north of this property are zoned either Residential A or Residential B. The applicant is applying for the zone change in order to move a double wide home onto the property for her mother to live in while she cares for Ms. Murillo's grandmother, who already has a house on the property. Unknowingly going against zoning requirements, Ms. Lopez had already moved the double-wide onto the property. She was given the option to apply for a zone change to Residential B, which would allow two dwellings on the property. However, a moving permit will not be granted unless the zone change is approved and until that time, she cannot move into the home or hook it up to utilities. Commissioner Bonomo asked about setback requirements and Zan answered that setbacks are met but reminded her that the moving permit for the doublewide had not yet been issued. The applicant had obtained a drainage permit. Chair Gershenson commented that it was interesting and regrettable that the developer did not advise her to check on Town regulations until after he had been paid. Commissioner Marsh moved that the Commission recommend approval of the zone change to the Town Council having found that the proposed amendment responds to changed conditions, such as changes in assumptions on capital investments, road locations, population trends, land committed to development, density, use or further studies that have been completed since adoption of the Land Use Code. Commissioner Foster seconded the motion. A roll call vote was taken and the measure passed unanimously.

Reports from Staff

None

Reports from Commission

None

Community Input

None

Adjournment

Commissioner Bonomo moved that the meeting be adjourned. Commissioner Marsh seconded the motion. All in favor, the meeting was adjourned at 8:47 PM.

David Gershenson
Planning Commission Chair

February 5, 2008
Approved