

MINUTES
Tuesday, July 1, 2008
Planning and Zoning Commission Meeting
County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Chairman David Gershenson
Alice Jones
Teri Matelson
Lori Ann Bonomo
Roxana Marsh
Ken Foster
Doug Abbott

Commissioners Absent

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 Marsh moved to approve the agenda. Commissioner Jones seconded the motion. All in favor, motion carried.

Approval of Minutes

Commissioner Marsh moved to approve the June 3, 2008 Minutes as written. Commissioner Bonomo seconded the motion. All in favor, motion carried.

Old Business

None

New Business

VA 08-5 – request for a variance to allow a 0’ setback where a 5’ 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 3808 Silver St., on Lot 3, Block 5, Section 26 of the Linda Vista Subdivision. The applicant is Rudy Jacquez.

The applicant was not in attendance. Zan reminded him of the meeting earlier in the day and called him from the meeting to see if he was coming. He said he had forgotten and couldn't come. Zan commented to the commission that Mr. Jacquez had not been very cooperative throughout the process. He preferred to contact what neighbors he could in person rather than by letter and Zan was not satisfied that he made a true attempt to reach everyone. Chair Gershenson commented that if an applicant had not done what was required, he should not be granted the privilege of receiving a variance. Commissioner Matelson asked if the process would have to start again from the beginning. Zan said the hearing could just be postponed. Commissioner Jones asked how it would be known for sure that the nearest neighbor, who would be affected most by the setback variance, was contacted. Zan said the applicant had turned in his CPO report and there were comments from that neighbor in the report. Also, the department sends letters to all the contacts and had not received any responses. Chair Gershenson reminded her that the applicant is sworn under oath and if he testifies to that, he is liable. Commissioner Jones asked if there had been any verification of the location of the meter. She asked that that be clarified before the next time this application would be heard. Commissioner Foster suggested that since drainage could be a problem for the neighbor, conditions be added to the Findings that the carport will not be closed in and that rain gutters be installed. Commissioner Jones moved that the matter of VA 08-5 be postponed until the next meeting the Planning and Zoning Commission, that the two conditions be added and that Zan is satisfied about contact of the neighbors and the location of the meter. Commissioner Doug Abbott seconded and the motion was passed unanimously by roll call vote.

Reports from Staff

None

Reports from Commission

Commissioner Matelson commented that she felt concern over the last zone change that was recommended for approval to the Council. The change was from Rural to Residential B and she was concerned that it would be next to an Industrial zone and also that there was some talk the county may put a new detention center in that area. She feels the commission should consider the future more when making these decisions.

Commissioners Bonomo and Abbott agreed with her. Chair Gershenson replied that the only thing that is appropriate for the commission to discuss is the application currently before them, not what the applicant's future plans may be. Commissioner Marsh agreed, saying they can't make decisions on what is not the subject. Zan Perrault added that Community Development Director Peter Russell was also concerned about what the applicant's plans are for the area in this particular case, and Mr. Thomison has been very cooperative.

Chair Gershenson reiterated his remarks about the occasional difficulty in reading the notice signs applicants are required to post. He said the majority are fine; just a few are not well placed. Commissioner Abbot said the contract applicants must sign is clear, but

enforcement is the issue. Commissioner Jones suggested the problem could be remedied by changing the size of the sign or the size of the type. Zan agreed. She has been reluctant to order new printed signs as we have a large quantity on hand, but it is probably a good time to order new ones.

Community Input

None

Adjournment

Commissioner Abbot moved to adjourn the meeting. Commissioner Marsh seconded the motion. All in favor, motion carried with adjournment at 7:30 p.m.

David Gershenson
Planning & Zoning Commission Chair

August 5, 2008
Approved