

MINUTES
Wednesday, November 5, 2008
Planning and Zoning Commission Meeting
County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Chair David Gershenson
Doug Abbott
Lori Ann Bonomo
Ken Foster
Alice Jones
Teri Matelson

Commissioners Absent

Roxana Marsh

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

Approval of Minutes

Commissioner Foster moved to approve the minutes of the October 7, 2008, meeting as written. Commissioner Bonomo seconded. All in favor, motion passed.

Old Business

None

New Business

Public Hearings

VA 08-11 – A request for a variance to allow a 15’ setback where a 20’ setback is required and a 1’ side 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 1720 N. Alabama St., on Lot 2, Block 1, Section 34 of the Beall’s Addition. The applicants are John and Yessica Naisbitt.

There was no ex parte conversation or conflict of interest on the part of any commissioner. Two people were sworn in for testimony. Zan Perrault presented the case. She said the Naisbitts had started construction of a patio roof structure before they knew they needed a building permit and a variance, but they had been very cooperative in the ensuing process. They need the roof structure to help alleviate the heat from the sun and noise from Alabama Street. Mr. Naisbitt testified that they were at first unaware they needed a building permit and when they applied for it, they discovered they also needed the variance to the setback requirements. He said the neighbors have been supportive of the project. Commissioner Matelson moved to approve the request; Commissioner Jones seconded, and the motion was passed unanimously.

VA 08-12 – A request for a variance to allow an 8’ fence in the rear setback where the maximum allowed height is 6’ (Table 151.033(A)(3)(k) of the Land Use Code). The property is located on a tract of land in a Residential B zone, addressed as 213 F St., on a part of Lot 29, Block 38, Section 4 of the Parrish Plot. The applicant is Malika Crozier.

There was no ex parte conversation or conflict of interest on the part of any commissioner. Two people were sworn in for testimony. Zan presented the case. Ms. Crozier testified that she wants to increase the height of an existing fence/wall at the back of her property for privacy from an intrusive neighbor. She tried to explain how she would increase the height of the wall. Commissioner Jones suggested that as there is a gap at the bottom of the fence, that she raise the height of the whole fence and fill in the bottom. Ms. Crozier said she liked the idea and would consider it. Zan suggested a condition that the applicant use similar materials in increasing the fence because the neighbor had objected to the colors in a previous plan. Commissioner Jones moved to approve the application with the condition that similar materials be used in raising the height of the fence. Commissioner Abbott seconded. The matter was approved unanimously by roll call vote.

Reports from Staff

Luan reported that next month’s agenda would include election of commission chair and vice-chair.

Zan reported that the applicant for the variance and conditional use that were approved at the last meeting had decided to abandon the project as there was difficulty meeting the

four parking space requirement. Commissioner Matelson expressed concern that the applicant and his architect had claimed there was room for the parking and the variance might not have been approved had they known there was not. Zan explained that very often people will apply for a variance before plans are completed so that they know whether they will be able to proceed with the project before meeting the expense of formal plans. The granting of the variance does not necessarily guarantee approval of a building permit if there are other conditions that cannot be met.

Reports from Commission

Commissioner Bonomo asked when they would hear about appointments to the commission as she had entered her application. Chair Gershenson said the openings are being advertised and he will let her know as soon as he hears.

Commissioner Matelson mentioned that she had spoken with neighbors who were concerned about other neighbors who had built things without a permit, but they were reluctant to file a complaint. She asked about an article in the paper or an appearance on CATS to help educate the public about necessary permits. Chair Gershenson said there will be several public meetings regarding the revised Land Use Code, which will help with that. Zan said she still intends to appear on CATS with information such as that and also something could be put in the Around Town column in the paper.

Community Input

None

Adjournment

Commissioner Abbott moved to adjourn the meeting. Commissioner Matelson seconded the motion. All in favor, the meeting adjourned at 7:55 p.m.

David Gershenson
Planning & Zoning Commission Chair

December 2, 2008
Approved