

MINUTES
Tuesday, October 7, 2008
Planning and Zoning Commission Meeting
County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Chair David Gershenson
Teri Matelson
Lori Ann Bonomo
Roxana Marsh
Ken Foster

Commissioners Absent

Doug Abbott
Alice Jones

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 noted a discrepancy in the case number of a conditional use application. It was listed as Case #08-08 on the agenda and #08-03 in the staff report. Zan Perrault said #08-03 is correct and Luan noted the correction. Commissioner Marsh moved to approve the agenda as corrected. Commissioner Bonomo seconded the motion. All in favor, motion carried.

Approval of Minutes

Chair Gershenson noted a typing error in the Minutes and it was noted by Luan. Commissioner Marsh moved to approve the Minutes as corrected. Commissioner Matelson seconded. All in favor, motion passed.

Old Business

None

New Business

Public Hearings

VA 08-8 – request for a variance to allow a 0’ setback where a 5’ setback is required (Table 151.033(B) of the Land Use Code) in order to build a carport. The property is located on a tract of land in a Residential A zone, addressed as 103 W. Daniel St., on Lot 13, Block 11, Section 10 of the San Vicente Subdivision. The applicant is Susan Hill.

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 with the recommendation by the Community Development Department for approval with conditions that runoff from the roof of the carport must be directed away from the neighbor’s property and if the water meter is located in the driveway, it must be moved. Ms. Hill testified that she will have guttering on the roof of the carport and showed the location of the water meter, which is not in the driveway. She said the stucco wall would match the stucco on the house. Chair Gershenson asked why she was building a wall at the side of the carport and Ms. Hill said it was because of the dropoff on that side of the driveway. Commissioner Matelson asked if there were any comments by the fire marshal and Zan replied there were none. Commissioner Marsh moved to approve the request; Commissioner Matelson seconded and the motion was passed unanimously.

CU 08-3 – 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 1731 Georgia St., on Lot 7, Block 1, Section 34 of the Beall’s Addition. The applicant is Hans R. Johansson.

There was no ex parte conversation or conflict of interest on the part of any commissioner. Three people were sworn in for testimony. Zan presented the case commenting that the property is in a Residential A zone, but the neighborhood is actually a mixed use area. She said she had received several comments against the request and that parking is a concern. Chair Gershenson questioned the size of the lot as he thought it looks larger than is stated. Nikki Szajer, designer for the applicant, noted that the size of the lot was taken from the survey, and added that 39% of the lot would be covered and four parking spaces were provided for. She said they had conferred with the fire marshal and he had no objections to the site plan. Commissioner Matelson questioned the parking spaces and Ms. Szajer answered that they are tandem parking spots. Chair Gershenson referred to Carol Thompson’s comments that the house might not fit the lot. Zan said she had double checked the setbacks and they are ok.

Mr. Bateman, a neighbor, testified that he is opposed to the duplex. He feels the lot is too small for a duplex, that the area is zoned Residential A and he is concerned that it would devalue his property. Ms. Szajer stated that it would not be rental property, but instead two owners, like a condominium. Commissioner Matelson commented that that would be the intention but what if the duplex were sold. Hans Johansson, applicant, was sworn in and testified that he simply wants a simple, energy-efficient house to live in. He plans to

have a condo agreement drawn up, but will not do that if there is any problem with the lenders. Chair Gershenson asked if a condition could be added that the property not be used as a rental. Zan replied she didn't think that could be done. Mr. Bateman spoke again saying it was still the concept of two houses and he is still against it.

Commissioner Marsh moved to approve the conditional use; Commissioner Matelson seconded. The motion was passed by a unanimous vote. Mr. Bateman stated that he would appeal; that this decision was not right. Chair Gershenson and Zan advised him that he should pick up an appeal application at the Community Development office.

VA 08-9 – request for a variance to allow a 5'4" setback where a 10' 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 1731 Georgia St., on Lot 7, Block 1, Section 34 of the Beall's Addition. The applicant is Hans R. Johansson.

There was no ex parte conversation or conflict of interest on the part of any commissioner. Three people were sworn in for testimony. Zan presented the case. Commissioner Matelson asked where Mr. Bateman's property was in relation to the applicant's and Zan showed everyone. Ms. Szajer explained that the house would be situated as planned to present the best view and use of the yard. Commissioner Marsh moved to approve the variance request. Commissioner Bonomo seconded. Approved by unanimous vote.

VA 08-10 – request for a variance to allow a 2' 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 712 E. 41st St., on Lot 12, Block 3, Section 26 of the Linda Vista Subdivision. The applicants are David and Janet Thomsen.

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. Mr. Thomsen testified that he has spoken with his near neighbors and they had no objections to the new shed being built or the location of it. Commissioner Marsh moved to approve the variance request. Commissioner Foster seconded and the motion was passed by unanimous vote.

Reports from Staff

Zan reported that after checking with the Town attorney an amended Notice of Decision was sent to the applicant for the approved variance for a metal shed at Mississippi and Gordon with the wording that included the requirement for a fence. She noted that there were no other specifics as to landscaping or what type or height of fence. The applicant is, however, a good neighbor and wants to do what's right. Chair Gershenson said there was no fence there yet and Zan said she would check to see what the applicant's interpretation of "a fence" was. Chair Gershenson complimented Zan for taking responsibility for the confusion, but claimed it was his responsibility as chair to make

things clear. After much discussion it was determined to include more specifics in conditions of this type.

Zan then reported on a conditional use to store sand and gravel on Highway 180 near Real West Theater that had been approved for one year. She contacted the applicant to remind him the year was almost up and materials had to be removed from the site. He had already done so. He came in to get another application to re-apply but she had not heard from him since. Commissioner Marsh said he had found another location.

The third thing she brought up was that next month's meeting will be held on Wednesday, November 5th, as November 4th is election night.

Reports from Commission

Community Input

None

Adjournment

Commissioner _____ moved to adjourn the meeting. Commissioner _____ seconded the motion. All in favor, the meeting adjourned at 8:25 p.m.

David Gershenson
Planning & Zoning Commission Chair

November 5, 2008
Approved