



MINUTES

Planning and Zoning Commission

Tuesday, November 2, 2010
County Administration Building
1400 Highway 180 East
Silver City, New Mexico

Commissioners Present

Chair David Gershenson
Lori Ann Bonomo
Ken Foster
Alice Jones
George Lundy
Alexandra Perrault
Gillian Sherwood

Commissioners Absent

None

Staff Present

Peter Russell, Community Development Director
Luan Mitchell, Planner

The regular meeting of the Planning and Zoning Commission was called to order at 7:10 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 Jones moved to approve the agenda as written. Commissioner Perrault seconded and the motion was passed by unanimous vote.

Approval of Minutes

Commissioner Lundy moved to approve the minutes of the October 5, 2010, meeting as written. Commissioner Sherwood seconded and the motion was passed unanimously.

Public Hearings

VA 10-08 A request for a variance to allow an eight-foot high fence. Section 151.033(A)(3)(k) of the Land Use Code limits the height of fences or walls to six feet. The property is located at 106 West Kelly Street and described as Lots 1, 2, 3, & 4, Block 128 of the Fraser Addition, Town of Silver City, Grant County, New Mexico. The applicant is Paul Galbraith, agent for David B. and Susan Berry, owners.

Five people were sworn in for testimony. There was no conflict of interest or ex parte conversation on the part of any commissioner.

Luan Mitchell presented the case, explaining that Mr. Galbraith had erected a fence for privacy. Due to the difference in ground level between him and his neighbor, part of the fence had to be eight feet tall to ensure privacy from cars parked in the adjoining parking lot and from pedestrian traffic. When a neighbor complained, the code enforcement officers contacted Mr. Galbraith and explained that he needed a variance for any fence over six feet high.

Mr. Galbraith testified that he had not known about the height restriction on fences, explained the privacy issue in detail and hoped the commission would allow him to keep the fence as it is.

Commissioner Lundy moved that the commission approve Variance 10-08 with no conditions. Commissioner Jones seconded. In discussion, Commissioner Jones stated that other similar variances had been granted previously when the grade of the land was involved. Commissioner Perrault commented that she did not believe the variance was necessary according to her reading of the Land Use Code. The motion passed by unanimous roll call vote.

New Business

Election of officers. Chair Gershenson explained that he would ask for nominations and when nominations are closed, the commission would vote by secret ballot. Commissioner Lundy nominated Commissioner Jones for chair. As there were no other nominations, Commissioner Lundy moved to elect Commissioner Jones as chair by acclamation. Commissioner Perrault seconded the motion and it was passed unanimously.

Commissioner Gershenson handed the gavel to the new chair who thanked him and commended him on his tenure as chair.

Commissioner Gershenson nominated Commissioner Lundy as vice-chair. As there were no other nominations, Commissioner Gershenson moved to elect Commissioner Lundy as vice-chair by acclamation. Commissioner Perrault seconded and the motion passed unanimously.

Reports from Staff

Peter Russell complimented Commissioner Gershenson on his work as chair and the commission in general on their efforts. He also thanked Commissioners Foster and Bonomo, whose terms expire in December, for their work and dedication.

Reports from Commission

Commissioner Gershenson read aloud an email he had sent to Mayor Marshall in response to comments made by Councilor Wheaton-Smith at the last Town Council meeting. He also announced a meeting at the public library at 5:30, Thursday, November 4th. Library director Eileen Sullivan will be presenting her plans and vision for the library.

There was some discussion regarding the terms of three commissioners expiring and that replacements are needed. Chair Jones questioned why there will no longer be a representative for the ETJ on the commission. Since the new Town/County Commission on the ETJ has been established, the mayor decided a representative of the ETJ was no longer needed on the Planning and Zoning Commission.

It was decided that as there are no public hearings scheduled for December, a work session will be held at the regular time with the commission discussing its role, duties and powers.

Community Input

None

Adjournment

Commissioner Gershenson moved to adjourn the meeting. Commissioner Foster seconded and the motion passed unanimously. The meeting was adjourned at 7:50 pm.

Alice Jones, Chair
Planning & Zoning Commission

Approved January 4, 2011