



## MINUTES

### Planning and Zoning Commission

Tuesday, September 4, 2012  
Grant County Administration Building  
1400 Hwy 180 East  
Silver City, New Mexico

#### **Commissioners Present**

Sherry Clements, Chair  
Alexandra Perrault, Vice-Chair  
Nickolas Seibel  
Lita Furby  
John Lawson  
Carl A. Waterman

#### **Commissioners Absent**

#### **Staff Present**

Peter Russell, Community Development Director  
Jim Coates, Planner  
Jaime Reading, Planner

The regular meeting of the Planning and Zoning Commission was called to order at 7:18 pm by Chair Sherry Clements. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum was present.

#### **Approval of Agenda**

A motion was not made or seconded to approve the agenda. A vote was taken and the agenda was approved as submitted.

#### **Approval of Minutes**

Commissioner Seibel moved to approve the minutes of the June 5, 2012, and July 10, 2012, meetings as written. Commissioner Perrault seconded the motion. A vote was taken and the minutes were approved as written.

#### **Old Business**

None

#### **Public Hearings**

**VA 12-03:** A request for a Variance to allow an open carport to remain within the required setback. The property, addressed as 2310 Yucca, is located on a tract of land described as Lot 10, Block 27, of the Silver Heights Subdivision, in the Town of Silver City, Grant County, New Mexico. The applicant is Jeffrey Rudolf, owner.

None of the commissioners had any ex-parte communication or conflict of interest. Five people were sworn in for testimony. Peter Russell stated that Mr. Rudolf has the

opportunity to combine his application for the Variance with his Encroachment Permit. Mr. Rudolf chose not to combine his applications and to move forward with the hearing. Jaime Reading presented the case and staff report.

Jaime Reading testified it is the staff's opinion that the application meets the following finding;

2) The hardship relates to the applicant's land or property,

Gary Ponce, a neighbor of Mr. Rudolf, stated that as a senior citizen, he has the same problems as Mr. Rudolf walking on steep slopes. He also stated that he would like the Commission to help Mr. Rudolf by granting the Variance.

Steve Lucero, also a neighbor of Mr. Rudolf, stated that he went to the Community Development Department and was told that he could not install a carport within the 20 foot setback. He reported Mr. Rudolf's carport to the Community Development Department because he would like to have a carport within the setback if Mr. Rudolf is granted the Variance to keep his.

No members of the public spoke against the Variance.

Commissioner Seibel moved that the Commission approve the Request for a Variance 12-03 with the following findings and condition:

- 1) The hardship of which the applicant complains is one that is unique to the applicant rather than one suffered by the neighbors or the general public because of the slope and parking on the north side, and
- 2) The hardship relates to the applicant's land or property, and
- 3) The hardship was not created by the deliberate action of the applicant, or by one under his control, and reasonable remedies are not presently available, and
- 4) The granting of the variance is consistent with the Town's Comprehensive Plan, and
- 5) The granting of the variance is in harmony with the purposes and intent of the Land Use Code, and
- 6) The granting of the variance will not be injurious to the neighborhood surrounding the property where the variance is proposed, and otherwise is not detrimental to the public welfare, and
- 7) The variance will not result in the extension, expansion or enlargement of a non-conforming structure in violation of Article VII, and will not authorize the initiation of a non-conforming use of land.

The carport not be further enclosed or modified beyond its current state without another Variance being required.

The motion was seconded by Commissioner Perrault.

After discussion, Commissioner Seibel amended his motion with the added condition that cars must be parked in the carport so that they don't obstruct public right of way without an Encroachment Permit. He stated that this is already the law but wanted it included in the motion.

Commissioner Perrault seconded the amended motion.

A vote was taken and the Commission, agreeing that the application does not meet the seven required findings, hereby disapproves by a vote of 5 to 1 (Commissioners, Clements, Perrault, Furby, Lawson, and Waterman voting *Nay*; Commissioner Seibel voting *Aye*) the applicant's request for a Variance.

**New Business**

None

**Community Forum**

None

**Reports from Staff**

Jim Coates stated that the Community Forum for the October 2, 2012, meeting will include a presentation by staff regarding the proposed Pedestrian Routes Plan.

**Reports from Commission**

Commissioner Seibel stated that earlier in the evening, a meeting was held in regard to the Metropolitan Redevelopment Area Plan for downtown. The plan may be presented to the Town Council in the next month.

**Community Input**

None

**Adjournment**

Commissioner Seibel moved to adjourn the meeting. Commissioner Perrault seconded and the motion passed unanimously. The meeting was adjourned at 8:50 pm.

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Sherry Clements, Chair  
Planning & Zoning Commission

Approved October 2, 2012