



Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A REGULAR MEETING ON
MONDAY, SEPTEMBER 28, 2020 AT 6:00 P.M.

VIA TELECONFERENCE 1-346-248-7799

MEETING ID 983-7900-0389

PASSWORD 971704

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL & DETERMINATION OF A QUORUM
3. CHANGES TO THE AGENDA & APPROVAL
4. PRESENTATIONS:
 - a) A presentation of Life Saver Awards. – Chief Kevin Hoban.
5. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.
Public input in writing shall be received at cynthias-h@mesillanm.gov an hour before the meeting begins on the day of the meeting and will be read into the record. You will also be given an opportunity to speak during this time by pressing *9 while in the teleconference. You will be prompted when to begin speaking.
6. *APPROVAL OF CONSENT AGENDA:
(The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *):
 - a) *BOT Minutes – Minutes of a Work Session & Regular Meeting on September 14, 2020.
 - b) *PZHAC Case 061046 WITH CONDITIONS – 1850 Avenida de Mesilla, submitted by Samantha Simpson for Nancy Clayshulte; a request for a zoning permit to install a farm fence along the east side of a pecan grove on this property. **Zoned: Historic Residential (HR)**
 - c) *PZHAC Case 061118 WITH CONDITIONS – 2900 Avenida de Mesilla Suite A, submitted by Jerry Grandel for Austy, LLC; a request for a zoning permit to allow a temporary patio expansion at the “Spotted Dog Brewery” to be made permanent. **Zoned: General Commercial (C)**
 - d) *PZHAC Case 061119 – 2149 Calle de Los Huertos, submitted by Gabrielle Quintana; a request for a zoning permit to allow the construction of covered porches over the front and rear entry landings on a dwelling at this address. **Zoned: Historic Residential (HR)**
 - e) *PZHAC Case 061120 – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request for a zoning permit to allow sections of fencing to be installed around a commercial property at this address for security reasons. **Zoned: Historic Commercial (HC)**
 - f) *PZHAC Case 061121 – 2185 Calle de Guadalupe, submitted by Robert Moreno; a request for a zoning permit to allow the replacement of all six windows on a dwelling at this address. **Zoned: Historic Residential (HR)**
7. AN APPEAL OF A DECISION OF THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION:
 - a) A Public Hearing must be held: on **Case 061079**, 2067 Stithes Road and 1780 Calle de El Paso, submitted by Jon Strain; a request to allow a lot line adjustment between these

two properties and **Case 061088** a request for a zoning permit to allow the construction of a garage/workshop on a residential property at this address. **Zoned: Rural/Agricultural (RA)** submitted by Ms. CaraLyn Banks on behalf of Mr. Strain.

For Approval/Disapproval: on Case 061079, 2067 Stithes Road and 1780 Calle de El Paso, submitted by Jon Strain; a request to allow a lot line adjustment between these two properties and Case 061088 a request for a zoning permit to allow the construction of a garage/workshop on a residential property at this address. Zoned: Rural/Agricultural (RA) submitted by Ms. CaraLyn Banks on behalf of Mr. Strain. ****A resolution stating the board's decision and reasoning shall be approved at the next Board of Trustee meeting****

8. NEW BUSINESS:

- a) **For approval:** Ordinance 2020-05: Revising section 18.55.010 Land Uses of the Town of Mesilla Town Code regarding columbariums.
- b) **Resolution 2020-20:** A resolution adopting an Infrastructure Capital Improvements Plan (ICIP) for the Mesilla Community Center (Senior Programs) 2022-2026 – **Rod McGillivray, Public Works Director.**

9. BOARD OF TRUSTEE COMMITTEE REPORTS

10. BOARD OF TRUSTEE/STAFF COMMENTS

11. ADJOURNMENT

NOTICE:

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda packet can be found online at www.mesillanm.gov.

Posted 9/23/2020 at the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.



Town of Mesilla, New Mexico

DRAFT

**BOARD OF TRUSTEES
TOWN OF MESILLA
WORK SESSION**

MONDAY, SEPTEMBER 14, 2020 AT 5:30 P.M.

VIA TELECONFERENCE 1-346-248-7799

MEETING ID 983-7900-0389

PASSWORD 971704

TRUSTEES: Nora Barraza, Mayor
Carlos Arzabal, Mayor Pro Tem
Jesus Caro, Trustee
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Edward Lerma, Marshal
Rod McGillivray, Public Works Director
Dorothy Sellers, Community Events Coordinator
Gloria Maya, Recorder

1. Discussion and presentation of the Town of Mesilla 2022-2026 Infrastructure Capital Improvements Plan (ICIP).

Mr. McGillivray presented the Town of Mesilla 2022-2026 Infrastructure Capital Improvements Plan (ICIP).

Mayor Pro Tem Arzabal asked about the new vehicles for the Marshal's Department.

Mayor Barraza responded two new vehicles were ordered but have been delayed due to the COVID-19. We have reached out to the Governor's office; vehicles would be used but serviceable.

Trustee Caro stated he has mentioned before that sidewalks are needed around the town and for safety.

Trustee Garcia asked if the Multi-Use Trail will go up Calle de Picacho.

Mayor Barraza responded the trail will go to Calle de Oeste, to the California lateral, to the Mesilla lateral at the Community Center Park. Stated that originally the trail was going to Clayshulte property but there is no easement.

Trustee Garcia stated the Mayor from Mountainair is getting vehicles through a USDA Grant; she will get more information.

Trustee Caro stated Calle de Sur to Snow Road needs to be widened; possibly covering the ditch would help.

Mayor Barraza responded that road is listed in the projects for 2025. Mr. McGillivray held two Public Meetings on September 8th.

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Trustee Garcia requested that the board be notified of meetings being held.

Ms. Stoechner-Hernandez stated the Public Meetings were mentioned at the last Board of Trustee’s meeting. She will send reminders to the Trustees.

2. Discussion on Ordinance 2020-05: Revising section 18.55.010 Land Uses of the Town of Mesilla Town Code regarding columbariums.

Mayor Barraza stated the church is proposing the columbarium behind the Gift Shop.

Ms. Stoechner-Hernandez reviewed the changes to the ordinance.

Mayor Pro Tem Arzabal asked if this is done in other areas.

Mayor Barraza responded more churches are looking into a columbarium since cemeteries are running out of space. Cemeteries are doubling up due to the lack of space. She asked if any of the trustees had spoken to Father Christopher.

Trustees answered no.

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**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING**

**MONDAY, SEPTEMBER 14, 2020 AT 6:00 P.M.
VIA TELECONFERENCE 1-346-248-7799
MEETING ID 983-7900-0389
PASSWORD 971704**

DRAFT

TRUSTEES: Nora Barraza, Mayor
Carlos Arzabal, Mayor Pro-Tem
Jesus Caro, Trustee
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee (absent)

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Edward Lerma, Marshal
Rod McGillivray, Public Works Director
Dorothy Sellers, Community Events Coordinator
Larry Shannon, Community Development Coordinator
Gloria Maya, Recorder

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro-Tem Arzabal, Trustee Caro, Trustee Garcia.

3. CHANGES TO THE AGENDA & APPROVAL

Motion: To approve agenda, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =3).

Mayor Pro-Tem Arzabal Yes

Trustee Caro Yes

Trustee Garcia Yes

4. PRESENTATIONS:

a) A presentation of a Community Service Award to Phillip Guzman. – **Chief Kevin Hoban.** Fire Chief Hoban presented a Community Service Award to Phillip Guzman for taking the initiative to organize his fellow firefighters in seeking and delivering donations to the town and county residents that were at risk or in need of supplies.

Mayor Barraza thanked Mr. Guzman for his dedication and service.

5. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.

Public input in writing shall be received at cynthias-h@mesillanm.gov an hour before the meeting begins on the day of the meeting and will be read into the record. You will also be given an opportunity to speak during this time by pressing *9 while in the teleconference. You will be prompted when to begin speaking.

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2 No Public Input.
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4 **6. CLOSED SESSION** – pursuant to NMSA 1978 Chapter 10-15-1(H)(7): subject to the attorney-
5 client privilege pertaining to threatened or pending litigation in which the public body is or may
6 become a participant. – **Nora L. Barraza, Mayor.**

7 **Motion: To enter Closed Session – pursuant to NMSA 1978 Chapter 10-15-1(H)(7): subject to the**
8 **attorney-client privilege pertaining to threatened or pending litigation in which the public body is**
9 **or may become a participant, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Garcia.**

10
11 **Roll Call Vote:** Motion passed (summary: Yes =3).

12 Mayor Pro-Tem Arzabal Yes

13 Trustee Caro Yes

14 Trustee Garcia Yes

15
16 Entered Closed Session at 6:15 p.m.

17
18 **Motion: To enter Regular Meeting after Closed Session – pursuant to NMSA 1978 Chapter 10-15-**
19 **1(H)(7): subject to the attorney-client privilege pertaining to threatened or pending litigation in**
20 **which the public body is or may become a participant; no action taken, Moved by Mayor Pro-Tem**
21 **Arzabal, Seconded by Trustee Garcia.**

22
23 **Roll Call Vote:** Motion passed (summary: Yes =3).

24 Mayor Pro-Tem Arzabal Yes

25 Trustee Caro Yes

26 Trustee Garcia Yes

27
28 Entered Regular Meeting at 7:12 p.m.

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30 **7. *APPROVAL OF CONSENT AGENDA:**

31 (The Board will be asked to approve by one motion the following items of
32 recurring or routine business. The Consent Agenda is marked with an asterisk *):

33 **Motion: To approve consent agenda, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee**
34 **Garcia.**

35
36 Mayor Barraza referred to the cost listed in PZHAC Case 061051 which should be \$6,600.

37
38 Trustee Garcia recused herself from voting on item PZHAC Case 061051.

39
40 **Roll Call Vote:** Motion passed (summary: Yes =3).

41 Mayor Pro-Tem Arzabal Yes

42 Trustee Caro Yes

43 Trustee Garcia Yes (recused from voting on item PZHAC Case 061051)

44
45 **a) *BOT Minutes** – Minutes of a Regular Meeting on August 24, 2020. *Approved by consent*
46 *agenda*

47 **b) *PZHAC Case 061051 WITH CONDITIONS** – 2447 Calle del Norte, submitted by Matilde
48 Estrada; a request for a zoning permit to allow the replacement of nine windows on a dwelling at
49 this address. **Zoned: Historical Residential (HR).** *Approved by consent agenda*

1 c) *PZHAC Case 061100 – 2120 Calle del Sur, submitted by Davie Salas; a request for a zoning
2 permit to allow the placement of four Latia fences on a residential property at this address.
3 **Zoned: Historical Residential (HR). Approved by consent agenda**

4 d) *PZHAC Case 061108 – 2510 Calle de Parian, submitted by F. Xavier Alcala; a request for
5 a zoning permit to repaint a dwelling at this address. **Zoned: Historic Residential (HR).**
6 **Approved by consent agenda**

7 e) *PZHAC Case 061109 – 2755 Calle de San Albino, submitted by Teresa Sanchez for
8 ETMSS 2, LLC; a request for a zoning permit to replace three windows on a dwelling at this
9 address. **Zoned: Historic Residential (HR). Approved by consent agenda**

10 f) *PZHAC Case 061112 – 2230 Avenida de Mesilla, submitted by Roman Prieto for “Prieto
11 Imports”; a request for a sign permit to install a sign on a business at this address. **Zoned:**
12 **Historical Commercial (HC). Approved by consent agenda**

13
14 **8. NEW BUSINESS:**

15 a) **A public hearing and 1st reading of Ordinance 2020-05:** Revising section 18.55.010 Land
16 Uses of the Town of Mesilla Town Code regarding columbariums.

17 Ms. Stoechner-Hernandez read and reviewed changes to section 18.55.010 regarding a columbarium.

18
19 **Motion: To open Public Hearing and 1st reading of Ordinance 2020-05: Revising section 18.55.010**
20 **Land Uses of the Town of Mesilla Town Code regarding columbariums, Moved by Trustee Garcia,**
21 **Seconded by Mayor Pro-Tem Arzabal.**

22
23 **Roll Call Vote:** Motion passed (summary: Yes =3).
24 Mayor Pro-Tem Arzabal Yes
25 Trustee Caro Yes
26 Trustee Garcia Yes

27
28 Open Public Hearing at 7:16 p.m.

29
30 **Motion: To closed Public Hearing: Revising section 18.55.010 Land Uses of the Town of Mesilla**
31 **Town Code regarding Columbariums, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee**
32 **Garcia.**

33
34 **Roll Call Vote:** Motion passed (summary: Yes =3).
35 Mayor Pro-Tem Arzabal Yes
36 Trustee Caro Yes
37 Trustee Garcia Yes

38
39 Opened Regular Meeting at 7:17 p.m.

40
41 Mayor Pro-Tem Arzabal asked who requested the columbarium changes.

42
43 Mayor Barraza responded Father Christopher and a committee with the Knights of Columbus came forth
44 with the request. At the next Board of Trustees meeting we will have the 2nd reading and action will be
45 taken.

46
47 b) **Resolution 2020-19:** A resolution adopting an Infrastructure Capital Improvements Plan
48 (ICIP) for 2022-2026. – **Rod McGillivray, Public Works Director.**

49 **Motion: To approve Resolution 2020-19: A resolution adopting an Infrastructure Capital**

1 **Improvements Plan (ICIP) for 2022-2026, Moved by Mayor Pro-Tem Arzabal, Seconded by**
2 **Trustee Garcia.**

3
4 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

5 Mayor Pro-Tem Arzabal Yes

6 Trustee Caro Yes

7 Trustee Garcia Yes

8
9 c) **For approval:** Enterprise Fund re-allocation of funds for McDowell Wastewater Project. –
10 **Rod McGillivray, Public Works Director.**

11 Mr. McGillivray stated there is a \$23K shortfall for this project which was anticipated for Phase II prior to
12 bidding. Services for three residents were deferred and not included, two of the services were able to be
13 done through a change order. The project is currently under a 90-day suspension allowing the town to
14 determine funding for the remainder.

15
16 Mayor Pro Tem Arzabal stated he wants to ensure that we are not doing what we did in 2008.

17
18 Mayor Barraza responded no we are not. The McDowell project was given to us in two phases by Senator
19 Papen through Capital Outlay funding. Unfortunately, as we waited for the project to begin the cost
20 increased costing the shortfall. The resident that is still waiting has paid the fees so Mr. McGillivray wants
21 to make our agreement right and there currently is money in the Enterprise Fund to do that.

22
23 **Motion: To approve Enterprise Fund re-allocation of funds for McDowell Wastewater Project,**
24 **Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Caro.**

25
26 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

27 Mayor Pro-Tem Arzabal Yes

28 Trustee Caro Yes

29 Trustee Garcia Yes

30
31 d) **For approval:** Selection of a representative to serve on the Mesilla Valley MPO JPA sub-
32 **committee. – Nora L. Barraza, Mayor.**

33 Mayor Barraza stated she has been serving as the temporary representative to the Mesilla Valley MPO JPA
34 sub-committee and is willing to serve as permanent representative.

35
36 **Motion: To approve Selection of a representative to serve on the Mesilla Valley MPO JPA sub-**
37 **committee, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Garcia.**

38
39 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

40 Mayor Pro-Tem Arzabal Yes

41 Trustee Caro Yes

42 Trustee Garcia Yes

43
44 **9. BOARD OF TRUSTEE COMMITTEE REPORTS**

45 Trustee Garcia: MPO meeting.

46
47 Mayor Pro-Tem Arzabal: CFO meeting in November.

1 Mayor Barraza: MPO meeting updating bylaws (Zoom); NMML Conference via Zoom; Mayor Caucus
2 meetings and OEM meetings.
3

4 **10. BOARD OF TRUSTEE/STAFF COMMENTS**

5 Fire Chief Hoban stated First Responder meetings will be as needed. We have been provided a vendor
6 list for PPE supplies which he will make available. He asked everyone to take appropriate precautions
7 during this Flu Season; vaccines are being provided for free.

8
9 Marshal Lerma stated our policy has been submitted to NMML. We have been given a computer along
10 with an external hard drive until we get service working through DSI.

11
12 Mayor Barraza asked if the officers are utilizing the cameras.

13
14 Marshal Lerma responded officers are experimenting as they become mandatory next week.

15
16 Mr. McGillivray stated the Multi-Use Trail is on schedule and staying within budget.

17
18 Mayor Barraza stated people are using the trail. The CARE Act Grant is moving forward. A down fall is
19 some businesses have applied for loans which would disqualify them from this grant. Dona Ana County
20 has opened their doors to the public. Ms. Stoechner-Hernandez and Ms. Maya have done a great job in
21 coming up with a plan and ordering equipment to allow us to open Town Hall. People will still need to
22 call to schedule meetings with staff.
23

24 Ms. Sellers stated she is proposing October events such as a Pumpkin Push (through website), raffle
25 drawings, Mesilla Night Out (businesses will stay open late), a Treasure Hunt, October 7th a Blood Drive
26 with a vampire theme, a Haunted Drive Through, Spirit Week (virtually). We have spoken about doing
27 radio spots for the businesses.
28

29 Trustee Garcia stated those are great ideas. She asked about the political signs going up. COVID-19 is
30 real; her office has been shut down and staff is being tested. She recommends people being tested weekly
31 if we open town hall.
32

33 Mayor Barraza responded she will investigate that.

34
35 Trustee Caro wished everyone a nice 16th of September.
36

37 Mayor Pro-Tem Arzabal stated Mesilla is a small town; he does not want a political thing to change
38 family relationships. The Town of Mesilla is doing well even with COVID-19. Schools are looking at
39 opening elementary schools; secondary schools will not open until January as of now. Thanked Mayor
40 Barraza and Ms. Stoechner-Hernandez for their leadership.
41

42 Mayor Barraza stated she is getting political heat and there has been attacks on her family; this too shall
43 pass. The board works well as a team and has respect for each other. The board has a great team, Ms.
44 Stoechner-Hernandez, Marshal Lerma, Fire Chief Hoban, Mr. McGillivray, Mr. Shannon, and Ms. Sellers
45 who support and help us get through things. We are going to be extremely cautious as we open our doors.
46

47 **11. ADJOURNMENT**

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)

MEETING ADJOURNED AT 7:45 P.M.

APPROVED THIS 28th DAY OF SEPTEMBER 2020.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stohner-Hernandez
Town Clerk/Treasurer

BOT ACTION FORM
ZONING PERMIT 061046
[PZHAC REVIEW – 9/21/2020]

[Case was heard during the work session]

Items:

Case 061046 – 1850 Avenida de Mesilla, submitted by Samantha Simpson for Nancy Clayshulte; a request for a zoning permit to install a farm fence along the east side of a pecan grove on this property, Zoned: Historic Residential (HR) (**This case was postponed at the May 18 and the August 17, 2020 PZHAC meetings, and discussed during the work session.**)

Staff Analysis:

The applicant presented a possible fence option at the PZHAC Work Session held prior to this meeting. (**Please refer to the information provided in the write-up for this item in the Work Session.**)

If it is determined that the style of fence preferred by the applicant is acceptable to the Town meets all applicable codes, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the Findings stated below.

If, on the other hand, it is determined that the chosen fence style is not acceptable to the Town or does not meet all applicable codes, and no other solution can be reached, then the PZHAC should either postpone the request further until the applicant can return with a proposal that meets the standards set forth by the PZHAC; or the PZHAC should deny the request based on the request not meeting any or all of the Findings as listed.

Estimated Cost: @ \$TBD

Findings That Need to be Made.

- The PZHAC has jurisdiction to review and approve this request.
- The PZHAC has determined that the proposed fence is historically and architecturally appropriate for the Town.
- The PZHAC has determined that the proposed work meets all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that style of the proposed fence would not be entirely appropriate for a property that is at the entryway to the Town, but agreed with the applicant that a fence of some sort is necessary at this time, so the PZHAC allowed the requested fence on a temporary basis. The PZHAC voted 5 – 0 to recommend APPROVAL to the BOT of the fence requested by the applicant as request as a temporary fence with the following CONDITION:

1. *The subject fence will be removed or be replaced by an approved fence by March 21, 2021.*

BOT OPTIONS:

1. **Approve the application as recommended by the PZHAC.**
2. **Approve the application with conditions.**
3. **Reject the application.**

BOT ACTION:

PZHAC WORK SESSION
ZONING PERMIT 061046
[PZHAC REVIEW – 9/21/20]

Items:

Submitted by Samantha Simpson for Nancy Clayshulte; a request to discuss plans to install a fence along the east side of a pecan grove on the property located at 1850 Avenida de Mesilla (Case 061046). Zoned: Historic Commercial (HC)

This case was postponed by the PZHAC at the May 18 and August 17, 2020 PZHAC meetings in order to allow the applicant to present further information, including a survey of the property showing the proposed location of the fence, as well as descriptions of the type of fence to be installed that would be more suitable for a property at the entry way into Town.

Description of Request:

The applicant would like to install a five to six foot high fence along a property line on Avenida de Mesilla in order to keep trespassers out of a small pecan orchard that is on the property, and to keep her domestic animals on the property. This is a triangular shaped property that is bordered on the west by Motel Boulevard, on the east by Avenida de Mesilla, and the on the north by a commercial property. A six foot high chain link fence currently runs along the property line on Motel Boulevard. The north part of the property contains a dwelling that is occupied by Samantha Simpson, the applicant's niece.

The applicant had requested permission for a fence that would have consisted of a sheep fence (see attached photos) on metal uprights that would run from the chain link fence that terminates at the intersection of Motel Boulevard and Avenida de Mesilla to the wall for the dwelling at the north end of the property (see attached survey). Although one of the photos showing the type of fence shows two strands of barbed wire at the top, the proposed fence would not have had barbed wire anywhere in its construction. The fence was to be entirely on the applicant's property outside of the seven foot front setback and will not intrude on the NM DOT ROW for Avenida de Mesilla.

The applicant has stated that the reason for requesting the metal uprights is that the property is used primarily for agricultural purposes as a pecan grove and the irrigation as well as the vibration caused by harvesting the pecans would rapidly deteriorate other materials. Because of ongoing issues with trespassing and theft of farming equipment and pecans, especially during the harvesting season, a fence is definitely needed for security and safety reasons.

Estimated Cost: \$2000.00

Consistency with the Code:

The PZHAC will need to determine that the fence will be consistent with Chapters 18.33 (Historic Preservation), 18.60 (General Provisions, Conditions and Exceptions) and 18.35 (HR-Residential Cultural Historic zone) of the Code.

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

18.35.030 Exterior appearance.

An application for a permit which would authorize construction, modification, moving or destruction which would affect the exterior appearance of any structure, sign, or other improvement affecting use or function must first be approved by the commission. [Ord. 94-06 § 1; prior code § 11-2-11.4.C]

18.60.340 Wall, fence, or hedge.

E. Walls or fences constructed within the front yard setback area facing a street within the H-R, H-C, R-1 zones must be built with the following materials only: stucco, brick, stone, wood, adobe and wrought iron.

(The proposed fence will not be in the front setbacks of the property.)

The PZHAC will need to determine that the proposed fence will be consistent with the architecture of the Town as well as other fences in the Town. The PZHAC will also need to determine that the request, as submitted, is consistent with all other sections of the **Building and Zoning Codes** that may be applied to this project.

The applicant will be present by "Zoom" or by phone to discuss viable ideas for a fence that will be both practical from a farming point of view as well as suitable to the Town.

PHOTO OF PROPERTY FROM AVENIDA DE MESILLA



PHOTO FROM MOTEL BLVD. SHOWING CHAIN LINK FENCE



Lawrence Shannon

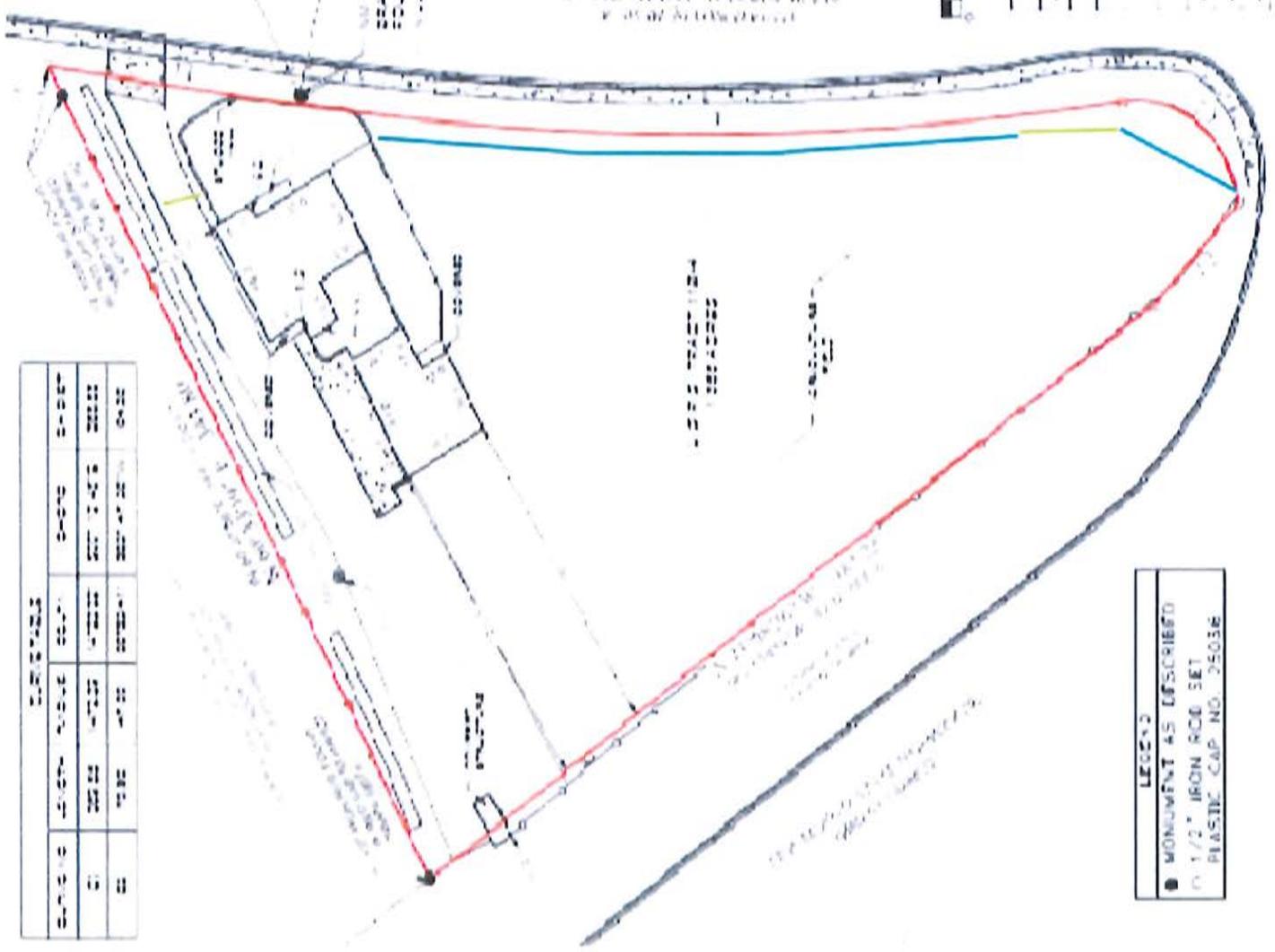
From: Samantha Simpson <simpson7613@gmail.com>
Sent: Thursday, August 6, 2020 9:56 AM
To: larrys@mesillanm.gov
Subject: 1850 Avenida De Mesilla permit
Attachments: 200601 - 1850 Avenida De Mesilla.pdf; 20200806_093632.jpg; 20200806_093645.jpg; 20200806_093657.jpg

Hello Mr. Shannon,

I apologize for the delay. Here is the survey and materials we will use. On both sides of gate for the field entrance will have to be a steel pipe to support the weight and also for the driveway. The fence will be on the west side of the pine trees. The gate will be at the south end of the property for tractor access. The other gate will be in the driveway to prevent trespassing.

Please contact me if you have any questions or concerns.

Samantha Simpson
5756495621

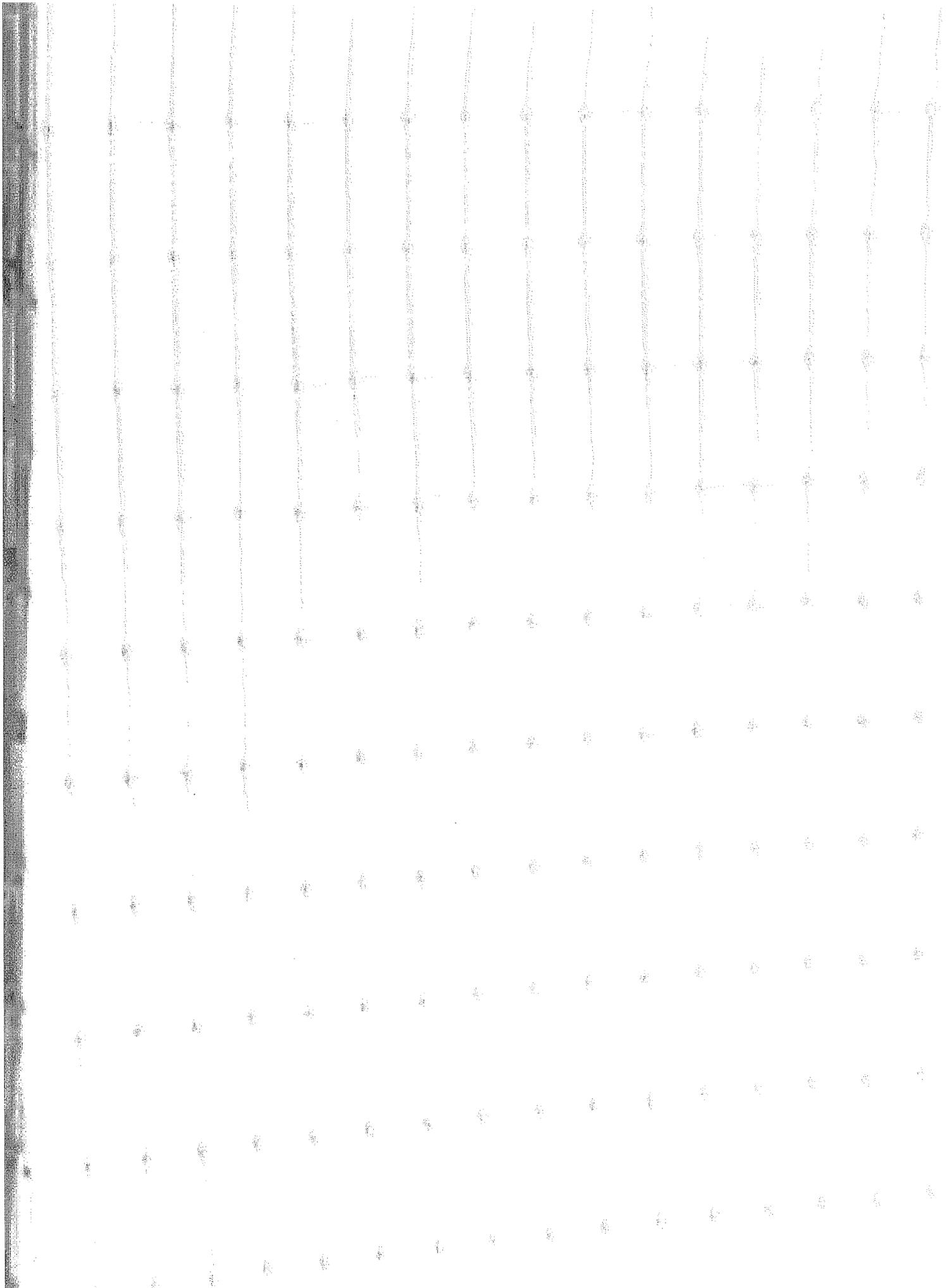


LINE NO.	BEARING	DISTANCE	AREA	PERIMETER
1	N 15° 30' 00" E	100.00	100.00	100.00
2	S 75° 00' 00" E	150.00	150.00	150.00
3	S 15° 30' 00" W	100.00	100.00	100.00
4	N 75° 00' 00" W	150.00	150.00	150.00
5	N 15° 30' 00" W	100.00	100.00	100.00
6	N 75° 00' 00" E	150.00	150.00	150.00
7	N 15° 30' 00" E	100.00	100.00	100.00
8	S 75° 00' 00" E	150.00	150.00	150.00
9	S 15° 30' 00" W	100.00	100.00	100.00
10	N 75° 00' 00" W	150.00	150.00	150.00
11	N 15° 30' 00" W	100.00	100.00	100.00
12	N 75° 00' 00" E	150.00	150.00	150.00
13	N 15° 30' 00" E	100.00	100.00	100.00
14	S 75° 00' 00" E	150.00	150.00	150.00
15	S 15° 30' 00" W	100.00	100.00	100.00
16	N 75° 00' 00" W	150.00	150.00	150.00
17	N 15° 30' 00" W	100.00	100.00	100.00
18	N 75° 00' 00" E	150.00	150.00	150.00
19	N 15° 30' 00" E	100.00	100.00	100.00
20	S 75° 00' 00" E	150.00	150.00	150.00
21	S 15° 30' 00" W	100.00	100.00	100.00
22	N 75° 00' 00" W	150.00	150.00	150.00
23	N 15° 30' 00" W	100.00	100.00	100.00
24	N 75° 00' 00" E	150.00	150.00	150.00
25	N 15° 30' 00" E	100.00	100.00	100.00
26	S 75° 00' 00" E	150.00	150.00	150.00
27	S 15° 30' 00" W	100.00	100.00	100.00
28	N 75° 00' 00" W	150.00	150.00	150.00
29	N 15° 30' 00" W	100.00	100.00	100.00
30	N 75° 00' 00" E	150.00	150.00	150.00
31	N 15° 30' 00" E	100.00	100.00	100.00
32	S 75° 00' 00" E	150.00	150.00	150.00
33	S 15° 30' 00" W	100.00	100.00	100.00
34	N 75° 00' 00" W	150.00	150.00	150.00
35	N 15° 30' 00" W	100.00	100.00	100.00
36	N 75° 00' 00" E	150.00	150.00	150.00
37	N 15° 30' 00" E	100.00	100.00	100.00
38	S 75° 00' 00" E	150.00	150.00	150.00
39	S 15° 30' 00" W	100.00	100.00	100.00
40	N 75° 00' 00" W	150.00	150.00	150.00
41	N 15° 30' 00" W	100.00	100.00	100.00
42	N 75° 00' 00" E	150.00	150.00	150.00
43	N 15° 30' 00" E	100.00	100.00	100.00
44	S 75° 00' 00" E	150.00	150.00	150.00
45	S 15° 30' 00" W	100.00	100.00	100.00
46	N 75° 00' 00" W	150.00	150.00	150.00
47	N 15° 30' 00" W	100.00	100.00	100.00
48	N 75° 00' 00" E	150.00	150.00	150.00
49	N 15° 30' 00" E	100.00	100.00	100.00
50	S 75° 00' 00" E	150.00	150.00	150.00
51	S 15° 30' 00" W	100.00	100.00	100.00
52	N 75° 00' 00" W	150.00	150.00	150.00
53	N 15° 30' 00" W	100.00	100.00	100.00
54	N 75° 00' 00" E	150.00	150.00	150.00
55	N 15° 30' 00" E	100.00	100.00	100.00
56	S 75° 00' 00" E	150.00	150.00	150.00
57	S 15° 30' 00" W	100.00	100.00	100.00
58	N 75° 00' 00" W	150.00	150.00	150.00
59	N 15° 30' 00" W	100.00	100.00	100.00
60	N 75° 00' 00" E	150.00	150.00	150.00
61	N 15° 30' 00" E	100.00	100.00	100.00
62	S 75° 00' 00" E	150.00	150.00	150.00
63	S 15° 30' 00" W	100.00	100.00	100.00
64	N 75° 00' 00" W	150.00	150.00	150.00
65	N 15° 30' 00" W	100.00	100.00	100.00
66	N 75° 00' 00" E	150.00	150.00	150.00
67	N 15° 30' 00" E	100.00	100.00	100.00
68	S 75° 00' 00" E	150.00	150.00	150.00
69	S 15° 30' 00" W	100.00	100.00	100.00
70	N 75° 00' 00" W	150.00	150.00	150.00
71	N 15° 30' 00" W	100.00	100.00	100.00
72	N 75° 00' 00" E	150.00	150.00	150.00
73	N 15° 30' 00" E	100.00	100.00	100.00
74	S 75° 00' 00" E	150.00	150.00	150.00
75	S 15° 30' 00" W	100.00	100.00	100.00
76	N 75° 00' 00" W	150.00	150.00	150.00
77	N 15° 30' 00" W	100.00	100.00	100.00
78	N 75° 00' 00" E	150.00	150.00	150.00
79	N 15° 30' 00" E	100.00	100.00	100.00
80	S 75° 00' 00" E	150.00	150.00	150.00
81	S 15° 30' 00" W	100.00	100.00	100.00
82	N 75° 00' 00" W	150.00	150.00	150.00
83	N 15° 30' 00" W	100.00	100.00	100.00
84	N 75° 00' 00" E	150.00	150.00	150.00
85	N 15° 30' 00" E	100.00	100.00	100.00
86	S 75° 00' 00" E	150.00	150.00	150.00
87	S 15° 30' 00" W	100.00	100.00	100.00
88	N 75° 00' 00" W	150.00	150.00	150.00
89	N 15° 30' 00" W	100.00	100.00	100.00
90	N 75° 00' 00" E	150.00	150.00	150.00
91	N 15° 30' 00" E	100.00	100.00	100.00
92	S 75° 00' 00" E	150.00	150.00	150.00
93	S 15° 30' 00" W	100.00	100.00	100.00
94	N 75° 00' 00" W	150.00	150.00	150.00
95	N 15° 30' 00" W	100.00	100.00	100.00
96	N 75° 00' 00" E	150.00	150.00	150.00
97	N 15° 30' 00" E	100.00	100.00	100.00
98	S 75° 00' 00" E	150.00	150.00	150.00
99	S 15° 30' 00" W	100.00	100.00	100.00
100	N 75° 00' 00" W	150.00	150.00	150.00

KEY
 — Property line
 — Fence
 — Gates

LEGEND
 ● MONUMENT AS DESCRIBED
 ○ 1/2" IRON ROD SET
 PLASTIC CAP NO. 0503R





Lawrence Shannon

From: simpson1850@yahoo.com
Sent: Wednesday, May 27, 2020 8:37 AM
To: Larry Shannon
Subject: Re: fence permit
Attachments: 20200526_185459.jpg; 20200526_190154.jpg; Screenshot_20200526-194753_Maps.jpg; 086546703100_04489181.webp

Mr. Shannon,

We will be putting a gate here in the driveway before the gate on the wall. This will allow access to the home and prevent trespassing. We will also put a gate in the field entrance to allow tractor access to the field. We are working to get the property surveyed to make sure of the easements as well as property line. We will meet the existing fence and take it to the driveway to meet with the gate we will be putting in. We will allow the 2 foot clearance around the fire hydrant on Avenida De Mesilla. As far as material we are looking at horse fencing as pictured below. As far posts we are wondering what are we allowed to doing? Preferably we'd like galvanized posts but if not allowed we'd like to know what options we have. If you have any further questions please contact me.

Samantha Simpson
575.649.5621

On May 11, 2020 1:18 PM, Larry Shannon <larrys@mesillanm.gov> wrote:

Attached is a copy of the zoning permit for the fence. Just fill it out and return it to me and I will get you started.

Tank you,

Larry Shannon

 Virus-free. www.avast.com

On May 11, 2020 1:18 PM, Larry Shannon <larrys@mesillanm.gov> wrote:

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Tank you,



**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:
Case # 061046
Fee \$ 77.00

**PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID**

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 061046 ZONE: HR CODE: M1 APPLICATION DATE: 5/11/20

Name of Property Owner: Nancy Clayshulte. Property Owner's Telephone Number: 575.644.1724
 PO Box "P": _____ City: Mesilla State: NM Zip Code: 88046
 Property Owner's Mailing Address: _____
 Property Owner's E-mail Address: Ancy5737@yahoo.com
 Contractor's Name & Address (If none, Indicate Self): _____
 Contractor's Telephone Number: _____ Contractor's Tax ID Number: _____ Contractor's License Number: _____

Address of Proposed Work: 1850 Avenida De Mesilla
 Description of Proposed Work: Put up farm fencing in front of the pecan field to discourage trespassing as we have had major issues recently. We would also add a gate to allow tractor access at the south end of the fence.

Estimated Cost: \$ 2000 Signature of Applicant: [Signature] Date: 5/11/2020
 Signature of property owner: [Signature]

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval **BOT** Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

PZHAC APPROVAL REQUIRED: YES NO BOT APPROVAL REQUIRED: YES NO

CID PERMIT/INSPECTION REQUIRED: YES NO SEE CONDITIONS

CONDITIONS: PZHAC REVIEW & BOT APPROVAL REQUIRED
LL

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

- THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:
1. _____ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was **LEGALLY** subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
 2. _____ Site Plan with dimensions and details.
 3. _____ Foundation plan with details.
 4. _____ Floor plan showing rooms, their uses and dimensions.
 5. _____ Cross section of walls
 6. _____ Roof and floor framing plan
 8. _____ Proof of legal access to the property.
 9. _____ Drainage plan.
 10. _____ Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
 11. _____ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
 12. _____ Proof of legal access to the property.

BOT ACTION FORM
ZONING PERMIT 061118
[PZHAC REVIEW – 9/21/2020]

Case 061118 – 2900 Avenida de Mesilla Suite A, submitted by Jerry Grandel for Austy, LLC; a request for a zoning permit to allow a temporary patio expansion at the “Spotted Dog Brewery” to be made permanent. Zoned: General Commercial (C)

Staff Analysis:

The applicant currently has permission from both Mesilla and the Alcohol and Gaming Division of the State to have a temporary expansion of the existing outdoor serving area that is currently an approved part of the business. The temporary expansion of this area was allowed by the State until October 10 to allow increased outdoor service during the COVID-19 pandemic, providing that certain conditions were met. The applicant met those conditions (see attached documentation) and his expansion was permitted by both Mesilla (administratively) and the State. The applicant would now like to have this area approved as a permanent expansion. If approved by the PZHAC and the BOT, the applicant will apply to the State for permanent approval of the expansion.

The proposed addition will add 376.6 square feet of service area to the applicant’s operation, resulting in a total of 2877.22 square feet for the business. The applicant currently requires 25 parking spaces (one space for every 100 square feet of gross floor area.) The added area will result in four additional spaces being required for a total requirement of 29 spaces. The applicant currently has over 40 spaces at the rear of the adjacent convenience store that the applicant leases from the property owner. The increased temporary service area that is currently allowed is at the front of the building does not take up any existing parking spaces. The area also meets current State requirements for serving alcohol. This is the area that the applicant would like to make permanent. The applicant intends to meet any additional requirements the State may have with respect to permanent serving areas.

Estimated Cost: @ \$800.00

Consistency with the Code:

The PZHAC will need to determine that the proposed serving area will be consistent with the development of properties in the General Commercial (C) zoning district. Additionally, the request appears to meet all other development and application requirements of the Code.

The PZHAC will also need to determine that the request, as submitted, is consistent with all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of making a temporary serving area permanent.
- The PZHAC has determined that the proposed fences meet the Code.

PZHAC ACTION:

The PZHAC determined that proposed expansion of the service area would not be out of character with the Code and voted 5 – 0 to recommend APPROVAL of this request to the BOT with the following CONDITIONS:

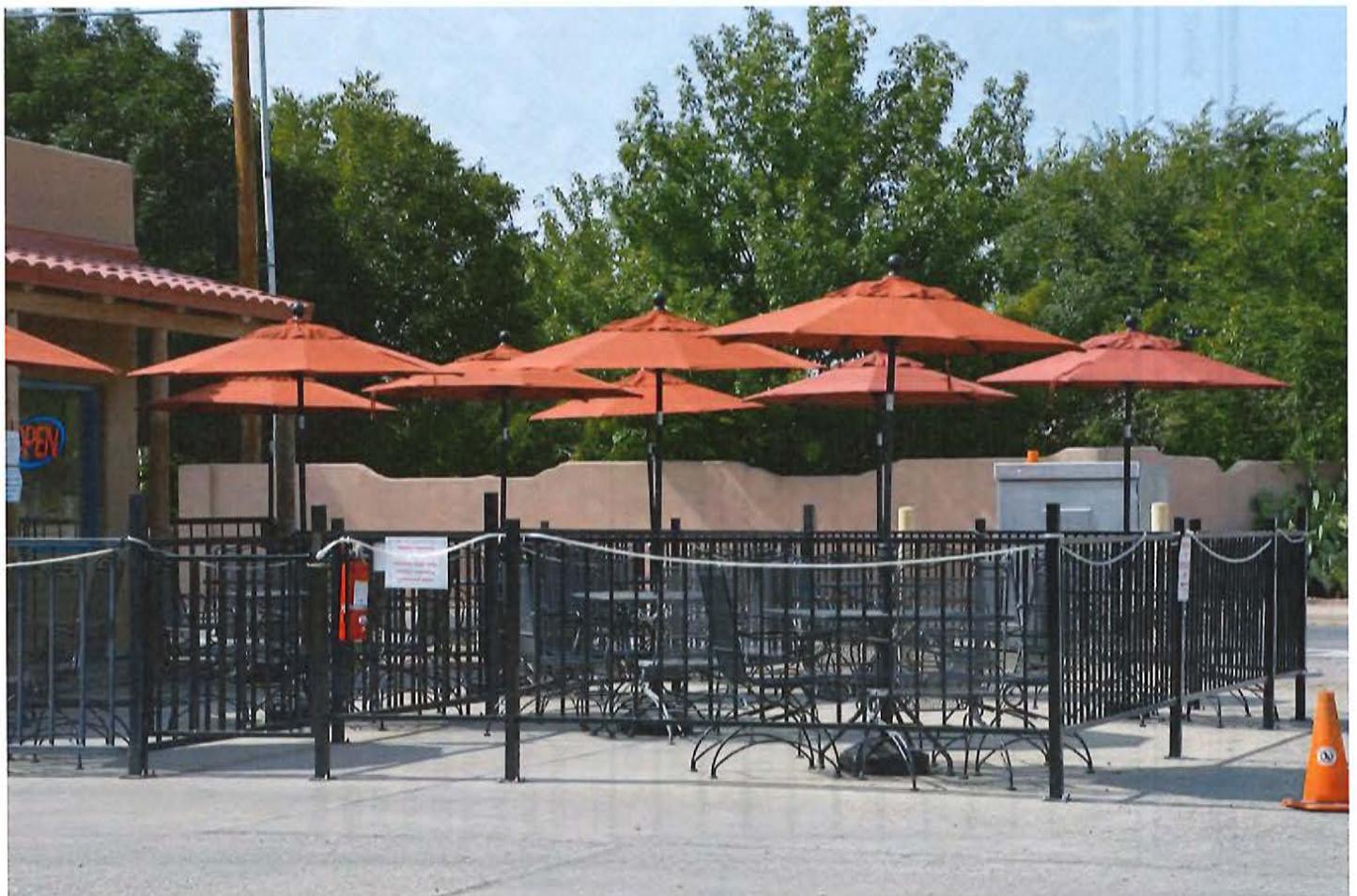
1. *Any additional ADA parking requirements resulting from the expansion will need to be met.*

BOT OPTIONS:

1. **Approve the application as recommended by the PZHAC.**
2. **Approve the application with conditions.**
3. **Reject the application.**

BOT ACTION:

PHOTOS OF THE PROPOSED SERVING AREA





New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

PO Box 25101 • Santa Fe, NM 87504-5101 (505) 476-4875 • Fax (505) 476-4595

CHANGE OF FLOOR PLAN / EXPANSION OF LIQUOR LICENSED PREMISES APPLICATION
NMAC 15.10.32.13 - \$75.00 Fee, all fees are non-refundable

Application to Change or Expand the licensed premises shall be submitted with the Application Fee and the following Required Documentation: 1) a copy of your existing Approved Floor Plan and 2) a Proposed Detailed Floor Plan, on an 8 1/2 x 11" sheet, that includes the existing approved premises and any proposed change or expansion - Label all areas and include all entrances, exits, walls or enclosures as well as dimensions for any expansion. For Expansions Only, also include Proof of Tenancy and Photos of expansion.

A Licensee may not change or expand the licensed premises without prior written approval of the Director. If the change or expansion of the licensed premises is twenty-five (25%) or more of the total existing square footage of the licensed premises, the Director may require the licensee to file an application for a Transfer of Location. The Licensee cannot make any changes or expand the premises until approval has been granted for this request. A before and after site inspection may be scheduled.

Liquor License No.: 67041 Phone No.: 575.640.2346 Fax No.: n/a

Business Name (DBA) Spotted Dog Brewery Owner Name: Jerry & Susan Grandle

License Location: 2900 Avenida de Mesilla, Mesilla, NM 88005

Mailing Address: 528 North Park Dr., Las Cruces, NM 88005

Licensee Email: jerry@spotteddogbrewery.com

Square Footage: Current 2500.62 Adding/Changing: 370.6 Total: (add both) 2877.22

Reason for Request: PERMANENTLY INCREASE OUTSIDE FRONT PATIO CAPACITY

Will the Proposed Expansion bring the licensed premises within 300 feet of a church or school? No

Has there been any change in the Ownership or Operation of the Licensee? No

If so, explain: _____

I (print name) Jerry Grandle, Licensee for Liquor License No. 67041 hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 §60-3A-3 (O), which states in part "licensed premises" means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure... that are under the direct control of the licensee..."

Must sign in the presence of a Notary Public:

Submitted by: (print name) JERRY GRANDLE, GERALD GRANDLE

Signature: [Signature] Title: OWNER Date: 9.10.2020
MANAGEMENT MEMBER

NOTARY PUBLIC USE ONLY: (State of _____, County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____

By: _____ Notary Public: _____

My Commission Expires: _____

REQUIRED FOR EXPANSIONS ONLY | LOCAL OPTION DISTRICT REVIEW

Local Governing Body of: _____ Village, County, City Check one: Approved Disapproved

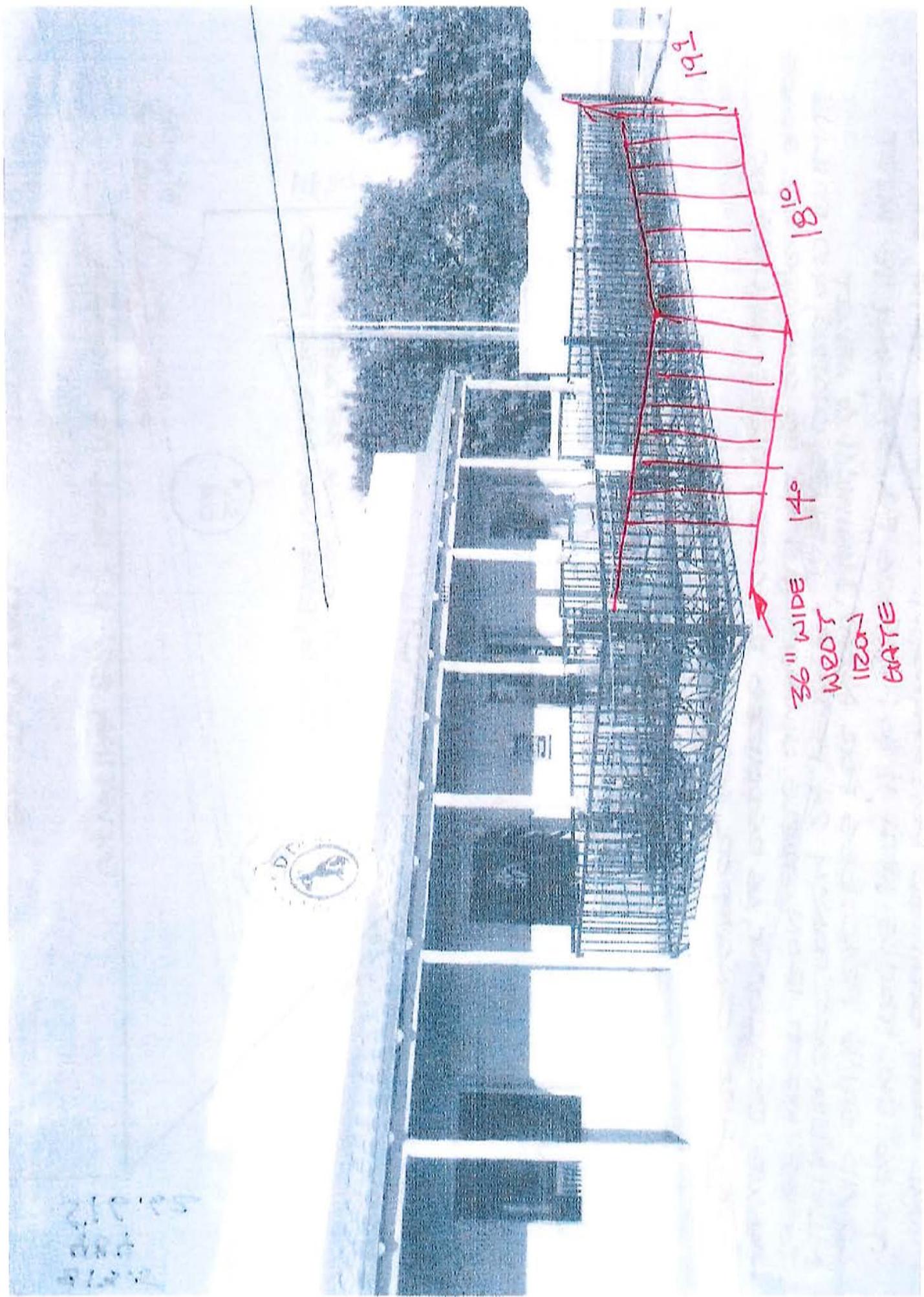
Signature and Title of Village/County/City Official: _____

AGD USE ONLY: Payment| Application Fee \$ _____ Received on: _____ Receipt No. _____

Processed by: _____ Approved Disapproved, _____

Decision by Director, if required: Approved Disapproved, _____

Signed by Director: _____ Date: _____



199

18 1/2

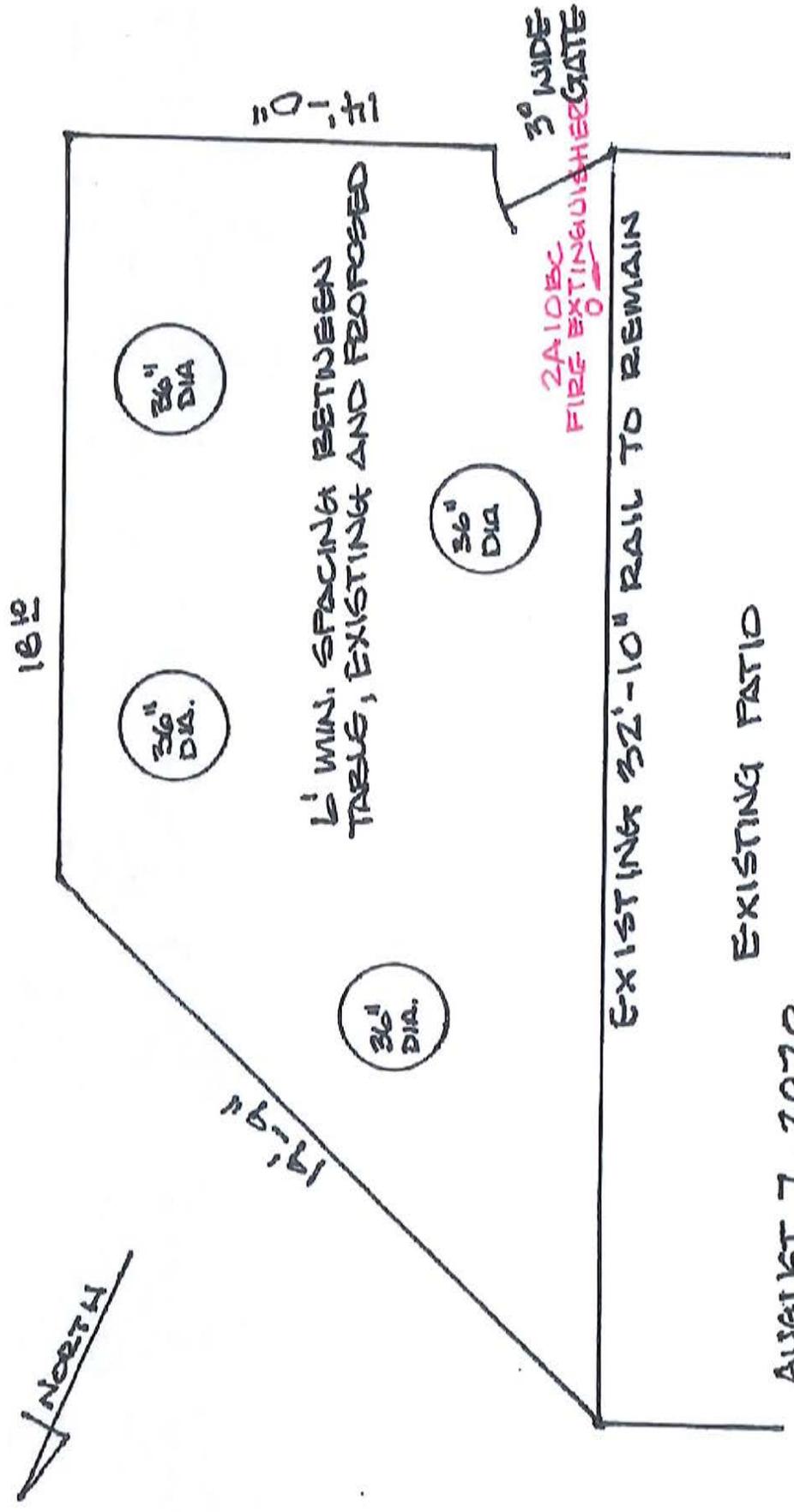
14

36" WIDE
WEDS
IRON
GATE



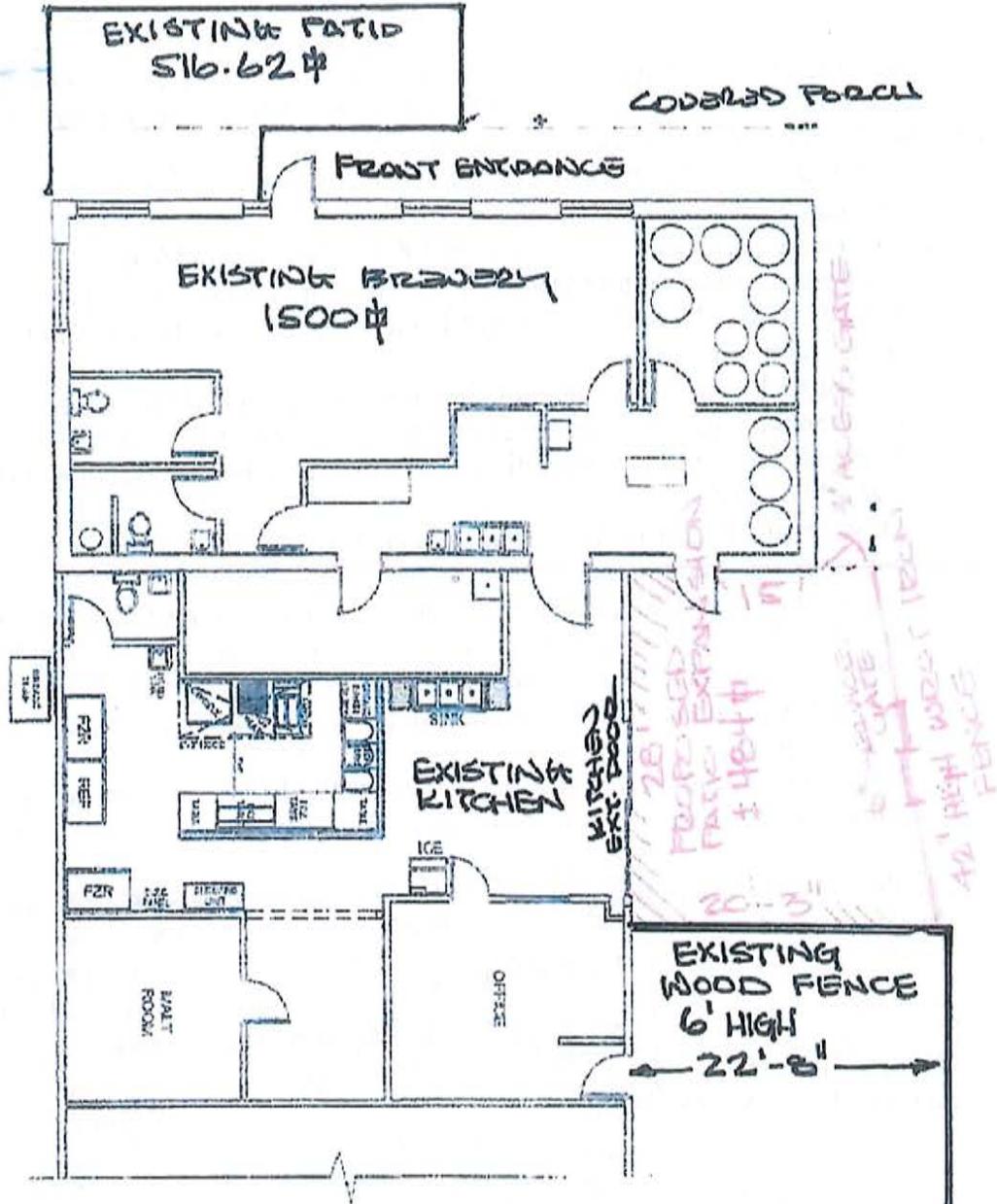
21005
100
1100

DETAIL PAGE SPOTTED DOG BREWERY PROPOSED TABLE EXPANSION
 460 36" DIA. TABLE WITH 4 TO 6 CHAIRS EA. SPACING TO MEET
 COVID SAFE PRACTICES FOR N.M., MINIMUM 6' APART
 MAXIMUM OCCUPANCY 24 PEOPLE. TABLES, CHAIRS, AND RAILING
 TO BE WROT IRON. TABLE UMBRELLAS TO BE COMMERCIAL GRADE
 FLAME RETARDANT, AS REQUIRED BY CODE. THERE WILL BE NO
 OVER HEAD CANOPY OR ROOF STRUCTURE.



RECEIVED
18 2016

Floor Plan
Spotted Dog Brewery, Mesilla, New Mexico



EXISTING BREWERY 2016.62 sq ft
 PROPOSED PATIO 484 sq ft
 INCREASE 24%

Total: 2500.62

FLOOR PLAN APPROVAL
 By Charmaine Martinez
 Date September 20, 2016

1ST Codicil of Lease

This is the first codicil of lease to that certain lease between Austy LLC(Lessor) and Spotted Dog Brewery LLC (Lessee) dated January 20, 2014. The parties agree to add the following language to the original lease document-

1. Lessee agrees to extend and guarantee said lease for an additional 6 years after the expiration of the current lease term of January 31, 2017 until January 31, 2023.
2. The leased premises shall include the 1000 square feet immediately behind the 1500 square foot facility currently known as "Spotted Dog Brewery" at 2900 S. Hwy 28 in Mesilla NM and the rental amount is increased by \$1000.00 per month for the additional space.
3. Tenant shall remain the owner of certain kitchen equipment he has purchased even though it may be attached to the building. Lessee shall repair any and all roof/wall penetrations or alterations if he elects to remove this equipment at the end of the lease.
4. Lessor shall bear the cost of moving existing wooden fence in order to re-configure rear parking lot.
5. Lessee shall have the right to use the current structure on the SW corner of the property for storage as long as he makes the structure safe and sound at his own expense. Lessor does not warranty or guarantee in any way as to the soundness of the current structure. Lessee shall be required to insure said structure in the event he elects to use it.
6. Tenant may also use the alcove area to the south of his leased structure as long as it does not impinge in any way on the east/west driveway between buildings.

All other provisions of the original lease shall remain the same. The following signatures attest to the foregoing.

[Signature]
David S. Hooker
Austy LLC- Managing Member

State of New Mexico
 County of Dona Ana
 Subscribed and sworn to (or affirmed) before me this 16 day of March, 2016.
 by Gerald + Susan Grandle

[Signature]
 Notary Public

NOTARY PUBLIC - STATE OF NEW MEXICO
 SOPHIA C. MENDIOLA
 OFFICIAL SEAL

[Signature]
Jerry Grandle
Spotted Dog Brewery LLC- Managing Members

[Signature]
Susan Grandle
Susan Grandle

OFFICIAL SEAL
 SOPHIA ROMERO
 NOTARY PUBLIC - STATE OF NEW MEXICO
 My commission expires: 6-11-16

State of New Mexico
 County of Dona Ana
 Subscribed and sworn to (or affirmed) before me this 7th day of March, 2016.
 by David S Hooker

[Signature]
 Notary Public

APPROVED FEB 23, 2017

PROPOSED CHANGE TO EXISTING FLOOR PLAN

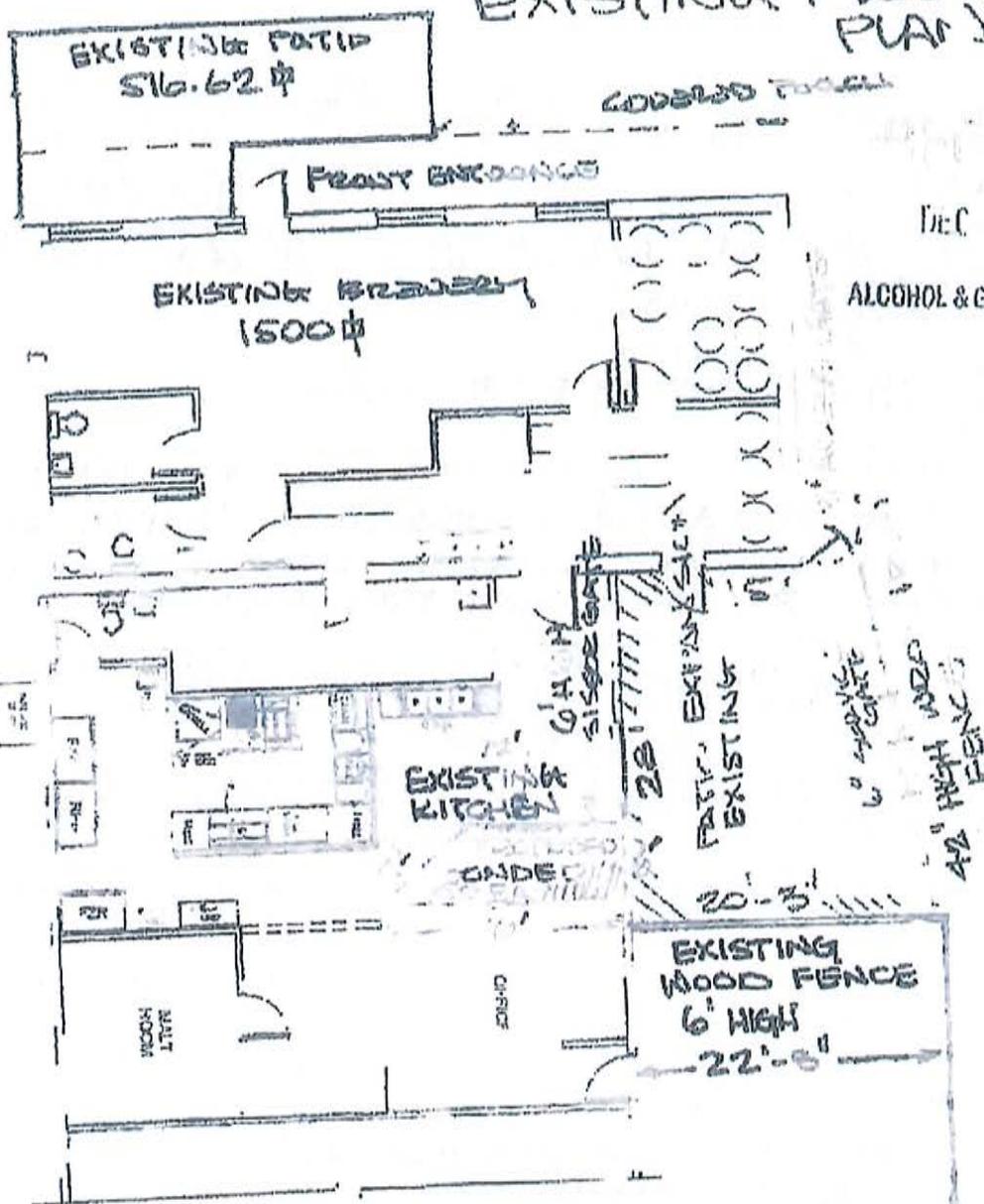


Fig. C 80 2016

ALCOHOL & GAMING DIVISION

Floor Plan
Specialty Dry Brewery, Middle, New Market

EXISTING BREWERY 2500.62 sq ft

INCREASE BONDED PERIMETER AREA SECURED BY 6' HIGH SISSOR GATE HOLDING 2EA 10 BBL FERMENTERS 84.00 sq ft

TOTAL PROPOSED SQ. FT. 2584.62 sq ft

INCREASE PROPOSED 3.3%

FLOOR PLAN APPROVAL
BY Matthew M. Vetrone
DATE February 23, 2017
LICENSE NO. 67041

TOWN OF MESILLA
ZONING APPROVAL

OFFICIAL USE ONLY:
Case # 06118
Fee \$ 9.00

PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 521-3262 ext. 104

CASE NO. 06118 ZONE: C CODE: ADU APPLICATION DATE: _____

Name of Property Owner: AUSTY LLC Property Owner's Telephone Number: 575-556-8504

Property Owner's Mailing Address: 2001 E. LOTAN AVE., SUITE 110, BOX 347 LAS ALAMOS NM 88001 City: _____ State: _____ Zip Code: _____

Property Owner's E-mail Address: DAVE.HOOKER@59E6MAIL.COM

Contractor's Name & Address (If none, indicate Self): JERRY @ SPOTTED DOG BREWERY

Contractor's Telephone Number: _____ Contractor's Tax ID Number: _____ Contractor's License Number: _____

Address of Proposed Work: 2400 AVA. DE MESILLA STE A "SPOTTED DOG BREWERY"

Description of Proposed Work: CONVERT LOUD TEMPORARY PATIO EXPANSION TO PERMANENT PATIO EXPANSION

Estimated Cost: \$800 Signature of Applicant: _____ Date: 9.9.2020

Signature of property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

PZHAC APPROVAL REQUIRED: YES NO BOT APPROVAL REQUIRED: YES NO

CID PERMIT/INSPECTION REQUIRED: YES NO SEE CONDITIONS

CONDITIONS: PZHAC REVIEW & BOT APPROVAL REQUIRED
CID PERMIT REQUIRED

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

1. Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972
2. Site Plan with dimensions and details.
3. Foundation plan with details.
4. Floor plan showing rooms, their uses and dimensions.
5. Cross section of walls
6. Roof and floor framing plan
8. Proof of legal access to the property.
9. Drainage plan.
10. Details of architectural style and color scheme (checklist included for Historical zones) -- diagrams and elevations.
11. Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
12. Proof of legal access to the property
13. Other information as necessary or required by the City Code or Community Development Department (See other side.)

The following are requirements to be included with all building permit applications for new structures or additions to existing structures, as well as other construction or fixtures that will be permanent in nature and affect the appearance or use of the property. (This includes fences, well houses, storage units, metal sheds, photo-voltaic panels that can be seen from the ground, etc.)

BUILDING PERMIT REQUIREMENTS

A. Completed application, including:

1. Applicant's name
2. Applicant/property owners contact information
3. Physical address of property
4. Description of work to be done, including dimensions of any construction or repairs
5. Value of work to be done
6. Property owner's signature on the application.

B. Include all information required in the checklist at the bottom of the application.

C. Additional information required:

SEATING CAPACITY CURRENTLY SET FOR COVID-19
SAFE PRACTICES, TO REMAIN AS SUCH TILL RESTRICTIONS
ARE LIFTED, THEN AS DETERMINED BY THE
MESILLA FIRE DEPT.

BOT ACTION FORM
ZONING PERMIT 061119
[PZHAC REVIEW – 9/21/2020]

Items:

Case 061119 – 2149 Calle de Los Huertos, submitted by Gabrielle Quintana; a request for a zoning permit to allow the construction of covered porches over the front and rear entry landings on a dwelling at this address. Zoned: Historic Residential (HR)

DESCRIPTION OF REQUEST:

The applicant has just recently purchased the dwelling from the estate of the previous owner who passed in December 2019 and painted the dwelling prior to obtaining a zoning permit from the Town. The current owner (the applicant) was advised by staff that a zoning permit is needed for all work that is done the exteriors of any structures or properties in the Historic Districts of Mesilla, and that certain historic and architectural standards need to be reviewed and approved by the PZHAC and the BOT.

The colors chosen by the applicant, an off white and a medium blue (see attached photos), are very similar or identical to colors that are in the palette of acceptable color for the Town (see attached color charts). The PZHAC will need to determine that the colors used are not be out of character with the colors of other dwellings in the Historic Residential district.

ESTIMATED COST: @ \$7,000.00

Consistency with the Code:

The PZHAC will need to determine that the proposed porches are consistent with the following sections of the Code:

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

- A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.
- B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:
 1. The historical and literary value and significance of the site, building, or structure;
 2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
 3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings;
 4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.
 5. The commission shall also consider the applicable zoning and other laws of the town.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed consists of constructing porches over the entryways to the dwelling.
- The PZHAC has determined that the proposed work meets all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that proposed porches would not be out of character with the surrounding area or the Code and voted 5 – 0 to APPROVE the request as requested.

BOT OPTIONS:

1. Approve the application as recommended by the PZHAC.
2. Approve the application with conditions.
3. Reject the application.

BOT ACTION:

PHOTOS OF THE FRONT AND REAR OF THE DWELLING SHOWING PROPOSED LOCATIONS



Doña Ana County, NM

General Reference Maps

2014 Aerial Addresses County Address Points

Select Search Type: Account Number Account Number Enter Value:

Maps

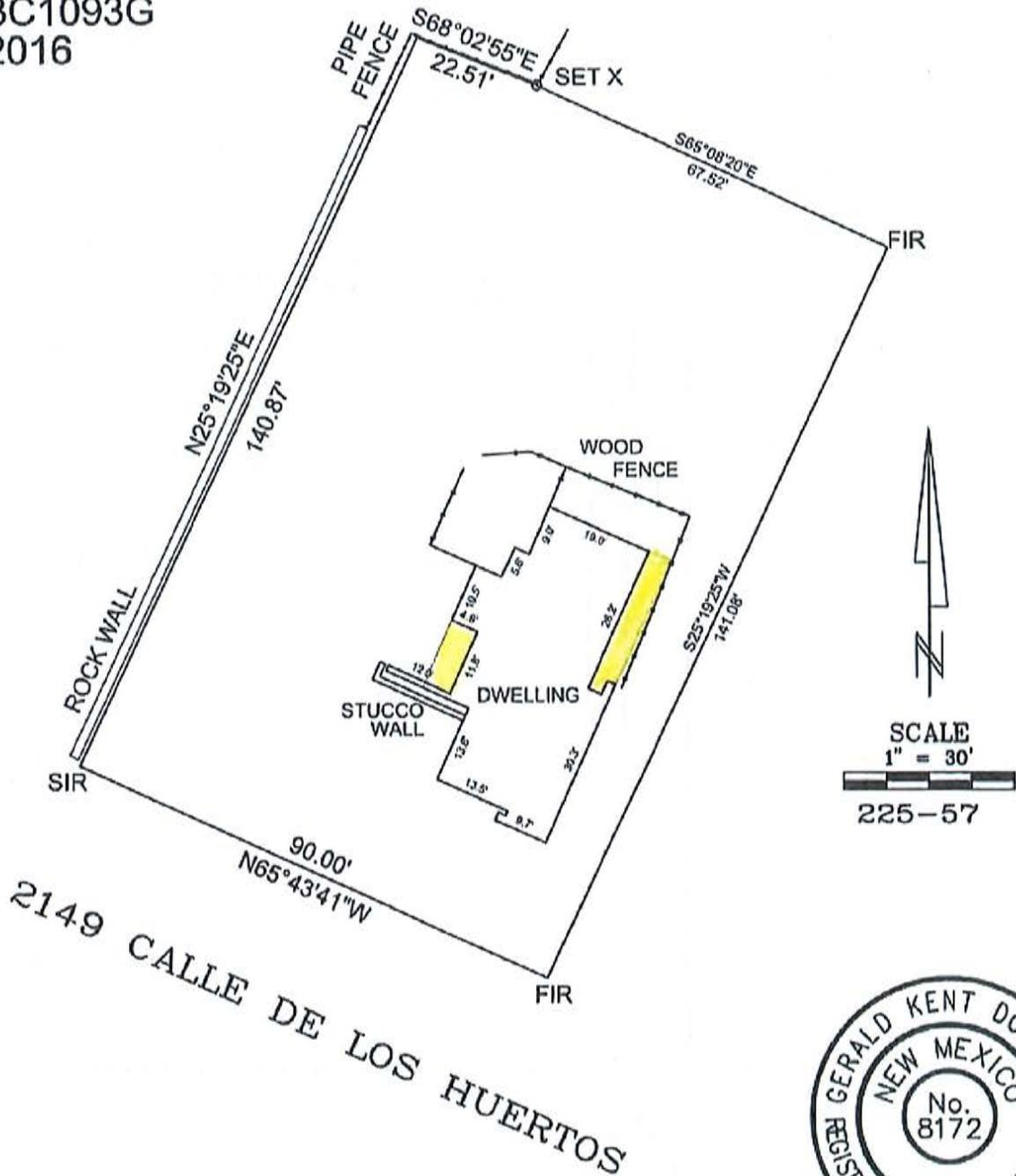
Legend

Map Themes
Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: R0401146
 Parcel Number: 4006137063464
 Owner: QUINTANA GABRIEL
 Mail Address: 33 S GULFSTREAM AVE #802
 Subdivision: USRS TR 11A-155A , 11A-155B1 , 11A-155B2 , ETC.
 REPLAT NO 1 (BK 18 PG 603 - 9628891)
 Property Address: 2149 CALLE DE HUERTOS
 Acres: 0



ZONE X
0.2% ANNUAL CHANCE FLOOD HAZARD
35013C1093G
7/06/2016



SCALE
1" = 30'
225-57



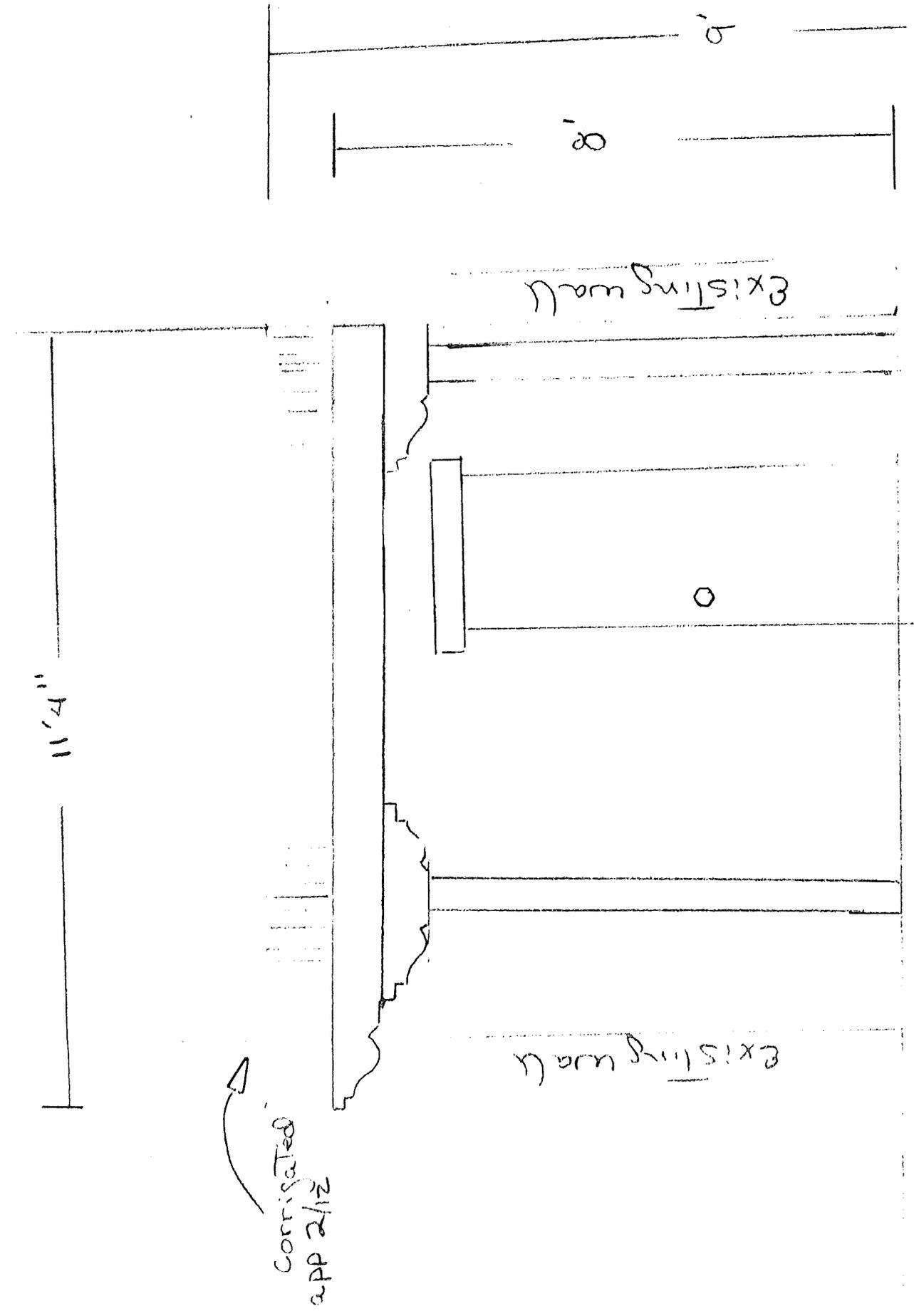
PLAT OF SURVEY OF LOT 1
U.S.R.S. TRACTS 11A-155A, 11A-155B1,
11A-155B2, 11A-154B2, 11A-154A2, REPLAT
NO. 1

Not For Construction Purposes
Filed 12/31/1996 in Bk. 18 Pg. 603,
City of Las Cruces, Dona Ana County,
New Mexico. Date of Survey 11/9/2018.

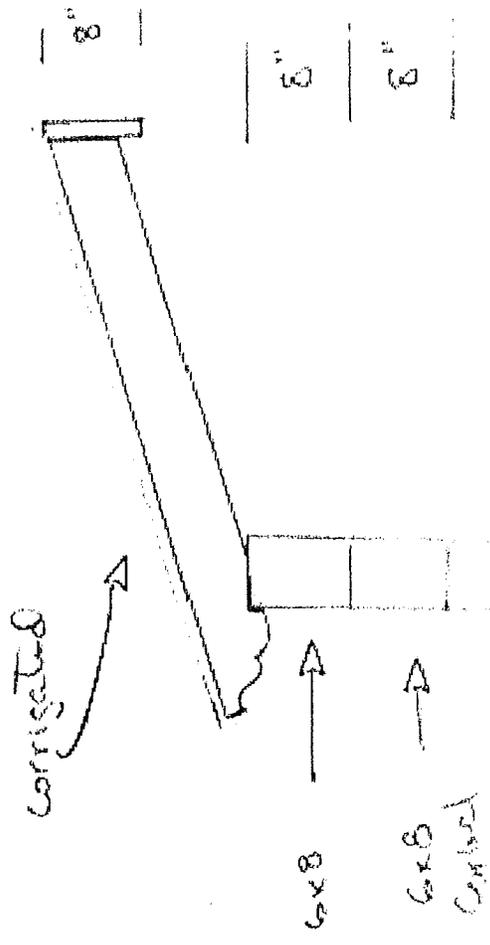
I certify, as a licensed surveyor in the State of New Mexico, that this plat meets or exceeds the standards for land surveys in New Mexico.

Gerald K. Donohue
GERALD K. DONOHUE P.L.S. 8172

DONOHUE LAND SURVEYS
100 WYATT DRIVE
SUITE A
LAS CRUCES, NM 88005
1-575-523-1114



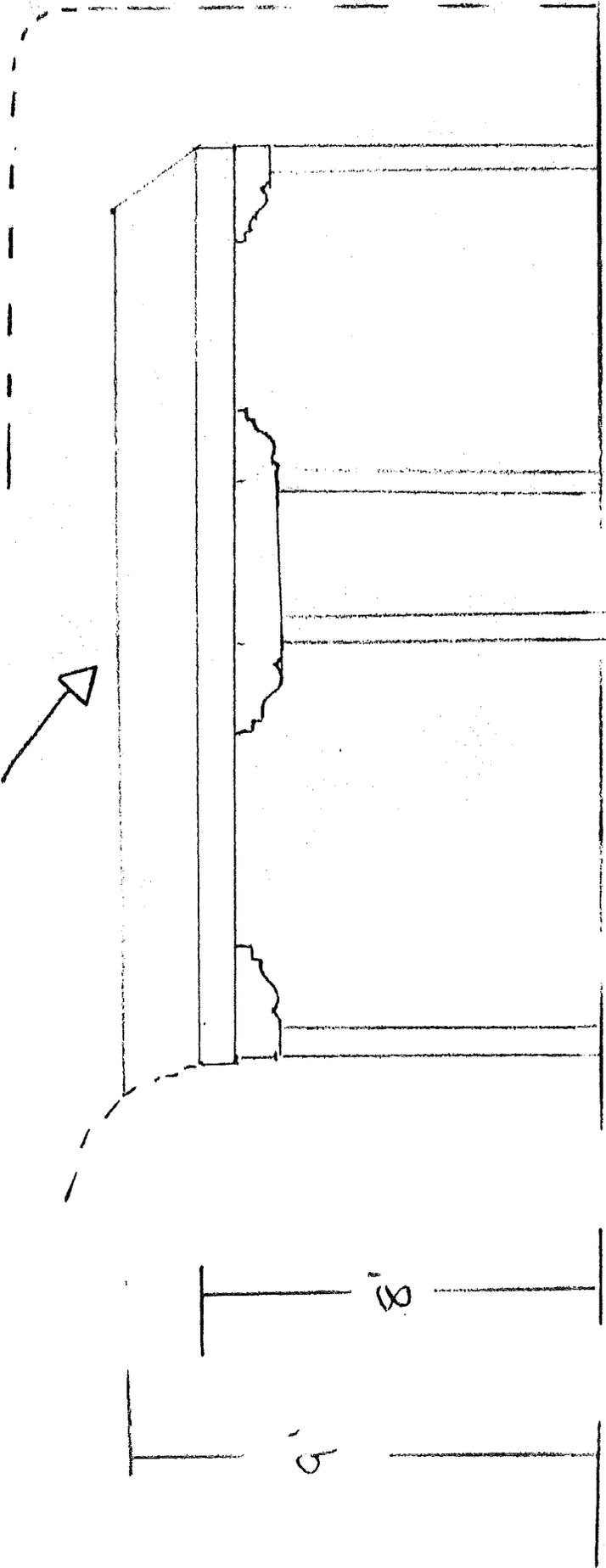
North Porch



Wall Panel



Corrigated



9''
8''

22''

South Porch

Drop edge / Flashing

concrete

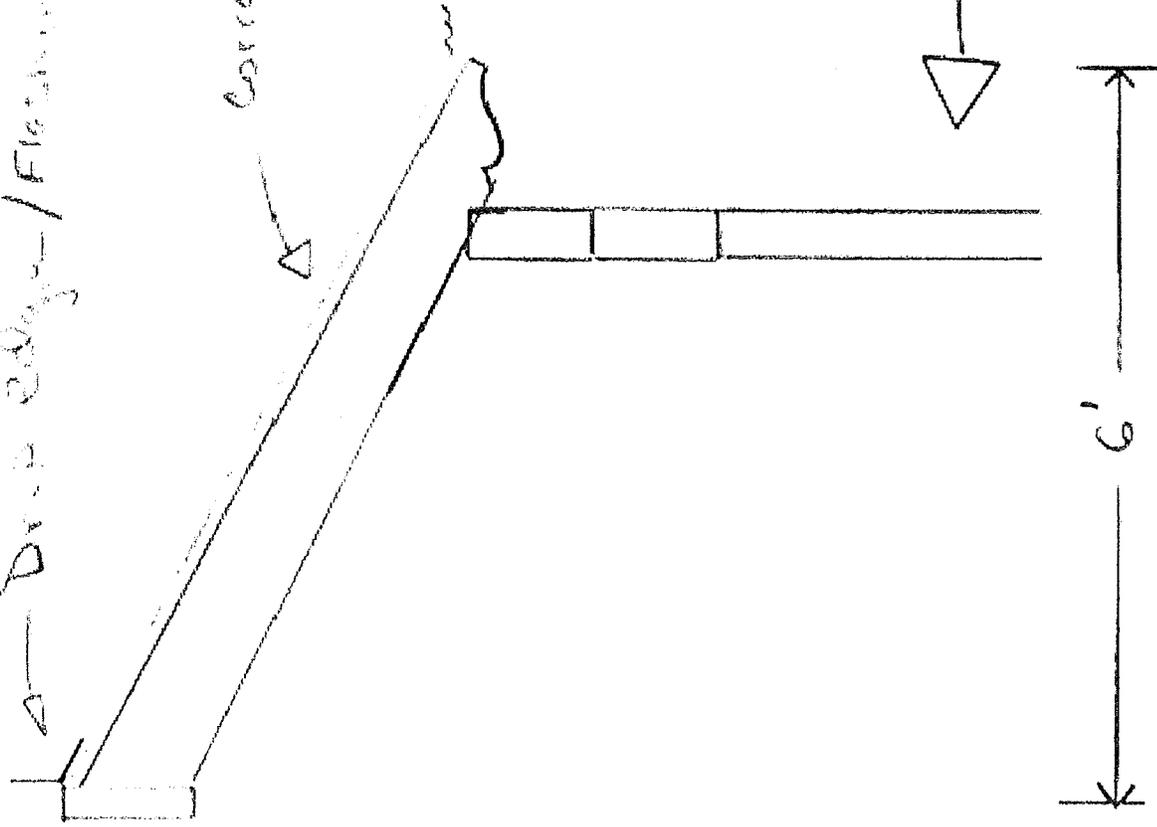
4x8

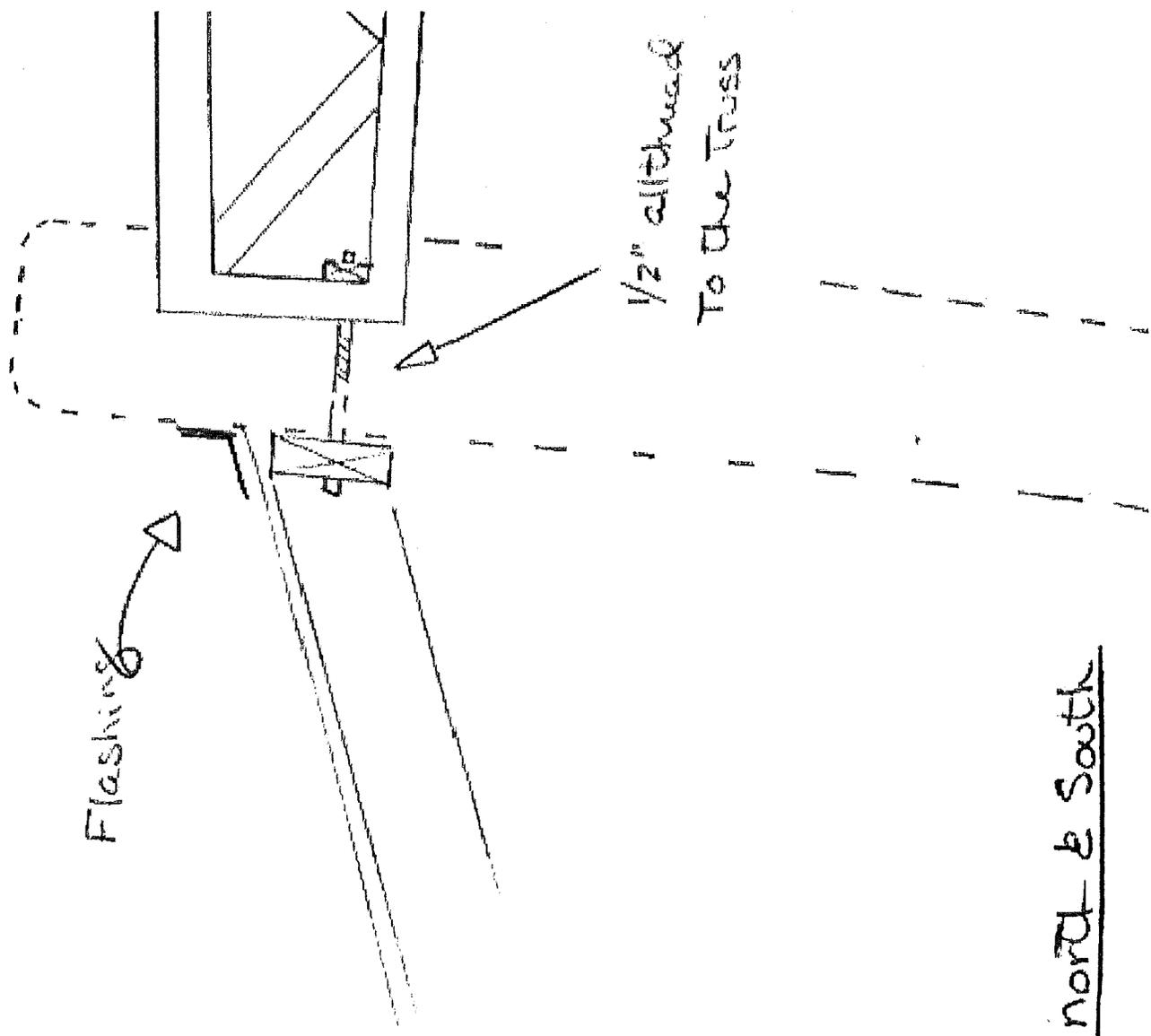
4x8 Loring

4x6 Post

6'

South Porch





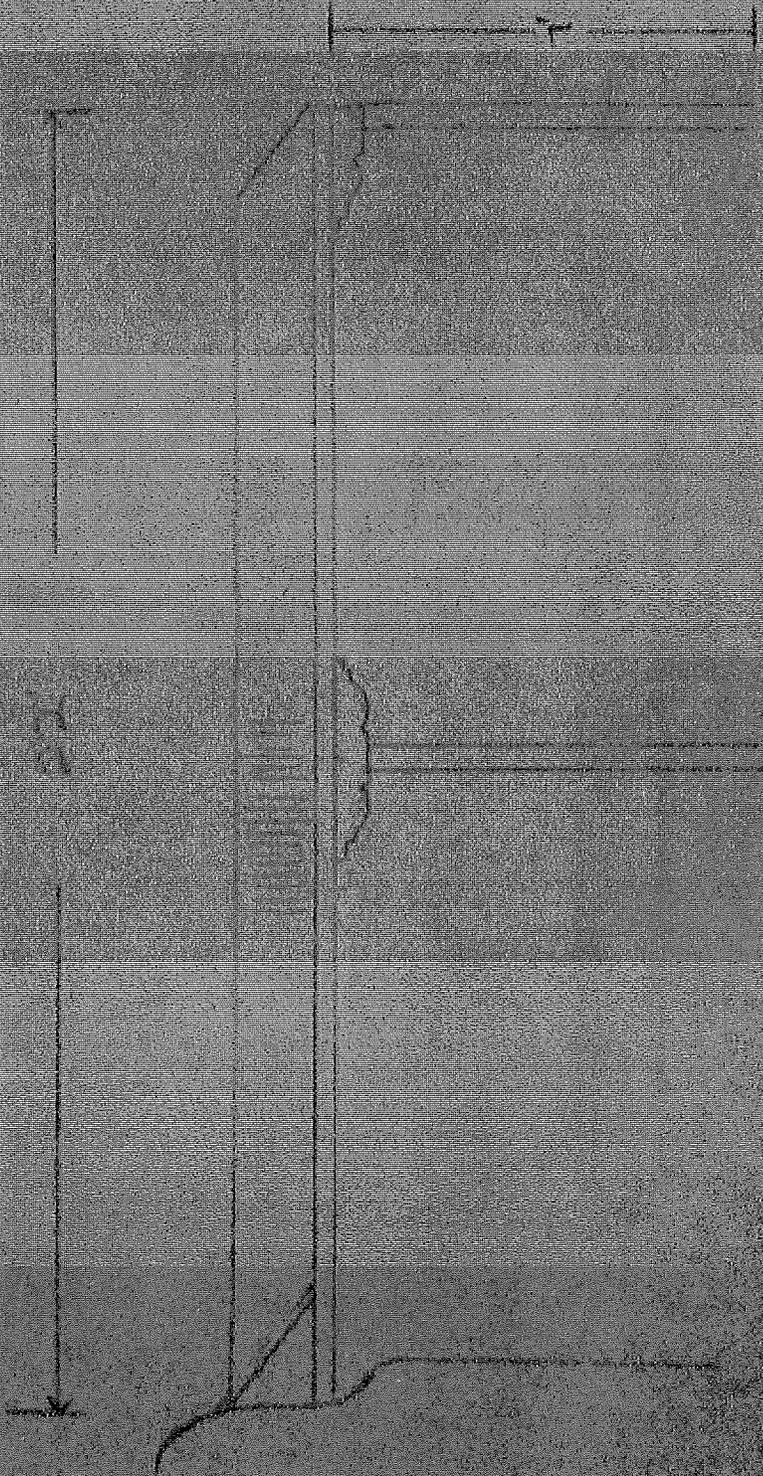
Connections north & south





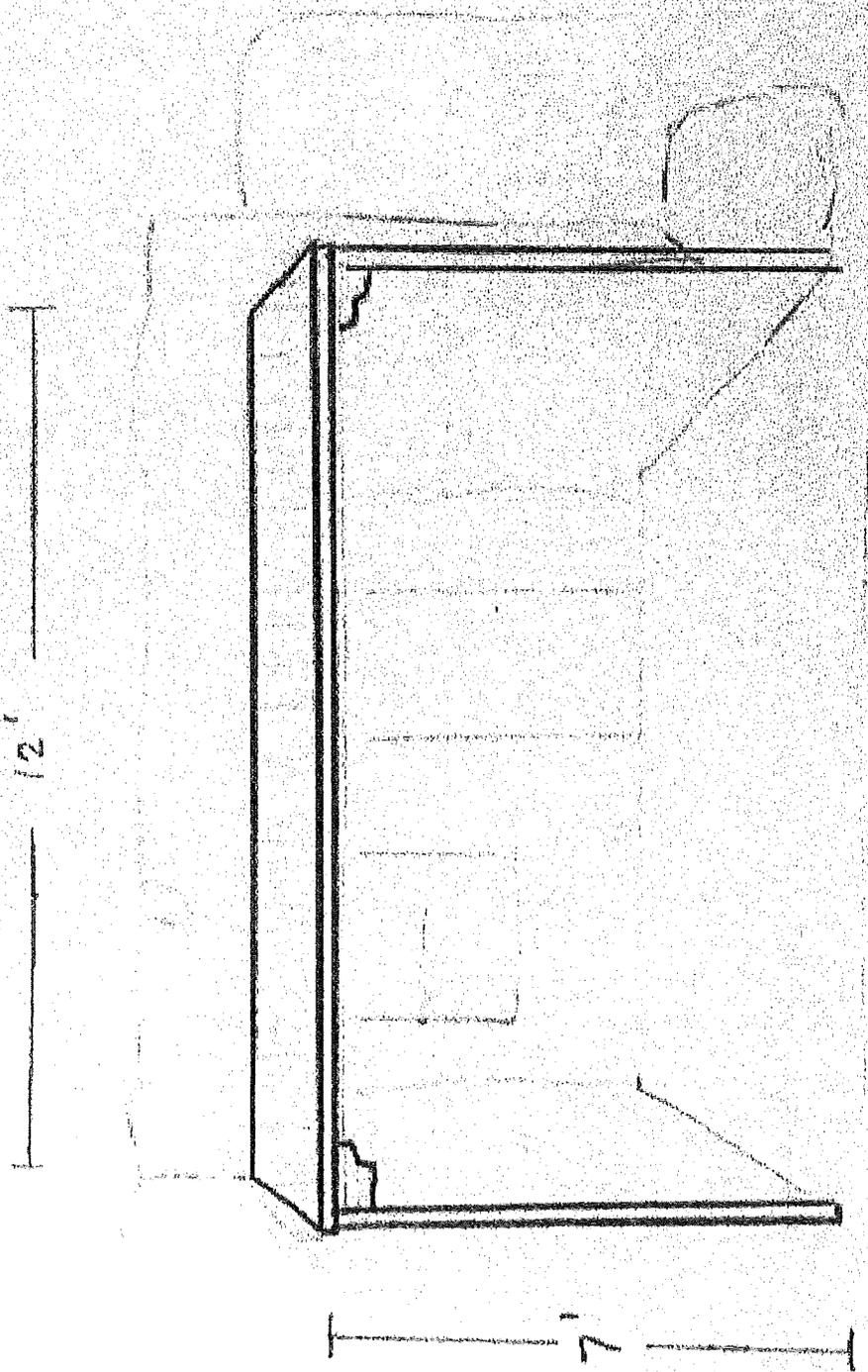
QUINTANA

2149 CALLE DE LOS HUERTOS



Santa Clara

QUINTANA
2149 CALLE DE LOS HUERTOS



North Elevation

**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:
Case # 06119
Fee \$ 21.00

**PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID**

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 06119 ZONE: HR CODE: ADU APPLICATION DATE: 9/11/20

GABRIEL QUINTANA 941-539-5709
Name of Property Owner Property Owner's Telephone Number
PO Box 55 MESILLA NM 88046
Property Owner's Mailing Address City State Zip Code

gabeson@comcast.net
Property Owner's E-mail Address

DAN MAKENS
Contractor's Name & Address (If none, indicate Self)

575-649-6238
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

2149 CALLE DE LOS HUERTOS, MESILLA, NM
Address of Proposed Work:

ADD COVERING OVER FRONT + BACK LANDINGS
(SEE YELLOW HIGHLIGHTS ON ATTACHED SURVEY + DRAWINGS
OF WORK WITH DIMENSIONS)
Description of Proposed Work:

\$ 7,000 [Signature] 9-11-2020
Estimated Cost Signature of Applicant Date

[Signature]
Signature of property owner:

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

PZHAC APPROVAL REQUIRED YES NO BOT APPROVAL REQUIRED YES NO

CID PERMIT/INSPECTION REQUIRED YES NO SEE CONDITIONS

CONDITIONS PZHAC REVIEW ! BOT APPROVAL REQUIRED
CID PERMIT REQUIREMENT REQUIRED
[Signature]

PERMISSION ISSUED/DENIED BY _____ ISSUE DATE _____

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

1. _____ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was **LEGALLY** subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. _____ Site Plan with dimensions and details.
3. _____ Foundation plan with details.
4. _____ Floor plan showing rooms, their uses and dimensions.
5. _____ Cross section of walls
6. _____ Roof and floor framing plan
8. _____ Proof of legal access to the property.
9. _____ Drainage plan.
10. _____ Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
11. _____ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
12. _____ Proof of legal access to the property.
13. _____ Other information as necessary or required by the City Code or Community Development Department (See other side.)

The following are requirements to be included with all building permit applications for new structures or additions to existing structures, as well as other construction or fixtures that will be permanent in nature and affect the appearance or use of the property. (This includes fences, well houses, storage units, metal sheds, photo-voltaic panels that can be seen from the ground, etc.)

BUILDING PERMIT REQUIREMENTS

A. Completed application, including:

- 1. Applicant's name
- 2. Applicant/property owners contact information
- 3. Physical address of property
- 4. Description of work to be done, including dimensions of any construction or repairs
- 5. Value of work to be done
- 6. Property owner's signature on the application

B. Include all information required in the checklist at the bottom of the application.

C. Additional information required:

COVERINGS NEEDED TO PROTECT WOODEN DOORS +
WINDOWS

BOT ACTION FORM
ZONING PERMIT 061120
[PZHAC REVIEW – 9/21/2020]

Items:

Case 061120 – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request for a zoning permit to allow sections of fencing to be installed around a commercial property at this address for security reasons. Zoned: Historic Commercial (HC)

The applicant would like to add sections of fence to an existing fence and wall (see site plan for the posed configuration of the fence sections) in order to enclose the entire property for security purposes. There are two types of fences to be used. One will consist of a wood frame around wire sheep fencing (see attached photos) that will be six feet tall. The second will be a corrugated metal and wood fence six feet tall (see attached photos).

A 25 foot section of the wood and wire fence will run from the edge of an existing wall and fence at the front of the property along the south property line to a proposed section of corrugated metal fence that will extend about thirty feet along the south property line to an existing block wall. From the wall, which extends to the rear property line, two sections of fence, one a 30 foot long corrugated metal and the other a 45 foot long wood and wire fence, will run north along the west (rear) property line to an eighteen foot long section of corrugated fence to be located along the north property line that will then connect with the applicant's building. Additionally, a fifty foot long section of wood and wire fence will run north-south through the middle of the property.

A right-of-entry agreement will be needed with one of the property owners along the southern property line. The other property along the southern property line has the existing wall and there will not be a fence on the property line with this property. The applicant owns the property to the west.

Consistency with the Code: The PZHAC will need to determine that the proposed fence styles will be compatible with the fence styles allowed in the Town. (Examples of both styles of fence had been allowed throughout Town.) The proposed fences will need to be consistent with the following sections of the Code:

Chapter 18.35 HR – Historical Residential Zone

The fence could be compatible with the HR zoning of the property if the PZHAC determines that the fence sections enhance the Historical nature of the dwelling.

Chapter 18.33 – Historic Preservation

18.33.040 Declaration of purpose and statement of public policy.

A. The board of trustees declares that the historical heritage of Mesilla and its historic buildings and its historic districts are among its most valued and important assets. The board finds that some buildings having historical, architectural, aesthetic and cultural value have been neglected, altered or destroyed notwithstanding the feasibility of preserving and continuing the use of such buildings and without adequate consideration of the irreplaceable loss to the public and the town. The board finds that the historic character of Mesilla is of vital importance in maintaining the economy of the town and that its historic landmarks and the buildings in its historic district can be preserved, rehabilitated and used. The board finds that this chapter benefits all the residents of Mesilla and all the owners of property.

Estimated Cost: @ \$5,000.00

Findings that need to be made:

- The PZHAC has jurisdiction to review and recommend approval of this request to the BOT.
- The proposed work consists of replacing windows on a dwelling at this address.
- The PZHAC has determined that the proposed work meets all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that although there is a need for the type of fencing proposed for security purposes, there does not appear to be anything similar in the Historic Commercial zoning district, therefore the PZHAC voted 4 – 0 to recommend APPROVAL to the BOT of the fences requested by the applicant as temporary fence with the following CONDITION:

- 1. The subject fences will be allowed as long as the applicant is in business.*

BOT OPTIONS:

- 1. Approve the application as recommended by the PZHAC.**
- 2. Approve the application with conditions.**
- 3. Reject the application.**

BOT ACTION:

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Number | Enter Value:

Maps

Legend

Map Themes
Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400324](#)
 Parcel Number: 4006137243402
 Owner: LUCERO JESUS D
 Mail Address: PO BOX 335
 Subdivision:
 Property Address: 2230 AVENIDA DE
 MESILLA
 Acres: 0



VIEWS OF THE PROPERTY FROM AVENIDA DE MESILLA



PROPOSED CORRUGATED
30 FT LONG
6 FT TALL

PROPOSED WIRE FENCE
45 FT LONG
6 FT TALL

PROPOSED
CORRUGATED
18 FT LONG
6 FT TALL

EXISTING
BLOCK WALL

BUILDING

PROPOSED CORRUGATED
FENCE
30 FT LONG
6 FT TALL

PROPOSED WIRE
FENCE

50 FT LONG
6 FT TALL

PROPOSED WIRE
FENCE
25 FT LONG
6 FT TALL

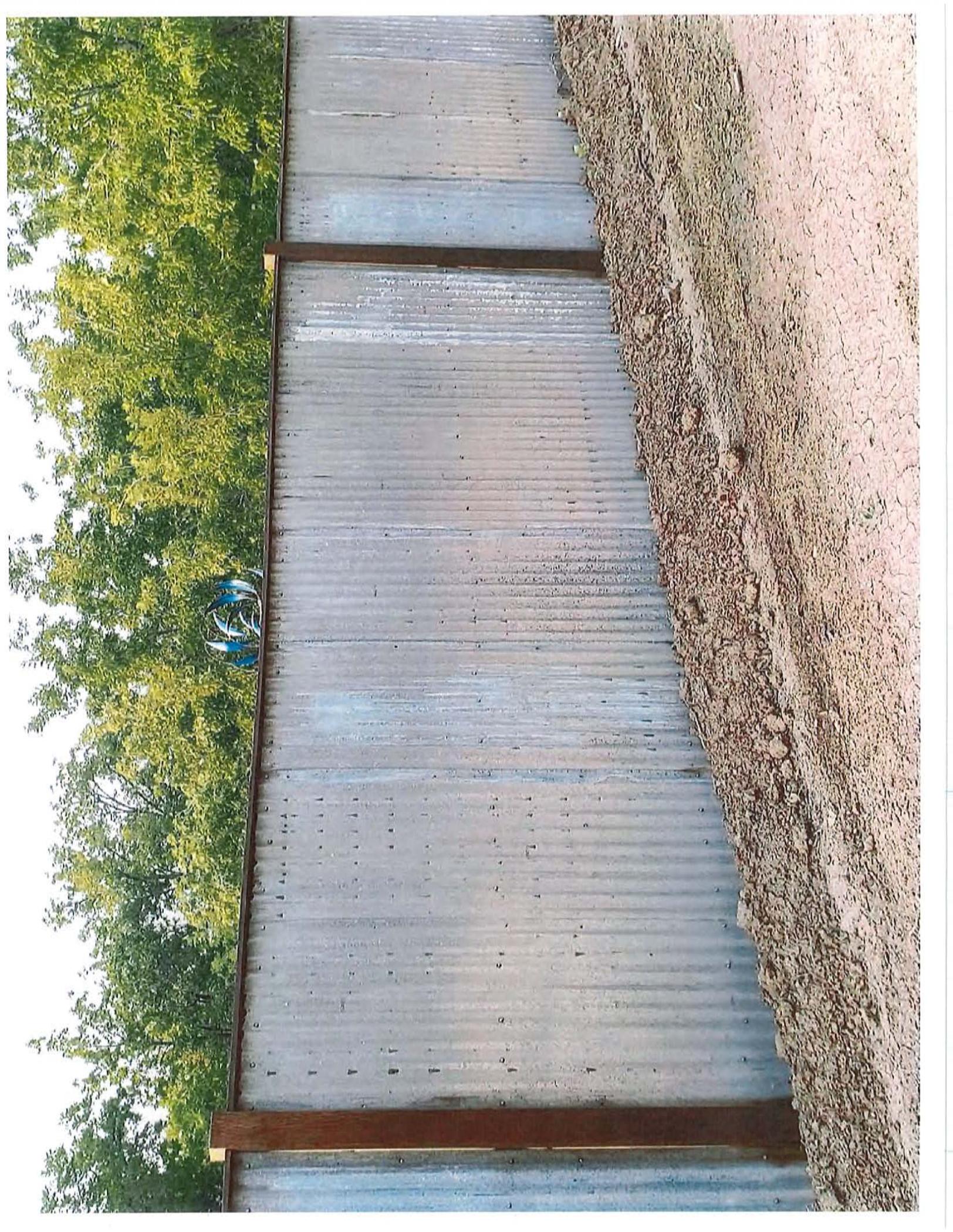
EXISTING
FENCE

EXISTING
FENCE

EXISTING
FENCE

PROPOSED CORRUGATED







OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID

061120
H. B. ...
45.00 //

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 061120 ZONE: vic CODE: misc APPLICATION DATE: 9/14/20

JESUS LUCERO
Name of Property Owner
P.O. Box 335
Property Owner's Mailing Address
MESILLA
City
575-524-2972
Property Owner's Telephone Number
NM
State
88046
Zip Code
Property Owner's E-mail Address

TENANT/APPLICANT
Contractor's Name & Address (If none, indicate Self)

Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2230 AVENIDA DE MESILLA

Description of Proposed Work: FENCING TO COMPLETELY ENCLOSE THE PROPERTY FOR SECURITY PURPOSES

\$ 500.00
Estimated Cost
[Signature]
Signature of Applicant
SEPT. 14, 2020
Date

Signature of property owner: [Signature]

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval Approved Date: _____
 Disapproved Date: _____
 Approved with conditions

BOT Approved Date: _____
 Disapproved Date: _____
 Approved with Conditions

PZHAC APPROVAL REQUIRED: YES NO BOT APPROVAL REQUIRED: YES NO

CID PERMIT/INSPECTION REQUIRED: YES NO SEE CONDITIONS

CONDITIONS: PZHAC REVIEW & BOT APPROVAL REQUIRED
A CID PERMIT MAY BE REQUIRED

PERMISSION ISSUED/DENIED BY _____ ISSUE DATE _____

- THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:
- Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
 - Site Plan with dimensions and details.
 - Foundation plan with details.
 - Floor plan showing rooms, their uses and dimensions.
 - Cross section of walls
 - Roof and floor framing plan
 - Proof of legal access to the property.
 - Drainage plan.

BOT ACTION FORM
ZONING PERMIT 061121
[PZHAC REVIEW – 9/21/2020]

Items:

Case 061121 – 2185 Calle de Guadalupe, submitted by Richard Moreno; a request for a zoning permit to allow the replacement of all six windows on a dwelling at this address. Zoned: Historic Residential (HR)

The applicant would like to replace six windows on the dwelling with new windows that are in better condition and are more thermally efficient. The windows will be the same size as the original windows and will have a similar pattern as the windows being replaced (see attached catalogue from Home Depot). The replacement windows will be set in vinyl and will be set into the walls to match the existing window appearances. The replacement windows will be a clay color, the existing windows are a peeling brown color painted over aluminum.

The structure is in the Historic Register (see attached) and appears to have been built around 1900. Attached are the Historical Registry worksheet and the description sheet for the structure which were submitted by the Town as part of the application for inclusion in the Historical Register in 1980 (see attached). The structure was described as being similar to its surroundings and contributing architecturally to the area. The dwelling also appears to have been in the process of being remodeled at the time the inventory for the Historic Register was done. The existing windows appear to have been installed at that time.

Consistency with the Code: The PZHAC will need to determine that the proposed windows will be compatible with the style of the structure and the surrounding properties, and the proposed windows will be consistent with the following sections of the Code:

Chapter 18.35 HR – Historical Residential Zone

The windows could be compatible with the HR zoning of the property if the PZHAC determines that the replacement windows enhance the Historical nature of the dwelling.

Chapter 18.33 – Historic Preservation

18.33.040 Declaration of purpose and statement of public policy.

A. The board of trustees declares that the historical heritage of Mesilla and its historic buildings and its historic districts are among its most valued and important assets. The board finds that some buildings having historical, architectural, aesthetic and cultural value have been neglected, altered or destroyed notwithstanding the feasibility of preserving and continuing the use of such buildings and without adequate consideration of the irreplaceable loss to the public and the town. The board finds that the historic character of Mesilla is of vital importance in maintaining the economy of the town and that its historic landmarks and the buildings in its historic district can be preserved, rehabilitated and used. The board finds that this chapter benefits all the residents of Mesilla and all the owners of property.

Estimated Cost: @ \$4,500.00

Findings that need to be made:

- The PZHAC has jurisdiction to review and recommend approval of this request to the BOT.
- The proposed work consists of replacing six windows on a dwelling at this address.
- The PZHAC has determined that the proposed work meets all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that proposed windows would not be out of character with the historic requirements of the Code and voted 5 – 0 to recommend APPROVAL of this request to the BOT with the following CONDITIONS:

1. *The windows will need to meet CID requirements for egress.*
2. *The applicant will choose one of the grill patterns in the window brochure supplied by the applicant with the application.*

BOT OPTIONS:

1. Approve the application as recommended by the PZHAC.
2. Approve the application with conditions.
3. Reject the application.

BOT ACTION:

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Number | Enter Value:

Maps

Legend

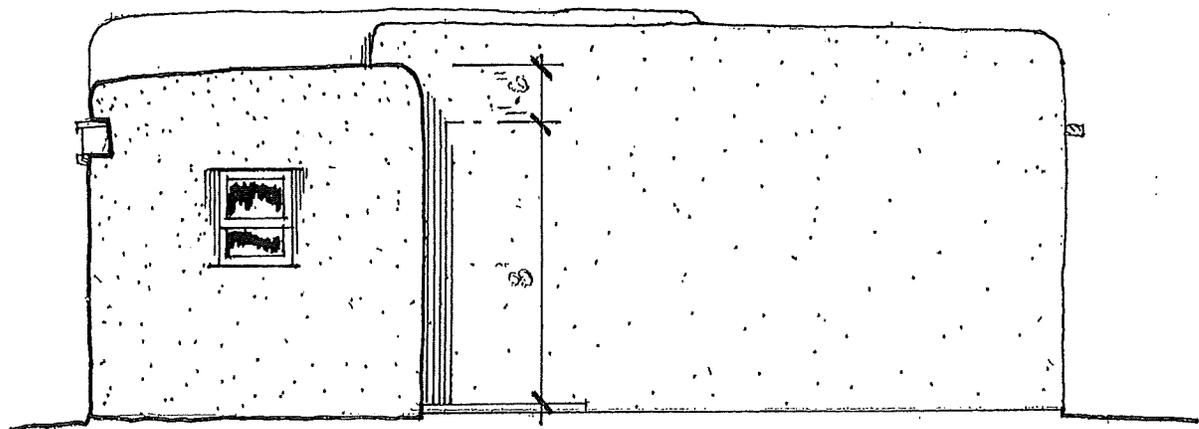
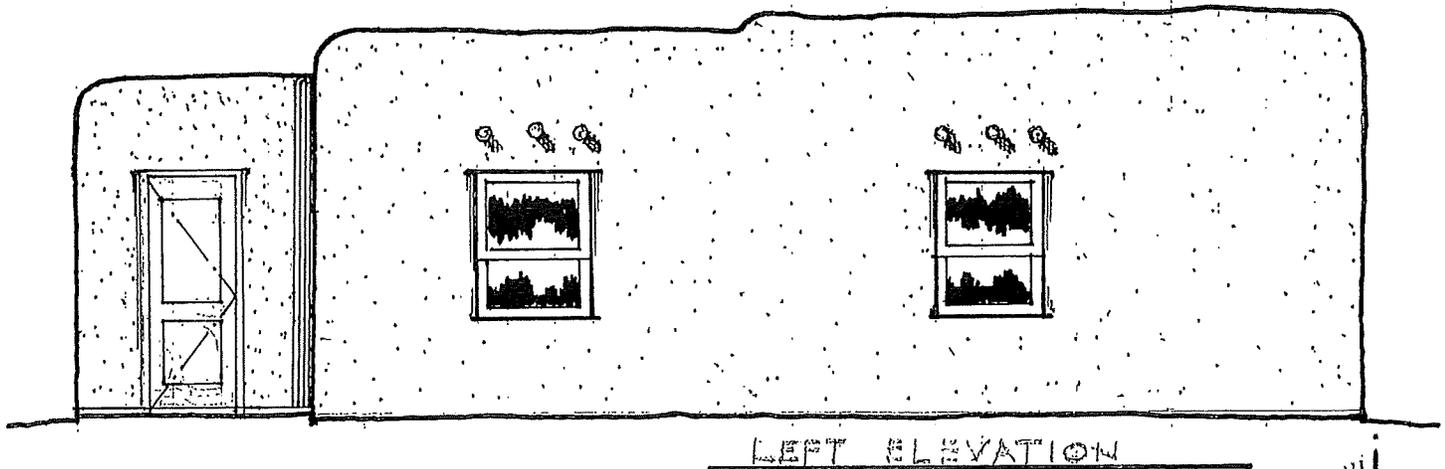
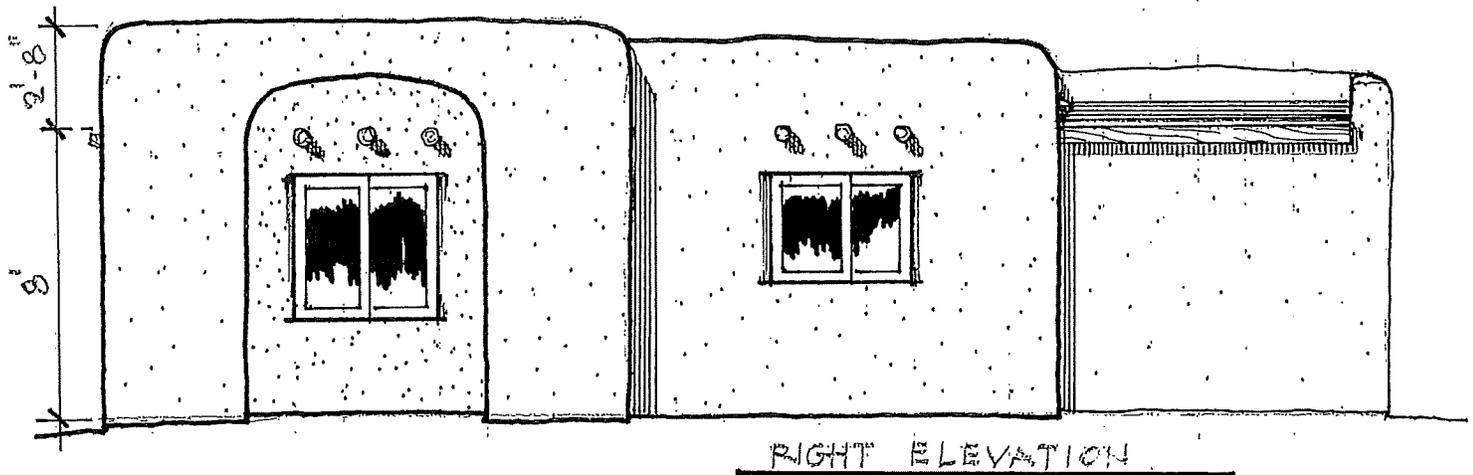
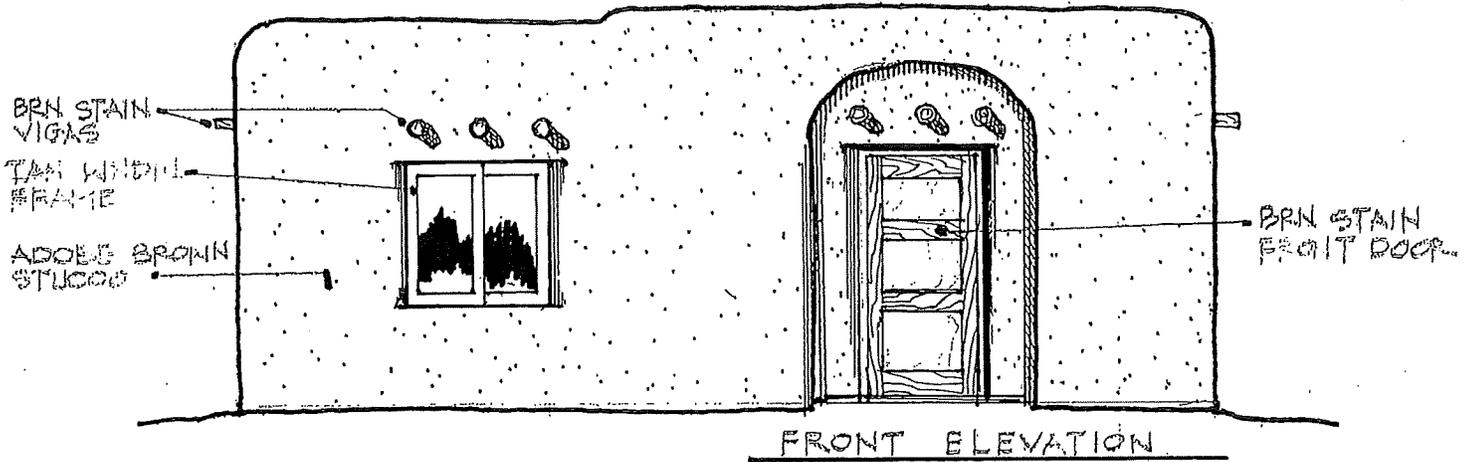
Map Themes
Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: R0400287
 Parcel Number: 4006137208399
 Owner: MORENO ANGELA S &
 RICHARD S & PAUL S MORENO
 Mail Address: 258 Sandy Point Trail
 Subdivision:
 Property Address: 2185 CALLE DE
 GUADALUPE
 Acres: 0



VIEW OF THE FRONT AND REAR OF THE DWELLING FROM CALLE DE MEDANOS





2185 CALLE DE GUADALUPE

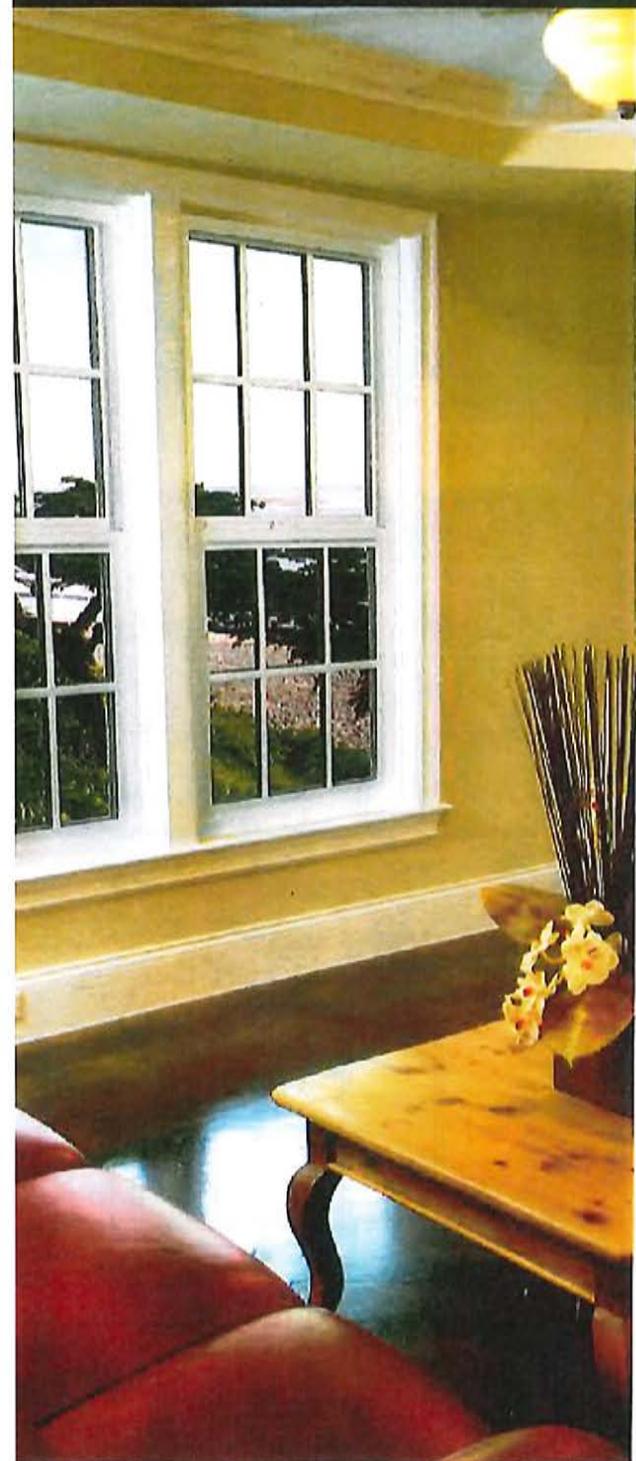
CARIANA '20

* ALL ROOF SLOPES TO HAVE 1/4" FOOT MIN.

510 Single Hung Window and 580 Sliding Patio Door

PLY GEM
WINDOWS

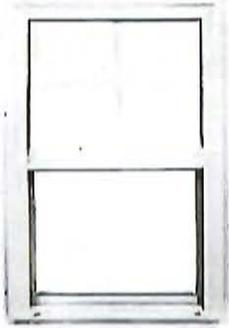
Ventana de Guillotina Sencilla 510 y Puerta Corrediza Para Patio 580



For New Construction or Remodeling

Para Construcciones Nuevas
> Remodelaciones





510 Single Hung Vinyl Window with Nail Fin

Ventana de Vinilo de Guillotina Sencilla Modelo 510, con Aleta Para Clavado

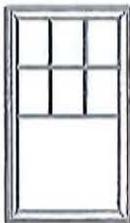


580 Sliding Patio Vinyl Door with Nail Fin

Puerta Corrediza de Vinilo Para Patio Modelo 580, con Aleta Para Clavado



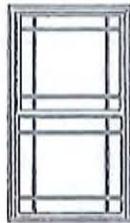
Colonial Colonial



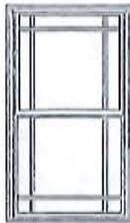
Half Colonial Mitad Colonial



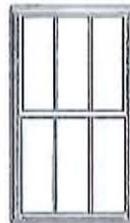
Plaza Plaza



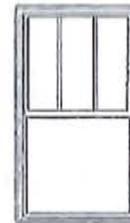
Prairie Pradera



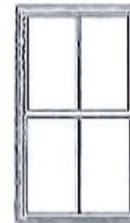
Perimeter Prairie Perimetro Pradera



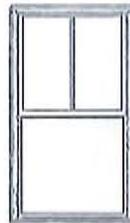
Three over Three Tres más Tres



Three over One Tres más Uno



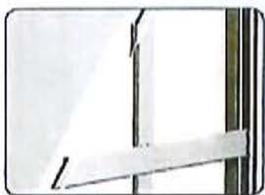
Two over Two Dos más Dos



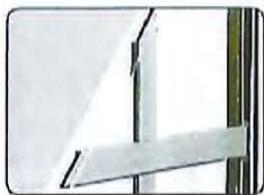
Two over One Dos más Uno

Grille Patterns

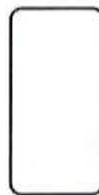
Patrones de Rejilla



5/8" Flat Grilles Between Glass 5/8" Rejillas Planas Entre Glass



3/4" Flat Grilles Between Glass 3/4" Rejillas Planas Entre Glass



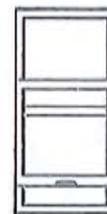
White Blanco



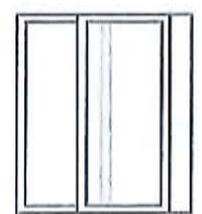
Beige Beige



Clay Arcilla



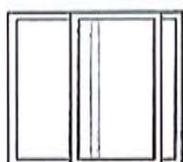
Single Hung Soltero Hung



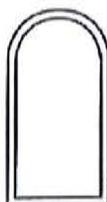
Sliding Patio Door Corredizas Patio de Puerta

Grille Options

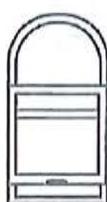
Opciones de Rejilla



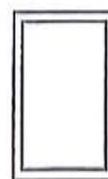
Sliding Window Ventana Corredizas



Architectural Shapes Formas Arquitectónicas



Operating Shapes Formas Según Funcionamiento



Picture Fixed Imagen Fija



Casement Con Bisagras



Awning Tipo Toldo

Color Options

Opciones de Color

In-Stock Style Options

En Inventario Opciones de Estilo

Special Order Options

Opciones de Orden Especial

1. ALERT SHEET? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NEW MEXICO HISTORIC BUILDING INVENTORY FORM 1: BUILDINGS & STRUCTURES 6-6-79 <i>pick 2-9</i>														
2. SURVEY DATE 3. BY <i>1/2/80 MBT</i>		4. CHECK DATE 5. BY		6. COMPUTER DATE 7. BY			8. FILE DATE 9. BY		10. REVISION DATE 11. BY							
12. COUNTY <i>Dona Ana</i>		13. FIELD MAP		14. NUMBER			15. UTM REFERENCE NUMBER <table border="1"> <tr> <td>13</td> <td>330900</td> <td>3572200</td> </tr> <tr> <td>ZONE</td> <td>EASTING</td> <td>NORTHING</td> </tr> </table>				13	330900	3572200	ZONE	EASTING	NORTHING
13	330900	3572200														
ZONE	EASTING	NORTHING														
16. SPECIFIC LOCATION <i>NE corner of Calle de Guadalupe and Calle de Medanos</i>						17. CITY/TOWN <i>Merilla</i>		18. ZIP <i>88046</i>		20. I.D. # <i>18-3202099</i>						
20. LEGAL DESCRIPTION: TOWNSHIP NS RANGE EW SECTION $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$						19. LAND GRANT OR RESERVATION <i>Merilla Civil Library Grant</i>		22. ROLL # <i>3133</i>		23. NEG # <i>16</i>						
25. ARCHITECTURAL STYLE <i>adobe vernacular</i>						26. NUMBER OF STORIES <i>1</i> <i>Moreno, Andres</i>										
27. FOUNDATION MATERIAL(S) concrete						28. EXTERIOR WALL SURFACE(S) <i>gray plaster</i> <i>BOX 692</i> <i>Las Cruces, NM 88004</i> <i>4.006.137.208.399</i>										
29. FENESTRATION (TYPE, DIVISIONS/SURROUNDS/SILLS/ARRANGEMENTS) <i>- horiz alum slide windows, sashes painted brown, deeply recessed. Above some of the windows is a false round arch with viga ends (same take?) protruding.</i>																
30. DOOR/ENTRANCE (TYPE/SURROUNDS) <i>Modern wood paneled door. Two sidelights on each side of door. False round arch with protruding viga ends above doorway.</i>																
31. ROOF(S) (NUMBER/SHAPE/MATERIAL/DETAILS) <i>Flat with tin canoes below parapet level</i>																
32. CHIMNEY(S) (NUMBER/EXTERIOR-INTERIOR/MATERIALS) <i>none observed</i>																
33. EXTERIOR DETAILS <i>In the process of remodeling which is keeping the original architectural integrity intact.</i>																
34. COMMENTS																
DATE OF CONSTRUCTION						45. IMMEDIATE SURROUNDINGS										
35. ESTIMATED <i>1900</i>		36. ACTUAL				<i>residential</i>										
37. SOURCE OF DATE						46. RELATION TO SURROUNDINGS <input checked="" type="checkbox"/> SIMILAR <input type="checkbox"/> NOT SIMILAR										
38. ARCHITECT/ENGINEER/BUILDER						47. ARCHITECTURAL CONTRIBUTION TO SURROUNDINGS <input checked="" type="checkbox"/> PLUS <input type="checkbox"/> NEUTRAL <input type="checkbox"/> MINUS										
39. SOURCE OF INFORMATION						48. OVERALL SIGNIFICANCE <input type="checkbox"/> NATIONAL <input type="checkbox"/> STATE <input type="checkbox"/> LOCAL <input type="checkbox"/> NONE										
40. NAME						49. ASSOCIATED BUILDINGS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO										
USE						50. WHAT TYPE?										
41. PRESENT <i>residential</i>		42. HISTORIC <i>11</i>				51. IF INVENTORIED, LIST I.D. #'S										
CONDITION						52. SEE BACK? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO										
<input type="checkbox"/> EXCELLENT		<input checked="" type="checkbox"/> GOOD		<input type="checkbox"/> FAIR		<input type="checkbox"/> DETERIORATED										
44. DEGREE OF REMODELING																
<input type="checkbox"/> MINOR		<input checked="" type="checkbox"/> MODERATE <i>new windows</i>		<input type="checkbox"/> MAJOR												

- 96 This stuccoed adobe Territorial Style house has a flat parapet, tin canales, and viga ends visible on the facade. The doorway has sidelights, and top lights. Windows are of wood frame and are fronted by iron grill work. Above the windows and door are decorative pediments. A portal of squared beams and decorative corbels fronts a portion of the building. est. 1860. (S)
- 97 This is a very fine example of the type of architecture that was prevalent in the vicinity of the plaza during the latter half of the 19th century. It has a flat roof, parapet, canales and wood frame windows. The entrance is through a zaguan. This residence fronts the streets on the east and west sides. Another residence (see next entry) is adjacent to, and to the north of the building. est. 1855. (S)
- 98 This residence is adjacent to the building to the south. This also occupies the width of the block, fronting the streets on the east, north and west. The doorway has sidelights and toplights and is fronted by a decorative screen door with spindles. The windows and door have decorative trim, the roof is flat with tin canales and the adobe walls are stuccoed. Blas Duran, the owner of this residence in the early 1850's, was a judge who held court here many times, thus making it one of the earliest seats of government in the village. (S)
- 99 This small stuccoed adobe house has a flat roof, tin canales and aluminum sash windows. This building has recently been renovated. est. 1920. (C)
- 100 This is a small ell-plan house of stuccoed adobe. It has a flat roof, parapet and recessed metal casement windows. est. 1940. (N)
- 101 Very similar to the above mentioned house, this residence has a flat roof, parapet, aluminum frame windows and is of an ell-plan. ca. 1940. (N)
- 102 Very similar to the two preceding houses, this residence has a flat roof, parapet, wood frame windows, and has an ell shaped floor plan. est. 1940. (N)
- 103 This stuccoed adobe house has metal casement windows. The building is fronted by a portal with shed roof that is covered with mission tile. Roof over the residence is flat with parapet. est. 1945. (N)
- 104 This is a stuccoed house with a gabled roof covered by asphalt shingles. Windows are metal casement. est. 1940. (N)
- 105 This house has a flat roof, parapet, metal casement windows fronted with iron grillwork, and it is stuccoed. est. 1935. (N)

**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:

Case # 061121

Fee \$ 18.00

**PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID**

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 061121 ZONE: HR CODE: ACM APPLICATION DATE: 9/10/20

Richard Moreno 575-37-2718 302-0978

Name of Property Owner Property Owner's Telephone Number

85590 Prospect Ave 34 F Loma Linda, Ca 92
Property Owner's Mailing Address City State Zip Code

redone.moreno737@gmail.com
Property Owner's E-mail Address

Hernandez Construction
Contractor's Name & Address (If none, indicate Self)

575-680-5188
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2185 Calle de Guadalupe

Description of Proposed Work: Window Replacement

\$ 4,500.00
Estimated Cost

[Signature]
Signature of Applicant

September 10, 2020
Date

Signature of property owner: [Signature]

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

PZHAC APPROVAL REQUIRED: YES ___ NO BOT APPROVAL REQUIRED: YES ___ NO

CID PERMIT/INSPECTION REQUIRED: YES ___ NO ___ SEE CONDITIONS

CONDITIONS: PZHAC APPROVAL & BOT APPROVAL REQUIRED
BOT PERMIT REQUIRED
ZL

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

1. Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. Site Plan with dimensions and details.
3. Foundation plan with details.
4. Floor plan showing rooms, their uses and dimensions.
5. Cross section of walls
6. Roof and floor framing plan
8. Proof of legal access to the property.
9. Drainage plan.
10. Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
11. Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
12. Proof of legal access to the property.
13. Other information as necessary or required by the City Code or Community Development Department (See other slide.)

The following are requirements to be included with all building permit applications for new structures or additions to existing structures, as well as other construction or fixtures that will be permanent in nature and affect the appearance or use of the property. (This includes fences, well houses, storage units, metal sheds, photo-voltaic panels that can be seen from the ground, etc.)

BUILDING PERMIT REQUIREMENTS

A. Completed application, including:

1. Applicant's name
2. Applicant/property owners contact information
3. Physical address of property
4. Description of work to be done, including dimensions of any construction or repairs
5. Value of work to be done
6. Property owner's signature on the application

B. Include all information required in the checklist at the bottom of the application.

C. Additional information required:

Low E Double Pane glass vinyl windows
(clay arcilla)

BOT ACTION FORM
APPEAL TO THE BOT OF TWO ZONING DECISIONS BY THE PZHAC
CASE #'S 061079 AND 061088

SUMMARIES OF THE CASES BEING APPEALED

Case 061079

The appellant's representative at the time, Victoria Lucero, first spoke with staff in April 2020 about two adjacent properties on Stithes Road and South Motel Boulevard owned by the applicant (see attached boundary survey in Case 061079). The problem was that the two properties each contained a dwelling, and that the septic leach lines for the larger dwelling crossed property lines and were actually on the property containing the smaller dwelling. This was not legal, according to NMED regulations. To resolve this, Ms. Lucero wanted to combine the two lots through the elimination of the lot line between them. This request resulted in a delay to the application being accepted by staff in order to allow the Ms. Lucero and staff to address the legal status of the dwelling on the small property with respect to the Codes requirements for guest houses. (The dwelling on the second property would become a guest house once the property was combined. Since the dwelling was over 1000 square feet in size, it would not meet the size requirements of 600 square feet maximum for a guest house in the RA zone, and would result in the creation of a legal non-conforming structure.)

Staff suggested a lot line adjustment in which the lot line between the two properties would be adjusted to include the leach lines on the same property as the dwelling they served. Since the lots were already smaller than the three acres required by the RA zone, they were both already considered legal non-conforming lots, and no new non-conforming issues would be created. Additionally, both lots would be recognized as legal by the State NMED. Ms. Lucero returned with an application that reflected the suggested lot line adjustment. This request became Case 061079 and was scheduled for the July 20, 2021. Due to technical difficulties, this meeting had to be rescheduled to July 23, 2020 (see attached case write-up presented to the PZHAC at a special meeting on July 23, 2020).

A vote was held by the PZHAC, and the case was denied by a vote of 2 – 3 (see attached minutes of the 7/23/20 PZHAC meeting.)

The appellant is appealing that decision of the PZHAC.

Case 061088

The appellant also applied for a zoning permit to build a garage and workshop on the property on Stithes Road (see attached case write-up from PZHAC Agenda for 8/17/20). The case was originally heard by the PZHAC but was postponed on August 3, 2020 (see the attached minutes for the 8/3/20 PZHAC meeting) in order to allow staff to obtain a legal opinion (attached at the end of the minutes for the 8/17/20 PZHAC Meeting.) from the Town Attorney, Joseph Cervantes, as to whether the small size of the property with respect to its RA resulted in the property being considered legal non-conforming, and whether a legal non-conforming property could be built on it.

As a result of the legal opinion, which stated that according to the Mesilla Zoning Code, the property is considered legal non-conforming due to the fact that although the property was legally created, it is still less than the three acres required by the RZ zoning of the property. The PZHAC determined that since the property is legal non-conforming, and legal non-conforming uses are not to be expanded according to the Code, the garage would be an expansion of a legal non-conforming use and should not be allowed.

A vote was held by the PZHAC, and the case was denied by a vote of 3 – 0 to deny the request. (Only three commissioners were present for the meeting.)

The applicant is also appealing this decision of the PZHAC.

BOT OPTIONS:

1. Uphold the decision(s) of the PZHAC to require all wood in the windows.
2. Uphold the decision(s) of the PZHAC to require all wood in the windows with conditions.
3. Overturn the decision(s) of the PZHAC to require all wood in the windows.

BOT ACTION:

APPEALS

CASE 061076

CASE 061088

APPEAL LETTER

(From Appellant's Attorney)

August 31, 2020

Via electronic transmission cynthias-h@mesillanm.gov
And priority United States mail
Cynthia Stoechner-Hernandez, Clerk/Treasurer
P.O. Box 10
Mesilla, New Mexico 88046

Re: PZHAC Decisions, Case Nos. 061079 and 061088

Dear Ms. Stoechner-Hernandez:

Our Firm was recently retained to assist Mr. Jon Strain, a resident of the Town of Mesilla, with the appeal of the recent decisions made by the Planning, Zoning and Historical Appropriateness Committee ("PZHAC").

Our client has not received written notice of the basis for the denial of his application for a lot line adjustment on his own property (061079) and for the denial of his application to permit his construction of an outbuilding on his property (061088).

Although he has not been provided with written notice of the resolutions that identifies the basis for the denials of either application, Mr. Strain provided notice to the Town of Mesilla that he intended to appeal both decisions. This correspondence is to serve as follow-up on the notice that was previously furnished by Mr. Strain and as formal request for an Appeal of both decisions made by the PZHAC to the Board of Trustees for the Town of Mesilla.

There are two bases for Mr. Strain's request that the Board of Trustees for the Town of Mesilla review the PZHAC decisions. First, Mr. Strain was denied his right to due process as he was not given adequate notice (called two hours before the meeting) that the PZHAC would be considering his Application to build the shop (061088). Mr. Strain was preparing to board a plane so he could return home and did not have access to his application or the opinion written earlier by an attorney for the Town of Mesilla. This combination of lack of notice and inability to properly prepare for the meeting violated his due process rights. With respect to the meeting regarding the lot line (061079), Mr. Strain was unable to call-in to the meeting and therefore had no opportunity to explain the basis for the proposed lot line adjustment.

Second, the PZHAC furnished no factual or legal basis (or reason for that matter) for its denial of the proposed lot line adjustment. Without a basis, the decision falls within the definition of an impermissible arbitrary and capricious decision. No explanation was furnished by the PZHAC as

PZHAC Decisions, Case Nos. 061079 and 061088
August 31, 2020
Page 2

to why a legal opinion was requested when Mr. Strain's application to construct an outbuilding was submitted; his was not the first application that was filed relating to land that no longer conformed once new zoning ordinances were enacted by the Town of Mesilla. Those applications were either approved or the owners of land simply failed to comply with the ordinance and their non-compliance was not the subject of an objection by the PZHAC or the Town of Mesilla.

Please contact me at your convenience with information regarding the date of the hearing, how much time we will have to present evidence and arguments, and any other information that might assist Mr. Strain to ensure that his due process rights are not violated by the Town of Mesilla.

Sincerely,

KEMP SMITH LLP

By



CaraLyn Banks, Esq.

cc: Nora Barraza (Mayor@mesillanm.gov)

**INFORMATION PRESENTED TO PZHAC
SPECIAL MEETING
JULY 23, 2020
[CASE 061079]
&
MINUTES OF THE JULY 23, 2020
PZHAC SPECIAL MEETING**

PZHAC ACTION FORM
ZONING PERMIT 061079
LOT LINE ADJUSTMENT (SUMMARY SUBDIVISION)
[PZHAC REVIEW – 7/20/2020]

Items:

Case 061079 – 2067 Stithes Road and 1780 Calle de El Paso, submitted by Jon Strain; a request to allow a lot line adjustment between these two properties in order to resolve a legal issue in which a septic line crosses a property line. Zoned: Rural/Agricultural (RA)

Summary of Request:

There are two properties involved in this request. Both properties are smaller than the three acres normally required by the RA zoning of the property, but appear to have been legally created before 1970, which is before the zoning requirement existed. One property is 1.66 acres in size and contains a 2030 square foot dwelling with four bedroom and two bathrooms. This dwelling was built in 1968 and is occupied by the applicant. The second property is 1.20 acres in size and contains an 1110 square foot rental dwelling with one bedroom and one bathroom. This dwelling was built in 1920. The two parcels appear to date back to at least 1970.

Both properties are owned by the applicant and cannot be sold separately due to the fact that a septic line crosses from the dwelling on the larger property to leach lines on the smaller property to the east. This situation is no longer considered legal by the State. The applicant would like to adjust the lot line between the two parcels so that the leach lines for the large dwelling are on the same parcel as the dwelling and the two properties are legally separate. The result is that one parcel will be made larger (2.139 acres) and one will be made smaller (0.75 acres), but the total size of the two properties (2.889 acres) will not change. No new lots will be created.

The option of relocating the leach lines was discussed with the applicant, but due to the configuration of structures on the larger property, the existence of a small pecan grove as well as a parking area for the applicant's family vehicles, relocation of the leach field was not a viable option.

There was a concern brought up by a neighboring property owner that the lot line adjustment will allow additional dwellings to be built on the properties. The fact is that a second dwelling cannot be built on either property since they are both smaller than the three acres required for lots in the RA zone. Additionally, the resulting 0.75 acre size of the smaller lot will not allow another dwelling or any size due to NM Environmental Department laws, which are NM State laws.

Consistency with the Code:

The following sections of the Code apply specifically to this request:

Chapter 18.60 - GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS

18.60.180 Area requirements deemed met.

Any lot or building site shall meet the minimum area requirements when:

A. It existed as an entire lot, or as an entire parcel, for which either a deed was on record in the office of the county recorder or a bona fide contract of sale was in effect prior to the effective date of the ordinance codified in this section.

The two existing lots appear to have been legally created before 1970, prior to the existence of the Zoning Code for the Town.

Chapter 18.25 RA – RESIDENTIAL/AGRICULTURAL ZONE

18.25.010 RA Zone - Purpose.

This zone is intended to encourage a suitable environment for single-family residential use on large parcels of land on the periphery of the built-up portions of the town and to provide for a low density of population. [Ord. 94-06 § 1; prior code § 11-2-11.2.A]

The current use of each property for a dwelling will not change as a result of the lot line adjustment. The net result will not result in any changes to the total overall size of the two lots.

18.25.050 RA Zone - Development standards.

A. Lot Area. Each lot shall have a minimum of three acres for each dwelling unit except cluster development.

Even though the two lots will still be smaller than the required three acres, the total overall size will remain the same. However, both properties will now be legal whereas they are not currently legal originally because of the septic line crossing lot lines. No new lots will be created.

Chapter 17.35 ALTERNATE SUMMARY PROCEDURE

17.35.050 Approval (Summary Subdivision)

Approval by this summary procedure shall be endorsed on the plat and such approval shall be conclusive evidence of the approval of the town of Mesilla. Following approval of the subdivision by the board of trustees and the planning commission, the plat shall be signed by the chairman and secretary of the planning commission and the mayor. [Ord. 89-01; prior code § 11-5-7.5]

This step will be done after the lot line adjustment is approved by the BOT.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed lot line adjustment will result in eliminating a situation that is no longer legal in which a septic line crosses a property line into another property.
- The PZHAC has determined that the proposed lot line adjustment meets all applicable Code requirements.

PZHAC OPTIONS:

4. Approve the application as requested.
5. Approve the application with conditions.
6. Reject the proposed lot line adjustment.

PZHAC ACTION:

Doña Ana County, NM

General Reference Maps

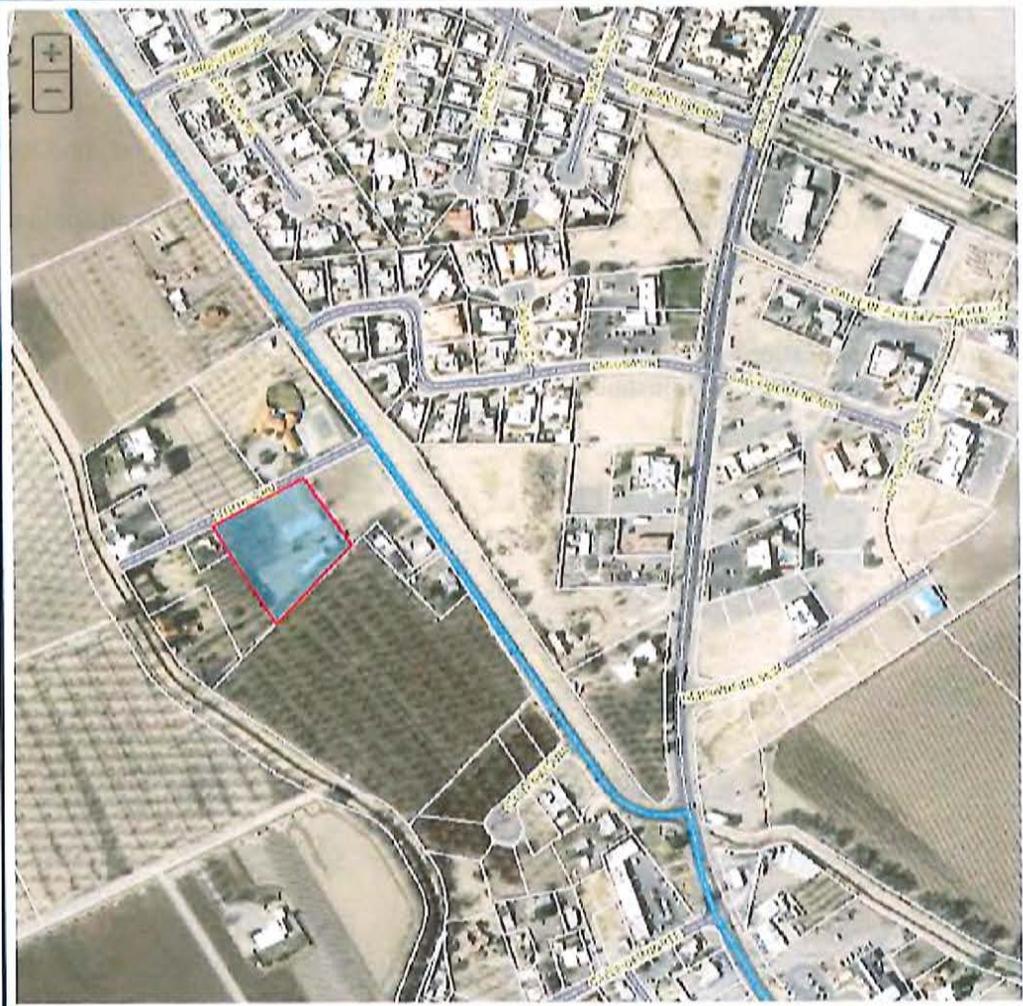
2014 Aerial | Addresses | County Address Points

Select Search Type: Enter Value:

Maps | Legend

Map Themes
Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400201](#)
Parcel Number: 4006137102243
Owner: STRAIN JON
Mail Address: PO BOX 1006
Subdivision:
Property Address: 2067 STITHIES RD
Acres: 1.65



Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Enter Value:

Maps | Legend

Map Themes
Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: [R0400207](#)
Parcel Number: 4006137125232
Owner: STRAIN JON
Mall Address: PO BOX 1006
Subdivision:
Property Address: 1780 CALLE DE EL PASO
Acres: 1.2



PHOTO OF THE SUBJECT PROPERTY FROM STITHES ROAD



PHOTO OF THE SUBJECT PROPERTY FROM CALLE DE EL PASO



SUBDIVISION APPLICATION

OFFICIAL USE ONLY:

Case # _____

Fee \$ _____

CASE NO. _____ ZONE: _____ CODE: _____ APPLICATION DATE: 2-12-2020
 Preliminary Plat Summary Subdivision Final Plat Vacation of Lot Line

Name of Applicant _____ Applicant's Telephone/Cell Number _____

Jon Strain 719-661-0729

Mailing Address _____ City _____ State _____ Zip Code _____

PO Box 1006 FAIRACRES NM 88033

Owner of Record: Address _____ City _____ State _____ Zip Code _____

Jon Strain 2067 STILHES RD LAS CRUCES 719-661-0729

Name of Engineer _____ License # of Engineer _____ Address _____ Telephone/Cell Number _____

GEM Surveying 5949 P.O. Box 183, Organ, NM 88052 575-635-0176

Name of Architect _____ License # of Architect _____ Address _____ Telephone/Cell Number _____

n/a

Subdivision Name _____ Subdivision Location _____

Total Acreage 2.889 Number of Lots: 2

Acreage of Largest Lot: 2.139 Acreage of Smallest Lot: 0.750

Legal Description TWO TRACTS OF LAND BEING PART OF U.S.R.S. TRACT 9D-90 & U.S.R.S. TRACT 9D-104, SITUATE IN SECTION 25, T.23S., R1E., N.M.P.M., OF THE U.S.R.S. SURVEYS, WITHIN THE LIMITS OF THE TOWN OF MESILLA, DOÑA ANA COUNTY, NEW MEXICO.

Tax Map Property Code (s) R0400201 & R0400207 Jacob's Map # _____

A ZONE CHANGE, VARIANCE, EXEMPTION, OR SPECIAL PERMIT IS ALSO BEING REQUESTED WITH THIS PROPERTY.

EXPLAIN: This is not a subdivision. This is a lot line adjustment. No new lots are being created.

By signing this application, you hereby acknowledge that ALL the information submitted on and with this application is true and correct to the best of your knowledge and that all provisions of the Town of Mesilla shall be met. No application will be accepted without the original signature of the owner(s) of record of the described property. If more than one owner, ALL owners must sign the application. (Attached an additional sheet if necessary).

Jon M Strain 5-12-2020
 Owner(s) _____ Date _____

Applicant(s) (if different than owner) _____ Date _____

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

CONDITIONS: _____

Community Development Department

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

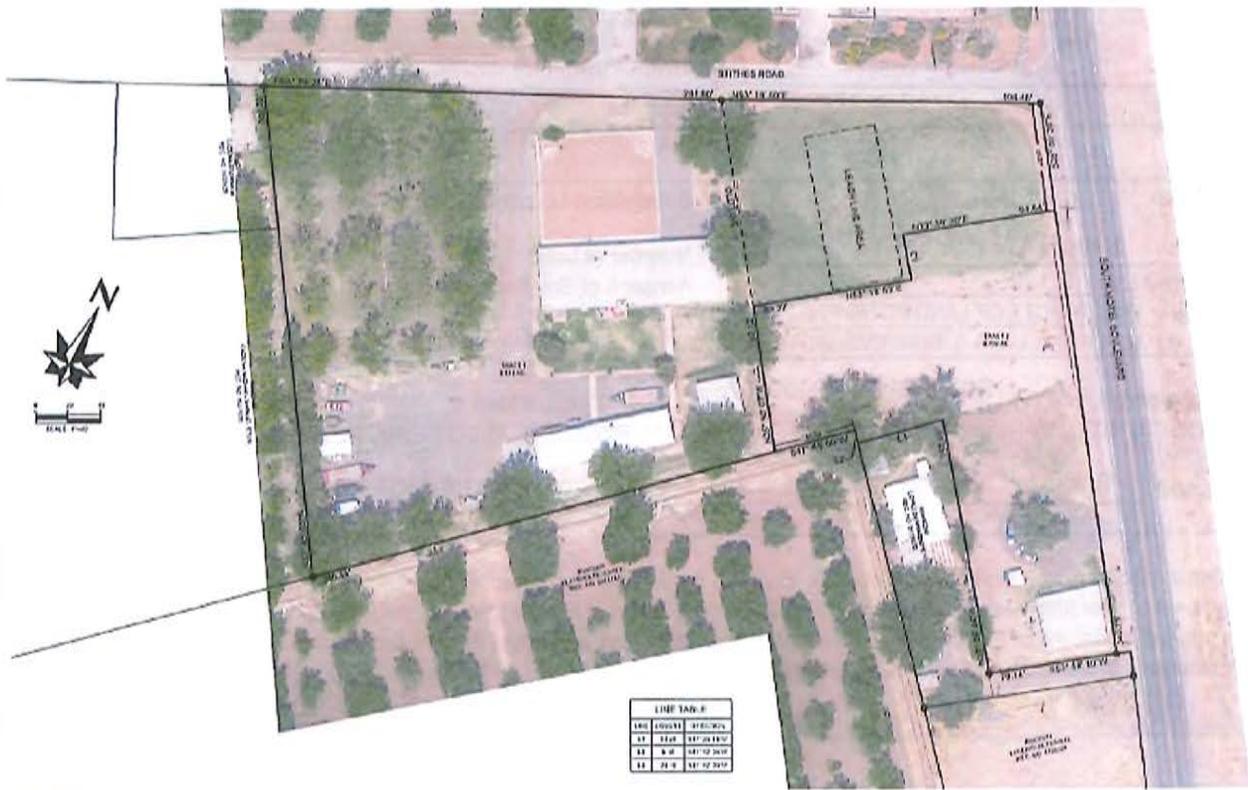
LEGEND

- BOUNDARIES OF THE NEIGHBORHOODS
- BOUNDARIES OF THE TRACTS

BOUNDARY SURVEY PLAT

OF TWO TRACTS OF LAND BEING PART OF U.S.R.S. TRACT 0D-05 & U.S.R.S. TRACT 0D-04, SITUATE IN SECTION 25, T.29N., R.10E., N.M.P.M., OF THE U.S.R.S. SURVEYS, WITHIN THE LIMITS OF THE TOWN OF MESILLA, DOÑA ANA COUNTY, NEW MEXICO

DATE OF SURVEY: MAY 12, 2008



LINE TABLE		
100	100.00	0°00'00"
101	100.00	0°00'00"
102	100.00	0°00'00"
103	100.00	0°00'00"
104	100.00	0°00'00"

GEM SURVEYING
 P.O. BOX 101
 SANTA ANITA, NM 87050
 TEL: 505.251.1000
 FAX: 505.251.1001

Property Record Card

Doña Ana Assessor

STRAIN JON
 PO BOX 1006
 FAIRACRES, NM 88033

Account: R0400207
 Tax Area: 2DIN_R - 2DIN_R
 Acres: 1.200

Parcel: 4-006-137-125-232
 Situs Address:
 1780 CALLE DE EL PASO
 Mesilla, 88046

Neighborhood S11 - MESILLA



Legal Description

S: 25 T: 23S R: 1E BRM 9D TR 104



Land Occurrence 1

Property Code	0100 - RESIDENTIAL LAND	Electricity	OE - OVER-ELECTRC
Gas	G - GAS	Measure	PA - PER-ACRE
Sewer Type	CM - COMM-SEWER	Street Code	A - ASPHALT
Topography Code	L - LEVEL	Acres	1.2
Zoning	RA - RES-AGRICULT		

SubArea	ACTUAL	EFFECTIVE	HEATED	FOOTPRINT
Acres				
Total				

Residential Occurrence 1

Property Code	0120 - RESIDENTIAL IMPROVEMENT	Actual Year Built	1920
Architectural Style	CN - CONVENTIONAL	Baths	1
Bedrooms	1	Building Type	PS - PRNCPL-SNGLE
Condition	AVERAGE	Construction Quality	A - AVERAGE
Heating Fuel	G - GAS	Heating Type	FC - FORCED-CIRCU
Percent Complete	100	Roof Cover	PR - PR-ROLL
Roof Structure	G - GABLE	Stories	1.0
Exterior Wall	AS - ADOBE-STUCOD	Percent	100

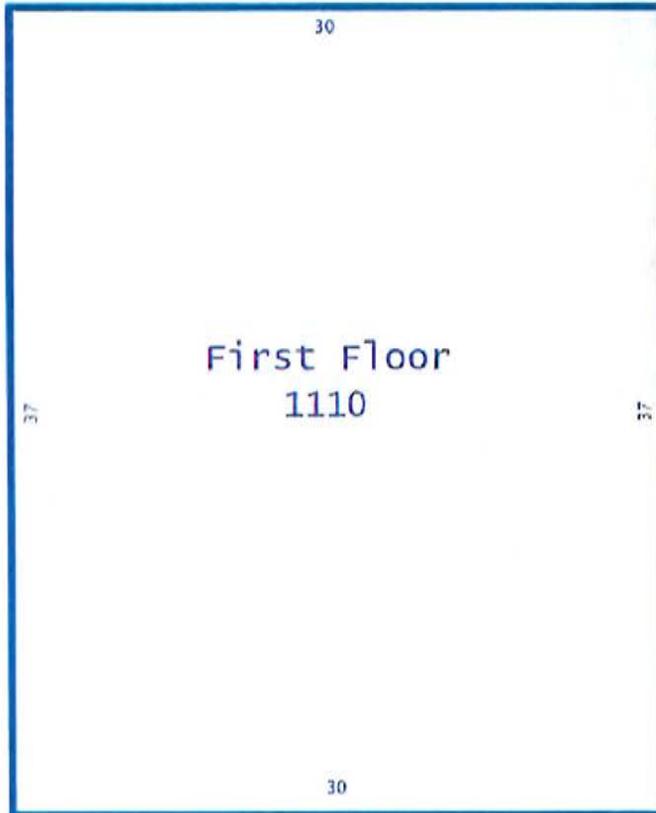
Property Record Card

Doña Ana Assessor

Residential Occurrence 1

Interior Wall PL - PLASTER

SubArea	ACTUAL	EFFECTIVE	HEATED	FOOTPRINT
GLA1 - First Floor	1110.0	1110.0	1110.0	1110.0
Total	1,110.00	1,110.00	1,110.00	1,110.00



Assessment History

Type	Actual	Assessed
Residential Land	\$66,000	\$22,000
Residential Improvement	\$64,572	\$21,524
Actual (2020)	\$130,572	
Primary Taxable		\$43,524

Property Record Card

Doña Ana Assessor

STRAIN JON
 PO BOX 1006
 FAIRACRES, NM 88033

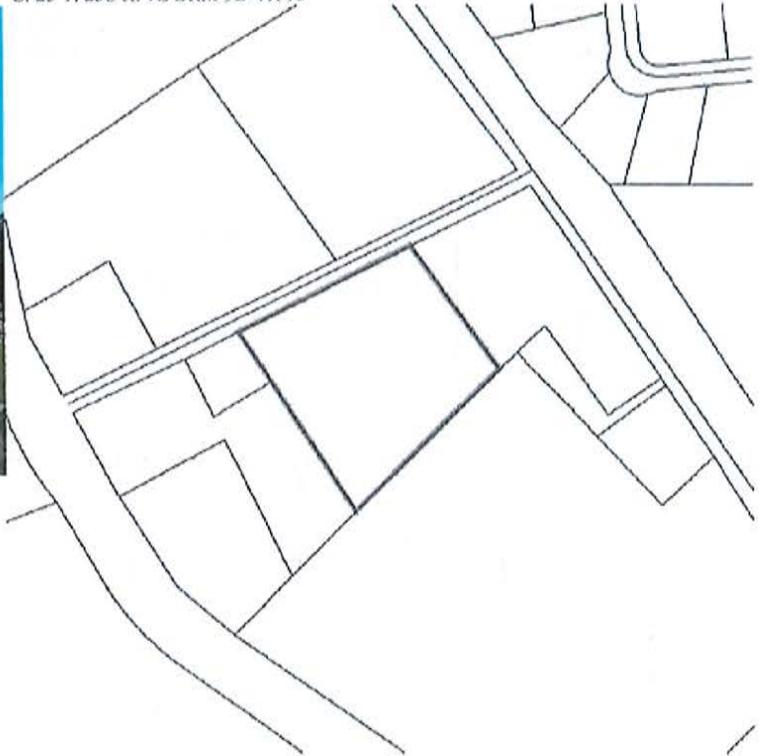
Account: R0400201
 Tax Area: 2DIN_R - 2DIN_R
 Acres: 1.660

Parcel: 4-006-137-102-243
 Situs Address:
 2067 STITHES RD
 Mesilla, 88046

Neighborhood S11 - MESILLA

Legal Description

S: 25 T; 23S R; 1E BRM 9D TR 90



Land Occurrence 1

Property Code	0100 - RESIDENTIAL LAND	Electricity	OE - OVER-ELECTRC
Gas	G - GAS	Measure	PA - PER-ACRE
Sewer Type	ST - SEPTIC-TANK	Street Code	A - ASPHALT
Topography Code	L - LEVEL	Acres	1.66
Zoning	RA - RES-AGRICULT		

SubArea	ACTUAL	EFFECTIVE	HEATED	FOOTPRINT
Acres				
Total				

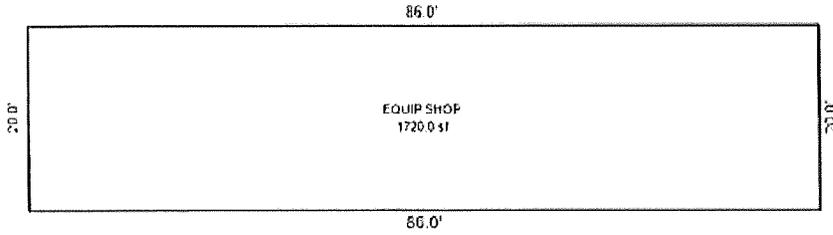
Residential Occurrence 1

Property Code	0120 - RESIDENTIAL IMPROVEMENT	Actual Year Built	1968
Air Conditioning	E - EVAP-COOLER	Architectural Style	RN - RANCH
Baths	2	Bedrooms	4
Building Type	PS - PRNCPL-SNGLE	Condition	GOOD
Construction Quality	G - GOOD	Heating Fuel	G - GAS
Heating Type	FC - FORCED-CIRCU	Roof Cover	SH - SHINGLE
Roof Structure	G - GABLE	Stories	1.0
Exterior Wall	SB - SLUMP-BLOCK	Percent	100

Property Record Card

Doña Ana Assessor

Commercial/Ag Occurrence 1



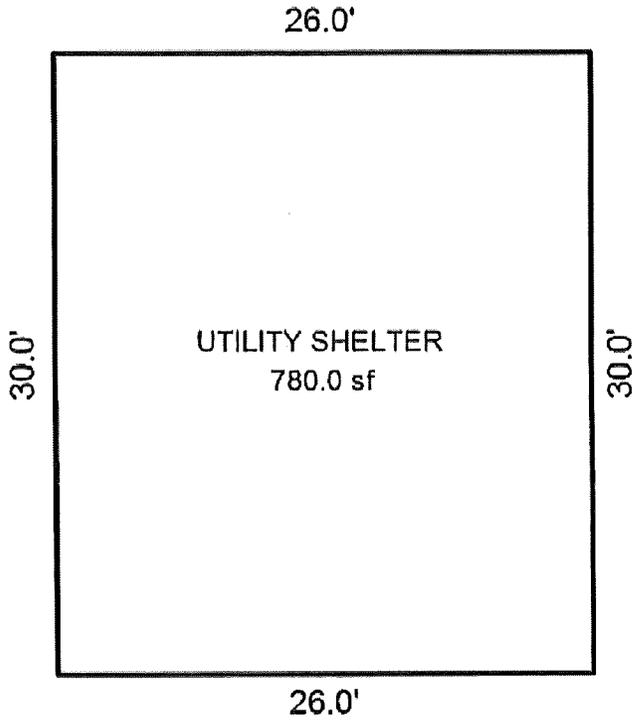
Commercial/Ag Occurrence 2

Property Code	0120 - RESIDENTIAL IMPROVEMENT	Actual Year Built	1992
Building Type	UTILITY SHELTER	Condition	A - AVERAGE
Foundation	Y	Percent Complete	100

Property Record Card

Dofia Ana Assessor

Commercial/Ag Occurrence 2



Commercial/Ag Occurrence 3

Property Code	0120 - RESIDENTIAL IMPROVEMENT	Actual Year Built	2000
Building Type	SUN SHADE	Condition	A - AVERAGE
Foundation	Y	Percent Complete	100

Assessment History

Type	Actual	Assessed
Residential Land	\$66,400	\$22,133
Residential Improvement	\$183,600	\$61,200
Actual (2020)	\$250,000	
Primary Taxable		\$83,333

MESILLA TOWN CODE

Chapter 17.35
ALTERNATE SUMMARY PROCEDURE

[17.35.010 Requirements.](#)

[17.35.020 Utility connections.](#)

[17.35.030 Lot splits prohibited.](#)

[17.35.040 Serial summary platting prohibited.](#)

[17.35.050 Approval.](#)

17.35.010 Requirements.  SHARE

A. Storm drainage analysis plans may not be required unless specifically requested by the planning commission.

B. Plats of survey with a metes and bounds description with a minimum scale of one inch equals 100 feet certified by a registered land surveyor in the state of New Mexico with accompanying land description will be a suitable means of description for the purposes of this chapter. Final approved plats shall be submitted on 18-inch by 24-inch reproducible mylar.

C. Guarantees of performance and security and indemnity agreements will not be required unless specifically requested by the planning commission and the board of trustees.

D. Disclosure statements will not be required unless specifically requested by the planning commission.

E. Public hearing may not be required unless specifically requested by the planning commission.

F. Posting requirements will be limited to two signs being posted on the property requested to be subdivided. Information will include a description of the subdivision and date time and place of meeting at which it is to be considered by the planning commission. [Ord. 89-01; prior code § 11-5-7.1]

17.35.020 Utility connections.  SHARE

All lots in C, H-C, H-R and R-1 zones shall be provided with connections to the municipal water system, sewage system and storm drainage system in accordance with plans approved by the planning commission. [Ord. 89-01; prior code § 11-5-7.2]

17.35.030 Lot splits prohibited.  SHARE

In no case shall lot splits be permitted which do not meet the standards established in the zoning district in which the lot split development is proposed. [Ord. 89-01; prior code § 11-5-7.3]

17.35.040 Serial summary platting prohibited.  SHARE

Serial summary platting will not be permitted. Redivision of tracts which have been subdivided by summary platting shall not be redivided by summary subdivision for a minimum of three years from the date of filing of the original summary subdivision. [Ord. 89-01; prior code § 11-5-7.4]

17.35.050 Approval.  SHARE

Approval by this summary procedure shall be endorsed on the plat and such approval shall be conclusive evidence of the approval of the town of Mesilla. Following approval of the subdivision by the board of trustees and the planning commission, the plat shall be signed by the chairman and secretary of the planning commission and the mayor. [Ord. 89-01; prior code § 11-5-7.5]

STATE STATUTE

3-20-8. Alternate summary procedure.

A. The filing of a survey certified by any licensed, registered surveyor which contains a description of the subdivided land with ties to permanent monuments satisfies the requirements of Section 3-20-7 NMSA 1978.

B. In lieu of the requirements of Section 3-20-7 NMSA 1978, the following procedure may be followed:

- (1) the planning authority shall establish a summary procedure for approving:
 - (a) subdivisions of not more than two parcels of land;
 - (b) resubdivisions, where the combination or recombination of portions of previously platted lots does not increase the total number of lots; or
 - (c) subdivisions of two or more parcels of land in areas zoned for industrial use;
- (2) any subdivision approved as authorized in this section shall be in substantial conformity with the subdivision regulations of the planning authority;
- (3) any administrative officer or planning commission member may be delegated the authority to approve a subdivision by this section;
- (4) approval by this summary procedure shall be endorsed on the plat or on the instrument of conveyance in lieu of a plat and such approval shall be conclusive evidence of the approval of the planning authority. The county clerk shall accept the instrument of conveyance for filing or recording.

History: 1953 Comp., § 14-19-7.1, enacted by Laws 1966, ch. 64, § 6; 1973, ch. 348, § 32.

ANNOTATIONS

Planning authority, referred to in Subsection B, is city council. *Mitchell v. Hedden*, 1980-NMSC-056, 94 N.M. 348, 610 P.2d 752.



Town of Mesilla, New Mexico

PZHAC SPECIAL MEETING MINUTES JULY 23, 2020

DUE TO TECHNICAL DIFFICULTIES, THE REGULAR MEETING OF THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) ON MONDAY JULY 20, 2020 WAS CANCELLED. A SPECIAL VIRTUAL MEETING HAS BEEN RESCHEDULED VIA ZOOM OR PHONE FOR THURSDAY JULY 23 AT 2:30 PM. TO JOIN THE MEETING BY PHONE DIAL 1-346-248-7799, THEN ENTER Meeting ID 814-0548-5635 PASSWORD 193857.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF A QUORUM

Attendance was electronic via "Zoom". All PZHAC members were present. Commissioner Lucero was acting chair.

III. CHANGES/APPROVAL OF THE AGENDA

There were no changes to the agenda. Commissioner Prieto made a motion to approve the Agenda, seconded by Commissioner Salas, and approved by a vote of 5 – 0.

IV. *ACCEPTANCE OF THE CONSENT AGENDA

Note: Items on the agenda indicated by an asterisk () are on the consent agenda and will be voted on with one motion unless a Commissioner requests that a specific item be removed for discussion.*

There were no changes to the Consent Agenda. Commissioner Prieto made a motion to approve the Consent Agenda, seconded by Commissioner Salas, and approved by a vote of 5 – 0.

A. *PZHAC MINUTES – PZHAC Regular Meeting of July 6, 2020.

Approved as part of the Consent Agenda

B. *ADMINISTRATIVE APPROVALS

Zoning Permit:

1. **Case 061072** – 2550 Calle de Santa Ana, submitted by Rodolfo T. Tirre; a request for a zoning permit to allow the addition -of a sidewalk and a concrete pad addition to a driveway (flatwork) at this address. Zoned: Historical Residential (HR)

Approved as part of the Consent Agenda

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES

Public input shall be received at larrys@mesillanm.gov at by 1:30 p.m. July 23, 2020 and will be read into the record. You will also be given an opportunity to speak during this time by joining in the meeting by phone and pressing *9 while in the teleconference. This will let the host know that you wish to speak. You will be prompted by the host when to begin speaking.

Staff stated that no public input had been received.

B. DECISIONS:

Zoning Permits:

1. **Case 061073** – 2814 Snow Road, submitted by Juan and Armida Padilla, a zoning permit to allow the erection and painting of a 120 square foot prefabricated wooden shed on a residential property at this address. Zoned: Rural Farm (RF)

Staff provided a brief review of this request, including the fact that this case had been reviewed with the Styles Review Committee to ensure that the required information had been provided by the applicant and that the proposed shed was allowed by the Mesilla codes. There were no issues. A

motion was made by Commissioner Prieto to recommend approval of the request to the BOT, seconded by Commissioner Salas, and APPROVED by a vote of 5 – 0.

2. **Case 061074** – 1460 West Union Avenue, submitted by Dora and Jacinto Delgado; a request for a demolition permit to allow the demolition of all of the structures on the property and the leveling of the property in preparation for the construction of a new dwelling on the property. Zoned: Single Family Residential (R-1)
Staff provided a brief review of this request, including the fact that this case had been reviewed with the Styles Review Committee to ensure that the required information had been provided by the applicant and that the proposed demolition was allowed by the Mesilla Codes. Staff mentioned that the applicant had been asked about not demolishing the existing grain silo, but that the applicant had determined that the saving the silo would be hazardous. The applicant was also told that an inspection of the structures by NMED should be done to ensure that there will not be any asbestos in the debris of the structures to be demolished. There were no other issues. A motion was made by Commissioner Houston to recommend approval of the request to the BOT, seconded by Commissioner Prieto, and APPROVED by a vote of 5 – 0.
3. **Case 061075** – 2782 Calle de San Albino, submitted by John Wright; a request for a zoning permit to allow the installation of an in-ground swimming pool and spa in an enclosed court-yard on a residential property at this address. Zoned: Historical Residential (HR)
Staff provided a brief review of this request, including the fact that this case had been reviewed with the Styles Review Committee to ensure that the required information had been provided by the applicant and that the proposed pool was allowed by the Mesilla Codes. There were no issues. A motion was made by Commissioner Prieto to recommend approval of the request to the BOT, seconded by Commissioner Salas, and APPROVED by a vote of 5 – 0.
4. **Case 061076** – Lot 7, Camino Del Rey, submitted by Adam and Maria Perez; a request for a zoning permit to allow the construction of a new dwelling at this address. Zoned: Single Family Residential (R-1)
Staff provided a brief review of this request, including the fact that this case had been reviewed with the Styles Review Committee to ensure that the required information had been provided by the applicant and that the proposed dwelling was allowed by the Mesilla Codes. There were no issues. A motion was made by Commissioner Salas to recommend approval of the request to the BOT, seconded by Commissioner Prieto, and APPROVED by a vote of 5 – 0.
5. **Case 061077** – 1140 Calle de El Paso, submitted by Ivonne Richardson; a request for a zoning permit to allow the construction of a bathroom addition to a dwelling at this address. Zoned: Rural/Agricultural (RA)
Staff provided a brief review of this request, including the fact that this case had been reviewed with the Styles Review Committee to ensure that the required information had been provided by the applicant and that the proposed pool was allowed by the Mesilla Codes. There were no issues. A motion was made by Commissioner Prieto to approve the request, seconded by Commissioner Salas, and APPROVED by a vote of 5 – 0.

Summary Subdivision

1. **Case 061079** – 2067 Stithes Road and 1780 Calle de El Paso, submitted by Jon Strain; a request to allow a lot line adjustment between these two properties in order to resolve a legal issue in which a septic line crosses a property line. Zoned: Rural/Agricultural (RA)
Staff provided a brief review of this request, stating that the purpose of the request was to correct an issue in which a septic line crossed a property line. The lot line adjustment would result in the leach field being on the same property as the dwelling it served. Commission Chair Lucero stated that she believed that it would be better for the Town if the properties were combined into one in that this would lessen the legal non-conforming status of the properties. This was supported by Commissioner Salas. A motion was made by Commissioner Prieto to recommend approval of the request to the BOT, seconded by Commissioner Houston, and FAILED by a vote of 2 – 3 (Commissioners Prieto and Houston voted to approve the motion. Commission Chair Lucero and Commissioners Salas and Nevarez voted against the motion on the grounds stated above.)

Business Permits

1. **Permit 0849** – 3025 Snow Road, submitted by Van and Susan Wamel for “Integrity Restoration”; a request for a business license to allow the applicant s to operate a home office at this location. Zoned: Rural Farm (RF)

Staff provided a brief review of this request, including a description of the type of operation to be provided. It was determined that the requested business met the requirements of the Code for Home Occupations, but that a home occupation checklist was not included with the application. A motion was made by Commissioner Houston to approve the request, seconded by Commissioner Prieto, and APPROVED by a vote of 5 – 0 with the CONDITION that the applicant provide a copy of the “Home Occupation” checklist before the license is issued.

There was some discussion about the next three requests. The numbers for the specific licenses were matched with the wrong applications. The cases below show the correct permit numbers and cases.

2. **Permit 0850** – 1360 Snow Road, submitted by Karen Mundy for “Mundy Appraisal Services”; a request for a business license to allow the applicant s to operate a home office at this location. Zoned: Rural Farm (RF)

Staff provided a brief review of this request, including a description of the type of operation to be provided. It was determined that the requested business met the requirements of the Code for Home Occupations, including the fact that a home occupation checklist was included with the application. A motion was made by Commissioner Prieto to approve the request, seconded by Commissioner Houston, and APPROVED by a vote of 5 – 0.

3. **Permit 0851** –1360 Snow Road, submitted by Mark Mundy for “Mundy Land Company”; a request for a business license to allow the applicant s to operate a home office at this location. Zoned: Rural Farm (RF)

Staff provided a brief review of this request, including a description of the type of operation to be provided. It was determined that the requested business met the requirements of the Code for Home Occupations, including the fact that a home occupation checklist was included with the application. A motion was made by Commissioner Prieto to approve the request, seconded by Commissioner Houston, and APPROVED by a vote of 5 – 0.

4. **Permit 0852** – 2167 Calle del Oeste, submitted by Pat and Wendy Taylor; a request for a business license to allow the applicant s to operate a home office at this location. Zoned: Historic Residential (HR)

Staff provided a brief review of this request, including a description of the type of operation to be provided. It was determined that the requested business did not meet the requirements of the Code for Home Occupations, because of the fact that neither of the applicants would be a resident of the dwelling. A motion was made by Commissioner Prieto to postpone the request pending more information from the applicants, seconded by Commissioner Houston, and POSTPONED by a vote of 5 – 0.

VI. PZHAC/STAFF COMMENTS

Commission Chair Lucero stated that she had several Codes issues that she wanted staff to look into and report back to the PZHAC. The issues were:

1. *Oscar Frietze was installing a barbed wire fence on his property rather than the wire fence that had been agreed upon by the PZHAC.*
2. *An adobe structure was demolished on the Dimatteo property on Snow Road without a permit.*
3. *Sam Kane was painting his duplexes on Calle Colon in a two tone color pattern that was not approved by the PZHAC or the BOT. Mr. Kane needs to return to the PZHAC with a color for the dwellings that fits in with the surrounding neighborhood. CID will need to be informed of the final color that is approved.*
4. *A wall is being built on a property owned by Norm Fristoe on Avenida does not have a permit and is higher than the Code allows. (Tome Maese, Chief Inspector for CID, stated that Mr. Fristoe does have a permit to build the wall, but that he has not called for any inspections in a long time.)*

Commission Chair Lucero also stated that the Town might need to amend the zoning code with respect to demolition of structures in the “R” zones.

There were no other comments.

VII. ADJOURNMENT

The meeting was adjourned at 3:27 pm.

**INFORMATION PRESENTED TO PZHAC
AUGUST 17, 2020
[061088]
&
MINUTES OF THE AUGUST 17, 2020
PZHAC MEETING**

PZHAC ACTION FORM
ZONING PERMIT 061088
[PZHAC REVIEW – 8/3/2020]

Case 061088 – 2067 Stithes Road, submitted by Jon Strain; a request for a zoning permit to allow the construction of a garage/workshop on a residential property at this address. Zoned: Rural/Agricultural (RA)

This case was originally heard at the August 3, 2020 PZHAC meeting. The PZHAC determined at that meeting that since the RA zoning of the property requires three acres for each property and this property does not meet that requirement, the property a legal non-conforming property. The PZHAC then determined that since this was a legal non-conforming property, the structures on it are legal non-conforming and therefore such use could not be expanded. The case was postponed to allow staff to obtain a legal opinion from the Town attorney on this determination.

Staff has not received a legal opinion as of the time of this writing.

DESCRIPTION OF REQUEST:

The applicant would like to install a garage/workshop southwest corner of his property behind his dwelling. This will be a wood frame structure measuring 30 ft. by 34 ft. (1020 square feet), with three overhead doors on one side with a pitched shingled roof having a 4/12 pitch. Drainage will onto the applicant's property. Total height will be just about 20 feet, which is under the 30 feet allowed in the Rural/Agricultural zone. The exterior of the structure will be stuccoed to match the color of the shop building to the east on the property.

According to the site diagram supplied with the application, the structure will be set back about 14 feet from the west property line and 20 feet from the south property line. (There are no required side or rear setbacks in the Zoning Code for the Rural/Agricultural zoning district.)

Since the property is in a Residential/Agricultural (RA) zoning district, there are no architectural or historical guidelines that need to be met for the structure. However, the PZHAC has historically (for at least the last five years) considered how new structures in the "R" zones fit in with other structures on the property and in the area, and has allowed storage buildings that are compatible with the residential use of the property. are compatible with other structures in the immediate area. The proposed structure does appear to be similar in style and construction with other structures on the same property, as well as with other structures in the area.

ESTIMATED COST: @ \$20,000.00

CONSISTENCY WITH THE CODE:

The PZHAC will need to determine that the proposed structure will be compatible with the RA Zoning of the property. Detached garages and storage sheds are generally considered to be an ancillary or subordinate use to the residential use of a property and are permitted by the following section:

RA – RESIDENTIAL/AGRICULTURAL ZONE 18.25.020 Permitted uses.

Permitted uses in the RA zone are as follows:

E. Accessory uses customarily incidental to the uses listed above (see Code).

Findings that need to be made:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of replacing a deteriorating wood fence with a similar wood fence along Calle de San Albino.
- The PZHAC has determined that the proposed work meets all applicable Code requirements.

PZHAC OPTIONS:

- 1. Recommend approval of the application to the BOT.**
- 2. Recommend approval of the application to the BOT with conditions.**
- 3. Reject the application.**

PZHAC ACTION:

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Number | Enter Value: | Search



Doña Ana County Bureau of Land Management, Esri

Maps Legend

- [Map Themes](#)
- Parcels
- UDC Zoning
- Roads and Transportation
- NM House Districts
- NM Senate Districts
- County Commission Districts
- City Council Districts
- Median Household Income
- General Land Ownership

Account Number: RD4600201
 Parcel Number: 4006137102243
 Owner: STRAIN, JON
 Mail Address: PO BOX 1006
 Subdivision:
 Property Address: 2067 STITHES RD
 Acres: 1.65

IEWS OF THE PROPERTY FROM STITHES ROAD



R0400207
STRAIN, JON
REC. NO. 1715990

R0400209
LOPEZ, BERNARDO S.
REC. NO. 9113920

R0400201
STRAIN, JON
REC. NO. 1715983

R0400208
CLAYSHULTE, JOHN K.
REC. NO. 0915131

218.33

157.89

51.02

N35° 50' 07" W

N47° 45' 00" E

S47° 45' 00" W

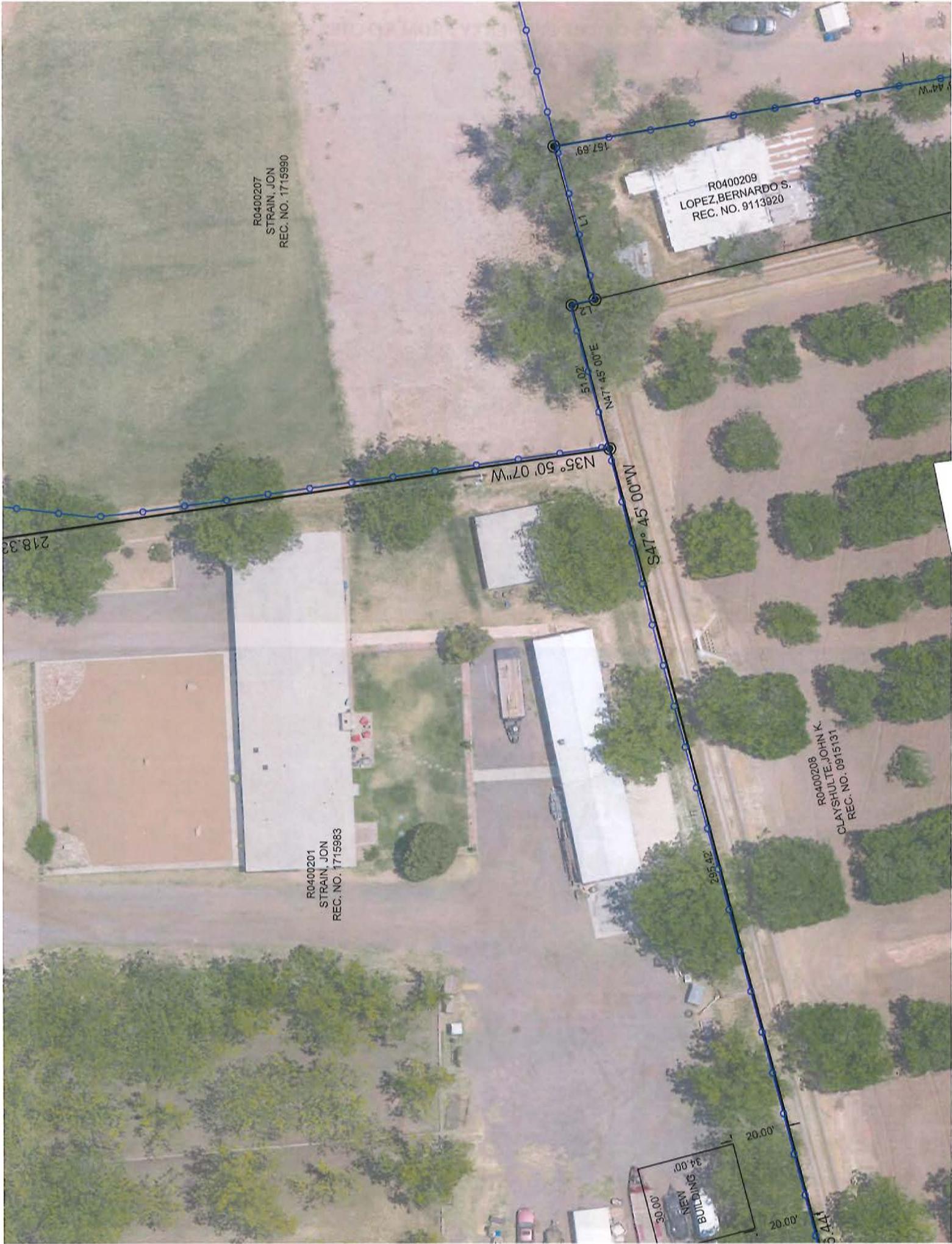
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30.00'
NEW BUILDING
34.00'

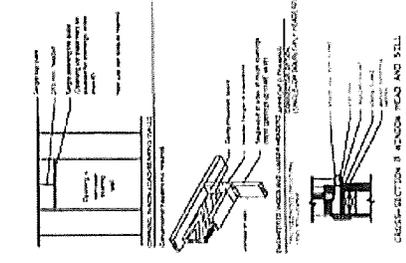
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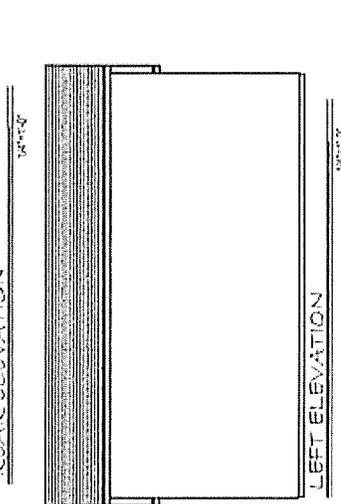
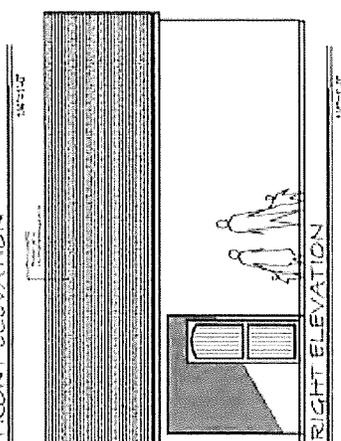
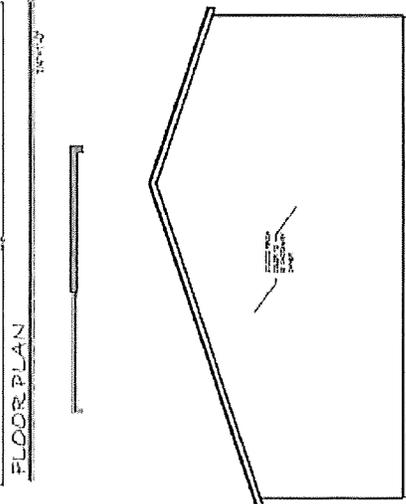
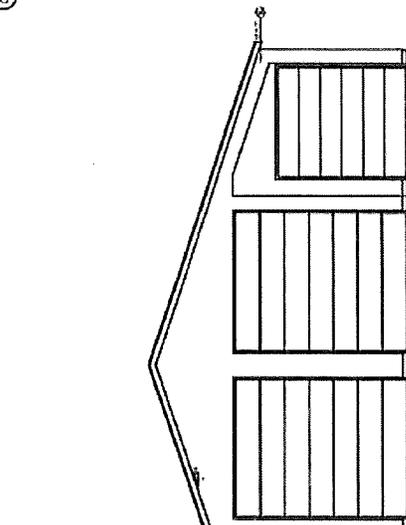
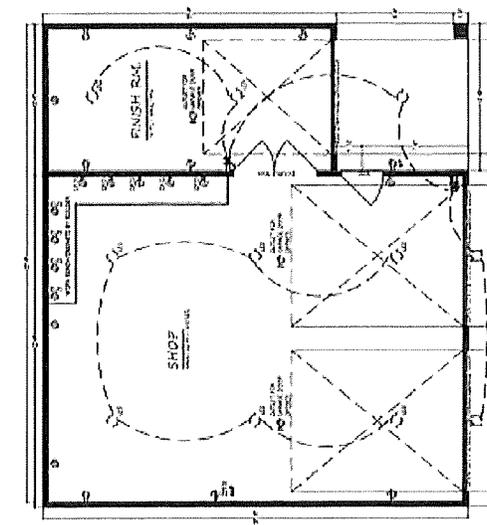
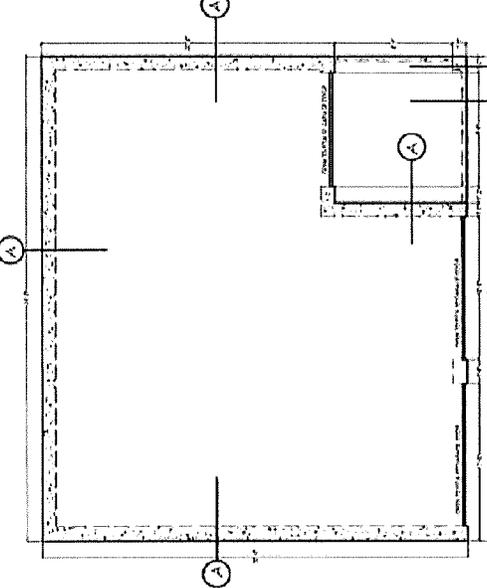
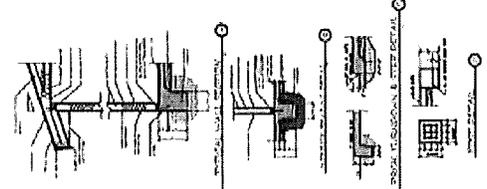
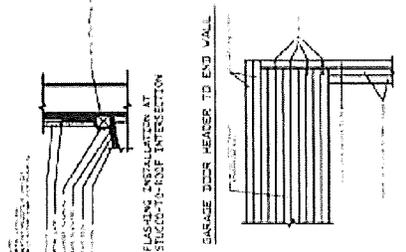


GENERAL NOTES:

1. EXTERIOR WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
2. INTERIOR WALLS TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 2x4 STUDS.
3. ALL WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
4. ALL INTERIOR WALLS TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 2x4 STUDS.
5. ALL INTERIOR WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
6. ALL INTERIOR WALLS TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 2x4 STUDS.
7. ALL INTERIOR WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
8. ALL INTERIOR WALLS TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 2x4 STUDS.
9. ALL INTERIOR WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
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13. ALL INTERIOR WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
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15. ALL INTERIOR WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
16. ALL INTERIOR WALLS TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 2x4 STUDS.
17. ALL INTERIOR WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
18. ALL INTERIOR WALLS TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 2x4 STUDS.
19. ALL INTERIOR WALLS TO BE FINISHED WITH 1/2" GYPSUM BOARD OVER 2x4 STUDS.
20. ALL INTERIOR WALLS TO BE FINISHED WITH 5/8" GYPSUM BOARD OVER 2x4 STUDS.

- GENERAL ELECTRICAL NOTES:
1. ALL ELECTRICAL WORK TO BE INSTALLED IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE (NEC) AND THE 2017 CALIFORNIA ELECTRICAL CODE (CEC).
 2. ALL ELECTRICAL WORK TO BE INSTALLED IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE (NEC) AND THE 2017 CALIFORNIA ELECTRICAL CODE (CEC).
 3. ALL ELECTRICAL WORK TO BE INSTALLED IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE (NEC) AND THE 2017 CALIFORNIA ELECTRICAL CODE (CEC).
 4. ALL ELECTRICAL WORK TO BE INSTALLED IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE (NEC) AND THE 2017 CALIFORNIA ELECTRICAL CODE (CEC).
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 19. ALL ELECTRICAL WORK TO BE INSTALLED IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE (NEC) AND THE 2017 CALIFORNIA ELECTRICAL CODE (CEC).
 20. ALL ELECTRICAL WORK TO BE INSTALLED IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE (NEC) AND THE 2017 CALIFORNIA ELECTRICAL CODE (CEC).

NO.	DESCRIPTION	DATE
1	ISSUED PERMIT	02/20/2020
2	REVISIONS	
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**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:

Case # 061088

Fee \$ 40.50

**PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID**

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 061088 ZONE: RA CODE: _____ APPLICATION DATE: 7/29/20

Jon Strain 719-661-0729
 Name of Property Owner Property Owner's Telephone Number
 PO Box 1006 Fairacres NM 88033
 Property Owner's Mailing Address City State Zip Code

strainjon@yahoo.com
 Property Owner's E-mail Address
 J M S Construction

Contractor's Name & Address (If none, indicate Self)
 719-661-0729 03-413347-00-0 397044
 Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2067 Siithes RD

Description of Proposed Work: Detached Garage

\$ 20,000.00 Jon M Strain 7-29-2020
 Estimated Cost Signature of Applicant Date

Signature of property owner: Jon M Strain

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

PZHAC APPROVAL REQUIRED: YES NO BOT APPROVAL REQUIRED: YES NO

CID PERMIT/INSPECTION REQUIRED: YES NO SEE CONDITIONS

CONDITIONS: PZHAC APPROVAL REQUIRED
CID PERMIT REQUIRED
TL

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

1. _____ Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was **LEGALLY** subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. _____ Site Plan with dimensions and details.
3. _____ Foundation plan with details.
4. _____ Floor plan showing rooms, their uses and dimensions.
5. _____ Cross section of walls
6. _____ Roof and floor framing plan
8. _____ Proof of legal access to the property.
9. _____ Drainage plan.
10. _____ Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
11. _____ Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
12. _____ Proof of legal access to the property.
13. _____ Other information as necessary or required by the City Code or Community Development Department (See other side.)

**MINUTES OF THE AUGUST 3, 2020
PZHAC MEETING**

Town of Mesilla, New Mexico

PZHAC MEETING MINUTES AUGUST 3, 2020

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A **WORK SESSION** VIA TELECONFERENCE ON MONDAY, AUGUST 3, 2020 AT 2:30 P.M. **TO JOIN THE MEETING BY PHONE DIAL 1-346-248-7799, THEN ENTER Meeting ID 603-754-4231 PASSWORD 193857.**

A. Discussion of duplexes to be built by Steven Cadena on properties at 2220 and 2230 Calle del Sur (Case 061089 and Case 061090). Zoned Historical Residential (HR)

Case 061089 – 2220 Calle del Sur, submitted by Steven Cadena; a request for a zoning permit to allow the construction of a duplex on a property containing an existing duplex at this address. Zoned: Historical Residential (HR)

Case 061090 – 2230 Calle del Sur, submitted by Steven Cadena; a request for a zoning permit to allow the construction of a three additional dwellings, including a duplex, on a property containing half of a duplex under construction, to create a total of two duplexes on the property at this address. Zoned: Historical Residential (HR)

The applicant was present by “Zoom” to discuss the request and answer any questions that might arise. Staff provided a brief introduction of the case, explaining that the applicant has submitted two applications for duplexes that were submitted after the moratorium on construction in the Historic Residential (HR) zone expired, but before the new amendment to the HR zone (MTC 18.35) was approved by the BOT in May. As a result, the requested permits were to be considered under the old regulations and the Town’s legal opinion that the wording of MTC 18.35 allowed properties to be developed to a density of one dwelling per every 4000 square feet of land for “multi-family” (duplexes or larger) development. The requested permits, when considered with dwellings that were already on the two properties, would result in development of the properties to eight dwelling in four duplexes on about one acre, or about one dwelling per 4000 square feet of land.

Commission Chair stated that the fire chief would need to check the access to the dwellings to ensure that it met Code. She also stated that the overall development of the two properties appeared to be a subdivision without having to meet the subdivision requirements such as road standards and fire hydrant requirements, and that there was nothing else like it in Town. Mr. Cadena compared his project to others in Town. Commissioner Salas replied that these were on one-half acre and did not have as many dwellings. Further discussion included the stated from Mr. Cadena that he was there to get input from the PZHAC as to how they would like to see the development take place. Commissioner Nevarez stated that the current proposal looks like it has the elements of a subdivision, and that the impacts of the development should be analyzed. Commission Chair suggested that a Traffic Impact Analysis be done. She also stated that she would like to have the proposal heard by the full commission, since Commissioner Prieto was not present. Commissioner Salas suggested that the applicant meet with staff to consider the input from this meeting, and that another work session was needed after the meeting with staff and the issues brought up at this meeting were addressed. There were no other issues.

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A REGULAR MEETING VIA TELECONFERENCE ON MONDAY, AUGUST 3, 2020 AT 3:00 P.M. **TO JOIN THE MEETING BY PHONE DIAL 1-346-248-7799, THEN ENTER Meeting ID 603-754-4231 PASSWORD 193857.**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF A QUORUM

Commissioner Prieto was absent. All other Commissioners were present. There was a quorum. Commissioner Lucero was acting chair.

III. CHANGES/APPROVAL OF THE AGENDA

Commission chair Lucero recommended that Case 061084 be removed from the agenda to allow property research to be done to determine if the subject lot was created legally under the subdivision regulations. A motion to approve the Agenda as amended was made by Commissioner Salas, seconded by Commissioner Houston, and approved by a vote of 4 - 0

IV. *ACCEPTANCE OF THE CONSENT AGENDA

Note: Items on the agenda indicated by an asterisk () are on the consent agenda and will be voted on with one motion unless a Commissioner requests that a specific item be removed for discussion.*

There were no changes to the Consent Agenda. A motion to approve the Consent Agenda was made by Commissioner Salas, seconded by Commissioner Lucero, and approved by a vote of 4 - 0.

A. *PZHAC MINUTES – PZHAC Special Meeting of July 23, 2020.

Approved as part of the Consent Agenda

B. *ADMINISTRATIVE APPROVALS

Zoning Permit:

1. **Case 061083** – 2649 Calle del Sur, submitted by Paul Barraza; a request for a zoning permit to allow repairs to a wrought iron driveway gate at this address. Zoned: Historical Residential (HR)
Approved as part of the Consent Agenda

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES

Public input shall be received at larrys@mesillanm.gov at by one hour prior to the meeting and will be read into the record. You will also be given an opportunity to speak during this time by joining in the meeting by phone and pressing *9 while in the teleconference. This will let the host know that you wish to speak. You will be prompted by the host when to begin speaking.

Judy Harris, applicant for Case 061084 (by telephone)

Stated that the case was submitted four months ago and that numerous questions were brought up about the proposed building, but nothing was ever mentioned about the property size. This should have been brought up four months ago.

B. DECISIONS:

Zoning Permits:

1. **Case 061084** – Snow Road (adjacent to the south side of 2515 Snow Road – address to be assigned) submitted by John and Judy Harris, a request for a zoning permit to allow the construction of a combined barn and dwelling on the subject property at this location. Zoned: Rural Farm (RF)
Removed from the agenda to allow research into the creation of the property.
2. **Case 061085** – 2852 Ermininda Street, submitted by Eric and Cindy Van Pelt; a request for a zoning permit to allow the construction of a pergola over a patio at the rear of a dwelling at this address. Zoned: Historical Residential (HR)
Staff provided a brief review of this request, including the fact that the site diagram showed that a corner of the pergola intrude into the new rear setback requirement of five feet. The PZHAC determined that the entire pergola needed to be outside the seven foot required setback. There were no other issues with the proposed request. A motion was made by Commissioner Nevarez to POSTPONE the request to allow the applicant to address the setback issue, seconded by Commissioner Houston, and postponed by a vote

of 4 - 0.

3. **Case 061086** – 2288 Calle de Arroyo, submitted by Mary A. Madrid; a request for a zoning permit to allow the repainting of a dwelling at this address. Zoned: Historical Residential (HR)
Staff provided a brief review of this request. The PZHAC determined that there were no issues with the proposed request. A motion was made by Commissioner Salas to approve the request, seconded by Commissioner Nevarez, and approved by a vote of 4 - 0.
4. **Case 061087** – West side of 2890 Avenida de Mesilla, along Calle de San Albino; submitted by Pena Rentals; a request for a zoning permit to allow the replacement of a deteriorating white wooden fence along the west property line at this address with a similar white wooden fence. Zoned: Historical Residential (HR)
Staff provided a brief review of this request. The PZHAC determined that there were no issues with the proposed request. A motion was made by Commissioner Nevarez to approve the request, seconded by Commissioner Salas, and approved by a vote of 4 - 0.
5. **Case 061088** – 2067 Stithes Road, submitted by Jon Strain; a request for a zoning permit to allow the construction of a garage/workshop on a residential property at this address. Zoned: Rural/Agricultural (RA)
Staff provided a brief review of this request. Discussion arose as to the fact that the RA zoning of the property requires three acres for each property and that this property does not meet that requirement, making the property a legal non-conforming property. The PZHAC then determined that since this was a legal non-conforming property, the structures on it are legal non-conforming and therefore such use could not be expanded. A motion was made by Commissioner Houston to POSTPONE the request to allow staff to obtain a legal opinion from the Town attorney on this determination. The motion was seconded by Commissioner Salas, and approved by a vote of 4 - 0.

VI. PZHAC/STAFF COMMENTS

Commission chair Lucero directed staff to research the creation of the property in Case 061084, and to obtain a legal opinion as to the PZHAC decision reached in Case 061088.

VII. ADJOURNMENT

The meeting was adjourned at 3:45 pm.

NOTICE

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least 48 hours prior to the meeting.

Posted on 7/31/20 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty's Food Mart - 2290 Avenida de Mesilla; Ristramn Chile Co. - 2531 Avenida de Mesilla and the U.S. Post Office - 2253 Calle de Parian.

**INFORMATION PRESENTED TO PZHAC
AUGUST 17, 2020
[061088]
&
MINUTES OF THE AUGUST 17, 2020
PZHAC MEETING
(WITH LEGAL OPINION)**

Town of Mesilla, New Mexico

PZHAC WORKSHOP & MEETING AGENDA AUGUST 17, 2020

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION VIA TELECONFERENCE ON MONDAY, AUGUST 17, 2020 AT 2:30 P.M. **TO JOIN THE MEETING BY PHONE DIAL 1-346-248-7799, THEN ENTER Meeting ID 603-754-4231 PASSWORD 193857.**

- A. Discussion of a combined barn and dwelling (Case 061084) to be built on a property adjacent to the south side of 2515 Snow Road (address to be assigned), submitted by John and Judy Harris. Zoned: Rural Farm (RF)
The applicant was present by zoom to discuss the request and answer any questions that might arise. Staff provided a brief introduction of the case, explaining that the application had been postponed to this meeting to allow staff to obtain more information as to the creation of the lot on which the barn/dwelling is to be built. Discussion included the fact that the legal opinion that the Town had obtained for a similar case concerning the creation of filing of lot lines with Dona Ana County for tax purposes did not result in the creation of a new lot and was not the same as a subdivision of the property. Additionally, a new survey of the property provided by the applicant showed that the original property was less than the five acres that the applicant assumed she and her husband had bought, and that the size of the property may have been misrepresented by the seller in the 1970's. The fact that the four acre property is not recognized by the PZHAC as being separate from the one acre property also means that the dwelling will be considered as a guest house to the main dwelling, and that the maximum size will be 600 square feet. There was no further discussion.

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A REGULAR MEETING VIA TELECONFERENCE ON MONDAY, AUGUST 17, 2020 AT 3:00 P.M. **TO JOIN THE MEETING BY PHONE DIAL 1-346-248-7799, THEN ENTER Meeting ID 603-754-4231 PASSWORD 193857.**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF A QUORUM

Attendance was electronic via "Zoom". Commissioners Nevarez and Houston were absent. All other PZHAC members were present. Commissioner Lucero was acting chair.

Others in attendance by "Zoom" or by phone were: Mayor Barraza, Cynthia Stoechner-Hernandez (staff), Judy Harris, Jon Strain, Billy Rogers and Susan Krueger. The regular meeting was convened at 3:20 pm.

III. CHANGES/APPROVAL OF THE AGENDA

Case 061084 was removed from the agenda to allow the applicant to provide a new set of plans to staff recognizing the dwelling as a "guest house". Commissioner Prieto made a motion to approve the Agenda as amended, seconded by Commissioner Salas, and approved by a vote of 3 - 0.

IV. *ACCEPTANCE OF THE CONSENT AGENDA

Note: Items on the agenda indicated by an asterisk () are on the consent agenda and will be voted on with one motion unless a Commissioner requests that a specific item be removed for discussion.*

There were no changes to the Consent Agenda. Commissioner Prieto made a motion to approve the Consent Agenda, seconded by Commissioner Salas, and approved by a vote of 3 - 0.

- A. *PZHAC MINUTES - PZHAC Workshop and Meeting of August 3, 2020.
Approved as part of the Consent Agenda

B. *ADMINISTRATIVE APPROVALS

Zoning Permit:

1. **Case 061093** – 2830 Teresita Street, submitted by Shirley Stotz; a request for a zoning permit to install solar panels on a dwelling at this address. Zoned: Historical Residential (HR)
Approved as part of the Consent Agenda
2. **Case 061094** – 2320 calle de Santiago, submitted by Martha Liefeld; a request for a zoning permit to repair a roof and an adobe parapet on a dwelling at this address. Zoned: Historical Residential (HR)
Approved as part of the Consent Agenda
3. **Case 061096** – 2080 Calle de Parian, submitted by Charles Rogers for the “Billy the Kid” gift shop; a request for a zoning permit to replace an existing exit door. Zoned: Historical Commercial (HC)
Approved as part of the Consent Agenda
4. **Case 061097** – 2080 Calle de Parian, submitted by Charles Rogers for the “Billy the Kid” gift shop; a request for a zoning permit to repair the Territorial facade at the northwest entrance to the building. Zoned: Historical Commercial (HC)
Approved as part of the Consent Agenda
5. **Case 601098** - 2610 Calle Tercera, submitted by Samuel Kane; a request for a zoning permit to allow the painting of two duplexes on the property at this address. Zoned: Historical Residential (HR)
Approved as part of the Consent Agenda

Sign Permis:

6. **Case 061101**– 2385 Calle de Parian, submitted by Charles Rogers for “Billy the Kid Gift Shop”; a request for a sign permit to repaint an existing sign on a gift shop at this location. Zoned: Historical Commercial (HC)
Approved as part of the Consent Agenda

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES

Public input shall be received at larrys@mesillanm.gov at least one hour prior to the meeting and will be read into the record. You will also be given an opportunity to speak during this time by joining the meeting by phone and pressing *9 while in the teleconference. This will let the host know that you wish to speak. You will be prompted by the host or the Commission Chair when to begin speaking.

Staff stated that two e-mails had been received from Susan Krueger, resident. Staff read the e-mails for inclusion into the record. (Copies of the e-mails are attached at the end of these minutes.)

B. DECISIONS:

Zoning Permits:

1. **Case 061046** – 1850 Calle de Mesilla, submitted by Samantha Simpson for Nancy Clayshulte; a request for a zoning permit to install a farm fence along the east side of a pecan grove on this property. Zoned: Historic Commercial (HC)
Staff provided a brief review of this request, including the fact that this case had been postponed by the PZHAC at their May 18, 2020 PZHAC meeting in order to allow the applicant to present further information, including a survey of the property showing the proposed location of the fence, as well as descriptions of the type of fence to be installed. The main issue with the request was the style of the fence and the fact that the property is at the gateway to the Town. The main concern was that proposed style of fence would not fit the historical image of the Town, and that the fence should be made of some other material. A motion was made by Commissioner Prieto to postpone the case to allow the applicant to return to the PZHAC at a work session to discuss the fence, seconded by Commissioner Salas, and POSTPONED by a vote of 3 – 0.
2. **Case 061084** – Snow Road (adjacent to the south side of 2515 Snow Road – address to be assigned) submitted by John and Judy Harris, a request for a zoning permit to allow the construction of a combined barn and dwelling on the subject property at this location. Zoned: Rural Farm (RF)
This case was removed from the agenda.
3. **Case 061085** – 2852 Ermindia Street, submitted by Eric and Cindy Van Pelt; a request for a zoning permit to allow the construction of a pergola over a patio at the rear of a dwelling at this address. Zoned: Historical Residential (HR)

Staff provided a brief review of this request, including the fact that this case had been postponed at the August 3, 20210 PZHAC meeting in order to allow the applicant to modify the pergola plans to meet the required five foot rear setbacks. Staff stated the new plans did meet the setbacks. There were no other issues. A motion was made by Commissioner Prieto to recommend approval of the modified request to the BOT, seconded by Commissioner Salas, and APPROVED by a vote of 3 – 0.

4. **Case 061088** – 2067 Stithes Road, submitted by Jon Strain; a request for a zoning permit to allow the construction of a garage/workshop on a residential property at this address. Zoned: Rural/Agricultural (RA)
Staff provided a brief review of this request, including the fact that this case had been postponed at the August 3, 20210 PZHAC meeting in order to allow staff to obtain a legal opinion (attached at the end of these minutes) from the Town Attorney, Joseph Cervantes, as to whether the small size of the property with respect to its RA resulted in the property being considered legal non-conforming, and whether a legal non-conforming property could be built on. It was determined that the legal opinion considered that the property is indeed legal non-conforming and that any use of the property would be legal non-conforming and therefore could not be expanded. Since the PZHAC determined that building a new structure would be an expansion of the legal non-conforming use of the property, and that any new construction is not allowed by the Code. There were no other issues. A motion was made by Commissioner Prieto to deny the requested Zoning Permit, seconded by Commissioner Salas, and DENIED by a vote of 3 – 0.
5. **Case 061099**– 2230 Calle de Santiago, submitted by Martha Liefeld; a request for a zoning permit to allow the installation of an adobe wall and latia fence on a residential property at this address. Zoned: Historical Residential (HR)
Staff provided a brief review of this request, including the fact that this case had been reviewed with the Styles Review Committee to ensure that the required information had been provided by the applicant and that the proposed fence was allowed by the Mesilla Codes. It was determined that no Right-of-Entry agreement had been submitted with the application, therefore the application was not compete. A motion was made by Commissioner Prieto to postpone the request, seconded by Commissioner Salas, and the request was POSTPONED by a vote of 3 – 0.
6. **Case 061100** – 2120 Calle del Sur, submitted by Davie Salas; a request for a zoning permit to allow the placement of four latia fences on a residential property at this address. Zoned: Historical Residential (HR)
Due to the fact that a quorum would not be present once Commissioner Salas recused himself from voting on the case, which he had submitted, the case was postponed to the September 8, 2020 PZHAC meeting.

VI. PZHAC/STAFF COMMENTS

Commissioner Salas, referring to Case 061084, wanted to know if a decision could be made on the case prior to a survey being done that combined the two properties. Staff responded that if the PZHAC did not recognize the line drawn on the map for tax purposes as being a property line, there was no reason for it to be formally removed.

Staff, referring to a demolition that had taken place in Town without a permit, stated that the Code should be amended to specifically address demolitions of structures in all parts of Mesilla and not just in the Historic Districts.

VII. ADJOURNMENT

The meeting was adjourned at 4:05 pm.

NOTICE

If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least 48 hours prior to the meeting.

Posted on 8/13/20 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty's Food Mart - 2290 Avenida de Mesilla; Ristramn Chile Co. - 2531 Avenida de Mesilla and the U.S. Post Office - 2253 Calle de Parian.

Cervantes Law Firm, P.C.
Attorney at Law
901 E. University Ave., Suite 965 L
Las Cruces, New Mexico 88001

Joseph Cervantes
Phone (575) 526-5600
Fax (575) 523-9317
Joseph@cervanteslawnm.com

August 14, 2020

Via Email: Mayor@mesillanm.gov

Mayor Nora Barraza
Town of Mesilla
P.O. Box 10
Mesilla, NM 88048

Re: 2067 Stithes Road by Jon Strain
Zoning Permit 061088

Dear Mayor Barraza:

I have been asked by you for a legal analysis and for my conclusions related to a building permit application for property at 2067 Stithes Road in the Town of Mesilla. I am informed the property owners have requested approval from the Town of Mesilla to construct a garage/workshop on a 1.65 acre tract. I am also advised that the subject property is zoned Residential/Agriculture (RA) under Chapter 18.25.

The issue presented to me is whether the requested permit can be granted consistent with the Zoning Ordinance and Town Code for the subject property. Although the permitted uses for RA zoning are consistent with the proposed addition, the fact that the tract is 1.65 acres is determinative. The RA zoning requires a minimum lot area of 3 acres for each "dwelling unit" except for a cluster development. MTC 18.25.050(A).

Although a residence on the property exists notwithstanding adoption of the RA zoning and requirement for 3 acres minimum per dwelling unit, this existing residence would constitute a "nonconforming" use. A "non-conforming use" is a use that lawfully existed prior to the enactment of a zoning ordinance prohibiting such a use. *City of Rio Rancho v. Logan*, 2009 - NMSC- 022, 146 N.M. 281, 209 P.3d 773. The general rule is that non-conforming uses, existing on the effective date of a zoning ordinance, may be continued. *Texas Nat. Theatres, Inc. v. City of Albuquerque*, 1982-NMSC-004, 97 N.M. 282, 639 P.2d 569.

Mayor Nora Barraza
August 14, 2020
Page 2

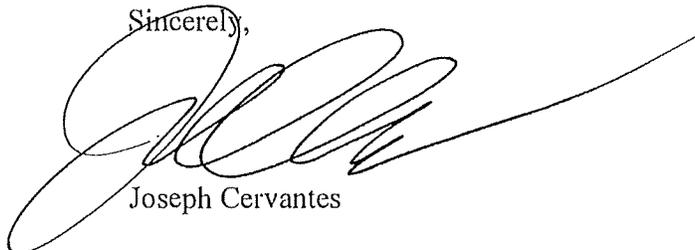
MTC Section 18.05.160 expressly allows “the existing use of all buildings, improvements and premises not in conformity with standards or requirements of the zoning district in which they are located, as stated in this title, and which uses are legal, or for which permits or variances were granted under previous ordinances, may continue as nonconforming uses or variances as defined within this title, subject to the provisions regulating such uses.” Furthermore, the term “nonconforming use” is defined by the MTC to mean “a use of a building or land existing at the time of adoption of the ordinance codified in this title which does not conform to the land use regulations for the district in which it is located.” MTC 18.10.020. A non-conforming use must be the same both before and after zoning law becomes effective in order to be lawful. *City of Las Cruces v. Huerta*, 1984-NMCA-120,102 N.M. 182, 692 P.2d 1331.

Although under the MTC a nonconforming use may continue, however, a nonconforming use of land or of a building “shall not be expanded since it is the purpose of this title to eliminate nonconforming uses at the earliest possible time.” MTC 18.060.050. A non-conforming use may be impaired by the government whenever reasonably necessary to the protection of the health, safety, morals, and general well being of the people. *KBO-TV, L.L.C. v. City of Albuquerque*, 2005-NMCA-049, 137 N.M. 388, 111 P.3d 708. Therefore, despite the fact that the total property area of 1.65 acres does not meet the current requirement of 3 acres per dwelling unit in RA zoning, and although the existing nonconforming use of the current residence is permitted, this non-conforming use designation expressly precludes any expansion of that non-conforming use.

In summary, issuing a building permit for the proposed addition would in my opinion be disallowed because the existing residence is a non-conforming use for property designated by RA zoning given the requirement for a minimum lot area of 3 acres per “dwelling unit”. To the extent that the property and existing building meet the definition of a non-conforming use, the MTC is specific and mandatory that a nonconforming use of land or of a building “shall not be expanded.”

I appreciate the opportunity to have been asked for legal analysis of these issues. If you have unanswered questions please give me a call at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'JC', with a long horizontal flourish extending to the right.

Joseph Cervantes

KJC/bam

cc: Cynthia Stoechner-Hernandez

August 31, 2020

Via electronic transmission cynthias-h@mesillanm.gov
And priority United States mail
Cynthia Stoechner-Hernandez, Clerk/Treasurer
P.O. Box 10
Mesilla, New Mexico 88046

Re: PZHAC Decisions, Case Nos. 061079 and 061088

Dear Ms. Stoechner-Hernandez:

Our Firm was recently retained to assist Mr. Jon Strain, a resident of the Town of Mesilla, with the appeal of the recent decisions made by the Planning, Zoning and Historical Appropriateness Committee ("PZHAC").

Our client has not received written notice of the basis for the denial of his application for a lot line adjustment on his own property (061079) and for the denial of his application to permit his construction of an outbuilding on his property (061088).

Although he has not been provided with written notice of the resolutions that identifies the basis for the denials of either application, Mr. Strain provided notice to the Town of Mesilla that he intended to appeal both decisions. This correspondence is to serve as follow-up on the notice that was previously furnished by Mr. Strain and as formal request for an Appeal of both decisions made by the PZHAC to the Board of Trustees for the Town of Mesilla.

There are two bases for Mr. Strain's request that the Board of Trustees for the Town of Mesilla review the PZHAC decisions. First, Mr. Strain was denied his right to due process as he was not given adequate notice (called two hours before the meeting) that the PZHAC would be considering his Application to build the shop (061088). Mr. Strain was preparing to board a plane so he could return home and did not have access to his application or the opinion written earlier by an attorney for the Town of Mesilla. This combination of lack of notice and inability to properly prepare for the meeting violated his due process rights. With respect to the meeting regarding the lot line (061079), Mr. Strain was unable to call-in to the meeting and therefore had no opportunity to explain the basis for the proposed lot line adjustment.

Second, the PZHAC furnished no factual or legal basis (or reason for that matter) for its denial of the proposed lot line adjustment. Without a basis, the decision falls within the definition of an impermissible arbitrary and capricious decision. No explanation was furnished by the PZHAC as

PZHAC Decisions, Case Nos. 061079 and 061088
August 31, 2020
Page 2

to why a legal opinion was requested when Mr. Strain's application to construct an outbuilding was submitted; his was not the first application that was filed relating to land that no longer conformed once new zoning ordinances were enacted by the Town of Mesilla. Those applications were either approved or the owners of land simply failed to comply with the ordinance and their non-compliance was not the subject of an objection by the PZHAC or the Town of Mesilla.

Please contact me at your convenience with information regarding the date of the hearing, how much time we will have to present evidence and arguments, and any other information that might assist Mr. Strain to ensure that his due process rights are not violated by the Town of Mesilla.

Sincerely,

KEMP SMITH LLP

By



CaraLyn Banks, Esq.

cc: Nora Barraza (Mayor@mesillanm.gov)

18.55.010 Land uses.

All of the following uses are of such special form as to make impractical their automatic inclusion in any class of use as set forth in the various zones and shall be subject to the issuance of a special use permit; provided, that special use permits may not be granted in a zone from which it is specifically excluded by the provisions of this chapter. Before any special use permit shall be granted, facts shall be shown that:

- A. The proposed use is essential or desirable to the public convenience or welfare.
- B. The proposed use will not be materially detrimental to the public welfare or injurious to other property or improvement in the same zone or vicinity.
- C. The proposed use will not adversely affect the official comprehensive plan.
- D. The uses are as follows:
 - 1. Airports or heliports; provided, the clear zone approaches to such installations are approved by the FAA. Excluded from H-R and H-C zones.
 - 2. Armories and military training center. Excluded from H-R and H-C zones.
 - 3. Borrow pits and quarries for rock, sand, gravel, decomposed granite or soil. Excluded from H-R and H-C zones.
 - 4. Cemeteries.
 - 5. Columbariums, crematories, and mausoleums unless inside a cemetery, are excluded from H-R and H-C zones.
 - 6. Establishments or enterprises involving large numbers of people:
 - a. Open air theaters.
 - b. Rodeo arena.
 - c. Sport or recreational enterprises are excluded from H-R and H-C zones.
 - 7. Hospitals.

8. Institutions or rest homes, nursing homes, for the care of the aged or the mentally infirm, and institutions of a philanthropic or charitable nature.
9. Private clubs and country clubs.
10. Privately owned schools.
11. Utilities consisting of water wells, gas metering and regulating stations, telephone exchanges, booster stations or conversion plants with the necessary buildings, apparatus or appurtenances but not including distribution mains, provided any buildings necessary to such utilities are similar in design and structure to other buildings in the area of the proposed use.
12. Radio or television transmitters. Excluded from H-R and H-C zones.
13. Sewage disposal plants. Excluded from H-R and H-C zones.
14. Landfills in RF zones only. [Ord. 94-06 § 1; prior code § 11-2-4.1]



**NOTICE OF PUBLIC HEARING & INTENT TO RECOMMEND ADOPTION
OF ORDINANCE 2020-05: REVISING SECTION 18.55.010 LAND USES OF THE
MESILLA TOWN CODE.**

The Board of Trustees (BOT) will hold a public hearing on **Monday, September 14, 2020 at 6:00 p.m.** VIA TELECONFERENCE 1-346-248-7799, MEETING ID 983-7900-0389, PASSWORD 971704. The purpose of the hearing was to take public comments on the proposed **ORDINANCE 2020-05: REVISING SECTION 18.55.010 LAND USES OF THE MESILLA TOWN CODE**

As part of their regularly scheduled meeting on **Monday, September 28, 2020 at 6:00 p.m.**, the BOT will consider recommending the adoption of **ORDINANCE 2020-05: REVISING SECTION 18.55.010 LAND USES OF THE MESILLA TOWN CODE**. Copies of the proposed ordinance change can be found on the Town of Mesilla website www.mesillanm.gov or by calling (575) 524-3262.

Posted on 8/20/2020 on the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.

Town of Mesilla, New Mexico

RESOLUTION NO. 2020-20

A RESOLUTION ADOPTING THE FY 2022-2026 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) FOR THE MESILLA COMMUNITY CENTER

WHEREAS, the Town of Mesilla recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MESILLA that:

1. The municipality has adopted the attached FY 2022-2026 Infrastructure Capital Improvements Plan for the Community Center, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.

PASSED, APPROVED and ADOPTED by the Board of Trustees at its meeting of September 28, 2020.

Nora L. Barraza
Mayor

ATTEST:

Cynthia Stoehner-Hernandez
Town Clerk-Treasurer

Infrastructure Capital Improvement Plan FY 2022-2026

Mesilla Community Center Project Summary

ID	Year	Rank	Project Title	Category	Funded						Total Project Cost	Amount Not Yet Funded	Phases?
					to date	2022	2023	2024	2025	2026			
36732	2022	001	Interior Flooring / Paint Refurbishment	Facilities - Senior Facilities	0	30,000	0	0	0	0	30,000	30,000	No
36739	2022	002	Replace Grease Interceptor	Facilities - Senior Facilities	0	36,000	0	0	0	0	36,000	36,000	No
36733	2023	001	Installation of Single Zone Air Conditioning	Facilities - Senior Facilities	0	0	7,500	0	0	0	7,500	7,500	No
36738	2023	002	Rear Exterior Door Replacement (2)	Facilities - Senior Facilities	0	0	8,250	0	0	0	8,250	8,250	No
Number of projects:					4								
Funded to date:					0	66,000	15,750	0	0	0			
Grand Totals					0	66,000	15,750	0	0	0	81,750	81,750	
Total Project Cost:											81,750		
Total Not Yet Funded:												81,750	