



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 Erminda 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.