



Town of Mesilla, New Mexico

PZHAC WORKSHOP & MEETING AGENDA NOVEMBER 2, 2020

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION VIA TELECONFERENCE ON MONDAY, NOVEMBER 2, 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.

- ITEM 1.** Submitted by Jessie L. Herrera; a request to discuss plans to construct an addition to a dwelling at 2929 Calle de Guadalupe. (Permit 061132). Zoned: Residential Agricultural (RA)
- ITEM 2.** Submitted by Father Cristopher Williams for the Basilica of San Albino; a request to discuss plans for the construction of a columbarium on a property owned by the Diocese of Las Cruces behind the church store 2280 Calle Principal. (Case 061138) Zoned: Historic Residential (HR)
- ITEM 3.** Submitted by Oscar and Mary Ann Luevano; a request to discuss plans to operate a wedding chapel as a home occupation on a residential property at 1395 Snow Road. Zoned: Rural Farm (RF)

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A REGULAR MEETING VIA TELECONFERENCE ON MONDAY, NOVEMBER 2, 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

III. CHANGES/APPROVAL OF THE AGENDA

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.*

A. *PZHAC MINUTES – PZHAC Workshop and Meeting of October 5, 2020.

B. *ADMINISTRATIVE APPROVALS

Zoning Permit:

1. **Case 061137** – 2928 La Mesilla Circle, submitted by Rebecca Segovia; a request for a building permit to add railroad ties to the front landscaping of the dwelling at this address. Zoned: Historic Residential (HR)

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.

B. DECISIONS:

Zoning Permits:

1. **Case 061132** – 2929 Calle de Guadalupe, submitted by Jessie L. Herrera; a request for a zoning permit to allow an addition to a dwelling at this address. Zoned: Residential Agricultural (RA) **(This request was discussed during the Work Session)**
2. **Case 061134** – 3116 Highway 28, submitted by Norm Fristoe for Lama Properties, LLC; a request for a zoning permit to allow the completion of a wall around a dwelling at this address. Zoned: Residential Agricultural (RA)
3. **Case 061138** – 2280 Calle Principal, submitted by Father Cristopher Williams for the Basilica of San Albino; a request for a zoning permit to allow the construction of a columbarium on a property owned by the Diocese of Las Cruces behind the church store. Zoned: Historic Residential (HR) **(This request was discussed during the Work Session)**

Business Permit:

5. 1395 Snow Road, submitted by Oscar and Mary Ann Luevano; PZHAC review of a request for a Business License to operate a wedding chapel as a home occupation on a residential property at 1395 Snow Road. Zoned: Rural Farm (RF) **(This request was discussed during the Work Session)**

VI. PZHAC/STAFF COMMENTS

VII. 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 48 hours prior to the meeting.

Posted on 10/29/20 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; Ristramnn Chile Co. - 2531 Avenida de Mesilla and the U.S. Post Office - 2253 Calle de Parian.

PZHAC NEW BUSINESS

NOVEMBER 2, 2020

WORK SESSION

**PZHAC WORK SESSION
NOVEMBER 2, 2020
ITEM 1**

Submitted by Jessie L. Herrera; a request to discuss plans to construct an addition to a dwelling at 2929 Calle de Guadalupe. (Permit 061020). Zoned: Residential Agricultural (RA)

The subject property is on the east side of Calle de Guadalupe at the north edge of the RA zone. The neighboring property to the north is zoned HR. at the northwest corner of the Town in the RF zone. The existing dwelling currently sits on a 4356 square foot parcel that also contains a large storage building at the rear of the property. According to the applicant, this storage building will be just over ten feet from the proposed addition.

(The RA zoning of the property requires a lot size of three acres for lots in the RA zone. Since the property is only 4356 square feet in size, the property is a legal non-conforming lot, and the existing dwelling has been determined to be a legal non-conforming use of the property which may not be expanded, according to a recent PZHAC policy resulting from a legal opinion dated August 14, 2020 - see attached.)

The addition will be about 1600 square feet in size on two levels and will almost triple the approximately 960 square foot size of the existing dwelling. The addition will contain a kitchen; two bedrooms and a laundry room on the first floor, and a master bedroom with a bathroom and a walk-in closet; and a porch. The existing kitchen will be turned into a dining room. The total number of bedrooms in the dwelling will be increased from two to five. The addition will not change the use of the dwelling as a single-family dwelling. There will be adequate off-street parking for the modified dwelling.

The existing dwelling has a pitched asphalt roof with a total height of about twelve feet. The addition will also have a pitched asphalt roof with a height of about twenty-two feet. The twenty-two foot height is similar to the height of other structures along this stretch of Calle de Guadalupe in the RA zone. (The maximum height allowed in the RA zone is thirty feet.) Since the property is not in a Historic zone, the Historic Preservation section of the Code (18.33), and therefore development zones, do not apply to this property. The existing structure has a brick veneer finish (see attached photos). The addition will have a stucco finish. The brick veneer will eventually be stuccoed to match the addition, according to the applicant.

The rear setback for the property is thirty feet. According to the applicant, the addition will just about fit this setback. (One corner of the addition appears to be 6 inches shy of meeting the required setback according to the site plan provided by the applicant.) The addition will meet all other required setbacks.

The applicant or his representative will be present by “Zoom” at the work session to provide further details about the proposed construction, and to answer any questions that may arise.

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: **R0400674**
 Parcel Number: 4006138354078
 Owner: HERRERA JESSIE L
 Mail Address: PO BOX 198
 Subdivision:
 Property Address: 2929 CALLE DE
 GUADALUPE
 Acres: 0



PHOTO OF THE DWELLING FROM CALLE DE GUADALUPE



PHOTO OF THE DWELLING FROM CALLE DE GUADALUPE SHOWING SHED



PHOTO OF THE DWELLING FROM CALLE DE GUADALUPE



PHOTO OF THE DWELLING FROM CALLE DE GUADALUPE SHOWING SHED



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.

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.

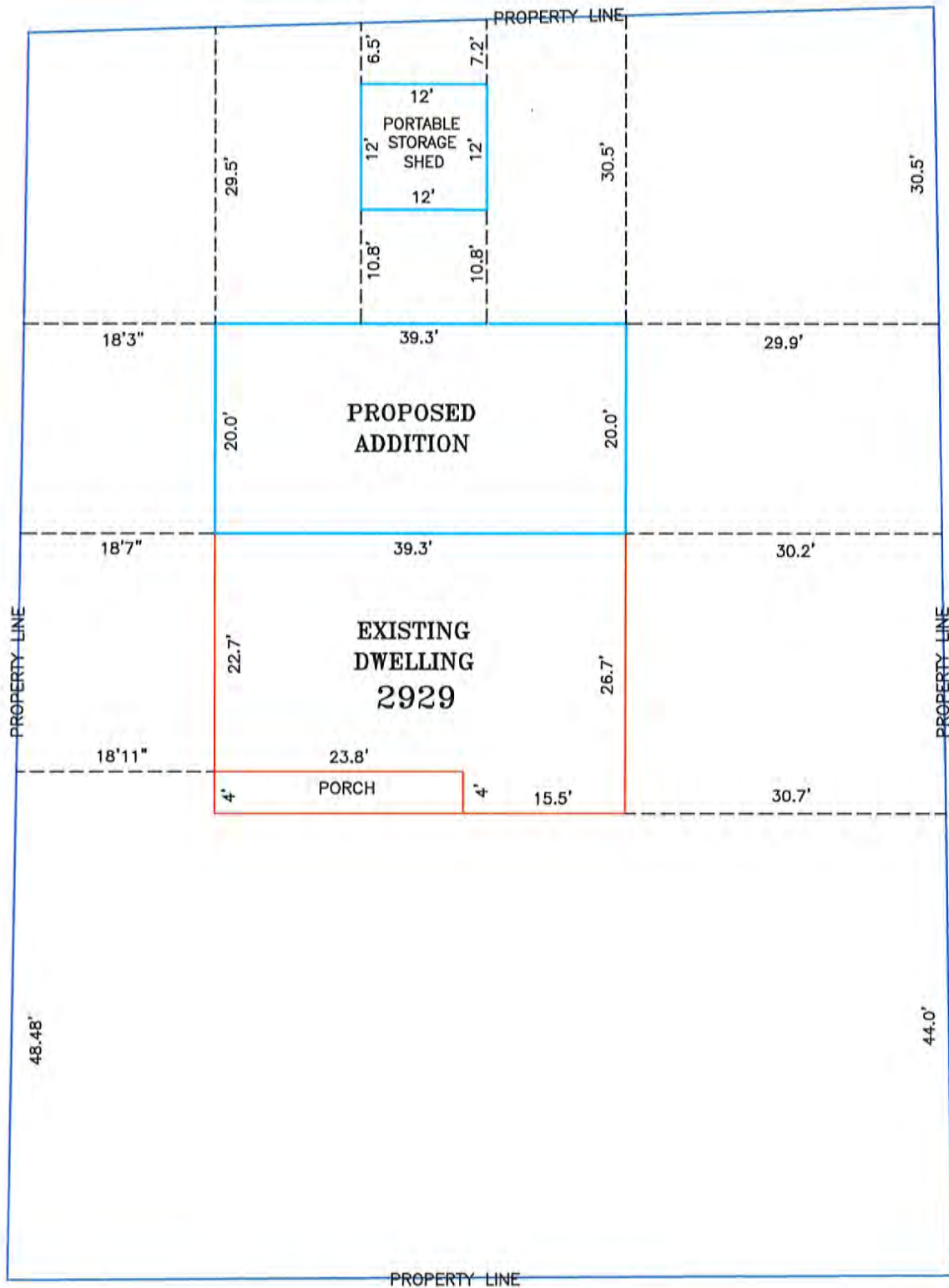
Joseph Cervantes

KJC/bam

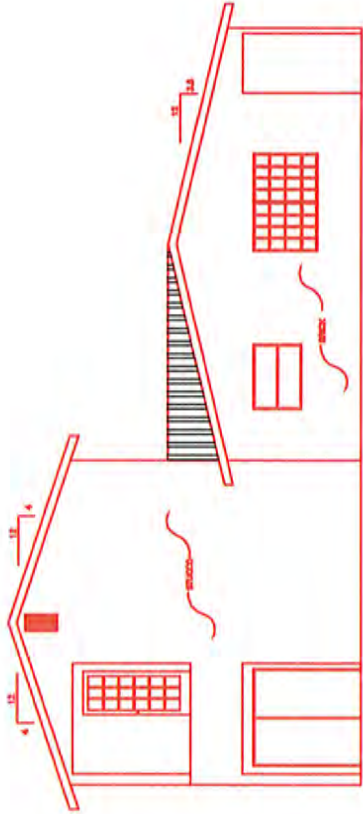
cc: Cynthia Stoechner-Hernandez

SITE PLAN

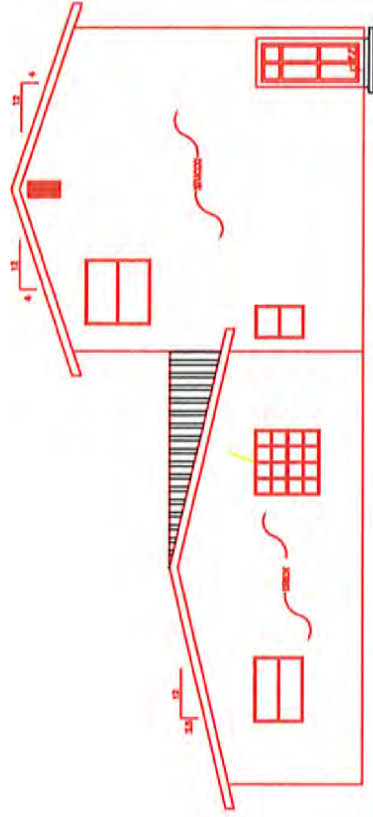
OF A PARCEL OF LAND
BEING U.S.R.S. TRACT 11B-62C
LOCATED IN SECTION 36, T.23S., R.1E.,
N.M.P.M. OF THE U.S.R.S. SURVEYS
TOWN OF MESILLA, DONA ANA COUNTY, NEW MEXICO



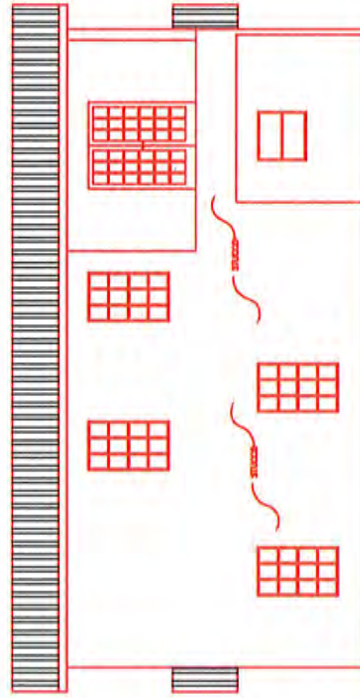
2929 CALLE DE GUADALUPE



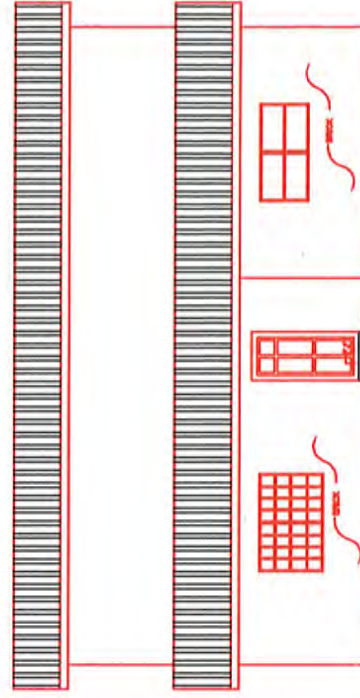
LEFT ELEVATION
N.T.S.



RIGHT ELEVATION
N.T.S.



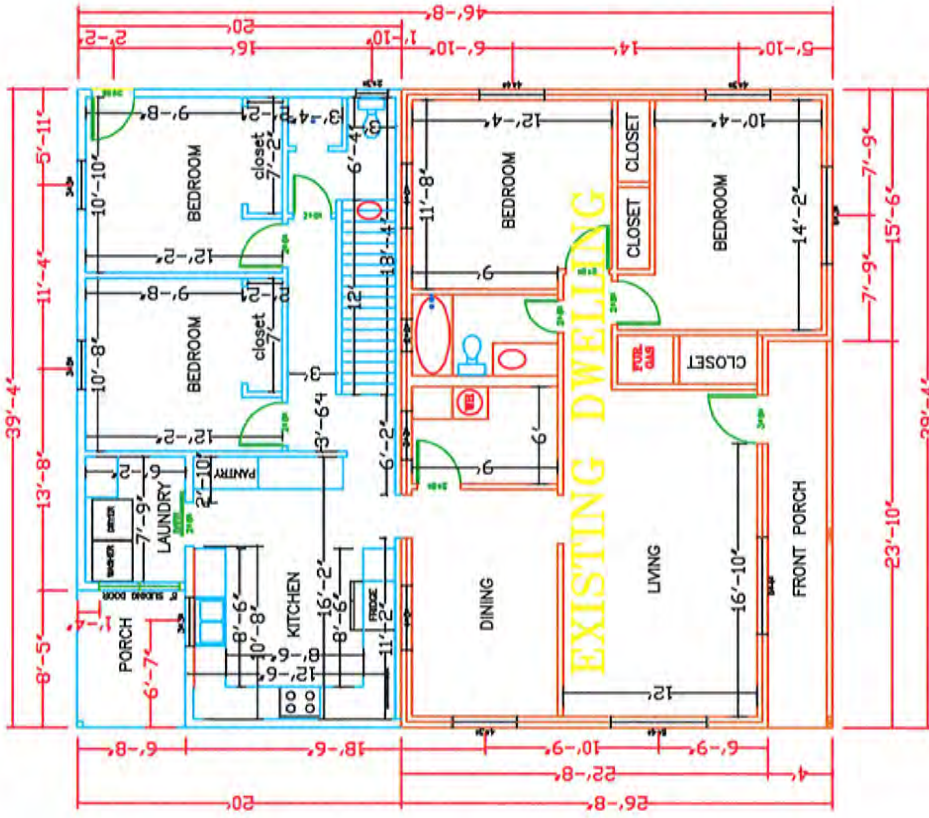
REAR ELEVATION
N.T.S.



FRONT ELEVATION
N.T.S.

NOTES:

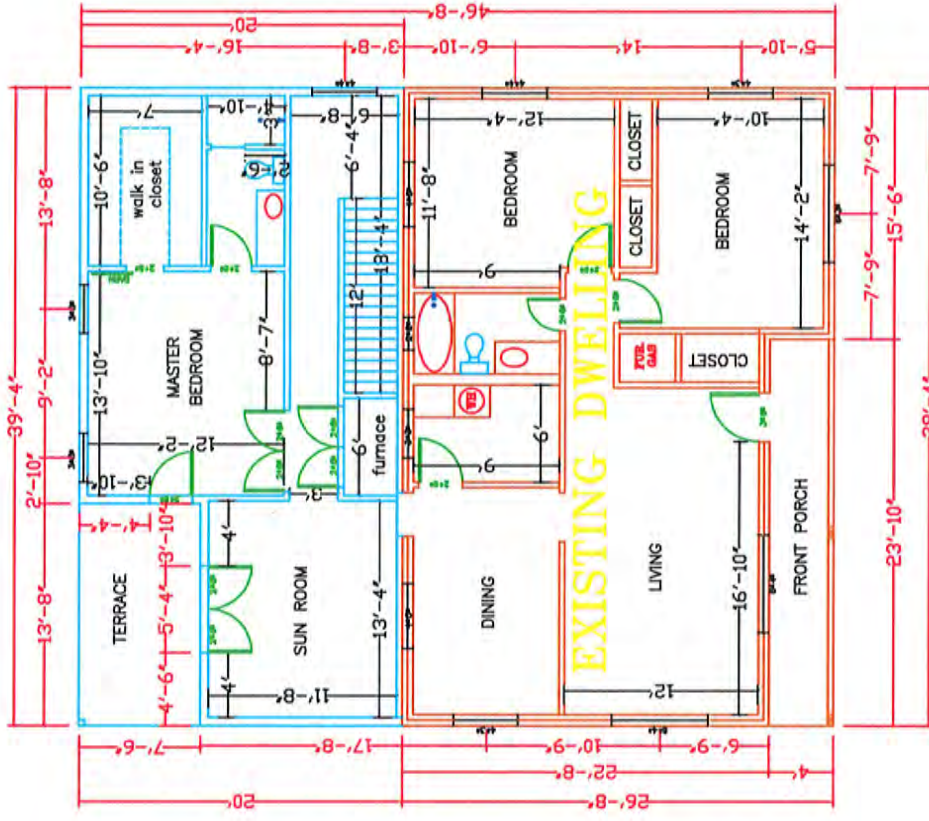
1. TRUSSED TO BE DESIGNED BY OTHERS.
2. CONTRACTOR TO ADHERE TO ALL NATIONAL, STATE, AND LOCAL CODES IN EFFECT AT TIME OF CONSTRUCTION.



1st FLOOR PLAN - ADDITION

NOTES:

1. ALL EXTERIOR WALLS SHALL BE 2"x6" FRAME. INTERIOR WALLS SHALL BE 2"x4" UNLESS OTHERWISE NOTED, AND ALL WALLS SHALL BE 8' TALL.



2nd FLOOR PLAN - ADDITION

TOTAL HEATED LIVING AREA 1840 SQ.

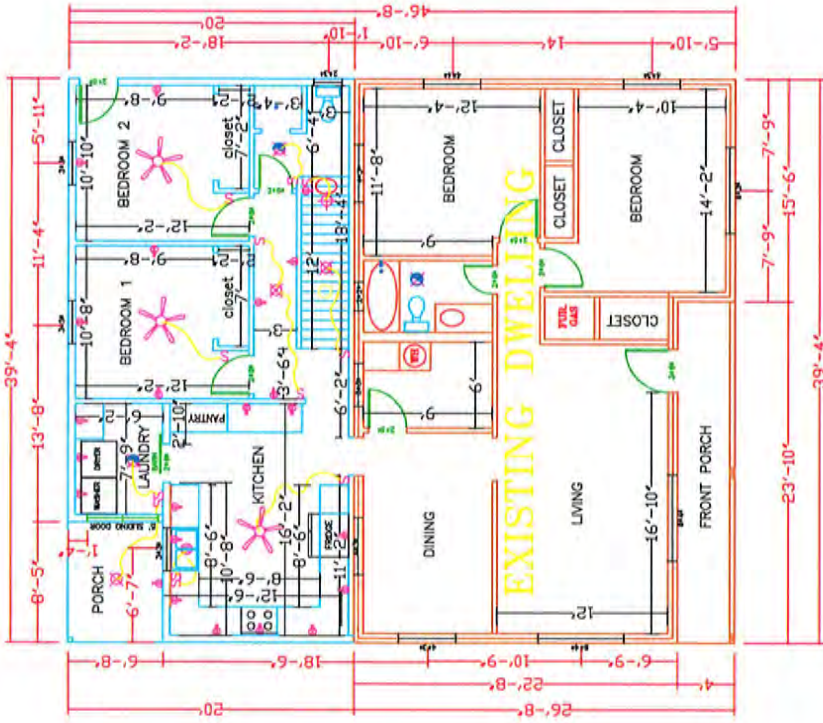
FLOOR PLAN

2929 CALLE DE GUADALUP

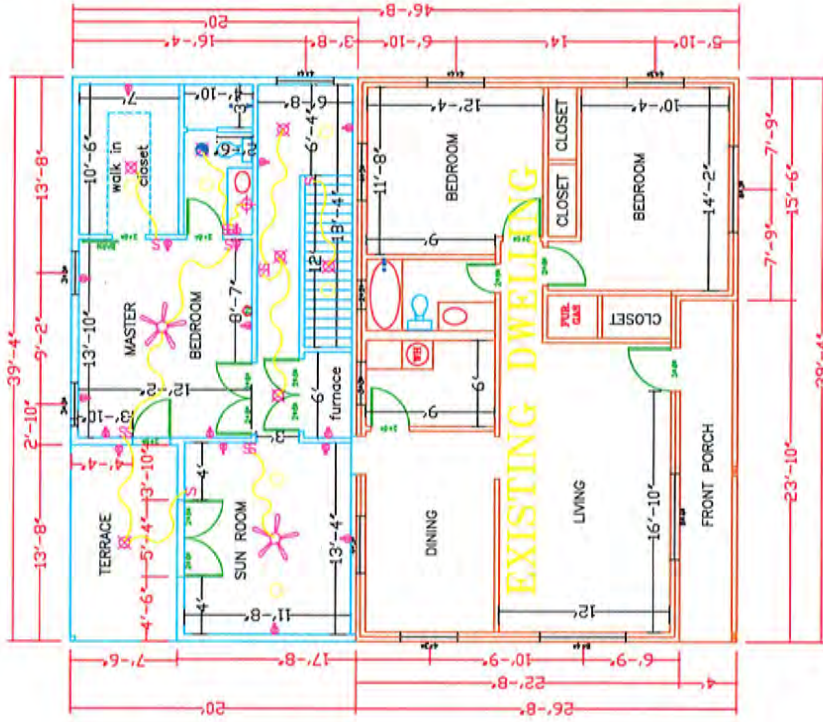
SCALE 3/16"=1'

DATE: SEPT. 30, 2020

SHEET 1



1st FLOOR - ADDITION



2nd FLOOR - ADDITION

LEGEND:

- - SMOKE DETECTOR
- - EYEBALL LIGHT
- ⊗ - CEILING LIGHT
- ⊕ - WALL LIGHT
- ⚡ - MOTION DETECTOR SPOTLIGHT
- ⬇ - OUTLET
- ⬆ - 220 OUTLET
- ⚙ - EXHAUST FAN/LIGHT COMBO
- ⬆ - TUBULAR SKYLIGHT

ELECTRICAL

SCALE 3/16" = 1'

2929 CALLE DE GUADALUPE

DATE: SEPT. 30, 2020

SHEET 4

TOWN OF MESILLA
ZONING APPROVAL

OFFICIAL USE ONLY:

Case # 061132

Fee \$ 235.50

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. 061132 ZONE: RA CODE: AD APPLICATION DATE: 10/15/20

Jessie L. Herrera (575) 621-7715
Name of Property Owner Property Owner's Telephone Number

P.O. Box 198 Mesilla, N.M. 88046
Property Owner's Mailing Address City State Zip Code

Lenaejha@yahoo.com
Property Owner's E-mail Address

John Rivera 1032 Tamarack Dr. Las Cruces, N.M. 88005
Contractor's Name & Address (If none, indicate Self)

Architect (575) 644-5426
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2929 Calle De Guadalupe

Description of Proposed Work: 1800 Sq. Ft. addition to home, consisting of a kitchen, master bedroom and full bathroom, office, laundry room and porch.

\$ 90,000 Jessie Herrera 2-11-2020
Estimated Cost Signature of Applicant Date

\$ 150,000 Jessie Herrera
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 AND APPROVAL REQUIRED

CID PERMIT REQUIRED

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: 10/15/20

- 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.
 - Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
 - 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).
 - Proof of legal access to the property.
 - Other information as necessary or required by the City Code or Community Development Department (See other side.)

**PZHAC WORK SESSION
NOVEMBER 2, 2020
ITEM 2**

Submitted by Father Cristopher Williams for the Basilica of San Albino; a request to discuss plans for the construction of a columbarium on a property owned by the Diocese of Las Cruces behind the church store 2280 Calle Principal. (Case 061138) Zoned: Historic Residential (HR)

The subject property is owned by the Diocese of Las Cruces and contains the San Albino Catholic Gift Shop, with a Grotto to the Mother Mary located in a patio area at the rear of the store. The proposed columbarium will be located on a vacant piece of the property to the west of the patio area (see attached site plan). Access to the columbarium will be by a gate from the patio area, and by a walkway that will run between the north edge of the columbarium and the church parking lot adjacent to the subject property. The plans for the columbarium, provided by Father Willlliams, are attached.

Until recently, a columbarium was not allowed in the Historic Commercial (HC) zone unless it was part of a cemetery that was allowed by a Special Use Permit (MTC 18.55.010.) This prohibition was removed from the Code by Ordinance 2020-05 approved by the BOT in September of this year amending the Zoning Code. The following is the ordinance as it was written:

Chapter 18.55 UNCLASSIFIED AND SPECIAL USES

18.55.010 Land uses.

D. The uses are as follows:

5. Columbariums, crematories, and mausoleums unless inside a cemetery, are excluded from H-R ~~and H-C~~ zones.

The PZHAC will need to determine whether or not a Special Use Permit is needed for the columbarium, or if the columbarium can be allowed as a part of the existing Parish use of the property and allowed by a Zoning Permit issued by the Town and a Building Permit issued by CID. (This is because of the fact that once the limitation on columbariums was removed from the Code, there is no mention in the Code of requirements for a columbarium.)

The subject property is on the east side of Calle de Guadalupe at the north edge of the RA zone. The neighboring property to the north is zoned HR. at the northwest corner of the Town in the RF zone. The existing dwelling currently sits on a 4356 square foot parcel that also contains a large storage building at the rear of the property. According to the applicant, this storage building will be just over ten feet from the proposed addition.

The applicant or a representative will be present by “Zoom” at the work session to provide further details about the proposed columbarium, and to answer any questions that may arise.

PHOTOS OF THE PROPERTY FROM CALLE PRINCIPAL



PHOTOS OF THE REAR OF THE PROPERTY FROM THE CHURCH PARKING LOT



Plans for Basilica of San Albino Catholic Church Columbarium Garden

1.0 Background Information:

The Basilica of San Albino is a Catholic Mission Church re-built in 1908 in a Romanesque style. It is located on the north end of the town plaza in Old Mesilla, New Mexico. Our current church cemetery is nearing capacity and is expected to be out of available spaces within the next few years. Considering this as well as the increasing number of requests for cremation in lieu of burial we would like to modify an area adjacent to the existing gift shop and rectory to accommodate installation of columbaria.

2.0 Objective: The objective of this project is to provide a serene, sacred, and appropriate resting place for the parishioners and non-parishioners of the Basilica of San Albino. The architectural design of the Garden will fit well within the historical village of Mesilla. Most importantly, the Garden will represent a location that is respectful for both the deceased, families, and visitors.

The physical implementation of this plan may be accomplished in several phases.

3.0 Requirements:

3.1 Physical Location and Walls

3.1.1 The Garden will be located behind the current Gift Shop Patio.

3.1.2 The Garden will be designed to maintain the historical architectural styles of the existing Gift Shop, San Albino Church, and City of Mesilla.

3.1.3 The Garden will be the width of the current Gift Shop Patio which is approximately 48' wide.

3.1.4 The Garden will consume the remaining property depth. The depth of the property is approximately 72' from the back wall of the gift shop patio.

3.1.5 An approximate 6' gate will be cut into the existing gift shop back wall. New Wrought-Iron gates will be installed in the wall to allow access to the garden. The new gate will be similar in design to the existing gate into the patio.

3.1.6 The existing back wall is approximate 4'4" in height x 10" in depth. This existing wall will be maintained to allow a view from the patio into the garden.

3.1.7 The adobe bricks taken from the new gate opening will be used to raise the height of the wall around the current statue of Our Lady of Lourdes Fountain.

3.1.8 Bricks similar in appearance to those in the existing wall, will be used for the extension of the North outside (Parking Lot side) wall for the Garden which will be extended to the end of the Garden. This wall will contain (2) 10' wide gates similar in appearance to attached drawing "Proposed Gates".

3.1.9 A 7' back wall will be constructed from the corner of the Rectory back wall to enclose the Columbarium Garden property.

3.1.10 All exterior facing components will be constructed of materials and of a style that complements the existing church structures and the town of Mesilla.

3.1.11 Ample space will be left in the garden for conducting inurnment Rites and personal reflection.

3.1.12 Spacing around and through the garden shall be ADA compliant.

3.1.13 All footings for walls and columbaria will be designed to accommodate both the current and future requirements.

3.1.14 Columbaria will be constructed out of Granite or similar stone.

3.1.15 Columbarium niches placed along the interior side of the exterior walls will not exceed the height of the wall

3.1.16 Appropriate areas of "free space" will be provided within the Garden.

3.1.17 An illustration is included as "Notional Drawing A". We intend to ask contractor/bidders to offer their recommendations for optimal utilization of our space after giving them guidelines from this document.

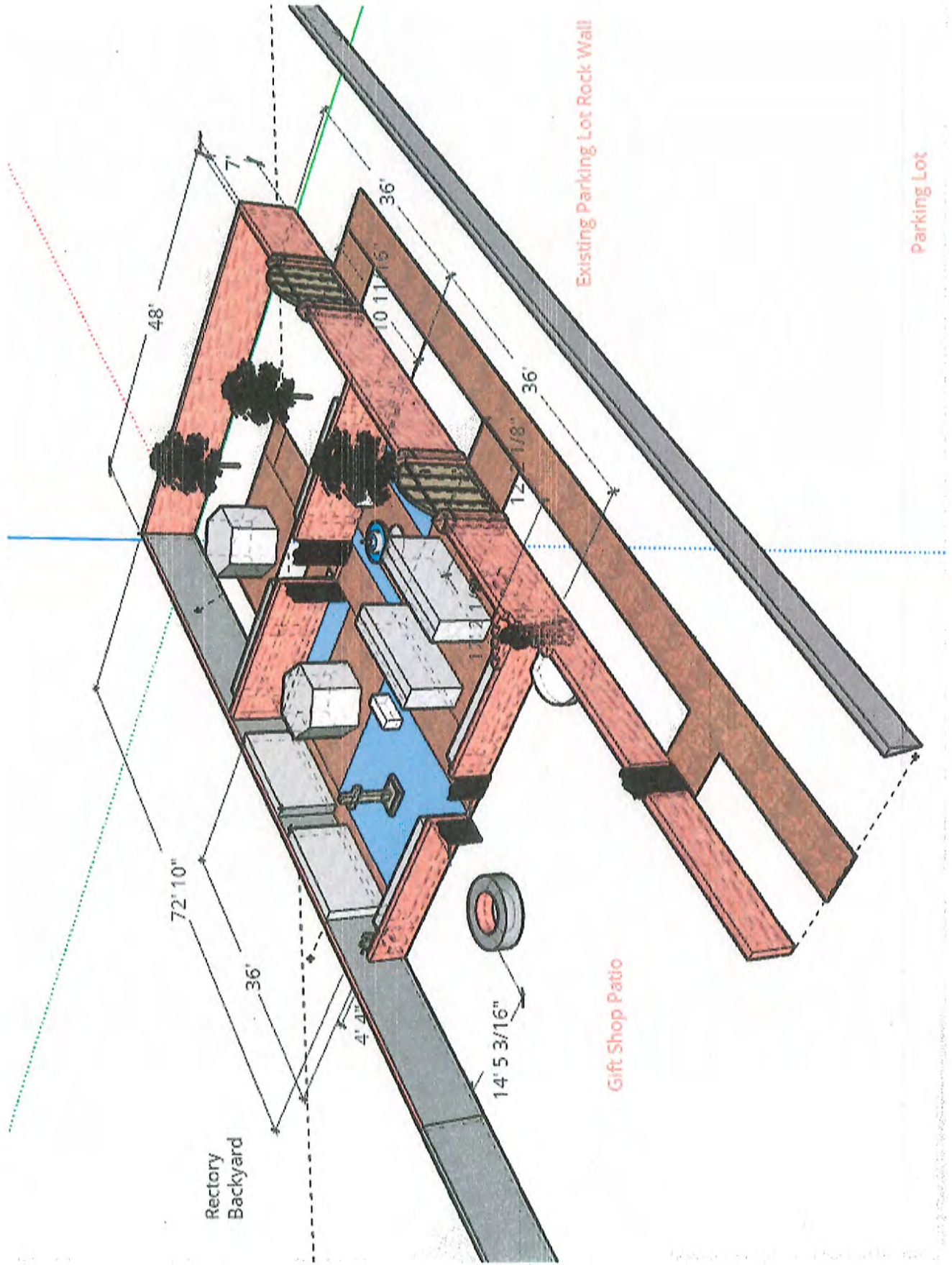
3.1.18 Appropriate religious statues may be installed at various locations in the garden.

3.1.19 Benches may be installed at appropriate locations within the garden.

3.1.20 Both potted and ground rooted plants may be located throughout the garden with concrete and/or gravel pathways.

3.1.21 Provisions will be made for the inclusion of water outlets, electricity, security/security cameras and lighting within the garden for both current and future anticipated needs.

Notional Drawing A



Rectory Backyard

Existing Parking Lot Rock Wall

Parking Lot

Gift Shop Patio



**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:
Case # 061138
Fee \$ 85.50

**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. 061138 ZONE: HC CODE: ADU APPLICATION DATE: 10/26/20

BASILICA OF SAN ALBINO Name of Property Owner
575-526-9349 Property Owner's Telephone Number
~~2070 CALLE DE SANTIAGO~~

P.O. Box 26 Property Owner's Mailing Address
MESILLA, NM City 88046 State Zip Code

BASILICA@SANALBINO.ORG Property Owner's E-mail Address

TBD 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 CALLE PRINCIPAL

Description of Proposed Work: SEE ATTACHED

\$50,000.00 Estimated Cost
Fr. Christopher Williams Signature of Applicant
10-26-2020 Date

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 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

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.
 - Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
 - 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).
 - Proof of legal access to the property.
 - Other information as necessary or required by the City Code or Community Development Department (See other side.)

**PZHAC WORK SESSION
NOVEMBER 2, 2020
ITEM 3**

Submitted by Oscar and Mary Ann Luevano; a request to discuss plans to operate a wedding chapel as a home occupation on a residential property at 1395 Snow Road. Zoned: Rural Farm (RF)

The applicants live on the property. The property consists of a 5.31 acre parcel with a dwelling, a casita, two horse barns, and several smaller out-buildings, along with three portions of the property along the northeastern edge that were originally used for horse corrals. The applicants would like to convert the barns to marriage chapels and use the corral areas for parking for up to forty guests. Weddings would be performed on the property in the chapel areas, and a reception would follow the weddings, with food to be provided by the wedding party or guests, according to the applicants. (The applicants were told by staff that providing professional catering services to the guests could cause the proposed operation to be more commercial in nature, which would not fit in with the rural nature of the RF zone.)

The applicants have provided a completed Home Occupation Checklist (attached), and have been informed that the parking would need to meet parking requirements for up to forty people, with at least two handicapped parking spaces and proper access. Also, zoning and building permits will be needed for the parking areas and any alterations that will be needed to any of the structures on the property, including the possible need to provide restroom facilities.

The applicants were also informed that hours of operation, along with noise and alcohol service will need to be addressed. If the operation is or takes on the appearance of being a commercial operation, or the requirements for a home occupation cannot be met, the operation it will not be allowed by the RF zoning of the property. Small, quiet wedding services on the property, without the reception, might be allowed if there is no impact to the surround area due to traffic, noise, or sound; providing that these meet all the requirements for a home occupation (attached) and there is little or no evidence that this is a commercial operation. (Although commercial operations are not allowed by Section 18.20.040 Rural Farm -RF, Uses Prohibited of the Code, small wedding chapels that due not appear commercial are neither permitted nor expressly prohibited by the Code.)

The applicants would like to present their proposal to the PZHAC and get an official determination as to whether or not their proposal for the property will be allowed, and what conditions they might need to meet. They have already met with staff and have been informed of most of the issues they will need to address, depending on what they are allowed to do.

The applicants will be present by “Zoom” at the work session to provide further details about the proposed wedding chapel, and to answer any questions that may arise.

HOME OCCUPATION REQUIREMENTS

18.52.030 General conditions.

Home occupations are permitted uses in the **RF**, RA, R-1, H-R and H-C zones **provided the following conditions are met:**

- A. Only immediate family members occupying the dwelling shall be engaged in the home occupation.
- B. Only two occupations shall be permitted at a time.
- C. All activities shall be conducted indoors.
- D. Except for a sign as permitted in subsection (F) of this section, items shall not be displayed on the outside of the dwelling or on the premises of the home occupation and there shall be no change in the outside appearance of the dwelling or the premises.
- E. Only products of the home occupation may be sold from the premises providing the following conditions are met:
 - 1. Any activity at the residence related to the home occupation is by appointment only and there shall be no more than one client visitation at the home occupation at any given time except for instructional services;
 - 2. All parking associated with the home occupation is off-street;
 - 3. A site plan of the lot shall be submitted with a business registration application to the PZHAC for approval. The site plan shall indicate the location of all structures and parking for the maximum number of vehicles that shall be present on the lot at any one time during the hours of operation of the home occupation, to include the vehicles owned and operated by the residents of the dwelling. The size of the parking spaces shall comply with MTC [18.60.170](#), required off-street parking; and
 - 4. A checklist, which appears at the end of this chapter as Appendix A, shall also be submitted with the business registration application to the PZHAC.
- F. One unlighted sign have a maximum area of one by three square feet and identifying the occupant(s) and home occupation(s) shall be permitted.
- G. There shall be no external evidence of the activity such as commercial vehicles, outside storage of products or materials and there shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of a home occupation, unless specifically permitted pursuant to conditions of a special use permit.
- H. Storage in connection with any home occupation shall be totally enclosed and there shall be no open storage of business related equipment or supplies with the exception of one company owned vehicle, three-quarter-ton truck or smaller, which is also used for personal transportation purposes.
- I. No equipment or process shall be used in a home occupation that creates dust, noise, vibration, glare, fumes, odors or other nuisances to other neighboring properties.
- J. There shall be no toxic, explosive, highly flammable or other restricted materials used or stored on the premises of a home occupation beyond the amount normally kept at a residential dwelling or on hand to operate or maintain equipment permitted by the Uniform Fire Code as adopted by the town of Mesilla.
- K. No equipment shall be used in a home occupation which creates electrical interference detectable in adjacent areas or visual or audible interference for any radio or television receivers on and near the premises, which exceeds that normally found in a residential area.
- L. All home occupations shall be required to obtain a business registration from the town clerk's office. Conditions may be attached during the approval process. Business registrations are renewable annually by the fifteenth day of March

upon submission and approval of an application and payment of a \$35.00 fee. Cross-reference: Chapter [5.05](#) MTC, Business Registration. [Ord. 2012-07; Ord. 2003-06 § 5; prior code § 7-10-3]

18.52.040 Permitted and prohibited home occupations.

A. Permitted Uses.

1. Professional Office Businesses. Professional office businesses may include an office for accounting, bookkeeping, tax preparation, office management, appraisal, architectural, real estate and other similar businesses.
2. Professional Service Related Businesses. Professional service related businesses may include computer programming and other computer related services, direct distribution (for example, Amway, Avon, Tupperware), mail order, maid service, ironing, telephone/fax answering, word processing and other similar service uses.
3. Instructional Services Businesses. Instructional services may include educational tutoring, music lessons and similar instructional services. A maximum of five students may be at the dwelling at any one time. No musical instruments may be amplified.
4. Small Home Artisan Businesses. A small home artisan business may include painting and drawing studios; dress making, sewing and tailoring; engraving; leather work; jewelry making and hobby crafts.

B. Uses Permitted with a Special Use Permit.

1. Kennels and pet grooming.
2. Automotive related repair, body work, and dealer licensing.
3. Bicycle repair and servicing.
4. Motorcycle repair and servicing.
5. Appliance repair or servicing.

C. Prohibited Home Occupations.

1. Among those professional services that shall not be considered for home occupation status are attorneys, dentists, medical doctors and practitioners primarily involved with anatomical or alternative medicines.
2. Among those professional services that shall not be considered for home occupation status are beauticians and barber shops, and massage parlors.
3. Adult book stores, adult video stores, adult amusement businesses and the sale of obscene material as defined in Chapter [9.40](#) MTC are prohibited as home occupations.
4. Other prohibited businesses include but are not limited to fortune telling, palm reading, tattoo parlors, body piercing services, and restaurants. [Ord. 2012-07; Ord. 2003-06 § 5; prior code § 7-10-4]

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: [R0401168](#)
 Parcel Number: 4005137056228
 Owner: ROMANELLI DANIEL A & LAURA C
 Mail Address: 1395 SNOW RD
 Subdivision: WIDMOYER TRACTS (BK 19 PG 35 - 9728197)
 Property Address: 1395 SNOW RD
 Acres: 5.31



From: [Mary Ann Luevano](#)
To: [Luisana Sharon](#)
Subject: Oscar & Mary Ann Luevano Hacienda 101 Property
Date: Wednesday, October 28, 2020 4:44:00 PM
Attachments: [Image001.png](#)

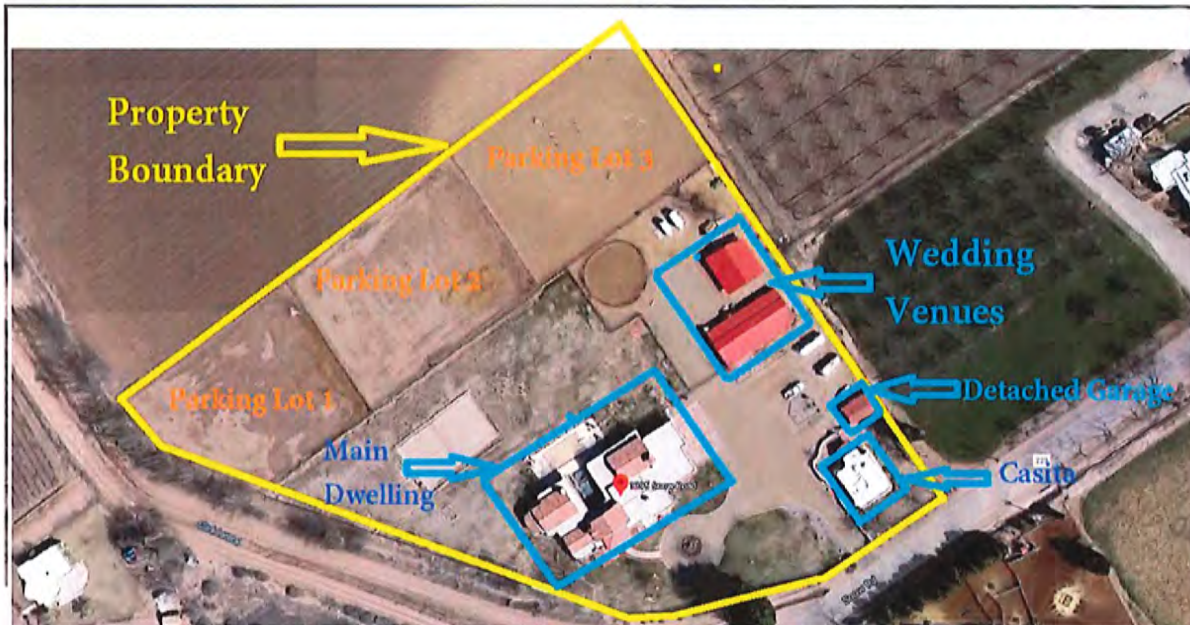
Hi there,

Attached is the information you requested.

Thank you,

Mary Ann Luevano
575-680-0303

From: Oscar Luevano <oscar@glitz.edu>
Sent: Wednesday, October 28, 2020 4:36 PM
To: Mary Ann Luevano <maryann@glitz.edu>
Subject: Boundaries



Oscar Luevano
Business Development
(575) 373 5269

PHOTOS OF THE PROPERTY FROM SNOW ROAD



**PHOTOS OF LOOKING DOWN SNOW ROAD FROM BOTH SIDES OF THE PROPERTY
(LOOKING NORTH)**



(LOOKING SOUTH)





Date: 10/28/2020

2231 Avenida de Mesilla
P.O. Box 10, Mesilla, NM 88046
Phone: (575) 524-3262 Fax: (575) 541-6327

Permit No.: _____

Business Registration Application

A separate business registration application form should be completed for each business location.

PLEASE PRINT

BUSINESS INFORMATION

New Renewal _____

Business Name: A Day To Remember Events

Business Address: 1395 Snow Rd Mailing Address: _____
Mesilla NM 88046

Total Area of Business: 5 acres No. of Employees: 0 No. of Parking Spaces: _____ Zoning: 2 acres Residents
3 acres farm land

e-Mail Address: Maryann@glitz.edu Business Phone #: 575-680-0303

Type of business (Please describe product(s) and/or service(s):
Family gatherings

Business Owner Is: Sole Proprietorship _____ Partnership _____ Corporation _____ Other LLC

Current New Mexico Revenue Division ID #: _____
(The location code for reporting earnings received in the Town of Mesilla is 07-303.)

BUSINESS OWNER/APPLICANT INFORMATION

Business Owner's/Applicant's Name (s): Oscar & Mary Ann Luevano

Home Address: 1395 Snow Rd
Mesilla NM 88046

Mailing Address: PO Box 16485
LC NM 88004

Business Owner's/ Applicant's Phone #: 575-680-0303

(Please complete other side)

Checklist for Compliance with MTC [18.52.030](#), Home Occupation General Conditions

As a part of your application, first time and renewal, for a home occupation we ask that you acknowledge compliance with the following rules and regulations for home occupations in the town of Mesilla by initialing each requirement and signing the checklist below.

ew Only immediate family members occupying the dwelling shall be engaged in the home occupation.

ew The primary use of the dwelling shall be for residential purposes.

ew Items shall not be displayed on the outside of the dwelling or on the premises of the home occupation, unless specifically allowed by special use permit.

ew There shall be no change in the outside appearance of the dwelling or the premises.

ew Only products of the home occupation shall be sold from the premises.

ew Only two occupations shall be permitted at a time.

ew All activities shall be conducted indoors. There shall be no direct sale of products off display shelves or racks. Retail sales shall only be conducted if product orders are placed earlier by telephone or fax or electronically.

ew Sales to customers shall be arranged by appointment and scheduled so that not more than one customer vehicle is at the dwelling at any one time except for instructional services.

ew For instructional service home occupations no more than five students shall be at the dwelling at any one time.

ew Only one unlighted sign having a maximum area of one and one-half square feet and identifying the occupant(s) and the home occupation(s) shall be permitted.

ew There shall be no external evidence of the conduct of a home occupation on the premises such as commercial vehicles or outside storage of products, materials or supplies.

ew Company owned vehicles which are three-quarter-ton truck or smaller which are also used for personal transportation purposes shall be exempt from the above condition. No more than one such commercial vehicle shall be parked overnight on the premises of a home occupation.

ca No equipment or process shall be used in a home occupation which creates noise, odor, dust, fumes, vibration, glare, electrical interference or other nuisance detectable on adjacent properties.

ca There shall be no toxic, explosive, highly flammable, combustible, corrosive, radioactive or other restricted materials used or stored on the premises of a home occupation beyond the amount kept at a normal residential dwelling or on hand to operate or maintain equipment permitted by the Uniform Fire Code as adopted by the town of Mesilla.

ca All customer parking shall be off-street parking including parking for those home occupations involving teaching where the maximum number of clients shall be five at any one time.

I hereby state under oath that by initialing each requirement above and signing this checklist below I acknowledge that my proposed home occupation is in compliance with the rules and regulations for home occupations in the town of Mesilla and further I state under oath that my responses are true and valid:

Mary Ann Luevano

Applicant's name printed

Mary Ann Luevano

Applicant's signature

10/26/2020

Date

[Signature]

Witness

10/26/2020

Date

PZHAC
WORK SESSION & REGULAR MEETING
MINUTES
OCTOBER 19, 2020

(PART OF CONSENT AGENDA)



Town of Mesilla, New Mexico

PZHAC WORKSHOP & MEETING AGENDA OCTOBER 19, 2020

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION VIA TELECONFERENCE ON MONDAY, OCTOBER 19, 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.

Item 1: Submitted by Jessie L. Herrera; a request to discuss plans to construct an addition to a dwelling at 2929 Calle de Guadalupe. (Permit 061132). Zoned: Residential Agricultural (RA)

Neither the applicant nor a representative were present so the discussion was postponed to the next PZHAC meeting.

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A REGULAR MEETING VIA TELECONFERENCE ON MONDAY, OCTOBER 19, 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 Nevarez was absent. All other Commissioners were present. There was a quorum.

Others in attendance by “Zoom” or by phone were: Larry Shannon (Mesilla Staff), Tom Maese (CID), and Susan Krueger, resident. The regular meeting was convened at 3:00 pm.

III. CHANGES/APPROVAL OF THE AGENDA

Due to the fact that there was no discussion of the case during the Work Session, Case 061132 was removed from the agenda. A motion to approve the agenda as amended was made by Commissioner Salas, approved by Commissioner Prieto, 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 Prieto, seconded by Commissioner Salas, and approved by a vote of 4 - 0.

A. *PZHAC MINUTES – PZHAC Workshop and Meeting of October 5, 2020.

Approved as part of the Consent Agenda

B. *ADMINISTRATIVE APPROVALS

Zoning Permit:

1. **Case 061130** – 2833 Ermindia Street, submitted by Marsha B. Toomey; a request for a zoning permit to repair and repaint the stucco on a dwelling at this address. Zoned: Historic Residential (HR)

Approved as part of the Consent Agenda

2. **Case 061131** – Along the northwest end of Calle del Oeste, submitted by Rod McGillivray for the Town of Mesilla; a request for a zoning permit to allow the Town to install a cattle fence between a Town easement and a property along this part of Calle del Oeste. Zoned: Historic 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 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.

None

B. DECISIONS:

Zoning Permits:

- Case 061120** – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request to modify a zoning permit to allow a gate to be installed in a section of previously approved fencing on a commercial property at this address. Historical Commercial (HC)
The applicant was present by phone if any questions arose. Staff provided a brief review of this request, explaining that the applicant would like to replace a section of fence that had been approved between the subject property and the adjacent property to the south with a gate that would enable people to park on the adjacent property and have access to the subject property. There were no issues. A motion was made by Commissioner Salas and seconded by Commissioner Houston to recommend approval of the request to the BOT and the request was APPROVED by a vote of 3 – 0. (Commissioner recused himself from voting.)
- Case 061132** – 2929 Calle de Guadalupe, submitted by Jessie L. Herrera; a request for a zoning permit to allow an addition to a dwelling at this address. Zoned: Residential Agricultural (RA)
This case was removed from the agenda.
- Case 061133** – 1433 Snow Road, submitted by Les Mathers; a request for a zoning permit to install a photo-voltaic array on a ground mounted stand for a dwelling at his address. Zoned: Rural Farm (RF)
The applicant was present by phone if any questions arose. Staff provided a brief review of this request, explaining that the applicant would like to install an array of solar panels on a ground based stand in a pecan grove at the rear of the property near the dwelling, and that the array would be connected to the dwelling by an underground cable. There were no issues. A motion was made by Commissioner Prieto and seconded by Commissioner Salas to recommend approval of the request to the BOT and the request was APPROVED by a vote of 4 – 0.
- Case 061134** – 3116 Highway 28, submitted by Norm Fristoe for Lama Properties, LLC; a request for a zoning permit to allow the completion of a wall around a dwelling at this address. Zoned: Residential Agricultural (RA)
Staff provided a brief review of this request, explaining that the applicant would like to finish work on a wall that had been started under a different permit that had been approved in 2018. Since the wall was higher than originally approved, and since the wall had not been inspected by CID for over six months, a new permit was required in order to meet CID requirements. Staff also explained that walls up to ten feet in height are allowed by the Zoning Code provided that the wall is a privacy wall around a court yard or room opening onto a porch, and the wall is not on a property line (perimeter wall). Tom Maese, Chief Building Inspector for CID also stated that the plan shows a patio to the rear of the dwelling that is not part of the plan for the wall, that there have been no inspections for over six months, that a new permit needs to be obtained from CID for the wall. There were no other issues. A motion was made by Commissioner Prieto and seconded by Commissioner Houston to postpone the request in order to allow the applicant to meet CID requirements for the wall. The PZHAC voted 4 – 0 to POSTPONE the request.

Business Permit:

- Permit 0857** – 2309 Calle de Guadalupe, submitted by Gabriela Gaxiola-Reichel for “Le Boutique, LLC”; a request for a business license to allow the applicant to operate a commercial retail operation at this location selling women’s clothing, purses, shoes, unique gifts and other small retail products. Zoned: Historic Commercial (HC)
Staff provided a brief review of this request, explaining that the applicant would be operating a retail business selling various women’s boutique type items out of a building that border Calle de Santiago. The structure has historically been used for retail sales. There were no issues. A motion was made by Commissioner Prieto and seconded by Commissioner Salas to approve the request, and the request was APPROVED by a vote of 4 – 0.

Sign Permits:

6. **Case 061112** – 2230 Avenida de Mesilla, submitted by Roman Prieto for “Prieto Imports”; a request to modify an existing sign permit to install two wall signs instead of a hanging sign on a business at this address. Zoned: Historical Commercial (HC)

The applicant, Commissioner Prieto, was present by “Zoom” if any questions arose. Staff provided a brief review of this request, explaining that the applicant would like to install two wall signs on the structure. One sign would be installed on the north wall and an identical sign would be installed on the east wall. Staff explained that since the structure would contain two businesses, the MTC Sign Code limits the number of such signs for each business to one sign and a sign on a directory. Commissioner Prieto, speaking as applicant, stated that Paragraph A of Section 18.65.220 of the Code contracts Paragraph B of the same section in that Paragraph A states that allows “A total of two exterior signs may be allowed to each store or bona fide place of business.” There was no follow-up to this statement by the PZHAC. There were no other issues. A motion was made by Commissioner Houston and seconded by Commissioner Salas to recommend conditional approval of the request to the BOT, and the request was APPROVED by a vote of 4 – 0 with the following CONDITION:

1. *One sign fifteen square feet or less would be allowed on the east wall for each business in the building.*

7. **Case 061135** – 2230 Avenida de Mesilla, submitted by Joshua Prieto for “Merch de Mesilla”; a request for a sign permit to install two wall signs on a business at this address. Zoned: Historical Commercial (HC)

Commissioner Prieto, acting as representative for the applicant, was present by “Zoom” if any questions arose. Staff provided a brief review of this request, explaining that the case was similar to the previous case in that the same type of sign was being requested for the same building, which was being shared by the two applicants, and that the MTC Sign Code limits the number of such signs for each business to one sign and a sign on a directory. There were no other issues. A motion was made by Commissioner Salas and seconded by Commissioner Houston to recommend conditional approval of the request to the BOT, and the request was APPROVED by a vote of 4 – 0 with the following CONDITION:

1. *One sign fifteen square feet or less would be allowed on the east wall for each business in the building.*

7. **Case 061136** – 2309 Calle de Guadalupe, submitted by Gabriela Gaxiola-Reichel for “Le Boutique, LLC”; a request for a sign permit to allow a wall sign on a business at this address. Zoned: Historic Commercial (HC)

Staff provided a brief review of this request, explaining that the applicant plans to use an existing sign hanger on the wall of the building that has been used routinely in the past by previous occupants of the building for similar signs. 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 Houston, and approved by a vote of 4 – 0

VI. PZHAC/STAFF COMMENTS

Commissioner Salas

Stated that, “for the record”, the PZHAC needs to address “non-conforming lots” and that the BOT needs to make a decision and provide an interpretation as to the meaning of “non-conforming”.

Commission Chair Lucero

Stated that staff needs to move this issue (non-conforming lots) along with the BOT, and that the PZHAC is “doing its job” by sticking to the Codes.

Commissioners Prieto and Houston agreed with both Commissioner Salas and Commission Chair Lucero

There were no further comments.

VII. ADJOURNMENT

The meeting was adjourned at 3:45 pm.

PZHAC NEW BUSINESS

NOVEMBER 2, 2020

ADMINISTRATIVE APPROVALS

(PART OF CONSENT AGENDA)

**ADMINISTRATIVE APPROVAL
BUILDING PERMIT REQUEST CASE 061137
[PZHAC CONSENT AGENDA – 11/2/20]**

Item:

Case 061137 – 2928 La Mesilla Circle, submitted by Rebecca Segovia; a request for a building permit to add railroad ties to the front landscaping of the dwelling at this address. Zoned: Historic Residential (HR)

Description of Work Done:

The applicant will add railroad ties to the front of her property to keep people from driving of over the front of her property. There will be no change to the appearance of the dwelling. There will not be any structural or other changes to the dwelling or any other parts of the property.

Consistency with the Code:

Since the proposed repair and repainting of the stucco will not affect or change the appearance of the property, according to the applicant; and since the work will not consist of any additions or changes to heated/cooled areas of the structure, the permit may be approved administratively. [(15.15.030(B) - Application for building permit, Administrative Approval) –“Applications that are minor repairs or maintenance and do not alter or create additions to structures (buildings), walls or any other permanent fixtures on site may be approved administratively by staff.... Once all required information is provided, the Community Development staff may approve and issue the permit.”]

VIEW OF THE PROPERTY FROM THE ACCESS EASEMENT TO THE PROPERTY

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: [R0401261](#)
 Parcel Number: 4006138167188
 Owner: SEGOVIA REBECCA L
 Mail Address: PO BOX 23
 Subdivision: DAN LOWRY
 SUBDIVISION REPLAT NO 2 (BK 20 PG
 486 - 0343564)
 Property Address: 2928 LA MESILLA
 CIR
 Acres: 0



TOWN OF MESILLA
ZONING APPROVAL

OFFICIAL USE ONLY:
Case # 061137
Fee \$ 0.00

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. 061137 ZONE: HR CODE: M1 APPLICATION DATE: 9/17/20

<u>Rebecca L. Segovia</u>	<u>575-541-2076</u>		
Name of Property Owner	Property Owner's Telephone Number		
<u>PO Box 23</u>	<u>Mesilla</u>	<u>NM</u>	<u>88046</u>
Property Owner's Mailing Address	City	State	Zip Code
<u>rebseg7@hotmail.com</u>			
Property Owner's E-mail Address			
<u>Self</u>			
Contractor's Name & Address (If none, indicate Self)			
<u>NA</u>	<u>NA</u>	<u>NA</u>	
Contractor's Telephone Number	Contractor's Tax ID Number	Contractor's License Number	

Address of Proposed Work: 2928 La Mesilla Circle, Mesilla, NM 88046

Description of Proposed Work: Railroad ties along property entrance

<u>\$ 280.00</u>	<u>Rebecca L. Segovia</u>	<u>9/17/2020</u>
Estimated Cost	Signature of Applicant	Date

Signature of property owner: Rebecca L. Segovia

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	<input checked="" type="checkbox"/> Administrative Approval	BOT	<input type="checkbox"/> Approved Date: _____
	<input type="checkbox"/> Approved Date: _____		<input type="checkbox"/> Disapproved Date: _____
	<input type="checkbox"/> Disapproved Date: _____		<input type="checkbox"/> Approved with Conditions
	<input type="checkbox"/> Approved with conditions		

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

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

CONDITIONS: NO CHANGES TO APPEARANCE OF DWELLING OR OVERALL APPEARANCE OF PROPERTY

PERMISSION ISSUED/DENIED BY: [Signature] ISSUE DATE: 10/1/20

- 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.
 - Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
 - 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).
 - Proof of legal access to the property.
 - Other information as necessary or required by the City Code or Community Development Department (See other side.)

PZHAC NEW BUSINESS

NOVEMBER 2, 2020

PZHAC DECISIONS

ZONING PERMITS

PZHAC ACTION FORM
BUILDING PERMIT 061132
[PZHAC REVIEW – 11/2/20]

(Decision to be based on information presented during the Work Session – Item 1)

Item:

Case 061132 – 2929 Calle de Guadalupe, submitted by Jessie L. Herrera; a request for a zoning permit to allow an addition to a dwelling at this address. Zoned: Residential Agricultural (RA)

Staff Analysis:

The proposed work was discussed in 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 proposed addition to the dwelling is not an expansion of a legal non-conforming use and is acceptable to the Town as proposed; and 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 proposed addition to the dwelling is an expansion of a legal non-conforming use or 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: \$150,000.00

Consistency with the Code:

The PZHAC will need to determine that the addition to the dwelling will be consistent with other construction 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.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of constructing an addition to an existing dwelling at this address.
- The PZHAC has determined that the proposed addition is not an expansion of a legal non-conforming use.
- The PZHAC has determined that the proposed dwelling meets all applicable Code requirements.

PZHAC OPTIONS:

1. Approve the zoning request
2. Approve the zoning request with conditions.
3. Postpone a decision on the request to allow the applicant to modify the request.
4. Reject the zoning request.

PZHAC ACTION:

PZHAC ACTION FORM
ZONING PERMITS 061134
[PZHAC REVIEW – 10/19/20]

Items:

Case 061134 – 3116 Highway 28, submitted by Norm Fristoe for Lama Properties, LLC; a request for a zoning permit to allow the completion of a wall around a dwelling at this address. Zoned: Residential Agricultural (RA)

This case was heard and postponed at the October 19, 2020 PZHAC meeting to enable the applicant to address issues with his CID building permit that were brought up with Tom Maese, Chief Building Inspector with CID. The applicant has been informed of these issues and has been put in touch with CID by staff. The issues did not have anything to do with the Zoning requirements of the Town.

Description of Request:

The subject property is 1.1 acre in size. The applicant obtained administrative approval to construct a wall around a portion of the dwelling at this address (see attached site diagram). The wall was to be a maximum of six feet in height. The applicant has since exceeded this height in the construction of the wall, which is not yet complete. Since the wall no longer complies with what was originally approved, the applicant is requesting a zoning permit to be able to complete the wall as built. CID is requiring this review by the PZHAC to ensure that the changes to the wall still comply with the Zoning Code for the Town.

The reason for the additional height, according to the applicant is to provide privacy for this portion of the dwelling; which consists of a den area with large windows, and a patio. This extra height is allowed by the Code when the wall "...surrounds a court-yard, patio, or open room and the height of the wall is to provide privacy..." (Section 18.60.340 – see below).

Estimated Cost: @ \$1,200.00

Consistency with the Code:

The PZHAC will need to determine if the work being done is an expansion of a legal non-conforming use of the property, or if it is a continuation of work that was approved prior to the change in August of the PZHAC's policy toward legal non-conforming uses.

Additionally, the additional height of the wall appears to meet the following requirement of the Code

18.60.340 Wall, fence, or hedge.

H. A wall may exceed six feet if it is compatible with the development zone, as defined in the Guidelines and Criteria for Preservation and Development manual (YGUADO Plan), and is connected to the building where it surrounds a courtyard, patio, or open room and the height of the wall is to provide privacy and/or environmental protection. The wall shall not exceed the height of the corresponding building nor at any time exceed 10 feet. This criterion shall not be considered for a perimeter wall (property line fence). **(This is not a perimeter wall.)** [Ord. 2006-10 § 1; Ord. 2001-09 § 1; Ord. 94-06 § 1; Ord. 93-08; prior code § 11-2-5.34]

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 adding additional height to a wall that is under construction and was approved at a lower height.
- The PZHAC has determined that the proposed wall meets the Code.

PZHAC OPTIONS:

1. Approve the application as requested.
2. Approve the application with conditions.
3. Postpone a decision on the request to allow the applicant to modify the request.
4. Reject the application.

PZHAC ACTION:

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

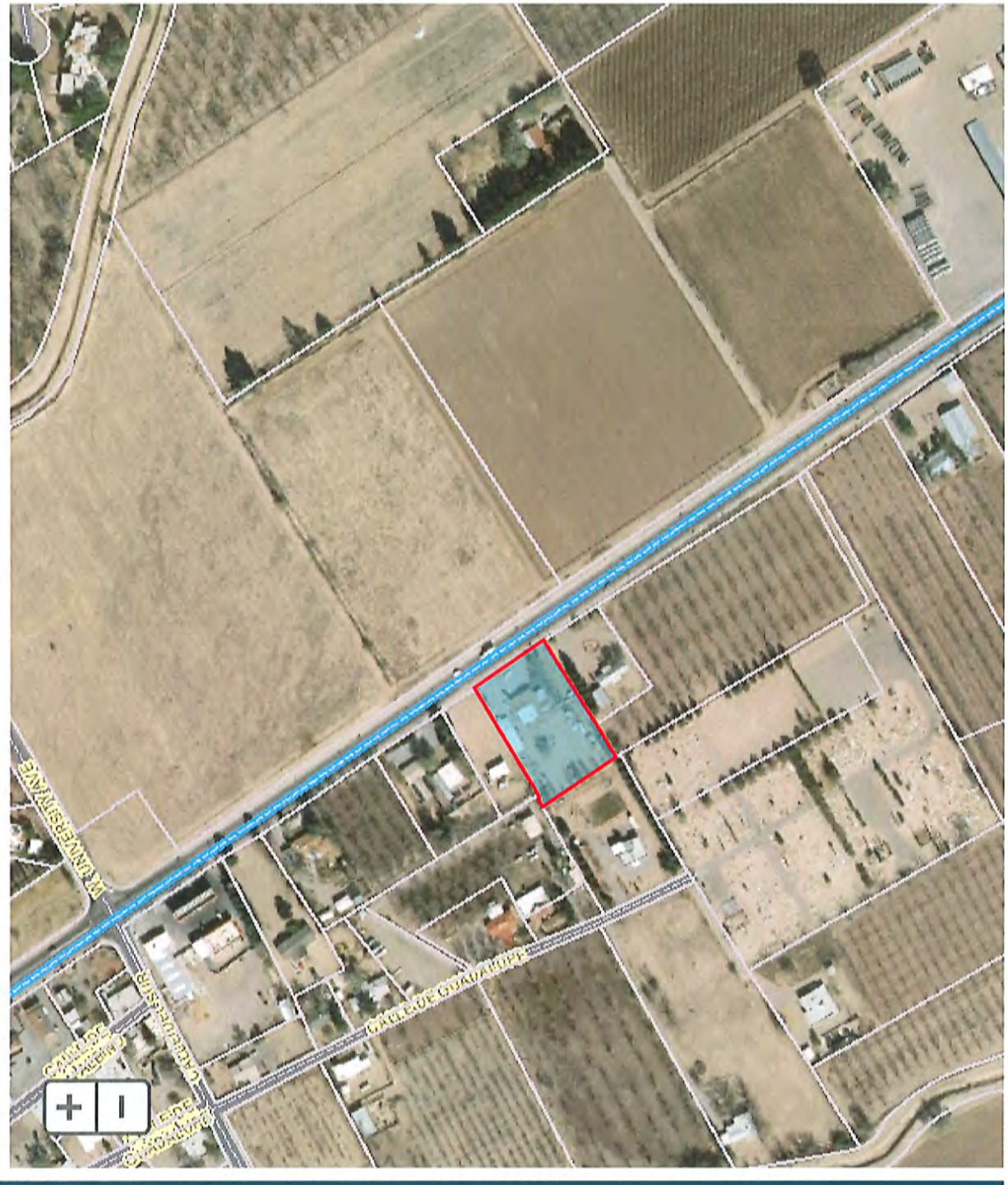
Select Search Type: Account Number | Enter Value:

Maps

Legend

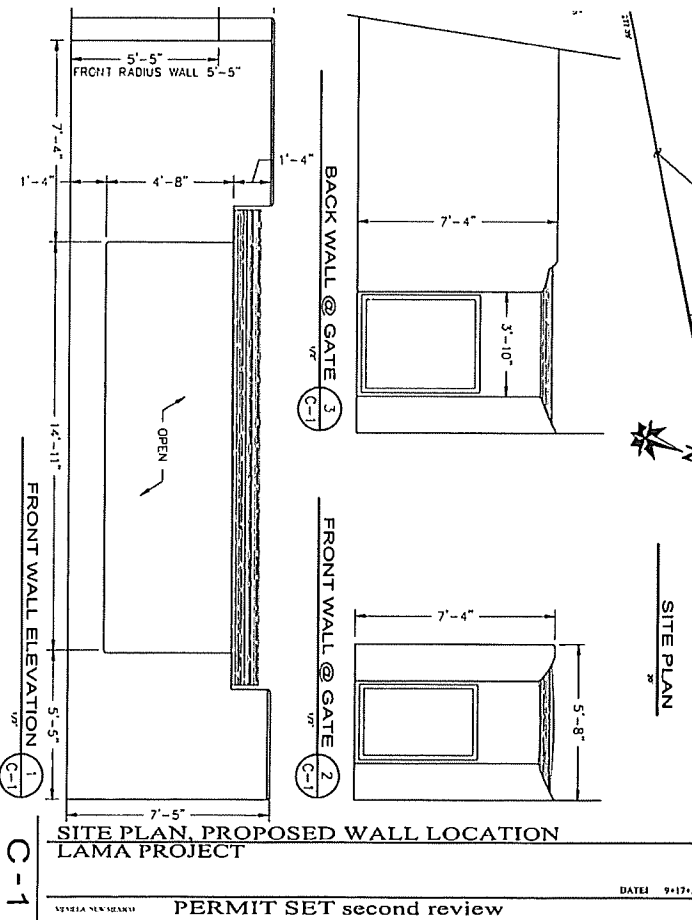
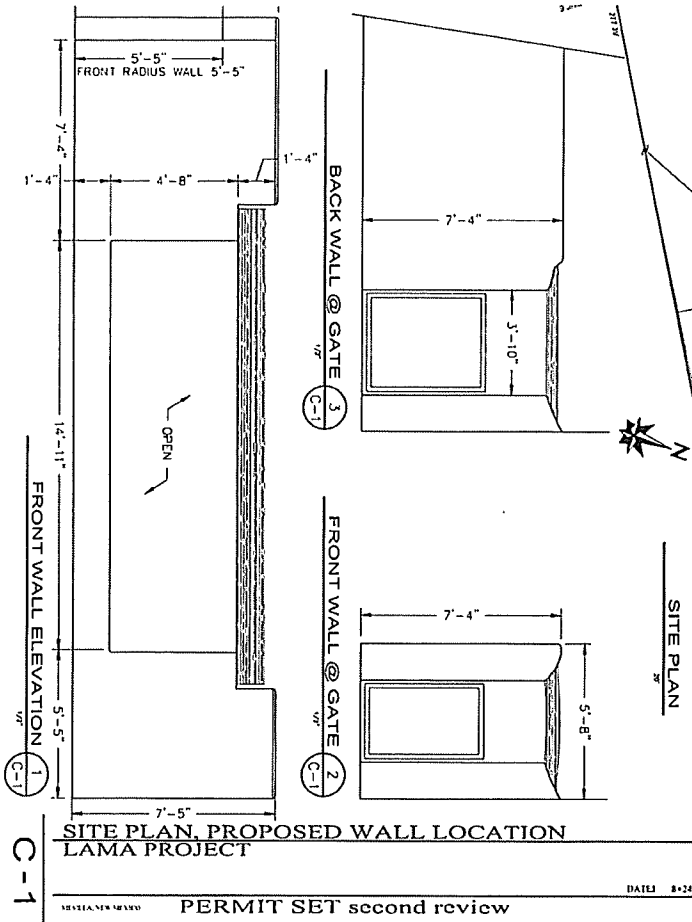
Map Themes
Parcels
UDC Zoning
Roads and Transportation
NM House Districts
NM Senate Districts
County Commission Districts
City Council Districts
Median Household Income
General Land Ownership

Account Number: R0400696
 Parcel Number: 4006138413125
 Owner: LAMA PROPERTIES LLC
 Mail Address: 780 S WALNUT BLDG #6
 Subdivision: CANAMEX ACRES (BK 21 PG 569 - 0610453)
 Property Address: 3116 AVENIDA DE MESILLA
 Acres: 1.1



PHOTOS OF WALL





**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:

Case # 061134

Fee \$ 11.00

**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. 061134 ZONE: RA CODE: M1 APPLICATION DATE: 10/15/20

LAMA Properties LLC 575-649-1356
Name of Property Owner Property Owner's Telephone Number

780 S. Walnut, NE NM 88001
Property Owner's Mailing Address City State Zip Code

nrstoe@fristoeandcompany.com
Property Owner's E-mail Address

Self. - Norman Fristoe
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: 3116 Hwy 28

Description of Proposed Work: Finish Wall

\$ 1,200 [Signature] 9/16/20
Estimated Cost Signature of Applicant Date

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 & 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.)

**PZHAC ACTION FORM
BUILDING PERMIT 061138
[PZHAC REVIEW – 11/2/20]**

(Decision to be based on information presented during the Work Session – Item 2)

Item:

2280 Calle Principal, submitted by Father Cristopher Williams for the Basilica of San Albino; a request for a zoning permit to allow the construction of a columbarium on a property owned by the Diocese of Las Cruces behind the church store. Zoned: Historic Residential (HR)

Staff Analysis:

The proposed work was discussed in 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 proposed columbarium is acceptable to the Town as proposed; and 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 proposed columbarium is not acceptable to the Town; requires a special use permit, 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: \$50,000.00

Consistency with the Code:

The PZHAC will need to determine that the addition to the columbarium will be consistent with other construction 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.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of constructing a columbarium on church property at this address.
- The PZHAC has determined that the proposed columbarium does not need a special use permit.
- The PZHAC has determined that the proposed columbarium meets all applicable Code requirements.

PZHAC OPTIONS:

1. Approve the zoning request
2. Approve the zoning request with conditions.
3. Postpone a decision on the request to allow the applicant to modify the request.
4. Reject the zoning request.

PZHAC ACTION:

PZHAC NEW BUSINESS

NOVEMBER 2, 2020

BUSINESS REGISTRATIONS

PZHAC ACTION FORM
BUSINESS REGISTRATION REQUEST
[PZHAC REVIEW –1/2/2020]

(Decision to be based on information presented during the Work Session – Item 3)

Item:

1395 Snow Road, submitted by Oscar and Mary Ann Luevano; PZHAC review of a request for a Business License to operate a wedding chapel as a home occupation on a residential property at 1395 Snow Road. Zoned: Rural Farm (RF)

Staff Analysis:

The proposed work was discussed in 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 proposed wedding chapel is acceptable to the Town as proposed during the work session; and 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 proposed wedding chapel is not acceptable to the Town; requires a special use permit and/or zoning permit and building permits, 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.

Consistency with the Code:

The PZHAC will need to determine that the proposed wedding chapel will be consistent with other construction 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.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of operating a wedding chapel on a residential property at this address.
- The PZHAC has determined that the proposed wedding chapel does not need a special use permit, zoning permit, or building permit.
- The PZHAC has determined that the proposed wedding chapel meets all applicable Code requirements.

PZHAC OPTIONS:

1. Approve the zoning request
2. Approve the zoning request with conditions.
3. Postpone a decision on the request to allow the applicant to modify the request.
4. Reject the zoning request.

PZHAC ACTION: