



**THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A CLOSED SESSION ON MONDAY, OCTOBER 26, 2020 AT 5:30 P.M. VIA TELECONFERENCE 1-346-248-7799, MEETING ID 983-7900-0389, PASSWORD 971704.**

1. **CLOSED SESSION** – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters in the Public Works Department. – **Requested by Trustee Johnson-Burick and Trustee Garcia.**

**THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A REGULAR MEETING ON MONDAY, OCTOBER 26, 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. **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](mailto: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.
5. **STATEMENT REGARDING CLOSED SESSION AND ROLL CALL VOTE** – discussion during the closed session was limited to personnel matters in the Public Works Department pursuant to NMSA 1978 Chapter 10-15-1(H)(2). – **Board of Trustees.**
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 and Regular Meeting on October 13, 2020
  - b) **\*PZHAC 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. **Zoned: Historical Commercial (HC).**
  - c) **\*PZHAC Case 061112 W/CONDITIONS** – 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).**
  - d) **\*PZHAC Case 061135 W/CONDITIONS** – 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).**
  - e) **\*PZHAC 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).**
7. **OLD BUSINESS**
  - a) **Resolution 2020-21**: A resolution on an appeal for Case 061079 approving a lot line adjustment at 1780 Calle de El Paso. – **Mesilla Board of Trustees.**
  - b) **Resolution 2020-22**: A resolution on an appeal for Case 061088 denying the construction of a garage/workshop at 1780 Calle de El Paso. – **Mesilla Board of Trustees.**

**8. AN APPEAL OF A DECISION OF THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION:**

- a) **A Public Hearing:** on PZHAC Case 061110 –2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC).
- b) **For Approval/Disapproval:** on PZHAC Case 061110 –2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC). **\*\*After approval/disapproval of the above appeal, a resolution stating the board’s decision and reasoning shall be approved at the next Board of Trustee meeting\*\***

**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](http://www.mesillanm.gov).

Posted 10/22/2020 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.



**THE BOARD OF TRUSTEES AND PLANNING AND ZONING COMMISSIONERS OF  
THE TOWN OF MESILLA WILL HOLD A JOINT WORK SESSION ON TUESDAY,  
OCTOBER 13, 2020 AT 5:00 P.M.**

**VIA TELECONFERENCE 1-346-248-7799**

**MEETING ID 983-7900-0389**

**PASSWORD 971704**

**TRUSTEES:** Nora L. Barraza, Mayor  
Carlos Arzabal, Mayor Pro Tem  
Jesus Caro, Trustee (5:40 p.m.)  
Veronica Garcia, Trustee  
Stephanie Johnson-Burick, Trustee (5:15 p.m.)

**PZHAC:** Yolanda Lucero, Chairperson  
Jerry Nevarez, Commissioner  
Roman Prieto, Commissioner  
Davie Salas, Commissioner

**STAFF:** Cynthia Stoechner-Hernandez, Town Clerk  
Kevin Hoban, Fire Chief  
Eddie Lerma, Marshal  
Rod McGillivray, Public Works Director  
Dorothy Seller, Special Events Coordinator  
Larry Shannon, Community Development Coordinator  
Gloria Maya, Recorder

Tom Maese, Inspector

1. Discussion of Town of Mesilla Ordinance 18.35; Historical Residential.

**Roll Call:**

**Trustees Present: Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Caro (5:40 p.m.), Trustee Garcia, Trustee Johnson-Burick (5:15 p.m.)**

**Commissioners Present: Chairperson Lucero, Commissioner Nevarez, Commissioner Prieto, Commissioner Salas**

Mayor Barraza stated this worksession is to ensure that we are all on the same page with regards to Town of Mesilla Ordinance 18.35; Historical Residential.

- 1  
2 Mayor Barraza
- 3 - 8,000 sq. ft. requirement to build or made modifications
  - 4 - 7 ft. setback requirements are met when making modifications to existing dwellings
  - 5 - interpretation has become an item of discussion
  - 6 - Mr. Shannon is having some difficulty
  - 7 - should the ordinance be modified?
- 8  
9 Mayor Pro Tem Arzabal
- 10 - a lot of time was put into revising the ordinance
  - 11 - questioned what we want to do now
- 12 Trustee Garcia
- 13 - recommends bring it back for public input
  - 14 - she was against passing the ordinance
- 15 Mayor Barraza
- 16 - addressing multi-family dwellings
- 17 Commissioner Prieto
- 18 - asked what Trustee Garcia was proposing if she was against the 8,000 sq. ft.
- 19 Trustee Garcia
- 20 - trying to keep the land as is
  - 21 - understands the setbacks
  - 22 - 8,000 sq. ft. was a lot; recommended 4,000 sq. ft.
  - 23 - passed on second time presented
  - 24 - felt they were pushed to pass it
- 25  
26 Commissioner Prieto
- 27 - understands she was in favor of a 4,000 sq. ft. requirement
  - 28 - has issue with Section C1, feels it ties people hands
- 29  
30 Trustee Garcia
- 31 - has never been in favor of the 8,000 sq. ft. requirement
- 32  
33 Mayor Barraza
- 34 - it was 4,000 sq. ft.; not 6,000 sq. ft.
- 35  
36 Mr. Shannon
- 37 - based on legal opinion; legal nonconforming lots cannot be expanded or built on
  - 38 - wording in 18.35 is not the same "to be developed" wording for RA, RF and R1
  - 39 - the question is if there is existing use on the property can it be extended
- 40  
41 Chairperson Lucero
- 42 - 8,000 sq. ft. is applied when there is new development
  - 43 - additions can be done if setbacks are intact
- 44  
45 Mayor Pro Tem Arzabal
- 46 - everyone has their own interpretation
  - 47 - recommends getting a written statement from the attorney with an interpretation

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Mayor Barraza

- ordinance was reviewed by our attorney prior to approval
- believes it is not the intention to prevent residents from expanding on their lots
- keep setbacks intact

Mayor Pro Tem Arzabal

- request the interpretation for development (18.35.040 a)

Trustee Garcia

- why this ordinance has been brought back

Mayor Barraza

- requests are coming in for building permits
- different interpretation between staff and BOT
- requests the board's interpretation for discussion

Commissioner Salas

- to be developed means it is an empty lot

Mayor Barraza

- flagpole lots are addressed in the ordinance

Mayor Pro Tem Arzabal

- referred to 18.35.040 a
- different opinions
- asked if 8,000 sq. ft. is required to add-on to an existing dwelling?

Mayor Barraza

- the 8,000 sq. ft. is for new development
- add-on would have to meet the setback requirements

Mayor Pro Tem Arzabal

- no right or wrong
- town should have the attorney's interpretation
- give Mr. Shannon information to work with, i.e. attorney's interpretation

Chairperson Lucero

- allow residents to add-on
- must meet setback requirements

Trustee Johnson-Burick

- agrees with the mayor's interpretation of new development and add-ons

Mayor Barraza

- board is on the same page
- do not want to restrict residents from add-ons
- interpretation is what we want to bring forth to the residents

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Commissioner Salas

- casitas would not be allowed without the square footage

Commissioner Prieto

- exact answers/interpretation from attorney

Mayor Barraza

- hire someone to review the ordinances

Commissioner Nevarez

- asked if we are looking at changing language in the ordinance

Mayor Barraza

- it would depend on the attorney's recommendations

Commissioner Nevarez

- gave an example for possible language

Mayor Barraza

- wording leaves it up for interpretation

Commissioner Nevarez

- problematic when based on interpretation

Commissioner Lucero

- asked if this was previewed by the attorney

Mayor Barraza

- ordinance was reviewed by the attorney prior to approving it.

Mayor Pro Tem Arzabal

- what would be the process for current applicants?
- does not want to place a moratorium

Mayor Barraza

- asked Mr. Shannon the number of current applications for modifications

Mr. Shannon

- 2 applications

Mayor Pro Tem Arzabal

- board needs to provide an exact opinion
- prevent appeals

Commissioner Salas

- addressing section c of the ordinance

Commissioner Nevarez

1 - supports Commissioner Salas and Prieto

2

3 Mayor Barraza

- 4 - group agrees with 18.35.040 (a)
- 5 - attorney opinion on "development"
- 6 - read 18.35.040 #1
- 7 - cite 18.35.040 (c)

8

9 Mr. Shannon

- 10 - vacant property can have new construction
- 11 - property with existing dwelling can do an add on
- 12 - if setbacks are met

13

14 Mayor Barraza

- 15 - size and type of property

16

17 Commissioner Salas

- 18 - variance process may be available

19

20 Mr. Shannon

- 21 - hardship which will go to Board of Adjustments

22

23 Commissioner Salas

- 24 - there is an avenue that can be taken

25

26 Mayor Pro Tem Arzabal

- 27 - appeal can be made to the Board of Trustees

28

29 Mayor Barraza

- 30 - list of reasons for hardship

31

32 Commissioner Salas

- 33 - should not be an unusable lot

34

35 Chairperson Lucero

- 36 - this is for Historical Residential
- 37 - how are we addressing the Capri Arc area issues?
- 38 - approving additions in those non-conforming lots

39

40 Mayor Barraza

- 41 - not too many lots left in the HR Zone
- 42 - Capri Arc area should not be R1Zone
- 43 - buffer between the City of Las Cruces and Mesilla

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45 Mayor Barraza stated this will go to the attorney for review. Closed the Work Session at 5:56 p.m.

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9 **THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A REGULAR**  
10 **MEETING ON TUESDAY, OCTOBER 13, 2020 AT 6:00 P.M.**  
11 **VIA TELECONFERENCE 1-346-248-7799**  
12 **MEETING ID 983-7900-0389**  
13 **PASSWORD 971704**  
14

15 **TRUSTEES:** Nora L. Barraza, Mayor  
16 Carlos Arzabal, Mayor Pro Tem  
17 Jesus Caro, Trustee  
18 Veronica Garcia, Trustee  
19 Stephanie Johnson-Burick, Trustee  
20

21 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk  
22 Kevin Hoban, Fire Chief  
23 Eddie Lerma, Marshal  
24 Rod McGillivray, Public Works Director  
25 Dorothy Sellers, Special Events Coordinator  
26 Larry Shannon, Community Development Coordinator  
27 Gloria Maya, Recorder  
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30 **1. PLEDGE OF ALLEGIANCE**

31 Mayor Barraza led the Pledge of Allegiance.  
32

33 **2. ROLL CALL & DETERMINATION OF A QUORUM**

34 **Roll Call.**

35 **Present:** Mayor Barraza, Mayor Pro Tem Arzabal, Trustee Caro, Trustee Garcia, Trustee Johnson-  
36 Burick.  
37

38 **3. CHANGES TO THE AGENDA & APPROVAL**

39 Mayor Barraza stated New Business Item 7a will be removed from the agenda; Public Hearing was held  
40 at the last Board of Trustee meeting. Case #0641088 is removed; it was approved at the last meeting.  
41

42 Mayor Pro Tem Arzabal requested placing New Business Item 8 on the consent agenda.  
43

44 Ms. Banks asked why there cannot be public input since Item 7a is back on the agenda.  
45

46 Mayor Barraza stated Public Hearing will not be removed.  
47



1 Mayor Pro Tem Arzabal stated he is not in favor of holding another Public Hearing; comments were  
2 heard at the last meeting.

3  
4 Trustee Garcia stated she would like to hear the comments as she was not present at the last meeting.

5  
6 **Original Motion: To approve agenda as amended, Moved by Mayor Pro Tem Arzabal, Seconded by**  
7 **Trustee Caro.**

8  
9 **Original Motion Roll Call Vote:** Motion passed (summary: Yes =3, No=1).

10  
11 Mayor Pro Tem Arzabal Yes

12 Trustee Caro Yes

13 Trustee Garcia No

14 Trustee Johnson-Burick Yes

15  
16 **Amended Motion: To approve agenda as amended with Public Hearing, Moved by Trustee Garcia,**  
17 **No Seconded. Amended Motion Died for lack of second.**

18  
19 **4. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.**

20 Public input in writing shall be received at [cvnthias-h@mesillanm.gov](mailto:cvnthias-h@mesillanm.gov) an hour before the  
21 meeting begins on the day of the meeting and will be read into the record. You will also be  
22 given an opportunity to speak during this time by pressing \*9 while in the teleconference.  
23 You will be prompted when to begin speaking.

24 Ms. Stoechner-Hernandez stated Rep. Cadena asked how public input is done.

25  
26 Trustee Johnson-Burick stated she understands members participating via zoom may  
27 comment during Public Input regarding any cases on the agenda.

28  
29 No Public Input during the meeting.

30  
31 **5. APPROVAL OF CONSENT AGENDA:**

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

34 Mayor Pro Tem Arzabal requested placing PZHAC items b, c, d, e, and New Business Item 8a on  
35 the consent agenda.

36 **Motion: To approve consent agenda as amended, Moved by Mayor Pro Tem Arzabal, Seconded by**  
37 **Trustee Johnson-Burick.**

38  
39 Trustee Johnson-Burick correction to minutes - asked Ms. Banks which state code for New Mexico  
40 Environment would be addressed not Town of Mesilla code.

41  
42 **Amended Motion: To approve consent agenda as amended, Moved by Trustee Johnson-Burick,**  
43 **Seconded by Mayor Pro Tem Arzabal.**

44  
45 **Amended Roll Call Vote: Motion passed (summary: Yes =4).**

46 Mayor Pro Tem Arzabal Yes

47 Trustee Caro Yes

48 Trustee Garcia Yes (recused from voting on minutes)

49 Trustee Johnson-Burick Yes

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

2 Mayor Pro Tem Arzabal Yes

3 Trustee Caro Yes

4 Trustee Garcia Yes (recused from voting on minutes)

5 Trustee Johnson-Burick Yes

7 a) **\*BOT MINUTES** – Minutes of a Regular Meeting on September 28, 2020.

8 *Approved by consent agenda*

9 b) **\*Case 061027** – 2765 Boldt Street, submitted by Donna K. Vargas; a request for a zoning

10 c) permit to install a folding awning over a patio on the rear of a dwelling at this address.

11 Zoned: Historic Residential (HR). *Approved by consent agenda*

12 d) **\*Case 061128** – 2410 Calle de Principal, Suite C, submitted by Morgan R. Switzer; a

13 request for a sign permit to install a hanging sign for a business (“Be Infused, LLC”) at this

14 address. Zoned: Historic Commercial (HC). *Approved by consent agenda*

15 e) **\*Case 061129** – 2410 Calle de Principal, Suite C, submitted by Morgan R. Switzer; a

16 request for a sign permit to install a wall sign on a business (“Be Infused, LLC”) at this

17 address. Zoned: Historic Commercial (HC). *Approved by consent agenda*

18 f) **\*Case 061123 WITH CONDITIONS**– Properties at and adjacent to 2200 West Union

19 Avenue, submitted by Indalencio Prieto and Ladene Vance; a request for a summary

20 subdivision to adjust the lot lines of three properties to eliminate one lot and to combine part

21 of a lot with a neighboring lot. Zoned: Rural/Agricultural (RA). *Approved by consent*

22 *agenda*

23  
24 **6. OLD BUSINESS**

25 a) **PZHAC Case 061120** – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request for a

26 zoning permit to allow sections of fencing to be installed around a commercial property at this

27 address for security reasons. **Zoned: Historic Commercial (HC)**

28 Mayor Barraza stated this case was pulled at the last meeting due to the different types of material for the

29 fence. Mr. Prieto has agreed to use wire fencing with wood posting around the property.

30  
31 **Motion: To approve PZHAC Case 061120 – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a**

32 **request for a zoning permit to allow sections of fencing to be installed around a commercial**

33 **property at this address for security reasons. Zoned: Historic Commercial (HC), Moved by Mayor**

34 **Pro Tem Arzabal, Seconded by Trustee Johnson-Burick.**

35  
36 **Roll Call Vote: Motion passed (summary: Yes =4).**

37 Mayor Pro Tem Arzabal Yes

38 Trustee Caro Yes

39 Trustee Garcia Yes

40 Trustee Johnson-Burick Yes

41  
42 **7. AN APPEAL OF A DECISION OF THE PLANNING, ZONING AND HISTORICAL**  
43 **APPROPRIATENESS COMMISSION:**

44 a) **A Public Hearing must be held:** on **Case 061088** a request for a zoning permit to allow the

45 construction of a garage/workshop on a residential property at this address. **Zoned:**

46 **Rural/Agricultural (RA)** submitted by Ms. CaraLyn Banks on behalf of Mr. Strain. **Removed**

47 **from agenda**

48  
49 **For Approval/Disapproval:** on ~~Case 061079, 2067 Stithes Road and 1780 Calle de El Paso,~~

50 ~~submitted by Jon Strain; a request to allow a lot line adjustment between these two~~

51 ~~properties and Case 061088~~ a request for a zoning permit to allow the construction of a

52 garage/workshop on a residential property at this address. Zoned: Rural/ Agricultural (RA)

1 submitted by Ms. CaraLyn Banks on behalf of Mr. Strain. **\*\*A resolution stating the board's**  
2 **decision and reasoning shall be approved at the next Board of Trustee meeting\*\***

3 **Motion: To suspend the rules, Moved by Mayor Pro Tem Arzabal, Seconded by Trustee Caro.**  
4

5 **Roll Call Vote:** Motion passed (summary: Yes =3, No=1).

6 Mayor Pro Tem Arzabal Yes

7 Trustee Caro Yes

8 Trustee Garcia Yes

9 Trustee Johnson-Burick No  
10

11 Mayor Barraza stated she received an email at the last meeting informing her that, as per ordinance, 2/3 of  
12 all members needed to vote on the case. Since there was not a 2/3 majority vote the case needed to be  
13 brought back to the Board of Trustees for clarification.

14  
15 Mayor Pro Tem Arzabal stated 18.35.040 was discussed during the worksession. He understood it was  
16 the HR Zone.

17  
18 Mayor Barraza clarified it was in the RA Zone.

19  
20 Trustee Garcia asked for the section of the ordinance that addresses the requirement of 2/3 of all members  
21 to vote. She is confused because at meetings cases can be passed with a quorum present but since she  
22 was not present the appeal could not pass.  
23

24 Mr. Cervantes referred (read) to Section 2.15.040 which relates to regular voting process by trustees. It  
25 was inaccurate to say the appeal had succeeded at the last meeting. After discussion it was decided to that  
26 the case would be brought back to the Board of Trustees for clarification of the vote.  
27

28 Mayor Barraza read Section 18.06.160 requiring the 2/3 vote.  
29

30 Trustee Garcia asked when the applicant was notified.  
31

32 Mayor Barraza responded toward the end of the last meeting she mentioned she may be bringing it back  
33 to the Board of Trustees based on the information she has received via email. She understood Mr.  
34 Shannon had contacted the applicant last week.  
35

36 Trustee Garcia stated she is looking at Ms. Banks who is shaking her head no. She would like to ask the  
37 applicant when they were notified.  
38

39 Mayor Barraza responded she will ask Mr. Shannon.  
40

41 Mr. Shannon responded the applicant contacted him on Friday; he was not aware it was back on the  
42 agenda.  
43

44 Mayor Barraza asked Mr. Shannon if he spoke to the applicant on Friday.  
45

1 Mr. Shannon responded he did speak to them on Friday regarding the item being placed on the agenda.  
2  
3 Mr. Cervantes stated the vote at the last meeting failed due to the process. It was decided to give the  
4 applicant notice that the case would be brought back to the board.  
5  
6 Ms. Banks stated they found out on Friday afternoon that the case was back on the agenda by looking at  
7 the website; no one called to tell them. It did not look like any of the material was in the packet. They  
8 were originally informed that they case would be heard in November. They would not have known until  
9 today when Mr. Shannon called them to tell them they were on the agenda.  
10  
11 Mayor Barraza stated Mr. Shannon spoke to them on Friday and they asked him if they were on the  
12 agenda and Mr. Shannon responded yes.  
13  
14 Mr. Strain responded Mr. Shannon responded no they were not on the agenda and that they would not be  
15 on the agenda until November. Mr. Shannon just said he did not know the case was back on the agenda  
16 until he spoke to the applicant on Friday.  
17  
18 Mayor Barraza stated Mr. Shannon was aware it would be on the agenda after we had spoken to the  
19 attorney that Monday. She asked Mr. Shannon if he had told the applicant that the case was not on this  
20 agenda.  
21  
22 Mr. Shannon responded he was not aware it would be on the agenda. He was told Friday it was on the  
23 agenda.  
24  
25 Mayor Barraza asked if the applicant had called him to verify, they were on the agenda.  
26  
27 Mr. Strain responded no.  
28  
29 Mr. Shannon responded the applicant knew they were on the agenda before he knew.  
30  
31 Mayor Barraza stated the item is on the agenda so it will be dealt with.  
32  
33 Trustee Caro stated there was a vote from the three trustees present at the last meeting.  
34  
35 Mayor Pro Tem Arzabal stated there was nothing in the packet giving a reason why the case was brought  
36 back. This makes it challenging for the trustees.  
37  
38 Trustee Johnson-Burick responded she made the effort to contact staff to inquire why the case was  
39 brought back.  
40  
41 Ms. Banks stated judicial zoning hearings are just like judicial hearings. When you are going to deprive  
42 someone of their property rights, they should be given due process of law. She asked again for the Mayor  
43 recuse herself since her sister is a member of the committee who made the decision. She feels this is not a  
44 fair and impartial proceeding.

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Mayor Barraza asked Ms. Banks if she had any other comments.

Ms. Banks reviewed the application, process followed, timeframe, other applications that have been approved and what has transpired regarding the case. Believes there are capricious and arbitrary decisions as by their own words it depends who the applicant is. She had asked how many of the lots are non-conforming. The question is are the ordinances reasonable and why are they not changed 50 years after they were written. It does not make sense that people cannot add-on or do new construction. One of the public comments was if the town was discriminating against non-conforming lots. Mr. Strain's is a reasonable request, and it is time to be over. To say no to Mr. Strain's application is capricious and arbitrary. The board has already talked about making sense of the zoning so there can be consistent reasonable decisions.

Mr. Cervantes stated he will not address the changes; that is up to the board. Ms. Banks began with the suggestion that Mayor Barraza would be biased and should recuse herself; read section 2.05.040. His understanding of the suggested biases is that the mayor has a sister serving on the Planning and Zoning Commission. He has never seen where an individual is disqualified by a familiar relationship bases on a sibling. The mayor would only vote in an event of a tie. Read Sections 18.60.050 and 18.60.070. There is a mechanism and procedure to relieve property owners by pursuing a Special Use Permit and Variance Permit.

Mayor Barraza read the Planning and Zoning Commission's August 17<sup>th</sup> minutes. Referred to Mr. Cervantes' letter dated August 14, 2020 and Ordinance 18.60.050.

Trustee Johnson-Burick asked Ms. Banks how many of the cases she cited regarding non-conforming had Special Use Permits or Variance Permits or approved through the Planning and Zoning Commission that did not come to the Board of Trustees since it was not in the HR Zone.

Ms. Banks responded the one she brought forth was in the HR Zone in terms of the 6,000 sq. ft. There were others that went through Planning and Zoning.

Trustee Johnson-Burick asked if the intention of the permit has changed due to Ms. Banks comments of expansion of a shop; adding a new building and adding a shop. The permit that was submitted is for a new building.

Ms. Banks responded their intention was to add a new shop. After speaking to Mr. Shannon, we looked at expanding the existing garage to get the setbacks correct and conforming.

Trustee Johnson-Burick asked if the application is not correct.

Ms. Banks responded there is a small garage in the southwest corner; after looking at the setbacks it was easier to add to that pad.

Mr. Strain stated the original setback was 30 ft. in the back and 10 ft. on the side. When it was adjusted by 10 ft. it butts up to the existing carport. We can tie the two together or leave them separate.

Trustee Johnson-Burick stated the reason we can keep Mesilla, Mesilla and keep the integrity and history of Mesilla is because of our ordinances that are probably 50 years old. Her vote will not change, whether we have a perceived precedence or not does not validate or constitute continued use of such perceived precedence. She took the oath to follow the ordinances and legal opinion from the attorney. A Business License application does not constitute or guarantee someone not adhering to the ordinances.

1 Ms. Banks stated they must be 600 sq. ft.

2 Mayor Pro Tem Arzabal asked why this case did not go to the Board of Adjustments.

3 Mayor Barraza responded the applicant wanted to come to the Board of Trustees.

4 Mayor Pro Tem Arzabal asked if they have that choice.

5 Mayor Barraza responded a letter was submitted requesting coming to the Board of Trustees.

6 Ms. Stoechner-Hernandez stated the applicant has the choice. This applicant chose to go through the  
7 appeal process.

8 Mayor Pro Tem Arzabal asked for clarification on the process.

9 Mr. Shannon responded per ordinance which allows the applicant the right, if they disagree with the  
10 Planning and Zoning Commission decision, to appeal the case to the Board of Trustees before going to  
11 the Board of Adjustment. The Planning and Zoning Commission found it to be illegal therefore it had to  
12 come to the Board of Trustees.

13 Mayor Pro Tem Arzabal stated Ms. Banks brought forth non-conforming cases. There is a difference  
14 with non-conforming cases that have gone through the process, i.e. Special Use Permits and Variance  
15 Permits, and the ones that have not. She would like to see the information before deciding.

16 Mayor Barraza stated she would like to know what this building is going to be used for; referred to  
17 application. She asked Commissioner Salas what the Planning and Zoning Commission saw for the use  
18 of the building.

19 Commissioner Salas responded it was going to be used to store cars, as a garage.

20 Mayor Barraza stated this was originally submitted as a new building for cars; now it is being shown as  
21 expanding an existing building. She asked if it is 2 separate buildings.

22 Ms. Banks responded it will be 2 separate buildings, next to each other to get the correct setbacks.

23 Commissioner Salas stated according to the plans the buildings were not next to each other, they were on  
24 opposite sides of the lot.

25 Mayor Barraza reviewed the existing buildings on the property in addition to the home. Mr. Strain was  
26 issued a Home Occupation License. She asked if the garage is for the business or personal gain.

27 Mr. Strain responded they work on cars; the garage would be used to do finishing work away from dust.  
28 There is a carport on the southwest corner of the property which was in the original packet. We asked for  
29 a stand alone building. Mr. Shannon told them the setback at the rear of the property were 30 ft.;  
30 adjustments were made. The request has not changed, it is a stand alone building.

31 Mayor Barraza stated this would be like a body shop.

32 Mr. Strain responded it was not a body shop. We will use it to park our vehicles as well. A portion of it  
33 will be used as a clean room to finish products that were produced in the other shop.

34 Mayor Pro Tem Arzabal asked for a new site plan.

1 Mayor Barraza responded the site plan was in the board's packet. She drove by the property and asked if  
2 a foundation has been poured.

3 Mr. Strain responded that is for the patio.

4 Mayor Barraza asked if this was done without a permit.

5 Mayor Pro Tem Arzabal called for the questions since the process was not followed by the resident.

6

7

8 Mr. Strain responded he did go through the process and once it was approved he proceeded. He has had  
9 additional costs due to the delay.

10

11 **Motion: To Disapprove Case 061088 a request for a zoning permit to allow the construction of a**  
12 **garage/workshop on a residential property at this address. Zoned: Rural/ Agricultural (RA) submitted**  
13 **by Ms. CaraLyn Banks on behalf of Mr. Strain. \*\*A resolution stating the board's decision and**  
14 **reasoning shall be approved at the next Board of Trustee meeting\*\*, Moved by Mayor Pro Tem Arzabal,**  
15 **Seconded by Trustee Johnson-Burick.**

16

17 Trustee Johnson-Burick stated things that were presented 2 weeks ago have shifted another direction.

18

19 **Roll Call Vote:** Motion passed (summary: Yes =3, No=1).

20 Mayor Pro Tem Arzabal Yes

21 Trustee Caro No

22 Trustee Garcia Yes

23 Trustee Johnson-Burick Yes

24

25 Mayor Barraza stated Mr. Strain will be cited for starting a project without a permit.

26

27 Mr. Maese stated CID has jurisdictional authority with the Town of Mesilla. A permit must be approved  
28 by the Planning and Zoning Commission and the Board of Trustees before going to CID. CID will not  
29 issue a permit with out the town's approval. Since the applicant has opted to disregard the building  
30 permit process and build his structure without a permit, under State Statute it is within the right for CID to  
31 site the applicant. In order for him to get a permit at this time, he will have to submit an engineer's report  
32 showing that what he has done is in compliance of the building code.

33

#### 34 **8. NEW BUSINESS**

35 **a) For Approval/Disapproval:** of \$110,000.00 agreement between the Department of  
36 Finance and Administration, acting through the Local Government Division and the Town  
37 of Mesilla to purchase and equip vehicles for the Marshal's Department. **Edward Lerma,**  
38 **Marshal Approved by consent agenda**

39

#### 40 **9. \*STAFF REPORTS:**

41 Community Development

42 Community Programs

43 Finance Department

44 Fire Department

45 Marshal's Department

3 **10. BOARD OF TRUSTEE COMMITTEE REPORTS**

4 Trustee Johnson-Burick: MPO meeting Wednesday, October 14<sup>th</sup> at 1:00 p.m.

5  
6 Trustee Garcia: MPO meeting Wednesday, October 14<sup>th</sup> at 1:00 p.m.

7  
8 Mayor Barraza: RTD meeting next week  
9

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

11 Mr. McGillivray stated the trail on Calle de Norte should be completed within the next 2 weeks.  
12  
13  
14

15 Ms. Stoechner-Hernandez thanked Mayor Barraza and Ms. Maya for covering for her while she was out.

16  
17 Trustee Caro stated the applicant left 2 weeks ago thinking everything was approved. He also thought the  
18 case was approved. He asked do we want to penalize him.  
19

20 Mayor Pro Tem Arzabal stated the plaza and parks are looking good around the town, thanked Public  
21 Work staff. Applications need to be approved prior to starting work. He wants to make sure the Board of  
22 Trustees are aware of what is going on.  
23

24 Trustee Garcia stated Ms. Maya always steps up to help all the departments. She does not come to the  
25 board complaining. We need to appreciate who and what we have. Thanked everyone for checking on  
26 her when she got COVID-19. She feels Mr. Strain should not be penalized since he left the meeting  
27 thinking he was approved. There is a lack of communication between applicant and staff. Many times,  
28 she requests information and must wait weeks for a response. This is not fair for the applicant. If  
29 someone needs help, ask for it. It looks like we are not working as a team.  
30

31 Trustee Johnson-Burick thanked all the staff for what they do for the town. She agrees there is a lack of  
32 communication between the applicant and staff.  
33

34 Mayor Barraza stated staff does do a great job with the resources we have. A permit is need for  
35 everything so when Mr. Strain felt he was approved why did he not come in for the permit. There is no  
36 excuse for that. He also did not go to CID for a permit.  
37

38 Mayor Pro Tem Arzabal asked if applicants are told they need to go to CID for a permit as well.  
39

40 Mayor Barraza responded if Mr. Strain had gone for the permit, he would have been told that he needed  
41 to go to CID. Reiterated permits are needed for everything. The COVID-19 rate in New Mexico has  
42 gone up; 88046 has had 10 cases. She feels Governor Lujan Grisham will be going back to enforcing the  
43 restrictions she had before. We need to continue following the enforcements.  
44

45 Trustee Garcia asked if the mayor has look at getting staff tested.  
46

47 Mayor Barraza responded she needs to make an appointment. Also, there will be testing at Yannez Hall  
48 which will be posted on our website.  
49

50 Ms. Stoechner-Hernandez read the governors restrictions. We have a one-way for in and out, a camera that  
51 takes the person's temperature and checks for masks then authorizes the person to come into the building.  
52 There has been some resistance, but they are getting use to the fact they will not be able to conduct



1 business if guidelines are not followed.  
2  
3 Trustee Garcia stated she went out to merchants that stayed open late and they would like to have one day  
4 a month so people will get use to that.  
5  
6 Mayor Barraza stated she does check up on phone calls not being returned. She asked the trustees to tell  
7 the person complaining to call her or Ms. Stoechner-Hernandez so that she can follow up on the situation.  
8

9 **ADJOURNMENT**

10 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-**  
11 **4)**  
12

13  
14  
15  
16 **MEETING ADJOURNED AT 7:35 P.M.**  
17 **APPROVED THIS 26th DAY OF OCTOBER, 2020.**  
18

19  
20  
21 \_\_\_\_\_  
22 Nora L. Barraza  
23 Mayor  
24  
25

26 **ATTEST:**  
27  
28

29 \_\_\_\_\_  
30 Cynthia Stoechner-Hernandez  
31 Town Clerk/Treasurer  
32  
33  
34

**BOT ACTION FORM**  
**ZONING PERMIT 061120**  
**[PZHAC REVIEW –10/19/2020]**

**Items:**

**Case 061120** – 2230 Avenida de Mesilla, submitted by Roman Prieto for 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)

A fence was approved for this property by the PZHAC on September 21, 2020; with final approval with changes by the BOT on September 28, 2020. The applicant would like to modify the original request to allow a gate (see attached diagram) to be installed in the section of fence between the applicant's property and the parking area on the neighboring property to the south. The purpose of the gate is to allow patrons to be able to get directly from the parking area to the applicant's property. There will be no other changes to the fence as it was approved by the BOT. The gate will match the style of the fence to be installed on the property.

A parking agreement and a right-of-entry agreement has been obtained from the property owner to the south.

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

**Chapter 18.35 HR – Historical Residential Zone**

The gate could be compatible with the HR zoning of the property if the PZHAC determines that the gate will 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: @ \$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 installing a gate in the fence along the south edge of the property.
- The PZHAC has determined that the proposed work meets all applicable Code requirements.

**PZHAC ACTION:**

***The PZHAC determined that proposed gate would not be out of character with the surrounding area or the Code and voted 3 – 0 (Commissioner Prieto recused himself from voting on this case) 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:**

# Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Number | Enter Value:

Maps

Legend

<b>Map Themes</b>
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



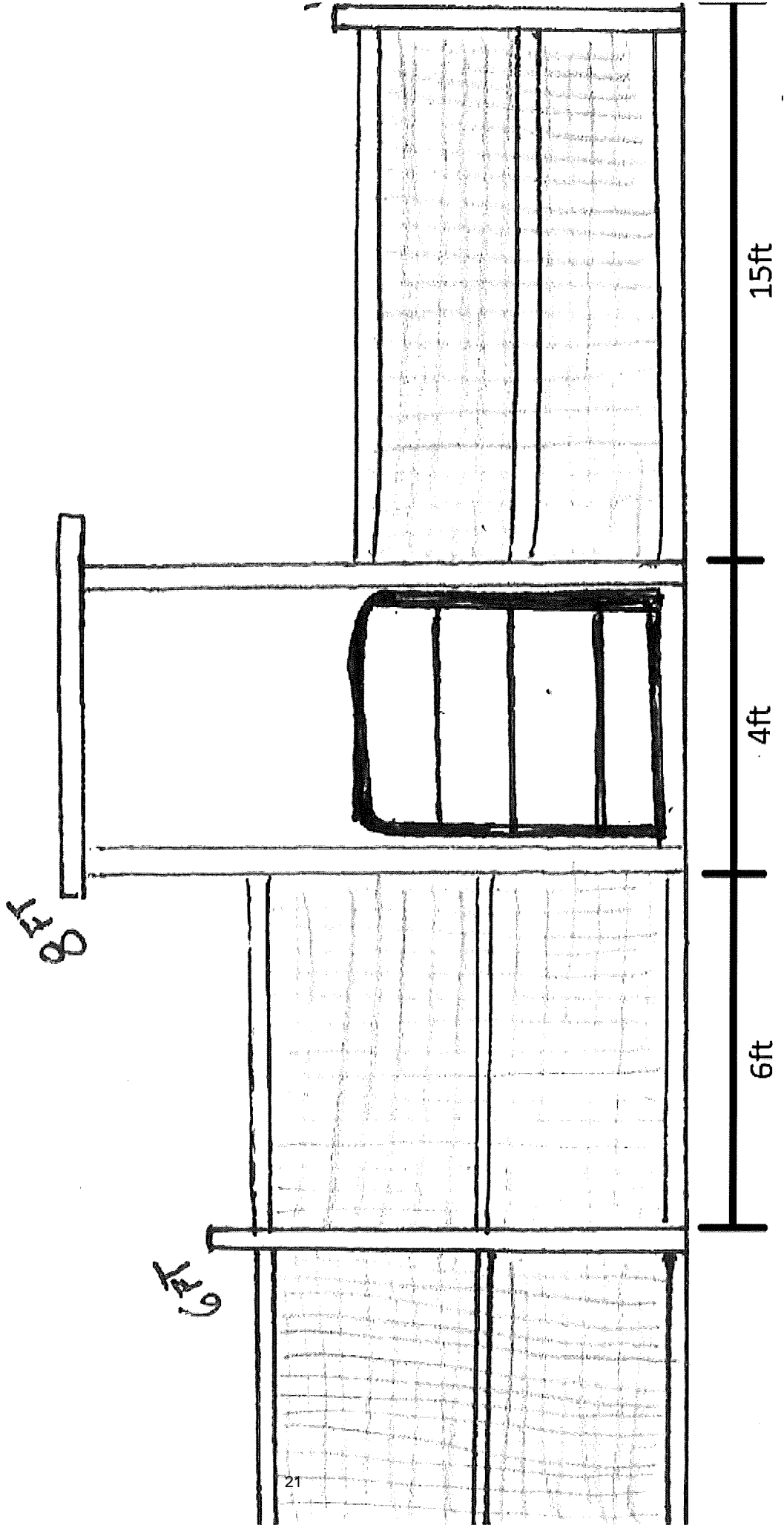


**PHOTO FROM AVENIDA DE MESILLA SHOWING THE SUBJECT PROPERTY**



**PHOTO FROM PROPERTY TO THE SOUTH SHOWING PROPOSED GATE LOCATION**





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

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

BUILDING

EXISTING  
FENCE

EXISTING  
GATE

EXISTING  
FENCE

AVENIDA de Alameda



OR  
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID

061120  
\$ 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

575-524-2972

Name of Property Owner

Property Owner's Telephone Number

P.O. Box 335

MESILLA

NM

88046

Property Owner's Mailing Address

City

State

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

10/5/2020 ADDED GATE CHANGE PER EMAIL TO CYNTHIA (ATTACHED)

\$ 500.00

Estimated Cost

Signature of Applicant

SEPT. 14, 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

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

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.

## Cynthia Stoechner-Hernandez

---

**From:** Roman Prieto <prietobilt@gmail.com>  
**Sent:** Monday, October 5, 2020 4:12 PM  
**To:** Cynthia Stoechner-Hernandez  
**Subject:** Fencing Change  
**Attachments:** S Fence Gate.jpg

Hello Cynthia,

You're a hard person to get a hold of these days. The Mayor and I had a walk around on the property where the proposed fence will be for the application decision that was postponed. I believe the issues were addressed and we discussed a few changes. One change that I would like to present to the BOT is the fencing on the south side of the property which is shared with my parking area. Attached is a drawing of the change. Instead of 25ft in length with 6ft tall wire and wood fence, I would like to do 4ft tall 15ft long from Avenida de Mesilla west, then a 4ft wide gate with wood posts, which wood mimic the front gate to the property, then go up to 6ft from there. Please let me know if this is possible or what needs to be done to get this done. I am really looking forward to a decision being made as soon as possible.

Thanks  
Roman



**BOT ACTION FORM**  
**SIGN PERMIT 061112**  
**[PZHAC REVIEW – 10/19/2020]**

**Items:**

**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)

**Description of Work to be Done:**

The applicant received approval for a hanging sign for a business at this address from the PZHAC on September 5, 2020. The applicant would like to modify this permit to allow two wall signs instead of the hanging sign. The wall signs will be the same as the hanging sign (see attached photos) and will each be less than fifteen square feet in size. Since there will be two separate businesses using the same building, the applicant would like to install his sign in addition to the sign for the other business.

Since there will be two businesses in the building, the Code limits the number of signs on the building to one per business (see below), therefore only one of the two signs for the business will be allowed.

**Consistency with the Code:**

The PZHAC will be consistent with the following Sections of the Sign Code (Chapter 18.65) that specifically apply to this project.

**18.65.140 Wall signs.**

**A. Wall Sign Area.**

1. Within the Historical Commercial (H-C) zone, the wall sign area, on any given house or building, shall in no case exceed 10 percent of any wall area including apertures or 15 square feet, whichever is less. Dimensions of painted signs or graphics with no frame shall be determined by measuring the extent of the painted sign or graphic horizontally and vertically and calculating the area

*(The proposed wall signs will be 15 square feet in area each. The sign will not project above the side of the building.)*

- B. No wall sign shall be permitted to be more than six inches thick. All wall signs shall be safely and securely attached to the building wall. [Ord. 2008-04 § 9; Ord. 2003-05 § 3; Ord. 2000-02 § 1; Ord. 94-08; prior code § 11-3-14]**

*(The proposed wall signs are less than six inches thick.)*

**18.65.220 Number of permitted signs.**

- A. A total of two exterior signs may be allowed to each store or bona fide place of business.**

**B. When more than one business occupies a single building each business will be limited to one sign plus a space on a directory sign at each entrance. [Ord. 2008-04 § 11; Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-22]**

**Findings of Fact that need to be met:**

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing two 15 square foot wall sign on the front and side of a commercial building at this address.
- The subject property is zoned Historical Commercial (HC)
- The proposed signs will not have negative impacts on the surrounding businesses in the area.
- The proposed signs will be consistent with the Code.

**PZHAC ACTION:**

***The PZHAC determined that the Sign Code only allows one sign per business on the building, not two as requested, and voted 3 – 0 (Commissioner Prieto recused himself from voting on this case) to recommend APPROVAL of this request to the BOT 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.***

**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

<b>Map Themes</b>
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





# SIGN PERMIT APPLICATION

NEW MEXICO

Case # \_\_\_\_\_  
 Fee \$ \_\_\_\_\_

CASE NO. \_\_\_\_\_ ZONE: \_\_\_\_\_ APPLICATION DATE: \_\_\_\_\_

PRIETO IMPORTS 575.621.2456  
 Business Name Business Telephone Number

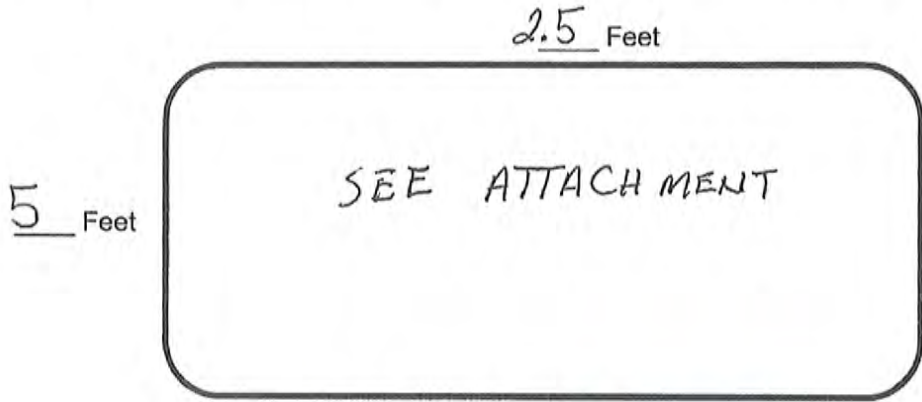
2230 AVENIDA DE MESILLA LAS CRUCES NM 88005  
 Business Address City State Zip Code

ROMAN PRIETO 575.621.2456  
 Applicant Name Applicant Telephone/Cell Number

3260 N HWY 28 LAS CRUCES NM 88005  
 Mailing Address City State Zip Code

Description of sign: OVAL SIGN TO BE HUNG ON EXISTING POLE.  
DOUBLE SIDED

Please include dimensions, lettering, shape, material, texture, colors, and/or finish to be used on the diagram below.



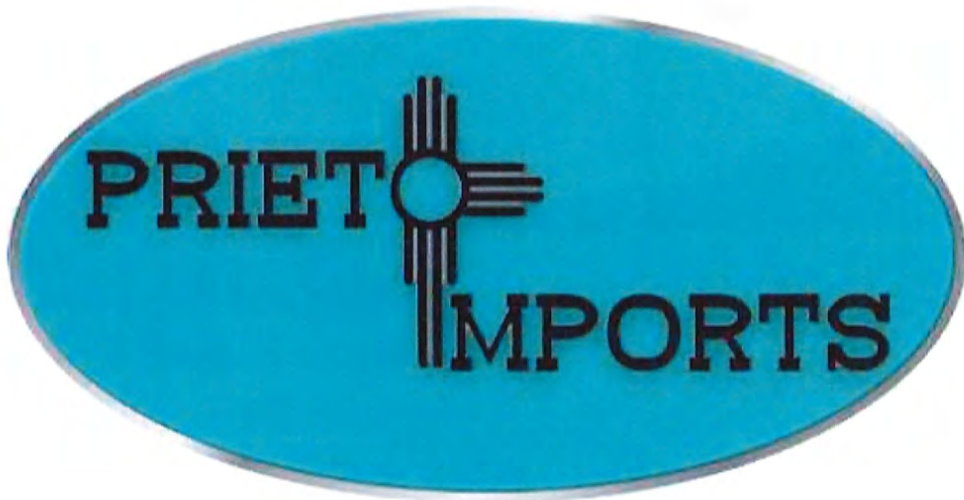
Colors: BLACK, TEAL, BRUSHED METAL

FOR OFFICIAL USE ONLY

- |  |  |
|--|--|
| PZHAC <input type="checkbox"/> Administrative Approval<br><input type="checkbox"/> Approved Date: _____<br><input type="checkbox"/> Disapproved Date: _____<br><input type="checkbox"/> Approved with conditions | BOT <input type="checkbox"/> Approved Date: _____<br><input type="checkbox"/> Disapproved Date: _____<br><input type="checkbox"/> Approved with Conditions |
|--|--|

CONDITIONS: \_\_\_\_\_

PERMIT ISSUED BY: \_\_\_\_\_ ISSUE DATE: \_\_\_\_\_





**PROPOSED SIGN LOCATION (EAST SIDE)**



**PROPOSED SIGN LOCATION (NORTH SIDE)**



**BOT ACTION FORM**  
**SIGN PERMIT 061129**  
**[PZHAC REVIEW – 10/5/2020]**

**Items:**

**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)

**Description of Work to be Done:**

The applicant would like to install two wall signs, with one on the west side of the building and one on the north side of the building. These would be in addition to two signs for the other business that is sharing the building (see attached photo). The wall signs will each be less than fifteen square feet in size. Since there will be two separate businesses using the same building, the applicant would like to install his signs in addition to the signs for the other business.

Since there will be two businesses in the building, the Code limits the number of signs on the building to one per business (see below), therefore only one of the two signs for the business will be allowed.

**Consistency with the Code:**

The PZHAC will be consistent with the following Sections of the Sign Code (Chapter 18.65) that specifically apply to this project.

**18.65.140 Wall signs.**

**A. Wall Sign Area.**

1. Within the Historical Commercial (H-C) zone, the wall sign area, on any given house or building, shall in no case exceed 10 percent of any wall area including apertures or 15 square feet, whichever is less. Dimensions of painted signs or graphics with no frame shall be determined by measuring the extent of the painted sign or graphic horizontally and vertically and calculating the area

*(The proposed wall signs will be 15 square feet in area each. The sign will not project above the side of the building.)*

- B. No wall sign shall be permitted to be more than six inches thick. All wall signs shall be safely and securely attached to the building wall. [Ord. 2008-04 § 9; Ord. 2003-05 § 3; Ord. 2000-02 § 1; Ord. 94-08; prior code § 11-3-14]**

*(The proposed wall signs are less than six inches thick.)*

**18.65.220 Number of permitted signs.**

- A. A total of two exterior signs may be allowed to each store or bona fide place of business.**

**B. When more than one business occupies a single building each business will be limited to one sign plus a space on a directory sign at each entrance. [Ord. 2008-04 § 11; Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-22]**

**Findings of Fact that need to be met:**

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing two 15 square foot wall sign on the front and side of a commercial building at this address.
- The subject property is zoned Historical Commercial (HC)
- The proposed signs will not have negative impacts on the surrounding businesses in the area.
- The proposed signs will be consistent with the Code.

**PZHAC ACTION:**

*The PZHAC determined that the Sign Code only allows one sign per business on the building, not two as requested, and voted 3 – 0 (Commissioner Prieto recused himself from voting on this case) to recommend APPROVAL of this request to the BOT 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.*

**BOT OPTIONS:**

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

**BOT ACTION:**





OFFICIAL USE ONLY:

Case # 061135

Fee \$ 50.<sup>00</sup>

CASE NO. 061135 ZONE: HC APPLICATION DATE: 10/15/20

Merch de Mesilla  
Business Name

(575) 642 9609  
Business Telephone Number

Business Address 2230 Avenida de Mesilla City Mesilla

State N.M.

Zip Code 88005

Joshua Prieto  
Applicant Name

(575) 642 9609  
Applicant Telephone/Cell Number

Mailing Address 3642 Valdes Rd. City Las Cruces

State N.M.

Zip Code 88005

Description of sign: Vinyl print made to look like wood. Wood stain back ground with Eagle Logo in middle. Merch de Mesilla on top of wood, leather and more on bottom oval shape.

Please include dimensions, lettering, shape, material, texture, colors, and/or finish to be used on the diagram below.



Colors: Brown wood color, white letters

FOR OFFICAL USE ONLY

- PZHAC
- Administrative Approval
  - Approved Date: \_\_\_\_\_
  - Disapproved Date: \_\_\_\_\_
  - Approved with conditions

- BOT
- Approved Date: \_\_\_\_\_
  - Disapproved Date: \_\_\_\_\_
  - Approved with Conditions

CONDITIONS: PZHAC REVIEW + BOT APPROVAL REQUIRED

PERMIT ISSUED BY: \_\_\_\_\_

ISSUE DATE: \_\_\_\_\_



# Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

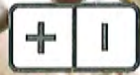
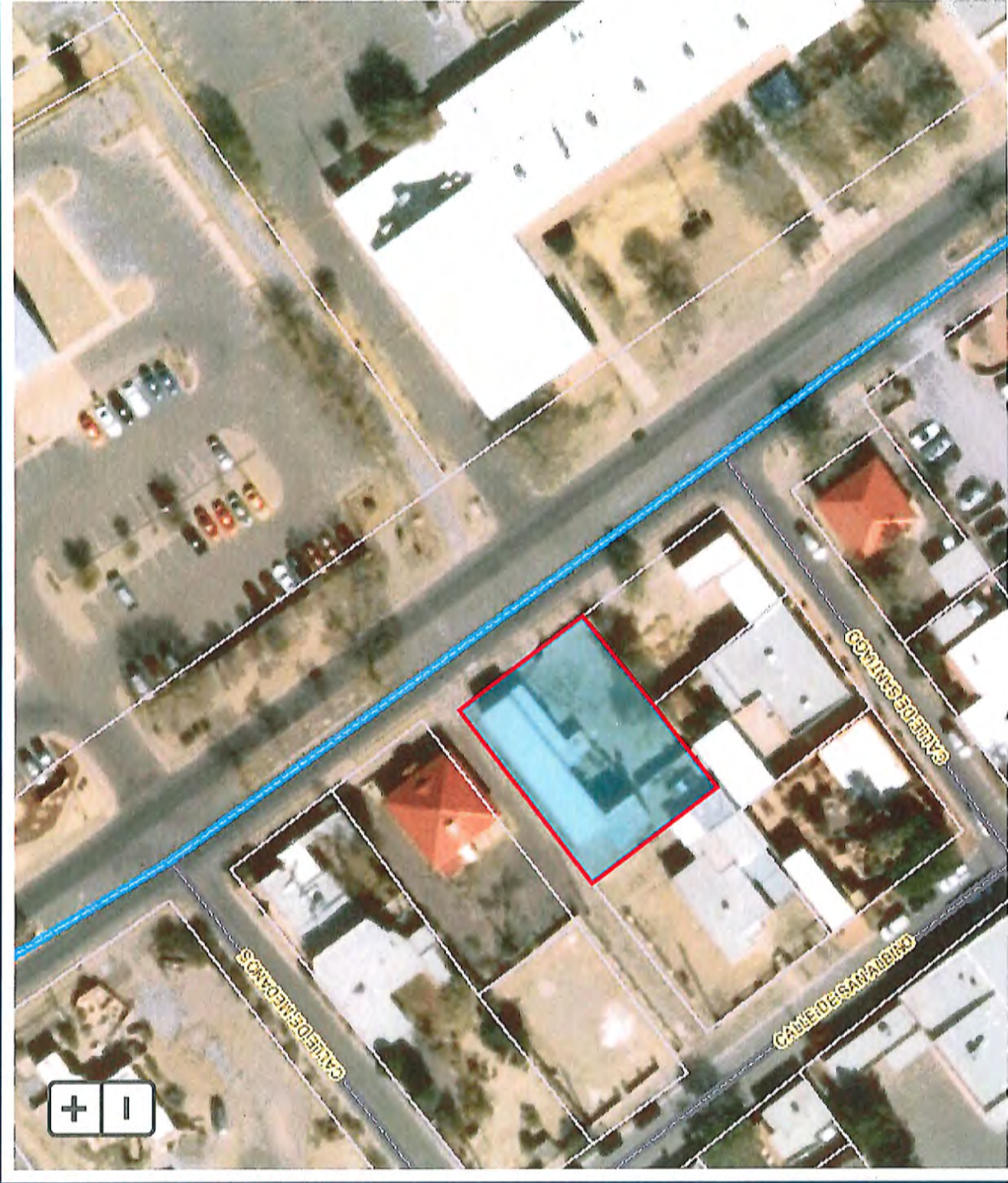
Select Search Type: Account Number | Enter Value:

Maps

Legend

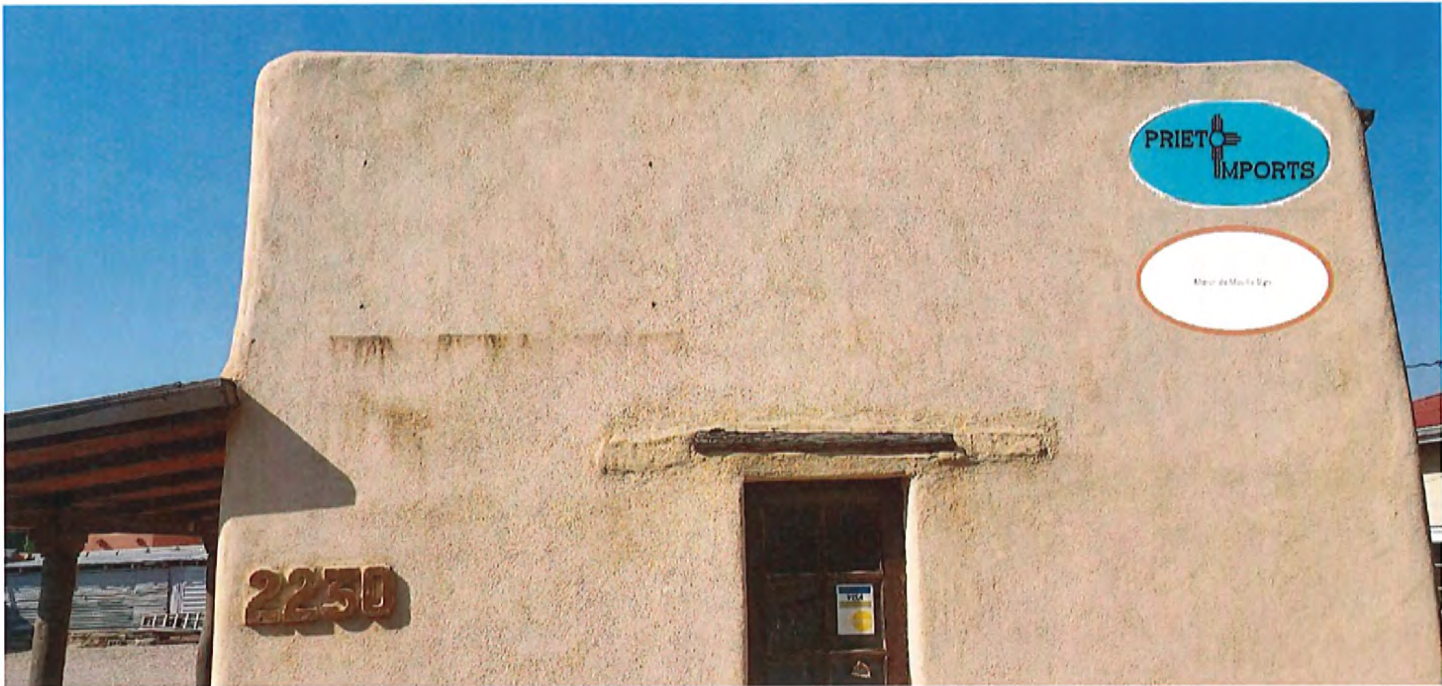
- Map Themes**
- Parcels
- UDC Zoning
- Roads and Transportation
- NM House Districts
- NM Senate Districts
- County Commission Districts
- City Council Districts
- Median Household Income
- General Land Ownership

Account Number: **R0400324**  
 Parcel Number: 4006137243402  
 Owner: LUCERO JESUS D  
 Mail Address: PO BOX 335  
 Subdivision:  
 Property Address: 2230 AVENIDA DE  
 MESILLA  
 Acres: 0





PROPOSED SIGN LOCATION (EAST SIDE)



PROPOSED SIGN LOCATION (NORTH SIDE)



**BOT ACTION FORM**  
**SIGN PERMIT 061136**  
**[PZHAC REVIEW – 10/19/2020]**

**Items:**

**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)

**Description of Work to be Done:**

The applicant would like to install a 3 foot by 2.6 foot (7.8 square feet) pr side two sided projecting sign on the building near the entrance to the business on Calle de Santiago. The sign will be red, blue, and white printed on aluminum on both sides (see attached e-mail document with sign design).

**Consistency with the Code:**

The PZHAC will be consistent with the following Section of the Sign Code (Chapter 18.65) that specifically applies to this project.

**18.65.150 Projecting signs.**

- A. No projecting sign may rise above the level of the first story of the building to which it is attached. All projecting signs must be at least seven feet above sidewalk or ground level, and must be located within the central one-third of the facade length so as not to obstruct neighboring signs.**
- B. Projecting signs shall be limited in area as follows:**
  - 1. A maximum of four feet projecting from the wall of the building;**
  - 2. A maximum of eight square feet of total sign space including frame. Both sides of a projecting sign may be used for advertisement.**
- C. The supporting structure of any projecting sign must be of adequate strength so as to have no need for guy-wires or wire reinforcement. [Ord. 94-08; prior code § 11-3-15]**

**Findings of Fact:**

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing a 7.8 square foot per side projecting sign on the front of a commercial building at this address.
- The subject property is zoned Historical Commercial (HC)
- The proposed signs will not have negative impacts on the surrounding businesses in the area.
- The proposed sign will be consistent with the Code.

**PZHAC ACTION:**

*The PZHAC determined that proposed sign meets the requirements of the Code and will not be out of character with the surrounding area and voted 4 – 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:**



# Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

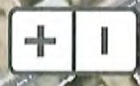
Select Search Type: Account Number | Enter Value:

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: **R0400318**  
 Parcel Number: 4006137236430  
 Owner: TAFOYA LARRY R & VIOLA P  
 Mail Address: PO BOX 1315  
 Subdivision:  
 Property Address: 2309 CALLE DE  
 GUADALUPE #UNIT A-B  
 Acres: 0



**From:** [Gabriela Gaxiola](#)  
**To:** [larrys@mesillanm.gov](mailto:larrys@mesillanm.gov)  
**Subject:** Le boutique sign  
**Date:** Friday, October 9, 2020 10:29:55 AM

---

Hello good morning,  
Here are the details for the sign that we are planning to place on our new business located on back room on north side of Calle de Guadalupe 2309.

It will be a projecting sing that measures 3 feet wide by 2.6 feet tall, will be made on aluminum, printedIn both sides, about 4.21 lbs of weight and will be 0.12 inches thick.

We are including the logo design.



If you have any questions please let me know.

Thank so much for allowing us to start a business in this beautiful community.

Gabriela Gaxiola-Reichel



**PHOTO FROM CALLE DE SANTIAGO SHOWING LOCATION OF SIGN**



**Town of Mesilla, New Mexico**

P.O. BOX 10  
MESILLA, NM 88046  
PHONE: (505)524-3262 FAX (505)541-6327

**Sign Permit**

Application Date: 10/2/2020

Le Boutique LLC  
Name of Business

Gabriela Glaxiola Reichel  
Name of Applicant

3570 Cloister Court  
Address of Business

3570 Cloister Court  
Address of Applicant

Las Cruces N.M. 88005  
City State Zip

Las Cruces N.M. 88005  
City State Zip

575 680 57 20  
Telephone Number

575 680 57 45  
Alternate Telephone Number

Location and description of Sign:  
(include dimensions, lettering, shape, material, texture, colors, and/or finish to be used. Attach a drawing of the location of the sign, including any other advertising structures on the building or lot.)

**For Office Use Only**

Administrative Approval: \_\_\_\_\_  
PZHAC Approval: \_\_\_\_\_  
BOT Approval: \_\_\_\_\_

Permit Fee: 30.00  
Date of Payment: \_\_\_\_\_  
CASE NUMBER: 061136





**RESOLUTION NO. 2020-21**

**A RESOLUTION ON AN APPEAL FOR CASE 061079 APPROVING A LOT LINE ADJUSTMENT AT 1780 CALLE DE EL PASO.**

**WHEREAS**, the Board of Trustees convened on September 28, 2020 at a regular meeting and considered the case regarding the appeal of a Planning, Zoning and Historical Appropriateness Commission’s denial of a lot line adjustment at 1780 Calle de El Paso; and

**WHEREAS**, the Board of Trustees were informed of the details of the case; and

**WHEREAS**, the Board of Trustees heard testimony from the applicant, his attorney, CaraLyn Banks, the Town’s Attorney, Joseph Cervantes, and staff regarding the request; and

**NOW THEREFORE, BE IT RESOLVED** the Board of Trustees of the Town of Mesilla hereby approved Mr. Strain’s appeal of the decision made by the Planning, Zoning and Historical Appropriateness Commission related to Case 061079. The decision was made by a vote of 3-1 to approve based on the following findings:

- a) The case was not contrary to the public interest.
- b) The applicant stated the adjustment was needed to appease NM State Environment Department Standards regarding septic systems.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of October 2020.

\_\_\_\_\_  
Nora L. Barraza  
Mayor

**ATTEST:**

\_\_\_\_\_  
Cynthia Stoechner-Hernandez  
Town Clerk-Treasurer

**Roll Call Vote:**

Mayor Barraza	_____
Trustee Johnson-Burick	_____
Trustee Arzabal	_____
Trustee Caro	_____
Trustee Garcia	_____



**RESOLUTION NO. 2020-21**

**A RESOLUTION ON AN APPEAL FOR CASE 061088 DENYING THE CONSTRUCTION OF A GARAGE/WORKSHOP AT 2067 STITHES ROAD.**

**WHEREAS**, the Board of Trustees convened on September 28, 2020 at a regular meeting and considered the case regarding the appeal of the Planning, Zoning and Historical Appropriateness Commission's (PZHAC) denial of the construction of a garage/workshop at 2067 Stithes Road; and

**WHEREAS**, the Board of Trustees were informed of the details of the case; and

**WHEREAS**, the Board of Trustees heard testimony from the applicant, his attorney, CaraLyn Banks, the Town's Attorney, Joseph Cervantes, and staff regarding the request; and

**WHEREAS**, at this meeting, the vote was two in favor and one against and it was stated at this meeting that the vote had passed; and

**WHEREAS**, it was determined by the end of the meeting and after confirmation with the Town's Attorney, Joseph Cervantes, that this vote did not pass as stated at the September 28<sup>th</sup> meeting because the case needed a two-thirds vote of all of its members to approve per Mesilla Town Code 18.06.160 (D); and

**WHEREAS**, for due process, the Town Attorney, Joseph Cervantes, advised the Town to take a revote on the appeal for the record; and

**WHEREAS**, the Board of Trustees convened on October 13<sup>th</sup>, 2020 at a regular meeting and reconsidered the case regarding the appeal of the PZHAC's denial of the construction of a garage/workshop at 2067 Stithes Road; and

**NOW THEREFORE, BE IT RESOLVED** the Board of Trustees of the Town of Mesilla hereby denied Mr. Strain's appeal of the decision made by the Planning, Zoning and Historical Appropriateness Commission related to Case 061088 by a vote of 3-1 to disapprove.

**BE IT FURTHER RESOLVED** that this decision was made based on the following findings:

- a) The Town Attorney, Joseph Cervantes, had provided a written opinion regarding the case to the Town dated August 14, 2020.

- b) The Board determined that due to the non-conforming status of the lot, the additional garage/workshop could not be built.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of October 2020.

\_\_\_\_\_  
Nora L. Barraza  
Mayor

**ATTEST:**

\_\_\_\_\_  
Cynthia Stoechner-Hernandez  
Town Clerk-Treasurer

**Roll Call Vote:**  
Mayor Barraza \_\_\_\_\_  
Trustee Johnson-Burick \_\_\_\_\_  
Trustee Arzabal \_\_\_\_\_  
Trustee Caro \_\_\_\_\_  
Trustee Garcia \_\_\_\_\_

**BOT ACTION FORM**

**APPEAL TO THE BOT OF A ZONING DECISION BY THE PZHAC  
CASE 061110**

**SUMMARY**

On September 8, 2020, the appellant applied to the PZHAC for a zoning permit to enclose the porch located at the front entrance to the dwelling by building a frame wall with windows and a door, with the windows having large screens to create a sunroom at the front of the dwelling.

The request was DENIED by the PZHAC by a vote of 2 – 3 based on the belief that the proposed alteration would change the historic and architectural character of the structure.

The appellant is appealing this decision based on the belief that the PZHAC’s determination was in error and that the proposed enclosure does meet State’s standards for Historic Preservation, and that the enclosure will not negatively affect the Historic aspect of the structure.

Also included is a letter of appeal from a Mesilla resident who also believes that the decision by the PZHAC was in error and is concerned that the decision of the PZHAC will have a negative effect on her ability to rehabilitate her property. According to Ms. Krueger, her property is in the RF zone and is listed as “significant” in the National Register of Historic Places. Staff is only bringing forth Mr. Taylor's appeal at this time but included Ms. Krueger concerns as additional information for the Board of Trustees. If action on Mr. Taylor's appeal does not appease Ms. Krueger's appeal, then that appeal will be scheduled separately at a later BOT meeting.

Mr. Taylor will be in attendance at the meeting by either “Zoom” or by phone to answer any questions that may arise.

**BOT OPTIONS:**

- 1. Uphold the decision of the PZHAC to deny the enclosure of the existing porch.**
- 2. Uphold the decision of the PZHAC to require all wood in the windows with conditions.**
- 3. Overturn the decision of the PZHAC to require all wood in the windows.**

**BOT ACTION:**

**Attachments:**

- BOT Action Form with summary of the appeal**
- Appeal letters from the Property Owner, and a Mesilla Resident**
- Information provided to the PZHAC on September 21, 2010**
- Minutes of the September 21, 2010 PZHAC Work Session and Regular Meeting**

# **APPEAL LETTERS**

**From:**

- 1. Property Owner**
- 2. Concerned Resident**

September 28, 2020

Dear Mayor Barraza and Mesilla Board of Trustees:

I am respectfully appealing case # Case 061110 (<http://www.mesillanm.gov/wp-content/uploads/2020/09/9.21.20-pzhac-agenda-packet-emailed.pdf>) that was denied by the Planning, Zoning and Historic Appropriateness Commission on Monday, September 21, 2020. As someone who has worked professionally in historic preservation for the past 40 years, and served as the New Mexico Historic Preservation Officer in 1992-93, I know and have administered the Secretary of Interior's Standards for Historic Preservation on many projects throughout the state and nationally. I was the lead in conducting the historic building survey for Mesilla in 1979-80, documents that the Town uses as a reference to this day. I considered the potential negative effect of the porch enclosure to the historic property at 2341 Calle de Arroyo in Mesilla and to the state and national historic districts prior to submitting my request to the Commission.

The proposed porch enclosure adheres to the Secretary's guidelines (<https://www.nps.gov/tps/standards/rehabilitation.htm>), including :

Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property...

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. New work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property at its environment.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment shall be unimpaired (in other words, the proposed alteration is reversible).

The proposed porch enclosure:

- Will not alter the property for its originally intended purpose (residence)
- Will not remove or alter any historic material or distinctive architectural features
- Will not expand the current footprint of the building
- Will not alter or damage the historic fabric of the historic room in the residence
- Will not be obvious from Calle Parian and Calle de Arroyo
- The existing porch (ca. 1972) and the room (ca. 1985) to which the proposed framed porch enclosure with windows and a door is proposed to be attached are not historic

As was recommended by the Commission for me to do before the vote was taken that considered my request at the 9/21 meeting , I contacted the New Mexico State Historic Preservation Office (SHPO) for its potential review of the proposal. The SHPO indicated that it would be glad to review the proposal if a request came from the Town of Mesilla.

In my opinion, the proposed porch enclosure meets the Secretary's Standards for Historic Preservation and adheres to the Town of Mesilla codes pertaining to historic preservation.

I appreciate the deliberation and concern that the Planning and Commission expressed on the request for the porch enclosure, and especially its concern for the core of the historic district where I was born and spent the first two decades of my life, and where I currently reside part-time. But I do disagree with the Commission's decision for the reasons stated above, hence, my appeal. Thank you for your consideration.

Very respectfully submitted,

Michael Romero Taylor

Box 133, Mesilla, NM 88046

(2341 Calle de Arroyo)

What follows is an appeal of the PZHAC decision made at their regularly scheduled meeting of September 21, 2020, to deny Case 061110, a request to enclose a front porch on a dwelling at 2341 Calle de Arroyo, submitted by Michael R. Taylor.

This appeal asks the question if, at this meeting with this Case, the PZHAC Commissioners had and took the time to explore the context and the complexities of the Case as well as the flexibility allowed in the application of Chapter 18.33. If they did not, then was their decision to deny the case unreasonable and should it be reversed?

Below, is a summary of the context and complexities as I know them from my knowledge and experience with this property and with preservation generally in Mesilla. Also, I attended the work session and meeting by teleconference.

**First, the context of the request:** the set of buildings that includes this small apartment is known collectively as the Barela/Reynolds property. The property is # 117 on the National Register of Historic Places and the description of # 117 was included in the P&Z packets. # 117 includes the two stores that front on the Plaza and are located on either side of the zaguan that leads into the residence of J. Paul Taylor. # 117 also includes family member apartments and storage areas that extend west from J. Paul Taylor's residence to Calle Arroyo. Together, as one, all of the structures and spaces that make up the Barela/Reynolds property are classified as significant.

Another element of context is addressed in Section 18.80.22 (MTC) "Features not subject to public view." While the property is addressed on Calle Arroyo, the porch is not distinctly visible from the street because the property is located a hundred or so feet along a private dirt driveway and when you get to the property, the porch is set back from the driveway. Further, not only is the property setback significantly from Calle de Parian, but also the porch is located behind an adobe wall in the yard, making only part of it visible from Calle de Parian.

**Second, some of the complexities of the request:** the National Register inventory of Town buildings was completed and filed with the Department of the Interior in September, 1980. As available, the entry for an individual building contains both historical background information and occupancy and building description information collected during the inventory time period, about 1979-80. This combination of information about the past and the present is evident in the # 117 entry. Further, on the inventory sheet for # 117, the estimated date of construction for the first structure on the Barela-Reynolds property is given as the 1850's. Since the build-out of the Barela-Reynolds property was accomplished over many years, and some of it before the Town's Zoning Ordinance was in place, and since the original photographs attached to each National Register inventory sheet have never been found, personal recollections of events are important sources of information.

**Third, the work session and regular PZHAC meeting of September 21, 2020:** during the work session discussion of Case 061110, Michael explained that he met with Construction Industries Division (CID) to bring his request into compliance with CID requirements. He went over the changes the request entailed, answering Commissioners' questions, and noted that he had checked the proposed changes with the Secretary of the Interior's Standards. He mentioned that the porch was built in the 1970's, adding that family records were the source for this information.

During the regular meeting, one of the Commissioners expressed, for the record, the need for something in writing from the State Historic Preservation Office (SHPO) that the proposal to enclose the porch was ok with them because the apartment is a part of a larger significant structure. Another



Commissioner suggested making that a condition of the recommendation for approval. Michael Taylor agreed to ask SHPO for that information within the next 2 to 4 weeks.

Then, without further discussion, a motion was made to recommend the case for approval to the Board of Trustees. The first Commissioner to vote said no and expressed an opinion to the effect that this request would deteriorate the historical significance of the structure. The final vote was 3 no and two yes, so the motion failed.

To the best of my knowledge and belief, it is not the intent of the Historic Preservation ordinance or the Secretary of the Interior's Standards (MTC Chapter 18.33) to prohibit alterations to the exterior of a historic property or to prohibit new construction as long as the proposed changes comply with the requirements of the Ordinance and, as necessary, meet the standards set by the Secretary of the Interior. The requirements and standards have built-in flexibility to stay modern while preserving the past.

**My particular interest:** as the owner of a home in the RF zone that is listed as "significant" on the National Register of Historic Places, I am concerned that the denial of Case 061110 would affect my ability to rehabilitate this property.

Submitted by Susan Krueger, 10/9/2020

**INFORMATION PRESENTED TO PZHAC 9/8/20  
&  
MINUTES OF 9/8/20 PZHAC MEETING**

**PZHAC ACTION FORM**  
**ZONING PERMIT 061110**  
**[PZHAC REVIEW – 9/8/2020]**

**[Case was heard during the work session]**

**Items:**

**Case 061110** –2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC)

**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 porch enclosure 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 porch enclosure 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: @ \$8,000.00**

**Findings That Need to be Made.**

- The PZHAC has jurisdiction to review and approve this request.
- The proposed consists of enclosing a front porch at the entrance to the dwelling.
- The PZHAC has determined that the proposed porch enclosure meets all applicable Code requirements.

**PZHAC OPTIONS:**

1. Recommend approval of the requested zoning permit to the BOT.
2. Recommend approval of the requested zoning permit to the BOT with conditions.
3. Postpone a decision on the request to allow the applicant to modify the request.
4. Reject the request.

**PZHAC ACTION:**

**PZHAC WORK SESSION**  
**ZONING PERMITS 061110**  
**[PZHAC REVIEW – 9/21/20]**

**Item:**

Submitted by Michael R. Taylor; a request to discuss plans to enclose a front porch on a dwelling at 2341 Calle de Arroyo (Case 061110). Zoned: Historic Commercial

The applicant would like to enclose the porch located at the front entrance to the dwelling. This will be done by building a fram wall with windows and a door, with the windows having large screens (see attached diagrams). This would in essence create a sunroom at the front of the dwelling. The main issue with this is that the room would block a window egress to the outside from a bedroom in the dwelling. The applicant was told that this would not be allowed by the current building Code, so the applicant met with CID to determine a solution. The applicant was told that if the proposed room were to be made part of the bedroom with no doors separating the two spaces that the porch could then be enclosed. The applicant agreed and will remove a double door that was originally going to separate the rooms, thereby meeting CID's requirement for access.

According to the applicant, the outside of the wall will be finished to match the exterior of the dwelling. The dwelling is in the Historic Register for the Town (see attached). The building, which is adobe, is on a property that was at one time part of a larger property, once owned by Edgar Griggs, that contained the Reynolds/Griggs Store on the Plaza (see attached Historical Description). The buildings associated with this property are in the Historic Register (see attached). The Historical Register considers the buildings "significant" in that they are "...architecturally outstanding and important in the history of the community...".

The PZHAC will need to determine that the proposed work will not result in any changes to the structure that will affect its Historical character, and that the work will be consistent with the following sections of the Code:

**Chapter 18.35 HR – Historical Residential Zone**

The enclosure could be compatible with the HR zoning of the property if there are no changes to the structure itself, and if the outside of the wall is finished in the same style as the original structure.

**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.

B. The board of trustees declares as a matter of public policy that the preservation, protection and use of historic landmarks and buildings in the historic districts are a public necessity because they have a special character or a special historic, architectural, aesthetic or cultural value and thus serve as visible reminders of the history and heritage of this town, state and nation. The board declares as a matter of public policy that this chapter is required in the interest of the health, safety, welfare and economic well-being of the public. The board declares as a matter of public policy that the identification and designation of historic landmarks and historic districts and the approval or disapproval of exterior changes to designated property or their demolition or relocation or new construction on the site are stated to be a public purpose. [Ord. 2011-03]

Since the proposed work will not change the use or style of the structure, and since the work will need to address the guidelines set forth by the Secretary of the Interior for Historic structures as well as the requirements of Section 18.33 – Historic Preservation of the Code, the PZHAC will need to determine that the proposed work will meet these requirements. Also, the proposed work will need to meet the requirements of the Building code where applicable.

The applicant will be present at the meeting by "Zoom" or by phone to provide further details about the proposed enclosure and will be available 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: [R040127Z](#)  
 Parcel Number: 4006137216443  
 Owner: TAYLOR J PAUL TRUSTEE J  
 PAUL & MARY H D TAYLOR REV TRUST  
 Mail Address: PO BOX 133  
 Subdivision:  
 Property Address: CALLE DE  
 ARROYO  
 Acres: 0











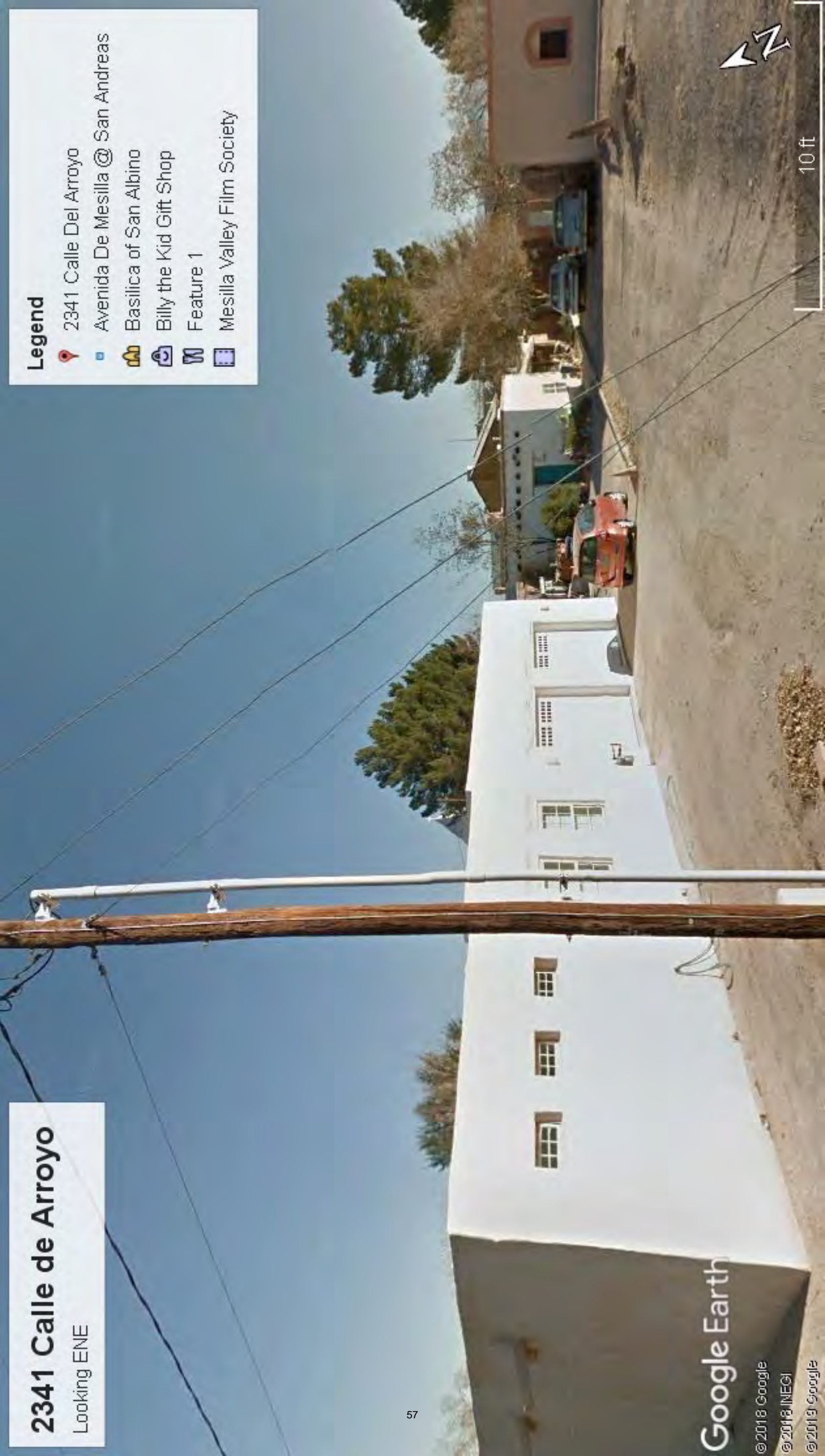


# 2341 Calle de Arroyo

Looking ENE

## Legend

-  2341 Calle Del Arroyo
-  Avenida De Mesilla @ San Andreas
-  Basilica of San Albino
-  Billy the Kid Gift Shop
-  Feature 1
-  Mesilla Valley Film Society

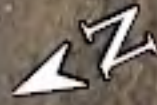


Google Earth

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© 2018 INEGI

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# 2341 Calle de Arroyo

Looking north

## Legend

-  2341 Calle Del Arroyo
-  Avenida De Mesilla @ San Andreas
-  Basilica of San Albino
-  Billy the Kid Gift Shop
-  Feature 1
-  Mesilla Valley Film Society



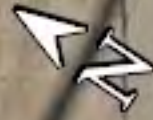
Google Earth

© 2018 Google

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10 ft





**PHOTO OF DWELLING FROM CALLE DE ARROYO (ARROW POINTS TO PORCH)**

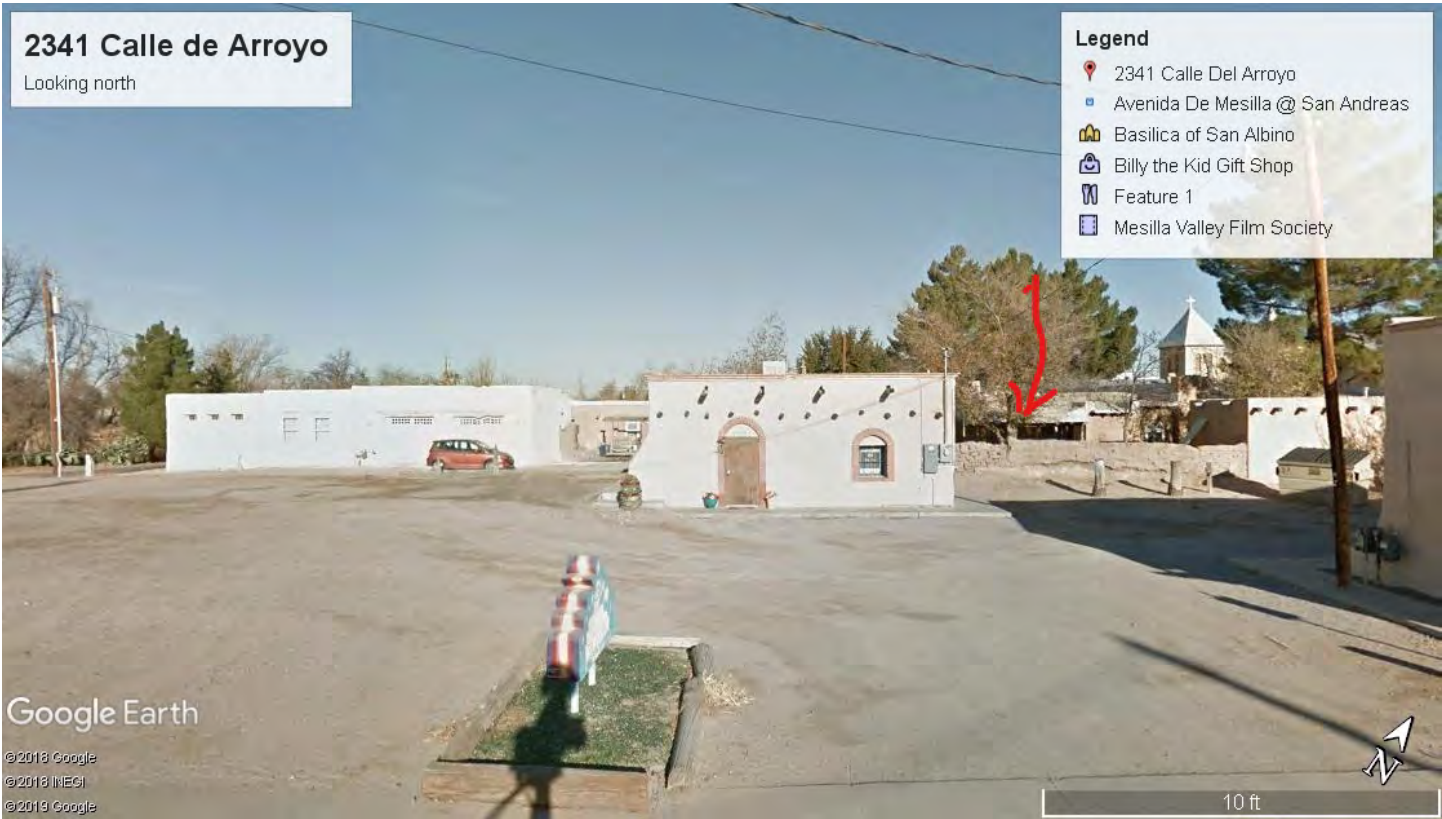


**PHOTO OF DWELLING SHOWING ENTRYWAY**

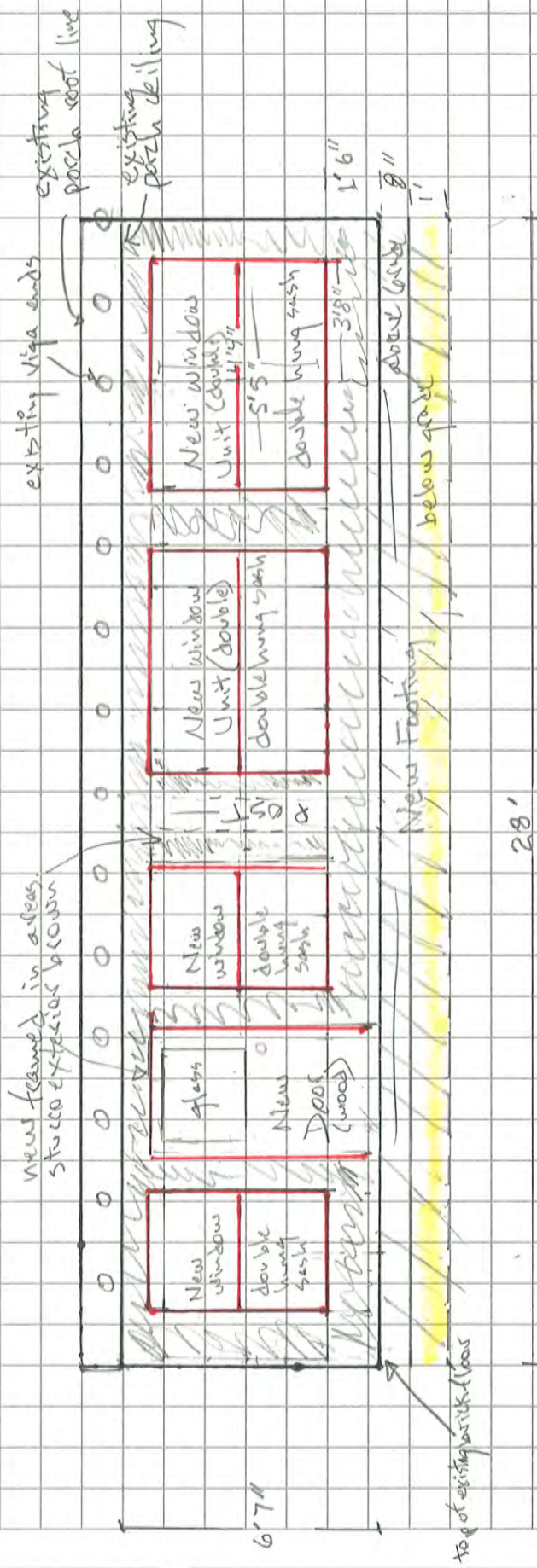




PHOTO OF THE PORCH TO BE ENCLOSED







Elevation - looking north  
 scale 1/4" = 1 foot

- \* New screened-in porch to support in part, existing patch roof (existing porch to remain)
- \* Exterior trim to match existing under portal
- \* New windows w/ exterior clad painted white
- \* Pressure treated wood sill to be placed out top of new footing upon which to build screened-in porch

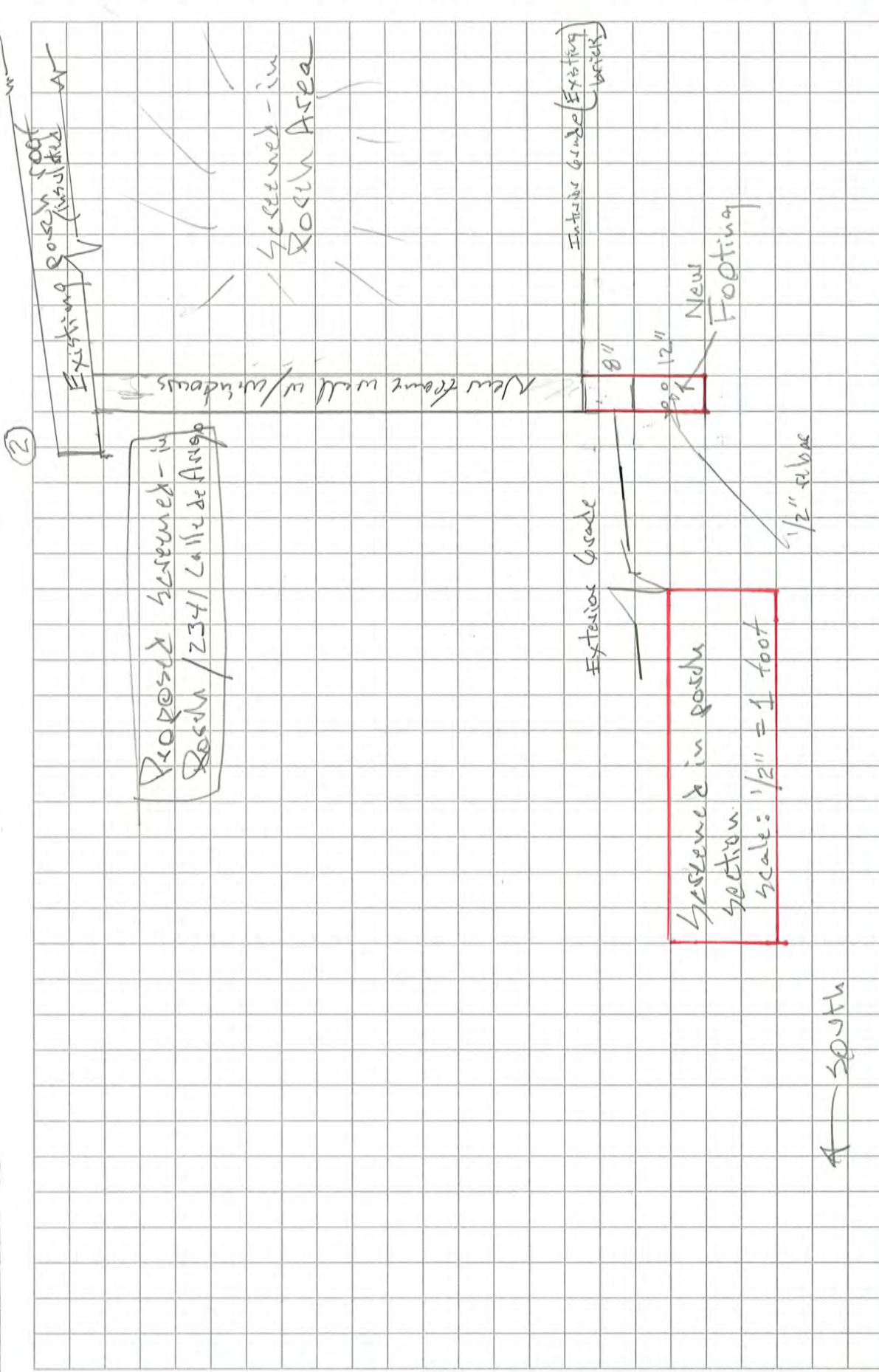
Request screened-in porch - 2341 Calle de Arroyo, Mesilla  
 submitted by Mike Taylor 505 690 9286 August, 2020

PAGE:

DATE:

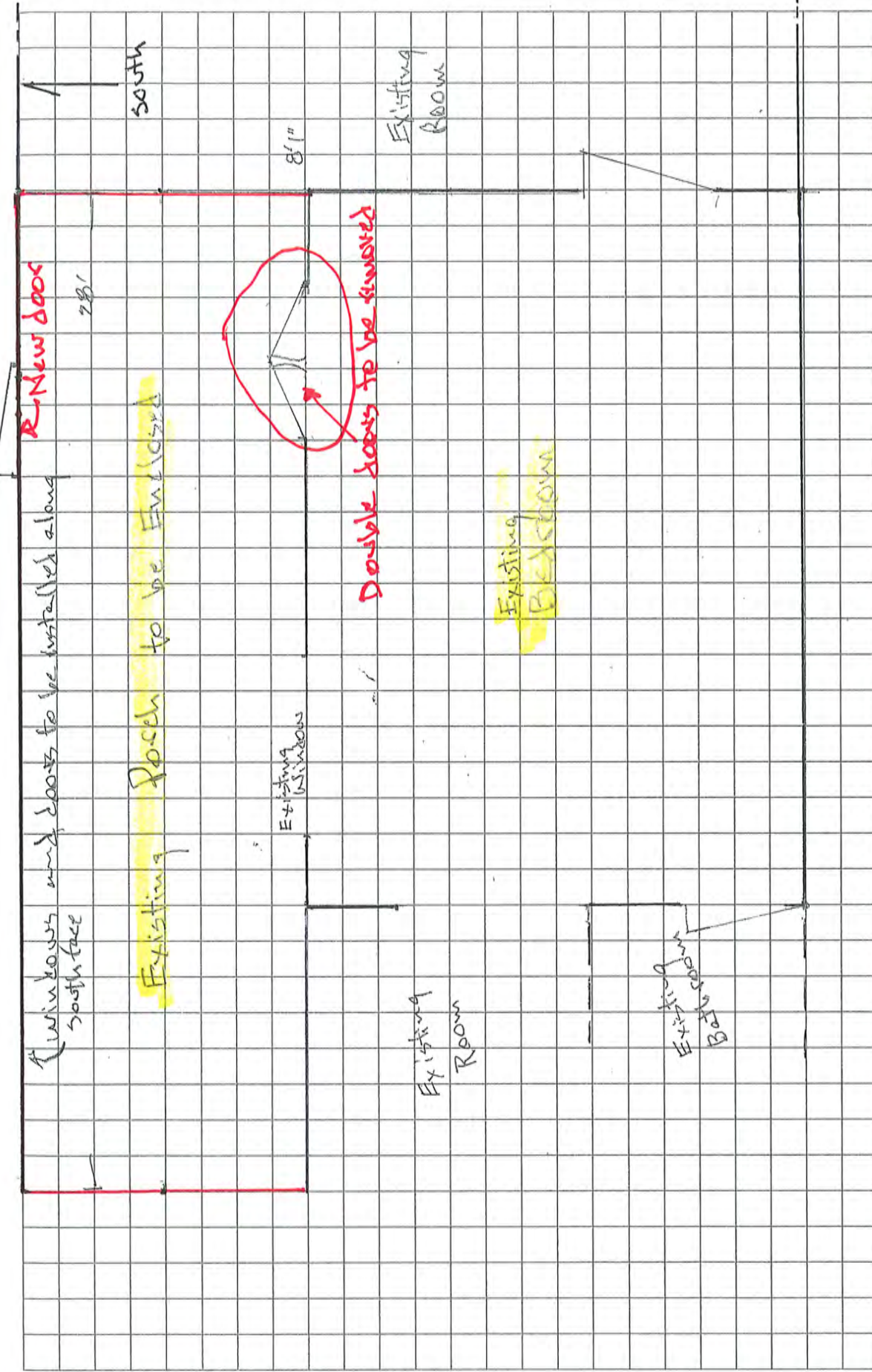
FILE UNDER:

TOPIC:



\* Existing porch roof to remain.





Floor Plan of Existing Porch and Bedroom  
 2341 Calle de Arroyo  
 with removal of double doors, bedroom and porch to become one space.  
 1" = 4'  
 Prepared by Mine Taylor

DATE:

PAGE:

FILE UNDER:

TOPIC:



**TOWN OF MESILLA  
ZONING APPROVAL**

OFFICIAL USE ONLY:  
Case # 061110  
Fee \$ 22.50

**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. 061110 ZONE: MRSM CODE: MCM APPLICATION DATE: 9/1/20

Name of Property Owner: Michael R. Taylor  
 Property Owner's Telephone Number: \_\_\_\_\_  
 Property Owner's Mailing Address: 52 Sunset Rd. Santa Fe NM 87507  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Property Owner's E-mail Address: adobecharo1@gmail.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: 2341 Calle de Arroyo

Description of Proposed Work: SCREENS IN FRONT PORCH (EXISTING) WITH WINDOWS AND AWDOORS. EXISTING ROOF OF PORCH IS IN GOOD CONDITION.

Estimated Cost: \$ 8,000.00 Signature of Applicant: Michael R. Taylor Date: 8/11/2020

Signature of property owner: Michael R. Taylor

**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  
CID APPROVAL 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.



# Town of Mesilla, New Mexico

## PZHAC WORKSHOP & MEETING AGENDA SEPTEMBER 21, 2020

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION VIA TELECONFERENCE ON MONDAY, SEPTEMBER 21, 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. 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)

*The applicant was present by zoom to discuss the request and answer any questions that might arise. Staff provided a brief review of this request, including the fact that this case had been 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. Several styles of fences were discussed including wood and wire, but the applicant stated that the problem with the fences being suggested was that they would not be suitable for pecan farming because they would not be able to resist either the perpetual wetness caused by irrigation, or the vibration and potential damage caused by pecan harvesting. The only type of fence that would be suitable would be a typical agricultural fence of metal and wire or sheep fencing. The applicant also stated that the fence was needed primarily for security purposes, especially during the pecan harvest season. There were no other issues.*

- B. Submitted by Michael R. Taylor; a request to discuss plans to enclose a front porch on a dwelling at 2341 Calle de Arroyo (Case 061110). Zoned: Historic Commercial

*The applicant was present by zoom to discuss the request and answer any questions that might arise. Staff provided a brief review of this request, including the fact that the subject dwelling is in the National Register of Historic places and is one of a set of buildings that are considered to be "...architecturally outstanding and important in the history of the community...". Issues discussed included the fact that the proposed enclosure would close off a bedroom from the exterior of the structure, eliminating a required exterior egress for the bedroom, and that the porch itself was installed on the dwelling in the 1970's. The applicant stated that he had spoken with Thomas Maese of CID and agreed to remove an internal door separating the bedroom from the porch, thereby making the bedroom and the enclosed porch one room and eliminating the egress problem. Another point of discussion was the fact that the proposed enclosure would change the exterior appearance of the historic structure, even though it would be finished to match the remainder of the structure. There were no other issues.*

- C. Submitted by Indalencio Prieto and Ladene Vance; a request to adjust the lot lines of three properties to eliminate one lot line and combine a portion of an existing lot at 2200 West Union Avenue containing pecan trees with a neighboring lot containing pecan trees (Case 061123). Zoned: Rural/Agricultural (RF)

*The applicants, including Commissioner Prieto as a representative for Indalencio Prieto, were present by zoom to discuss the request and answer any questions that might arise. Staff provided a brief review of this request, including the fact that the Vances own two lots that contain a pecan grove on one, and a dwelling and pecan grove on the other. Staff explained that the Vances would like to combine the two properties and split of the pecan groves from the dwelling. The pecan groves would then be sold to the Prietos. The main issues discussed were the fact that the resulting parcel to the north would not have access and would therefore be landlocked, and that the new lot line created to the north of the existing dwelling might violate the rear setbacks for the dwelling. Mr. Prieto pointed out that an existing 20 foot farming easement along the west edge of the Prieto property could be extended to the landlocked property. He also pointed out that the proposed property line near the dwelling was adjusted in the latest survey to address the setback issue. There were no other issues.*



**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A REGULAR MEETING VIA TELECONFERENCE ON MONDAY, SEPTEMBER 21, 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**

*All Commissioners were present. There was a quorum.*

*Others in attendance by "Zoom" or by phone were: Larry Shannon (staff), Mayor Barraza, Nancy Clayshulte, Samantha Simpson (Nancy's daughter and tenant), Michael Taylor, Gilbert Madrid, Richard Moreno, Gabe Quintana, Tom Maese (CID), and Susan Krueger. The regular meeting was convened at 3:03 pm.*

## **III. CHANGES/APPROVAL OF THE AGENDA**

*There were no changes to the Agenda. A motion to approve the Agenda was made by Commissioner Prieto, seconded by Commissioner Lucero, 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. A motion to approve the Consent Agenda was made by Commissioner Nevarez, seconded by Commission Chair Prieto, and approved by a vote of 5 - 0.*

### **A. \*PZHAC MINUTES – PZHAC Workshop and Meeting of September 8, 2020.**

*Approved as part of the Consent Agenda*

### **B. \*ADMINISTRATIVE APPROVALS**

#### **Zoning Permit:**

- 1. Case 061113** – 2958 La Mesilla Circle, submitted by Robert Hamilton; a request for a zoning permit to repair a rock wall at this address. Zoned: Residential, one-acre (R- 1)

*Approved as part of the Consent Agenda*

- 2. Case 061114** – 2958 La Mesilla Circle, submitted by Robert Hamilton; a request for a zoning permit to reroof a dwelling at this address. Zoned: Residential, one-acre (R- 1)

*Approved as part of the Consent Agenda*

- 3. Case 061115** – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request for a zoning permit to repair and repaint the stucco on a commercial structure at this address to match the original color of the structure. Zoned: Historic Commercial (HC)

*Approved as part of the Consent Agenda*

- 4. Case 061116** - 2185 Calle de Guadalupe, submitted by Richard Moreno; a request for a zoning permit to allow the internal renovation and reroofing of a dwelling at this address. Zoned: Historic Residential (HR)

*Approved as part of the Consent Agenda*

- 5. Case 061117** – 2600 Avenida de Mesilla, submitted by Velia Chavez for Palacios Bar; a request for a zoning permit to repair a deteriorating floor in a commercial structure at this address. Zoned: Historic 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](mailto: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 one e-mail had been received from Susan Krueger, resident. Staff read the e-mail for inclusion into the record. (A copy of the e-mail is attached at the end of these minutes.)*



*Gilbert Madrid, Original owner of property to be subdivided in Case 0611 (by phone) Stated that there was a covenant on the property that restricted the development of the property, and that the proposed subdivision violated the restriction. (See attached deed at the end of these minutes.)*

## **B. DECISIONS:**

### **Zoning Permits:**

1. **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 provided a brief review of this request, explaining that this case was heard during the Work Session. Although the PZHAC and the applicant could not agree on a fence that would be both suitable from an architectural standpoint of the PZHAC and sturdy enough to be used as an agricultural fence, it was agreed on by the PZHAC that a fence was definitely needed for security purposes, and that further postponement of the request while a suitable compromise was found could result in no fence being in place for harvesting season. To address this, it was determined that the fence requested by the applicant (sheep fence on metal stakes) would be allowed on a temporary basis until March 2021, at which time it would be removed and possibly be replaced by a more suitable fence approved by the PZHAC and the BOT. A motion was made by Commissioner Nevarez and seconded by Commissioner Houston to recommend approval of the request to the BOT, and the request was APPROVED by a vote of 5 – 0 with the following CONDITION:*

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

2. **Case 061110** –2341 Calle de Arroyo, submitted by Michael R. Taylor; a request for a zoning permit to enclose the front porch on a dwelling at this address. Zoned: Historic Commercial (HC) (**This case was discussed during the work session.**)

*Staff provided a brief review of this request, explaining that this case was heard during the Work Session. The main issue discussed was whether the proposed enclosure of the porch would negatively affect the Historic and architectural aspect of the structure. There was concern that this would create a substantial change to the appearance of the structure. Commission Chair Lucero suggested the applicant obtain approval from the State Historic Preservation Office (SHPO) approving the proposed enclosure prior to a zoning permit being issued by Mesilla. A motion was made by Commissioner Prieto and seconded by Commissioner Nevarez to recommend approval of the request to the BOT, and the motion failed by a vote of 2 – 3 (Commissioners Prieto and Houston for and Commission Chair Lucero and Commissioners Nevarez and Salas against), therefore the request was DENIED based on the belief that the proposed alteration would change the historic and architectural character of the structure.*

3. **Case 061118** – 2900 Avenida de Mesilla Suite A, submitted by Jerry Grandle 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 provided a brief review of this request, explaining that the applicant had obtained permission for a temporary expansion of his outdoor patio from Mesilla and the State due to the Covid pandemic, and that he would now like to make the expansion permanent. The main issue addressed was whether the expansion would affect his requirement for ADA parking. There were no other issues. The PZHAC determined that proposed expansion of the service area would not be out of character with the Code and a motion was made by Commissioner Nevarez and seconded by Commissioner Salas to recommend approval the request to the BOT. The request was APPROVED by a vote of 5 – 0 with the following CONDITION:*

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

4. **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)

*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 construct porches over the two entrances to the dwelling to protect the entrances from the weather and the fact that the dwelling was built in 1999 and therefor was not in the Historical Register for the Town. There were no issues. A motion was made by Commissioner Nevarez and seconded by Commissioner Salas to recommend approval of the request to the BOT and the request was APPROVED by a vote of 5 – 0.*

5. **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)  
*Commissioner Prieto acted as the representative for the applicant was present if any questions arose. Staff provided a brief review of this request, explaining that the applicant would like to construct a fence around the exterior of the property for security reasons, and that the fence would be constructed in two styles, including corrugated metal and sheep fence and wood. Issues that were discussed included the fact that the property was on Avenida de Mesilla and that the proposed fence could be seen from the street, and the question as to whether either type of fence was in the development zone for the property. Further discussion included the fact that the existing wall along the street would remain, and that parking for the property would be on an adjacent parcel with two ADA spaces and a crusher fine walking surface to the subject parcel. There were no other issues. 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 Commissioner Nevarez made a motion to recommend approval of the request to the BOT, This was seconded by Commissioner Houston, and APPROVED BY A VOTE OF 4 – 0 (Commissioner Prieto recused himself from voting) as a temporary fence with the following CONDITION:*
  - a. *The subject fences will be allowed as long as the applicant is in business.*
  
6. **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 was present by phone if any questions arose. Staff provided a brief review of this request, explaining that the applicant would like to replace all six windows on the dwelling with windows that would be very similar in appearance to the windows being replaced. The applicant stated that the window frames would be brown, and that the windows would be set in the wall to match the existing windows. The PZHAC determined that there were no issues with the proposed request provided the CID egress requirements would be met for any bedroom windows, and that the dwelling would not be out of character with the Town. A motion was made by Commissioner Houston and seconded by Commissioner Salas to recommend approval of the request to the BOT. The request was APPROVED by a vote of 5 – 0 with the following CONDITIONS:*
  - a. *The windows will need to meet CID requirements for egress.*
  - b. *The applicant will choose one of the grill patterns in the window brochure supplied by the applicant with the application.*

#### **Summary Subdivisions**

7. **Case 061112** – 2569 Calle del Oeste, submitted by David T. Coyle and Judy K. Yarasheski; a request for a Summary Subdivision to split a 0.55 acre parcel into two 0.275 acre lots. Zoned: Historic Residential (HR)  
*One of the applicants, Judy Yarasheski, was present by phone if any questions arose. Staff provided a brief review of this request, explaining that the applicants would like to split the property in half, with both halves having over 80 feet of frontage on Calle del Oeste. All utilities would be available from Calle del Oeste, and each lot will be over 8000 square feet on size. The main issue discussed was the deed restriction presented by Gilbert Madrid, and the fact that the PZHAC does not have the authority to act solely on the deed restriction. Commissioner Lucero stated that the PZHAC was not reacting to the deed restriction, but that the restriction was an indication of how the local residents felt the area should develop. There were no other issues with the proposed request. A motion was made by Commissioner Prieto and seconded by Commissioner Salas to recommend approval of the request to the BOT. The vote was 0 – 5 for approval and the motion failed. The request was DENIED based on the determination that the lot split would not be in the best interest of the local area.*
  
8. **Case 061123** – Properties at and adjacent to 2200 West Union Avenue, submitted by Indalencio Prieto and Ladene Vance; a request for a summary subdivision to adjust the lot lines of three properties to eliminate one lot and to combine part of a lot with a neighboring lot. Zoned: Rural/Agricultural (RA) (**This case was discussed during the work session.**)  
*The applicants, including Commissioner Prieto as a representative for Indalencio Prieto, were present by zoom to answer any questions that might arise. Staff provided a brief review of this request, explaining that this case was heard during the Work Session. The issue of access to the landlocked parcel was discussed further, and it was determined that the request should be postponed in order to enable the*

*applicants to address the access issue with staff. Commissioner Salas made a motion to postpone the request, seconded by Commissioner Nevarez, and the case was POSTPONED by a vote of 4 – 0 (Commissioner Prieto recused himself from voting.)*

#### **Business Permit**

- 9. Permit 0856** – 2230 Avenida de Mesilla, submitted by Joshua Prieto for “Merch de Mesilla”; a request for a business license to allow the applicant to operate a commercial retail operation at this location selling locally made wood and leather products, gift items, and other small retail products. Zoned: Historic Commercial (HC)

*Staff provided a brief review of this request, explaining that the applicant (Commissioner Prieto’s brother) would be operating a retail business selling various items out of a building that he will share with Commissioner Prieto. The structure has historically been used for retail sales. There were no issues. There were no issues. A motion was made by Commissioner Nevarez and seconded by Commissioner Houston to approve the request, and the request was APPROVED by a vote of 4 – 0. (Commissioner Prieto recused himself from voting on the case.)*

#### **VI. PZHAC/STAFF COMMENTS**

*Commissioner Prieto*

*Stated that the PZHAC and the BOT need to have a joint meeting in order to coordinate their interpretation of the Code.*

*Commissioner Salas*

*Agreed with Commissioner Prieto and stated that the BOT needs to address legal non-conforming issues concerning non-conforming lots.*

*Commissioner Nevarez*

*Stated that the PZHAC needs direction from the BOT.*

#### **VII. ADJOURNMENT**

*The meeting was adjourned at 4:57 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 before 11:00 am on 9/18/20 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.