



THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A SPECIAL MEETING ON MONDAY, DECEMBER 14, 2020 AT 5:00 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. AN APPEAL OF A DECISION OF THE BOARD OF ADJUSTMENTS:

- a) **A Public Hearing:** on V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen-foot-high dwelling on a property located at 2729 Calle de Albino. Zoned: Historic Residential (HR)
- b) **For Approval/Disapproval:** V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen-foot-high dwelling on a property located at 2729 Calle de Albino. Zoned: Historic Residential (HR). ****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****

5. ADJOURNMENT

NOTICE:

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


Posted 12/09/2020 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.

11/17/2020

Town of Mesilla,

First I would like to mention that the original hearing on 11/10/2020 was postponed due the lack of a 72 hour notice to the public. That being said I would appreciate that any action moving forward would move as swiftly as possible, and make its way onto the next BOT Agenda on 11/23/2020. I would like to appeal the decision made on 11/17/2020 by the Board of Adjustment on Case V20-001 to the Board of Trustees. The Board of Adjustments denied the special use permit that was submitted on 10/05/2020 to get the roof height approved to our original plan of 18ft. Please contact me immediately for any addition importation or concerns.

Thank you,

Recd 11/18/2020


TOWN OF MESILLA
ZONING APPROVAL

OFFICIAL USE ONLY:
Case # 060748
Fee \$ 50.00 (RENEWAL)

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. 060748 ZONE: HR CODE: NR APPLICATION DATE: 7/9/18

Natalie Ogaz
Name of Property Owner 575-680-8864
Property Owner's Telephone Number

Po Box 457 Mesilla NM 88046
Property Owner's Mailing Address City State Zip Code

NA
Property Owner's E-mail Address

Big River Homes, LLC, 1045 Jasmine Dr. Las Cruces, NM 88005
Contractor's Name & Address (If none, indicate Self)

575-202-8203 84-3366971 400498
Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 2729 Calle De San Albino

Description of Proposed Work: New Residential Construction.
(RENEWAL & AMENDMENTS TO ORIGINAL PLANS)

\$230,000 [Signature] 4/28/20
Estimated Cost Signature of Applicant Date

Signature of property owner: _____

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

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: 2/10/20
 Approved Date: 2/13/20 Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

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

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

CONDITIONS: PZHAC REVIEW AND BOT APPROVAL RECEIVED.

CID PERMIT REQUIRED
[Signature]

PERMISSION ISSUED/DENIED BY: Z. Shuman ISSUE DATE: 4/30/20
AMENDED (NEW CONTRACTOR)

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

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



State of New Mexico

Multi-Purpose State Building Application
Regulation and Licensing Department

Construction Industries Division

redflagsonm.com

Cerrillos Rd Santa Fe, NM 87505 Phone: (505) 476 - 4700 Fax: (505) 476 - 4685
San Antonio NE Albuquerque, NM 87109 (505) 222 - 9800 (505) 765 - 5670
Main St. Ste. 103 Las Cruces, NM 88004 (575) 524 - 6320 (575) 524 - 6319

Buil

(Building reviews) Residential Commercial Pre-Bid Trade Review Only
 Additions Foundation only Reroof Electrical Review
 rammed earth metal structure other Mechanical/Plumbing Review

Application
 - 2 sets of Plans
 engineer seal
 - 2 c of contract
 owner / contracts
 scope / separately
 Flood zoning
 site Plan

Nearest City/Town/Village _____ Zip Code _____ County _____

Y Coordinate _____

Last Name _____ E-mail address: _____

City _____ State _____ Zip Code _____ Phone _____

Contractor (Name) _____ (contract): _____

Company Name _____ NM State License # and classification _____

Address No. & Street / PO Box / Rural Route _____ City _____ State _____ E-Mail Address: _____

Contact Information (Name) _____ Phone _____ Fax _____

Design Professional Information:

Company Name _____

Address No. & Street / PO Box / Rural Route _____ City _____

Contact Information (Name) _____ Phone _____

Type of Construction:

I	II	III	IV	V	A	B
---	----	-----	----	---	---	---

 Occupancy Group:

A	B	E	F	H	I	M	R	S	U
---	---	---	---	---	---	---	---	---	---

 Division:

1	2	3	4	5
---	---	---	---	---

Square Footage: _____ Valuation / Sign Contract: _____ Fire Sprinklers App: _____

APPLICANT MUST READ AND SIGN THE FOLLOWING: I hereby acknowledge by my signature that the above is correct. I agree to comply with the requirements for the New Mexico Building Code and to possess a search warrant before they enter the premises to inspect the building covered by this permit. The following conditions: The inspector must be approved by the Construction Industries Division for purpose of determining whether the work of building or structure on the premises is in accordance with the Building Code. I understand that the issuance of this permit shall not prevent the Construction Industries Division from conducting an inspection of the building or structure at any time.

This is a list of documents needed, written by Corina Preciado, prior to applying for the building permit for 2729 Calle de San Albino.

(Handwritten signature)

STATE OF NEW MEXICO

Regulation and Licensing Department
Construction Industries & Manufactured Housing Division

KIMBERLY K. SALAZAR
CUSTOMER SUPPORT SUPERVISOR

Corina Preciado
505 SOUTH MAIN ST., STE 103
Las Cruces, NM 88004
Kimberly.Salazar3@state.nm.us
www.rld.state.nm.us



Cell: (575) 524-6320
Fax: (575) 524-6319

Official Use Only

Credit Card

UPC/UMC APPROVED BY: _____ Signature _____

NEC APPROVED BY: _____ Signature _____

Signature _____

18 037776
2020



Multi-Purpose State Building Application
Regulation and Licensing Department
Construction Industries Division

State of New Mexico
Santa Fe 2550 Cerrillos Rd. Santa Fe, NM 87505 Phone: (505) 476-4700 Fax: (505) 476-4685
Albuquerque 5500 San Antonio NE Albuquerque, NM 87109 (505) 222-9800 (505) 765-5670
Las Cruces 505 S. Main St. Ste. 103 Las Cruces, NM 88004 (575) 524-6320 (575) 524-6319

Building Permit (Commercial includes electrical/mechanical/plumbing reviews) Residential Commercial Pre-Bid Trade Review Only
 New Construction Alteration/Repairs/Demolition Additions Foundation only Reroof Electrical Review
 wood metal frame masonry adobe rammed earth metal structure other Mechanical/Plumbing Review

Description of work: New residential home

THE FOLLOWING INFORMATION MUST BE PROVIDED
2779 Calle de San Albino Mesilla/Las Cruces 88005 Dona Ana
Physical Address of job site (must provide a physical address) Nearest City/Town/Village Zip Code County

GPS Coordinates
optional X Coordinate Y Coordinate

MUST provide written Directions
From Main St. South onto Alameda de Mesilla. Right onto Calle de Circa.
Left onto Calle de San Albino

Property Owner or Homeowner Information:
Richard & Natalie Ogaz NA
First Name Last Name E-mail address:
2300 Williams Ave Las Cruces NM 88005 575-620-8864
Address No. & Street / PO Box / Rural Route City State Zip Code Phone

Contractor Information (must provide proof of contract):
Big River Homes, LLC 400498 GBOZ
Company Name NM State License # and classification
1045 Jasmine Dr. Las Cruces NM Chris@bigriverhomes.com
Address No. & Street / PO Box / Rural Route City State E-Mail Address:
Chris Ogaz 575-202-8203 NA
Contact Information (Name) Phone Fax

Design Professional Information:
Nava Tech, Inc. NA
Company Name NM State License #
1615 S. Salero Dr. Las Cruces NM
Address No. & Street / PO Box / Rural Route City State
Carlos Navarrete 575-640-8270 CSNA@nava-techinc.com
Contact Information (Name) Phone E-mail address:

Type of Construction: I II III IV V A B
Occupancy Group: A B E F H I M R S U
Division: 1 2 3 4 5
Square Footage: 2811
Valuation / Sign Contract: \$230,128.53 Fire Sprinklers Apply Y / N LP gas Appliance Apply Y / N
Energy Compliance: Prescriptive Trade-off Performance
Climate Zone: 1 2 3 4 5 6 7
 Energy Code Not Applicable

APPLICANT MUST READ AND SIGN THE FOLLOWING: I hereby acknowledge by my signature below that I have read this application and state that the above is correct. I agree to comply with the requirements for the New Mexico Building Code. I waive my right to require any inspector to possess a search warrant before they enter the premises to inspect the building covered by this permit. However, I waive this right only on the following conditions: The Inspector must be approved by the Construction Industries Division and this inspection must be made at reasonable times for purpose of determining whether the work of building or structure on the premises complies with the New Mexico Building Code. I understand that the issuance of this permit shall not prevent the Construction Industries Division from requiring compliance with the provisions of the New Mexico Building Code.
X [Signature] 4/21/20
Signature Date

Date Issued: _____ Processed By: _____ Official Use Only
Received By: _____ Tracking Number: 2020011997
 Walk In Mail E-Mail Total Fees Due: 9330
Paid By: _____ Partial Payment: _____ Balance Due: _____
 Check Money Order Credit Card Purchase Order

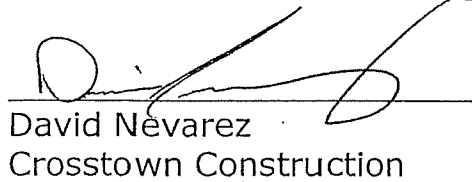
PLANNING/ZONING APPROVED BY: _____ Date: _____
Signature _____
FLOOD PLAIN APPROVED BY: _____ Date: _____
Signature [Signature] 4-23-20
GENERAL BUILDING APPROVED BY: _____ Date: _____
Signature _____
UPC/UMC APPROVED BY: _____ Date: _____
Signature _____
NEC APPROVED BY: _____ Date: _____
Signature _____

Superseding Letter on Permit Renewal

Richard and/or Natalie Ogaz, property owners, for the property at 2729 Calle De San Albino, Las Cruces, New Mexico, 88046, do hereby confirm that Crosstown Construction is no longer the Contractor for the given residential permit application (permit number GENR_ 2018037776) and has been replaced by Chris Cobos with Big River Homes LLC.


Richard and/or Natalie Ogaz
Property Owners

3/9/2020
Date

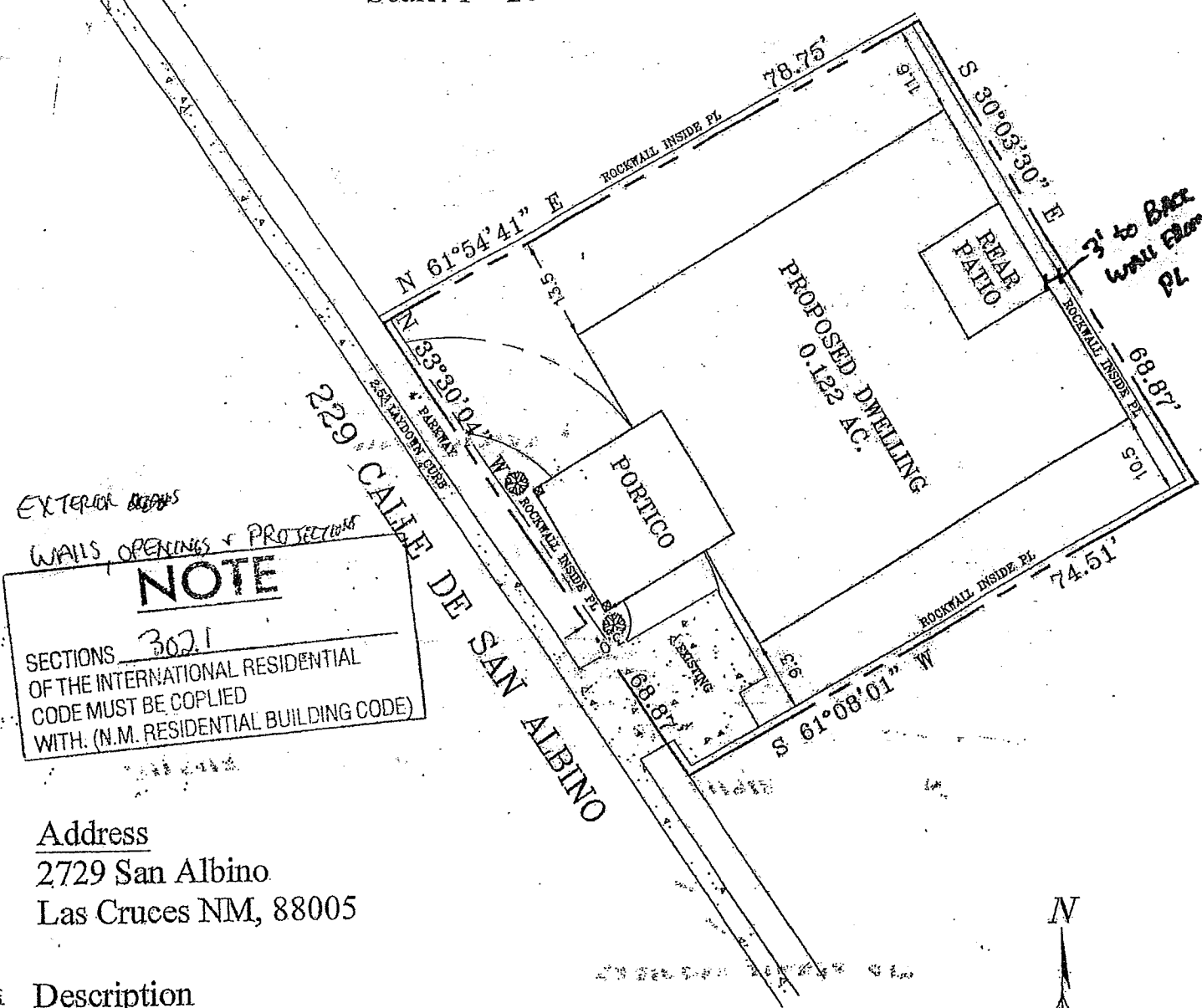

David Nevarez
Crosstown Construction

3-12-2020
Date

Site Plan for New Home

Scale: 1"=20'

June, 2018



EXTERIOR STAIRS
WALLS, OPENINGS & PROTECTORS

NOTE

SECTIONS 3021
OF THE INTERNATIONAL RESIDENTIAL
CODE MUST BE COPIED
WITH: (N.M. RESIDENTIAL BUILDING CODE)

Address
2729 San Albino
Las Cruces NM, 88005

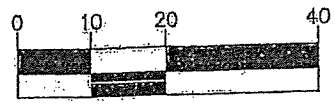
Description
On A 0.122 Acre Tract In Section 25, T.23S., R.1E.,
N.M.P.M. Of The U.S.R.S. Surveys Being U.S.R.S.
Tracts 11-5A & 11A-5B
Town Of Mesilla
Dona Ana County
New Mexico

Drafting By:

CONSTRUCTION PLAN PRODUCTION & COORDINATION

1615 S. Solano Dr.
Las Cruces, NM 88001
Office: (575) 541-5050

Fax: (575) 522-6060
Email: csn@nava-techinc.com

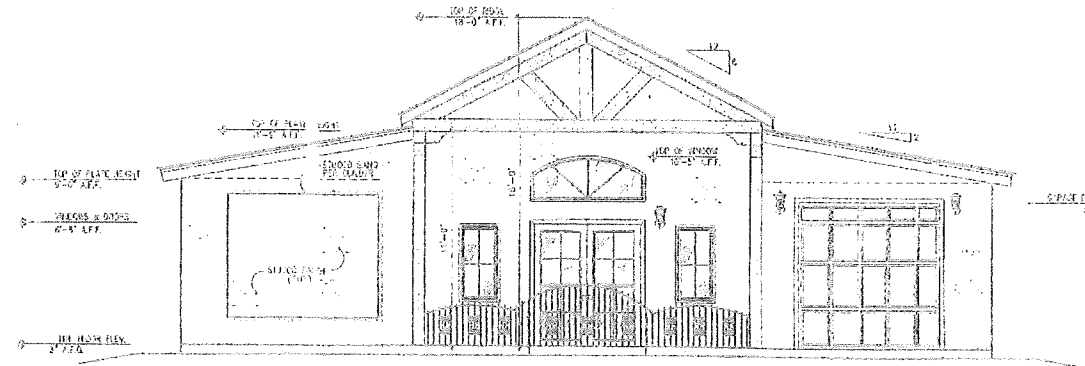


SCALE: 1" = 20'

D:\4 Dgnz Residence\Site 2.dwg [Site Plan]-6/18/18, 2:41 pm

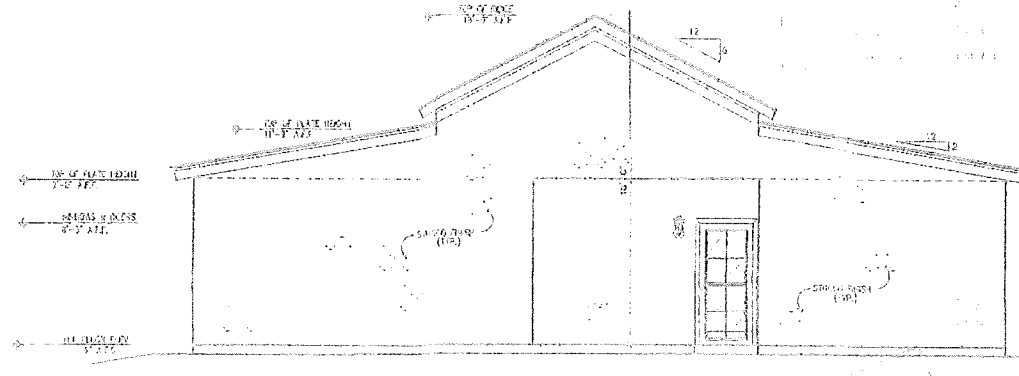
A LARGE SET OF THESE PLANS ARE AVAILABLE FOR VIEWING IN THE TOWN CLERK'S OFFICE.

PLAN SET APPROVED BY CID



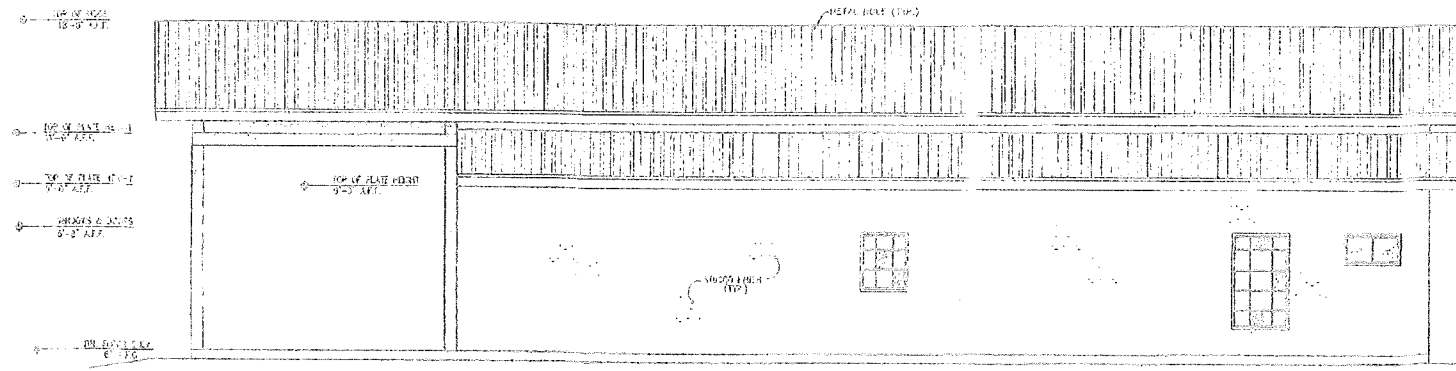
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



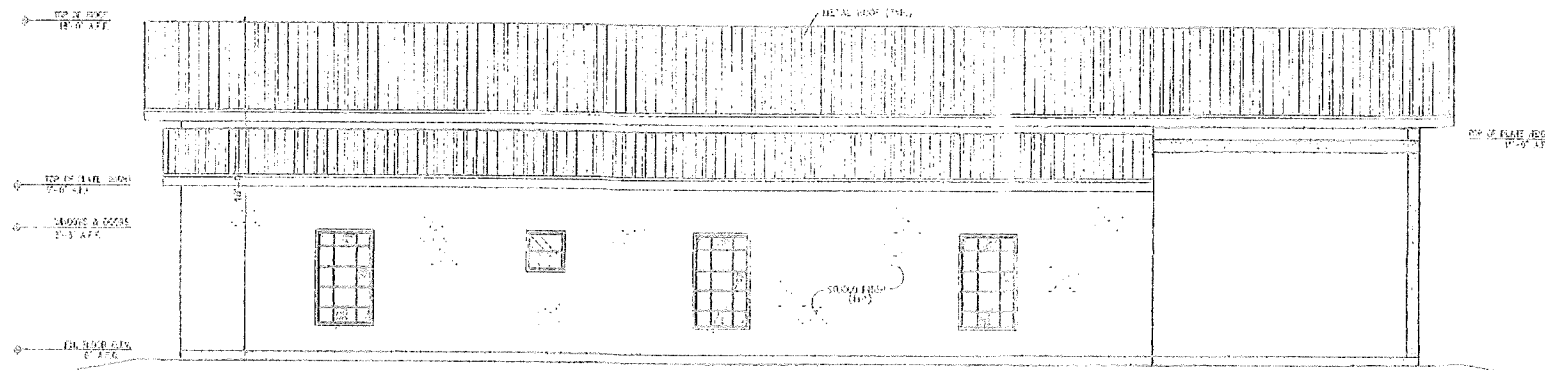
REAR ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

CONTRACTOR SHALL VERIFY ALL LOCAL, STATE & FEDERAL BUILDING CODES AND STANDARDS, ALL MECHANICAL SYSTEMS, PERMITS, FEES, INSURANCE, RECORDINGS, AND CONTRACTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN & CONSTRUCTION OF THE BUILDING. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN & CONSTRUCTION OF THE BUILDING. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN & CONSTRUCTION OF THE BUILDING. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN & CONSTRUCTION OF THE BUILDING.

DATE: 03-05-20
DRAWN BY: RICHARD B. OGGAZ
SCALE: AS SHOWN
SHEET NO: A-1

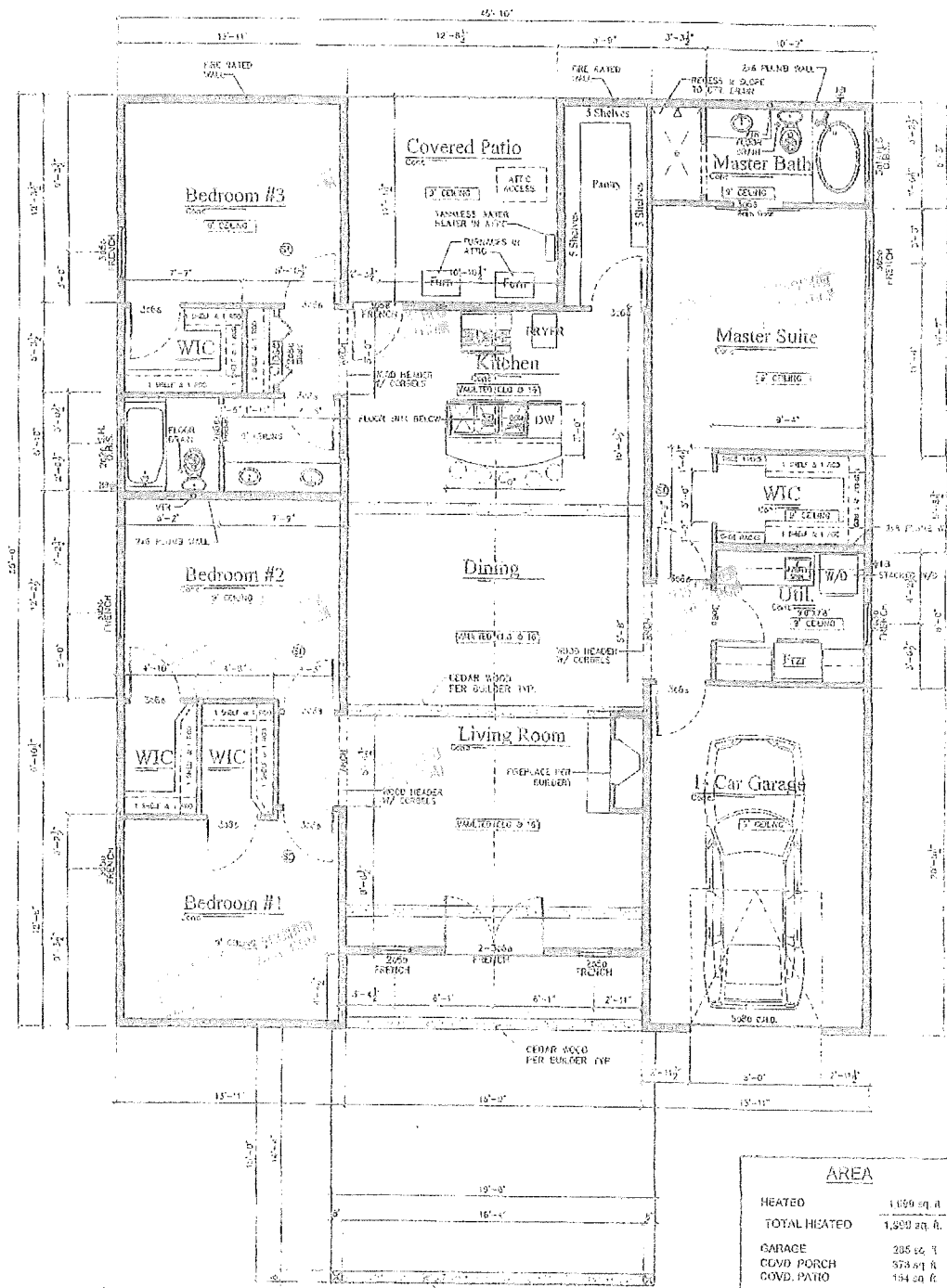
REVISIONS	BY:
3-5-20	CSN

CONSTRUCTION PLAN PRODUCTIONS & CONSULTANTS
3928 S. Salsbery Dr.
Las Vegas, NV 89121
Tel: (702) 251-8800
Email: info@constructionplans.com

NEW HOUSE PLANS FOR:
Richard & Natalie B Ogga
Elevations

DRAWING BY: RICHARD B. OGGAZ
DATE: 03-05-20
SCALE: AS SHOWN
SHEET NO: A-1

GENR 2020011997

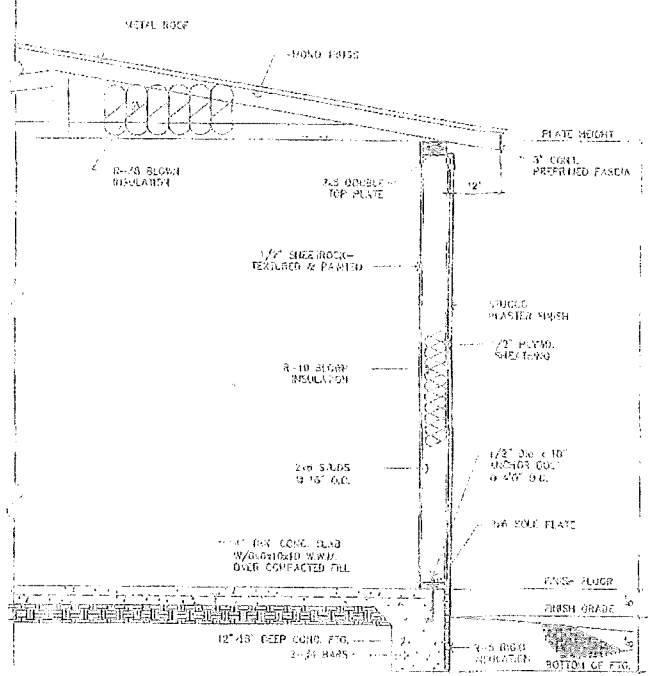


FLOOR PLAN

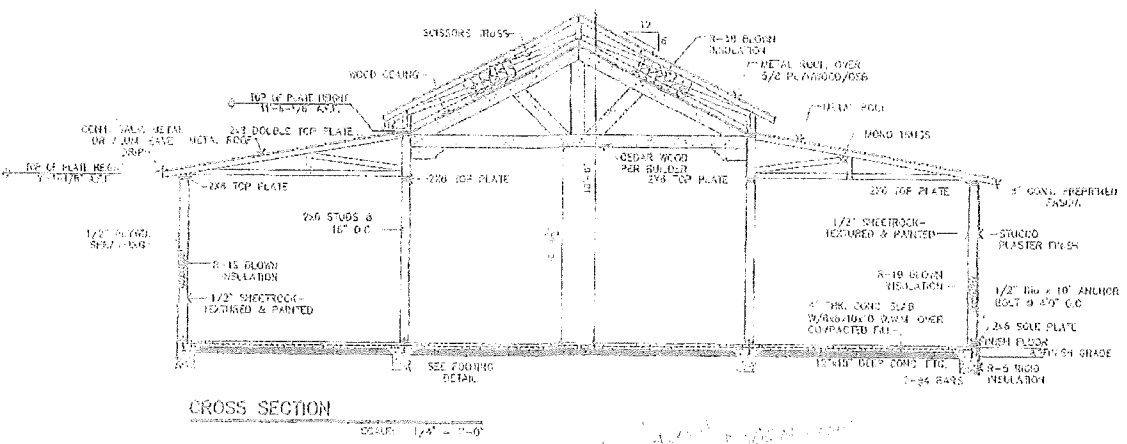
SCALE: 1/4" = 1'-0"

AREA	
HEATED	1,659 sq. ft.
TOTAL HEATED	1,809 sq. ft.
GARAGE	205 sq. ft.
COVD. PORCH	573 sq. ft.
COVD. PATIO	194 sq. ft.
TOTAL NON-HEATED	972 sq. ft.
TOTAL AREA	2,811 sq. ft.

NOTE:
 ALL EXTERIOR WALLS TO BE 2" X 4" FRAME, UNLESS OTHERWISE NOTED. ALL INTERIOR WALLS TO BE 2" X 4" FRAME UNLESS OTHERWISE NOTED.



WALL SECTION
 3/4" = 1'-0"



CROSS SECTION
 SCALE: 1/4" = 1'-0"

GENERAL NOTES:

1. INTERIOR NON-BEARING WALLS TO BE 2X4 STUDS @ 16" O.C.
2. INTERIOR BEARING WALLS TO BE 2X4 STUDS @ 16" O.C.
3. ALL RAFTERS (SPANNING MORE THAN 3') SHALL BE 2X12
4. ALL FIXTURES & APPLIANCES TO BE CHOOSE BY OWNER.
5. USE FIRE STOPS PER U.F.C.I., I.B.C. OR LOCAL CODE REQUIREMENTS.
6. ONE HOUR OCCUPANCY SEPARATION BETWEEN HOUSE AND GARAGE. 5/8" SHEET ROCK ON GARAGE SIDE.
7. ALL DIMENSIONS ARE TO BE CHECKED AND CONFIRMED BY CONTRACTOR PRIOR TO POURING OF CONCRETE.
8. INSULATE WALLS 1/2" INS., CEILING R-20, PERIMETER R-25 MIN.
9. INTERIOR TO BE SHEET ROCKED, TAPED, RECURVED, AND PAINTED.
10. EXTERIOR TO BE STUCCO - COLOR BY OWNER/CONTRACTOR.
11. ALL FINISH WALLS TO BE 1/2" THICK UNLESS OTHERWISE NOTED.

REVISIONS	BY:
1-3-20	CSH

CONSTRUCTION PLAN PRODUCTION & COORDINATION
 1828 S. Sahara Dr.
 Las Vegas, NV 89102
 Phone: (702) 341-1828
 Email: csh@constructionplan.com

NEW HOME PLANS FOR:
Richard & Natalie B Ogaz
 FLOOR PLAN & TYPICAL WALL SECTION

DRAWN BY:
 JAVA-TECH INC
 DATE:
 SCALE:
 AS SHOWN
 SHEET NO:
A-2

WHETHER SHOWN OR NOT, ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES AND STANDARDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.

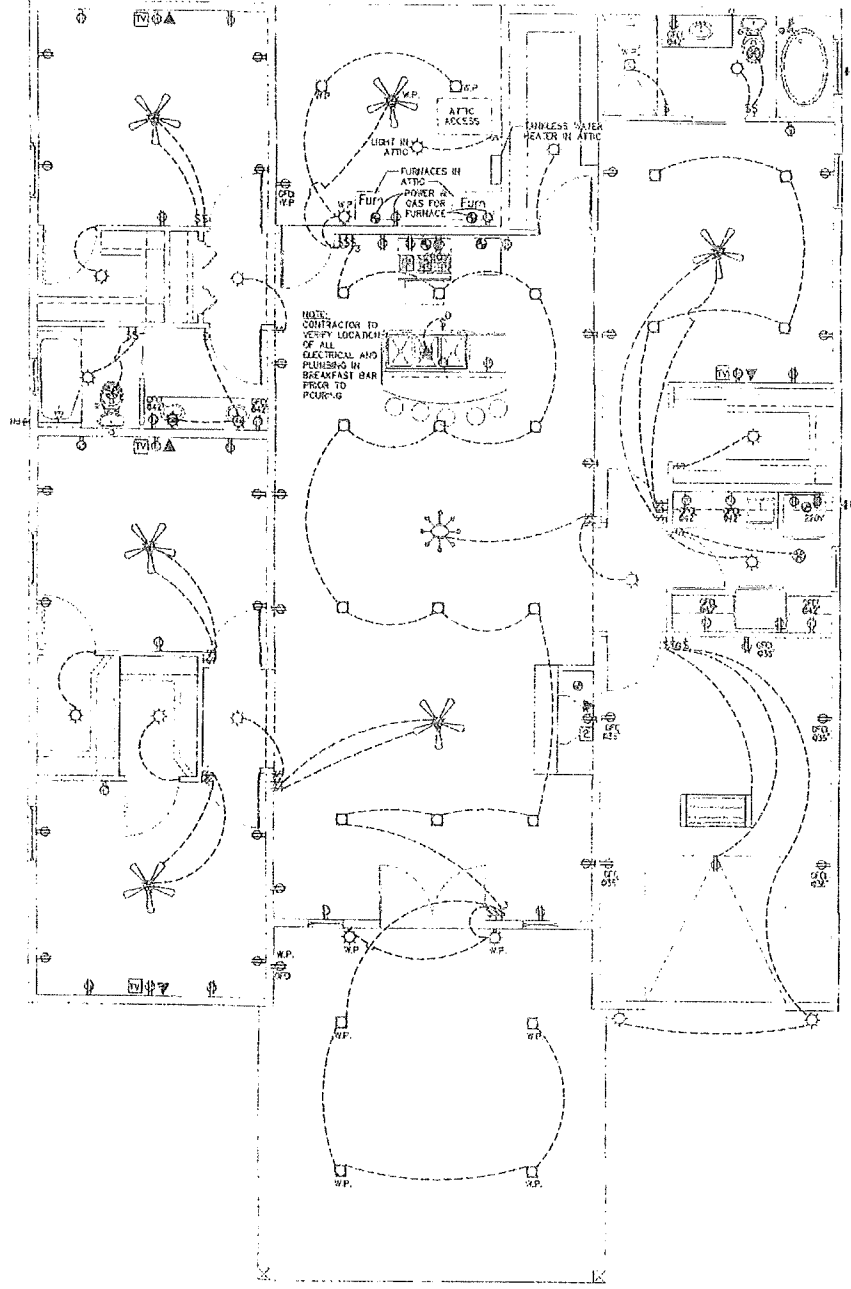
3-5-20	CSN

NAVA-TECH INC.
ASSOCIATES
 CONSTRUCTION PLAN PRODUCTION & COORDINATION
 1815 S. Service Dr.
 Littleton, CO 80120
 Phone: (303) 948-8888
 Email: navatech@navatech.com

NEW HOME PLANS FOR:
Richard & Natalie B Ogaz
 FLOOR PLAN

Address:
 2729 Salt Alamo
 Las Cruces, NM 88006

DRAWING BY:
 NAVA-TECH INC.
 DATE:
 3-5-20
 SCALE:
 AS SHOWN
 SHEET NO.
A-4



ELECTRICAL NOTES

1. ALL OUTLETS AT VANITIES AND SINKS TO BE 4" A.F.F.
2. PROVIDE 110V UNDER COUNTER OUTLET FOR DISHWASHER AND GARBAGE DISPOSAL.
3. PROVIDE OUTLET AT 60" A.F.F FOR RANGE HOOD.
4. ALL EXTERIOR LIGHT FIXTURES AND OUTLETS TO BE WEATHERPROOF.
5. ELECTRICIAN TO SIZE AND LOCATE PANEL AND SERVICE.
6. ELECTRICIAN TO PROVIDE POWER TO AC UNITS.
7. ALL OUTLETS IN THE KITCHEN, BATHROOMS, UTILITY ROOM AND GARAGE TO BE U.F.C.I.

ELECTRICAL LEGEND

SWITCH	WALL MOUNT LIGHT FIXTURE
THREE WAY SWITCH	CEILING MOUNT LIGHT FIXTURE
FOUR WAY SWITCH	RECESSED LIGHT
GARBAGE DISPOSAL	RECESSED EYEBALL LIGHT
GARAGE DOOR OPENER	RECESSED PUCK LIGHT
120 VOLT RECEPTACLE	GAS
120 VOLT FLOOR RECEPTACLE	TELEPHONE GUILLET BOX
120 VOLT QUAD RECEPTACLE	TELEVISION CABLE BOX
220 VOLT RECEPTACLE	SMOKE DETECTOR
120 VOLT RECEPTACLE @ 42" A.F.F.	SPEAKER
GROUND FAULT (CIRCUIT INTERRUPTER) RECEPTACLE	DOOR BELL CHIME BOX
EXHAUST FAN	DOOR BELL
FLOOD LIGHT	AUTOMATIC LIGHT SWITCH
MOTION SENSOR	CEILING FAN W/ LIGHT
WEATHER PROOF	LIGHT BAR (VERIFY LENGTH)
HEAT LAMP	2'X4' FLUORESCENT LIGHT FIXTURE
CHIMNEE	
TRACK LIGHTING (VERIFY LENGTH & NO. OF LIGHTS)	

ELECTRICAL PLAN
 SCALE: 1/4" = 1'-0"

CONTRACTOR SHALL COMPLY TO ALL LOCAL, STATE AND FEDERAL BUILDING CODES AND STANDARDS.
 ALL MEASUREMENTS, DIMENSIONS, BEARING MEASURES, FOOTINGS, SPECIFICATIONS, AND STRUCTURAL
 DETAILS OF THIS DRAWING, INCLUDING ALL BUILDING MATERIALS, ARE TO BE CHECKED BY OWNER
 & CONTRACTOR PRIOR TO CONSTRUCTION & ARE THE RESPONSIBILITY OF THE OWNER & CONTRACTOR.
 THIS DRAWING IS AN INSTRUMENT OF NAVA-TECH INC. DRAWING SERVICES. OWNER & CONTRACTOR
 THIS DRAWING MAY NOT BE REPRODUCED OR REPRODUCTION'S HEREOF USED WITHOUT THEIR WRITTEN
 PERMISSION.

BOARD OF ADJUSTMENT (BOA)

RESOLUTION 2020-001

WHEREAS, the BOARD OF ADJUSTMENT (BOA) convened on November 17, 2020 at a special meeting and heard the case regarding a variance to building height to allow eighteen feet overall height for a dwelling being constructed at 2729 Calle de San Albino in the Town of Mesilla, zoned Historic Residential (HR); and

WHEREAS, all members of the BOA were present, and;

WHEREAS, the application for the variance was filed on October 5, 2020; and

WHEREAS, neighboring property owners within 100 feet of the subject property were notified of the proposed variance by certified mail as per MTC 18.85.160 and the property was posted giving notice of the proposed hearing; and

WHEREAS, the public hearing was held by the Board of Adjustment on November 17, 2020, according to the requirements of MTC 18.85, during a regular meeting of the PZHAC; and

WHEREAS, the public hearing of November 17, 2020 was closed after taking public comments, and;

WHEREAS, a Regular Meeting of the Board of Adjustment was held after the public hearing on November 17, 2020 and the case was considered; and

NOW, THEREFORE, BE IT RESOLVED THAT:

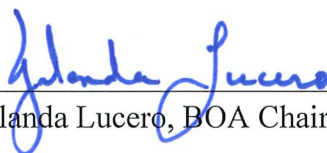
The Board of Adjustment of the Town of Mesilla denies the request for a variance to height for a dwelling on this property, with findings of fact for said denial as stated in "Attachment A" attached to this resolution.

BE IT FURTHER RESOLVED THAT:

The Board of Adjustment determined that:

1. the applicant did not show a real hardship to justify the need for a variance, as required by MTC 18.85.040;
2. the applicant's justification for the request was a "self-imposed hardship" and did not constitute a justifiable need for a variance;
3. the proposed variance would be out of character with the surrounding area and the Town's Comprehensive Plan.

RESOLVED on this 17th day of November, 2020.



Yolanda Lucero, BOA Chairperson

ATTACHMENT "A"

FINDINGS OF FACT FOR DENIAL:

- The Board of Adjustment has jurisdiction to hear this request.
- Notification requirements of the MTC have been met.
- The applicant has not shown a legitimate need to overcome a real hardship of the property, as defined by the MTC.
- The requested variance would be out of character with the surrounding properties.
- The requirements of the MTC have not been met with respect to granting variances.
- Approval of the requested variance would not be beneficial to the Town of Mesilla.



PUBLIC HEARING and SPECIAL MEETING
of the
BOARD OF ADJUSTMENT
AGENDA
NOVEMBER 17, 2020

BOA PUBLIC HEARING

THE TOWN OF MESILLA BOARD OF ADJUSTMENT, WILL HOLD A PUBLIC HEARING ON **TUESDAY, NOVEMBER 17, 2020 AT 2:00 P.M.** TELECONFERENCE AT Phone: 1-346-248-7799, Meeting ID: 603 754 4231, Passcode: 193857 TO OBTAIN PUBLIC INPUT ON THE FOLLOWING:

V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen foot high dwelling on a property located at 2729 Calle de San Albino. Zoned: Historic Residential (HR)

ADJOURNMENT OF THE PUBLIC HEARING

BOA SPECIAL MEETING

THE TOWN OF MESILLA BOARD OF ADJUSTMENT, WILL HOLD A SPECIAL MEETING ON **TUESDAY, NOVEMBER 17, 2020 IMMEDIATELY AFTER THE PUBLIC HEARING** AT Phone: 1-346-248-7799, Meeting ID: 603 754 4231, Passcode: 193857

PLEDGE OF ALLEGIANCE

ROLL CALL AND DETERMINATION OF A QUORUM

BOARD OF ADJUSTMENT BUSINESS

V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen foot high dwelling on a property located at 2729 Calle de San Albino. Zoned: Historic Residential (HR)

ADJOURNMENT OF THE MEETING

NOTICE:

Posted 11/12/2020 at the following locations: Town Clerk's Office 2231 Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Shorty's Food Mart 2290 Avenida de Mesilla, Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.



Town of Mesilla, New Mexico

PUBLIC HEARING and SPECIAL MEETING of the BOARD OF ADJUSTMENT AGENDA NOVEMBER 10, 2020

BOA PUBLIC HEARING

THE TOWN OF MESILLA BOARD OF ADJUSTMENT, WILL HOLD A PUBLIC HEARING ON **TUESDAY, NOVEMBER 10, 2020 AT 2:00 P.M.** TELECONFERENCE AT Phone: 1-346-248-7799, Meeting ID: 603 754 4231, Passcode: 193857 TO OBTAIN PUBLIC INPUT ON THE FOLLOWING:

V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen foot high dwelling on a property located at 2729 Calle de Albino. Zoned: Historic Residential (HR)

ADJOURNMENT OF THE PUBLIC HEARING

BOA SPECIAL MEETING

THE TOWN OF MESILLA BOARD OF ADJUSTMENT, WILL HOLD A SPECIAL MEETING ON **TUESDAY, NOVEMBER 10, 2020 IMMEDIATELY AFTER THE PUBLIC HEARING** IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

PLEDGE OF ALLEGIANCE

ROLL CALL AND DETERMINATION OF A QUORUM

BOARD OF ADJUSTMENT BUSINESS

V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen foot high dwelling on a property located at 2729 Calle de Albino. Zoned: Historic Residential (HR)

ADJOURNMENT OF THE MEETING

**MEETING WAS NOT POSTED ACCORDING TO OPEN MEETINGS ACT AND WAS RESCHEDULED TO 11/17/2020

**BOARD OF ADJUSTMENT
PUBLIC HEARING
NOVEMBER 10, 2020
CASE V20-001**

V20-001: Submitted by Natalie Ogaz, a request for a Variance to building height for the construction of an eighteen foot high dwelling on a property located at 2729 Calle de Albino. Zoned: Historic Residential (HR)

DESCRIPTION OF REQUEST:

The dwelling was approved in 2018 for a total height of 15 feet. The new plans submitted to the PZHAC for the February 3, 2020 meeting show the structure to be 18 inches higher than the plans approved in 2018, or 16.5 feet in height. The applicant has stated that Staff submitted the wrong plans to the PZHAC in February, the correct plans were for a total of 18 feet in height, not an increase of 18 inches as presumed by the PZHAC. The PZHAC approved the height of the structure according to the original plans for 15 feet submitted in August 2018 based on the height of other structures in the area. The BOT approved the structure with the same 15 foot height, according to the recording of the BOT meeting (34 minute mark) of the February 10, 2020 BOT meeting.

The applicant has started construction of the dwelling and has built the roof to a height of at least 18 feet to the outside top or the ridgeline of the roof. According to the applicant, it was her belief that the plans for 18 feet were approved by the PZHA and the BOT. A "Stop Work Order" was issued by CID when it was determined that the roof was higher than the 15 feet that had been allowed. The applicant is subsequently applying for a variance to the allowed roof height in order to complete the dwelling.

Estimated Cost: @ \$150,000.00

Consistency with the Code:

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

18.35.010 HR Zone Purpose.

The purpose of this zone is to provide for the protection of those residential sections of the town that are worth preserving because of historical, cultural and aesthetic or architectural interest. All remodeling or new structures must be compatible with established architectural styles and design elements as outlined in the town's "Guidelines and Criteria for Preservation and Development" manual and approved by the commission and board of trustees. [Ord. 94-06 § 1; prior code § 11-2-11.4.A]

The property was previously occupied by a site built residence that was in disrepair and was demolished last year. The subject dwelling is replacing the dwelling that was demolished and is taller than the neighboring dwellings, according to the PZHAC.

18.33.060 Historic Preservation - Development zone.

According to the PZHAC, the proposed dwelling does not fit the development zone in which it is located because it is much higher than the other dwellings in the development zone.

18.85.040 Required showing for variance.

Before any variance may be granted, it shall be shown:

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property.

According to the applicant, the dwelling is 70% complete, and it is too late in the construction of the dwelling to lower the roof.

B. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, and denied to the property in question.

According to the applicant, the height and style of the dwelling are not out of character with other dwellings and structures in the area. There are numerous other properties in the area, especially across the street, that have a similar height, according to the applicant, therefore the requested height would not be out of character with these properties.

C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

The applicant does not believe the variance will be detrimental to the other properties in the area.

D. A nonconforming use of neighboring lands or structures shall not be considered grounds for the issuance of a variance. [Ord. 94-06 § 1; prior code § 11-2-7.4]

According to the applicant, this variance is not being requested because of any precedents set by any other lots, nor is it being requested to allow any special privileges to the applicant.

18.85.150 Setting hearings.

All applications for variances, or special use permits as provided in this title, shall be set for public hearing by the planning commission or board of adjustment. The date of the first hearing shall be not less than 30 days nor more than 45 days from the time of filing the application. [Ord. 94-06 § 1; prior code § 11-2-9.5]

The application was accepted by Staff as complete on October 5, 2020 (36 days prior to this hearing).

18.85.160 Notices.

Notice of time and place of public hearings for variance or special use permit may be given by posting one sign in front of the property and posting additional signs at 300-foot intervals for large properties with 600 feet or more frontage. The posted notice shall contain the heading “Notice of Proposed Variance,” “Special Permit” or “Notice of Proposed Special Permit,” in letters at least one inch in height. The notice shall also contain information about the location of the property, the proposed use and the time and place at which the public hearing will be held. All owners of property located within 100 feet radius of the external boundaries of the property shall be notified by registered mail. [Ord. 94-06 § 1; prior code § 11-2-9.6]

A sign meeting the requirements listed above was posted at the front of the property on Saturday, October 31, 2020. Additionally, there were eleven separate property owners within 100 feet of the subject property (see attached notification map and letter) that were notified by Certified Mail of the variance request. Staff has received four letters and a petition with about sixty signatures (attached) in support of the dwellings as proposed.

There have been no negative written responses from any of the notified property owners.

Impacts on the Surrounding Area:

Of the ten different property owners notified because they own property within one hundred feet of the properties involved in this variance (as required by Code Section 18.85.160 – Notices), there have been no negative written responses to the request. As stated above, staff has received four letters and a petition in support of the dwelling.

Required Findings That Need to be Met (in addition to other possible Findings resulting from the Public Hearing):

- **The Board of Adjustments (BOA) has jurisdiction to hear this request.**
- **Notification requirements of the MTC have been met.**
- **The requested variance to height is necessary to overcome a real hardship of the property.**
- **Approval of the requested variance will not be detrimental to the Town of Mesilla.**
- **The requirements of the MTC have been met with respect to granting variances.**
- **Granting the variance will be consistent with the MTC.**
- **Approval of the requested variance will not be detrimental to the Town of Mesilla.**

**VARIANCE
V20-001
APPLICATION**



TOWN OF MESILLA
REQUEST FOR VARIANCE

OFFICIAL USE ONLY:

Case # V20-001

Fee \$ 310.00

CASE NO. V20-001 ZONE: HR SUBMITTED DATE: OCTOBER 9, 2014

Name of Applicant Natalie Bustamante Applicant's Telephone/Cell Number (575) 524-9401 / 575 680 8864

Mailing & Physical Address P.O. Box 457, 2729 Calle de San Albino Mesilla NM 88004

Property Owner(s) Name (if different than above) J. Bustamante or Natalia Bustamante, (Blanca)

Mailing & Physical Address 2300 W Union Las Cruces NM 88005

Description of Variance Requested: Requesting to raise the plans at the Original 18ft 9in height

Justification for Request: As to the house is 70% completion the exterior, stop at a very late time of the construction

Property Owner Signature (if different than Applicant) Ignacio L. Bustamante Applicant Signature Natalie Bustamante

FOR OFFICIAL USE ONLY

- PZHAC Administrative Approval (N/A) BOT Approved Date: _____
- Approved Date: _____ Disapproved Date: _____
- Disapproved Date: _____ Approved with Conditions
- Approved with conditions

CONDITIONS: REVIEW AND APPROVAL BY BOARD OF ADJUSTMENT REQUIRED

VARIANCE ISSUED BY: _____ ISSUE DATE: _____

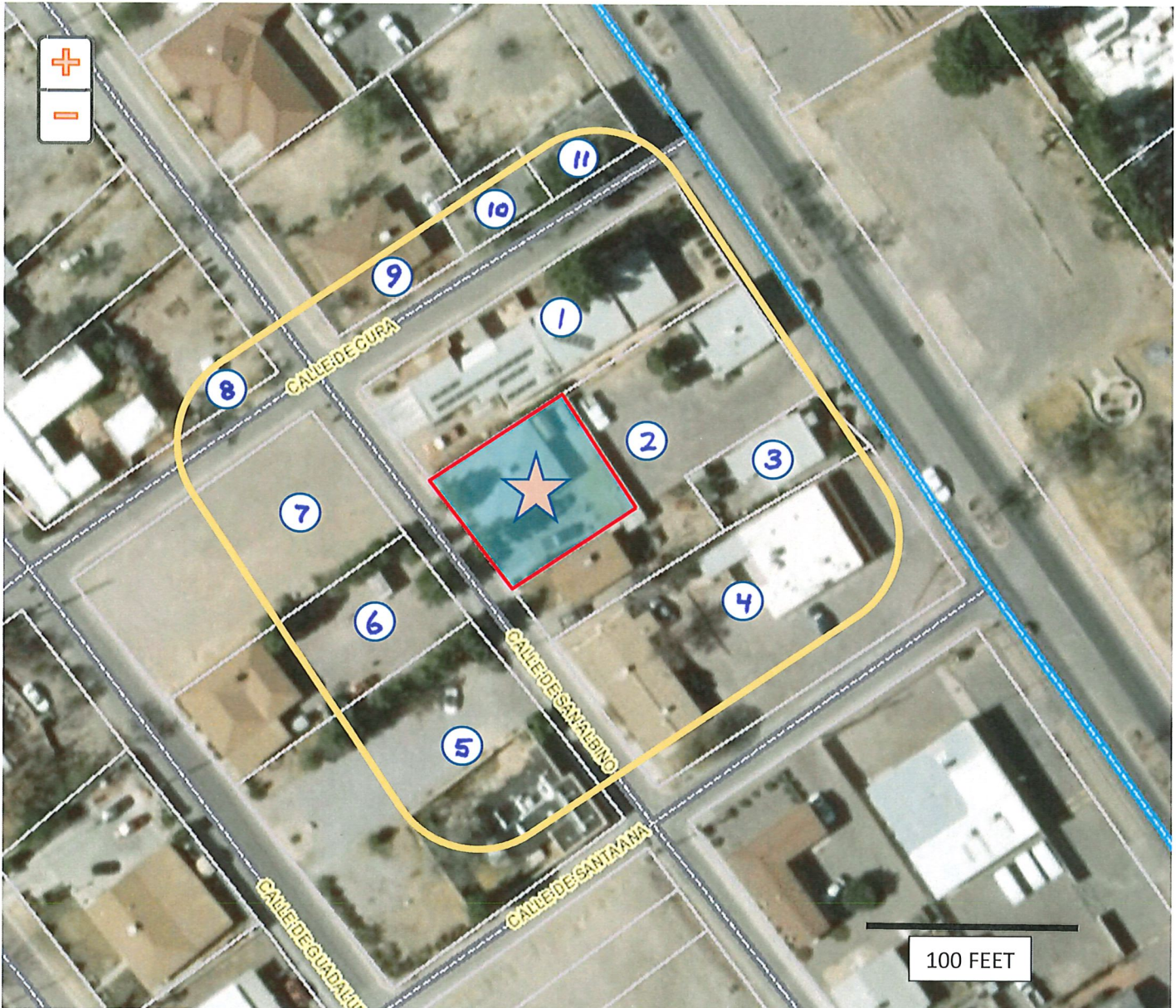
VARIANCE

V20-001

NOTIFICATIONS

NOTIFICATION MAP

V20-001



PROPERTY OWNERS



Ignacio Bustamante
2300 West Union Avenue
Las Cruces, NM 88005

1. Erin O. Vannorman
PO Box 204
Mesilla, NM 88046

2. ETMSS 2 LLC
PO Box 358
Mesilla Park, NM 88047

3. Guadalupe O & Horatio
Moreno ET AL
PO Box 796
Mesilla, NM 88046

4. Henrietta Salazar
3421 S Highway 28, Unit 4
Las Cruces, NM 88005

5. John Wright
PO Box 566
Mesilla, NM 88046

6. Maria Luisa Lujan
PO Box 193
Mesilla, NM 88046-0193

7. Jallad & Melanie Mohammed
PO Box 624
Mesilla, NM 88046

8. Antonia M. Goodman
PO Box 130
Mesilla, NM 88046-0130

9. Jonathan E. Moore
PO Box 638
Mesilla Park, NM 88047

10. Nia Rucker
PO Box 1668
Mesilla, NM 88046

11. Manuella C. Orona
PO Box 87
Mesilla, NM 88046



**The Town of Mesilla
BOARD OF ADJUSTMENT (BOA)
will be holding a Public Hearing on:**

**Tuesday, November 10, 2020 at 2:00 PM
VIA TELECONFERENCE**

Phone: 1-346-248-7799, Meeting ID: 603 754 4231, Passcode: 193857.

The purpose of the hearing will be to take public comments on an application for a Variance to Building Height (V20-001) to allow the construction of an eighteen foot high dwelling at 2729 Calle de Albino in the Town of Mesilla, NM.

Anyone who is concerned with this matter may address the PZHAC at the Public Hearing, or write to them at:

**TOWN OF MESILLA
Larry Shannon
Community Development Department
PO Box 10
Mesilla, NM 88046**

Letters must be received before the Public Hearing. In addition to mailing the letter, comments may be e-mailed to Larry Shannon at larrys@mesillaNM.gov. You may also contact me at 575- 524-3262 or 575-288-5357.

POSTED: October 30, 2020

Posted on 10/30/2020 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.

INFO PRESENTED TO THE PZHAC

**JANUARY 21, 2020
AND
FEBRUARY 3, 2020**



Town of Mesilla, New Mexico

PZHAC WORK SESSION AGENDA FEBRUARY 3, 2020

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION MONDAY, FEBRUARY 3, 2020 AT 5:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

- Item 1:** Submitted by Natalie B. Ogaz, a request to discuss changes to approved plans and to provide additional information for the construction of a new dwelling at 2729 Calle de San Albino (**Case 060748**). Zoned: Historic Residential (HR)
- Item 2:** Submitted by Bruce (Burt) McClure, a request to discuss plans to construct a wood fence on a property at 2551 Calle de Principal. Zoned: Historical Residential (HR) (**Case 061009**)
- Item 3:** Submitted by Gerard Nevarez; a request to discuss plans to add a privacy panel to a rock wall at the rear of his property at 2305 Calle de Colon. Zoned: Historical Residential (HR) (**Case 061010**)
- Item 4:** Submitted by Anna Biad; a request to discuss plans to construct a rock wall and change the landscaping of a commercial property at 2172 Calle de Santiago. Zoned: Historical Commercial (HC)

PZHAC REGULAR MEETING AGENDA FEBRUARY 3, 2020

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, FEBRUARY 3, 2020 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF A QUORUM

III. CHANGES/APPROVAL OF THE AGENDA

IV. *ACCEPTANCE OF THE CONSENT AGENDA

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

A. *PZHAC MINUTES – PZHAC Regular Work Session and Meeting of January 15, 2020.

B. *ADMINISTRATIVE APPROVAL

Zoning Permits:

- Case 061003** – 2309 Calle de Santiago, submitted by Viola and Larry Tafoya; a request for a zoning permit to repair a damaged sidewalk and repair portions of the stucco on the wall of a commercial building at this address. Zoned: Historical Commercial (HC)
- Case 061004** – 2000 Calle de Parian, submitted by Mark Sideris of Buffalo Builders for Julienne Hadfield; a request for a zoning permit to conduct a plumbing inspection on a commercial building at this address. Zoned: Historical Commercial (HC)
- Case 061005** – 2825 Teresita Street, submitted by Annabelle Hurst; a request for a zoning permit to allow the replacement of a roof on a dwelling at this address. Zoned: Historical Residential (HR)
- Case 061006** – 319 Capri Arc, submitted by Samuel McBurney; a request for a zoning permit to allow the replacement of a roof on a dwelling at this address. Zoned: Residential, one acre (R-1)
- Case 061008** – 2745 Boldt Street, submitted by Jim Jones; a request for a zoning permit to allow the installation of a concrete driveway and brick flat work on a residential property at this address. Zoned: Historical Residential (HR)

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES

B. DECISIONS:

Zoning Permits:

1. **Case 060748** – 2745 Boldt Street, submitted by Natalie B. Ogaz, a request for changes to an approved building permit to construct a new residence at this address. Zoned: Historic Residential (HR). **(Discussed during the Work Session – Item 1)**
2. **Case 091009** – 2551 Calle de Principal, submitted by Bruce B. (Burt) McClure, a request for a zoning permit to construct a wood fence on a residential property at this address. Zoned: Historical Residential (HR). **(This case was discussed during the Work Session – Item 2)**
3. **Case 061010** – 2305 Calle de Colon, submitted by Gerard Nevarez; a request for a zoning permit to allow the addition of a privacy panel to a rock wall at the rear of a residential property at this address. Zoned: Historical Residential (HR) **(This case was discussed during the Work Session – Item 3)**
4. **Case 061011** – 2172 Calle de Santiago, submitted by Anna Biad; a request for a zoning permit to allow the construction of a rock wall and changes to the landscaping of a commercial property at this address. Zoned: Historical Commercial (HC) **(This case was discussed during the Work Session – Item 4.)**

Sign Permit

1. **Case 061012** – 2172 Calle de Santiago, submitted by Anna Biad for “Blue Door Venue”; a request for a sign permit to allow a wall sign at this address. Zoned: General Historical Commercial (HC)

C. PZHAC Special Business:

Election of Officers

VI. PUBLIC COMMENTS

VII. PZHAC/STAFF COMMENTS

VIII. ADJOURNMENT

NOTICE

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

Posted on 1/29/20 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty's Food Mart - 2290 Avenida de Mesilla; Ristramnn Chile Co. - 2531 Avenida de Mesilla and the U.S. Post Office - 2253 Calle de Parian.

**PZHAC WORK SESSION
FEBRUARY 3, 2020
ITEM 1**

Submitted by Natalie B. Ogaz, a request to discuss changes to approved plans for the construction of a new dwelling at 2729 Calle de San Albino (Case 060748). Zoned: Historic Residential (HR)

The subject property is on the east side of Calle de San Albino between Calle de Cura and Calle de Santa Ana. One property, across Calle de San Albino the west, is currently vacant. The remaining properties surrounding the subject property are occupied by single family one story dwellings consisting of a variety of styles. One property a short distance away to the southeast (on Avenida de Mesilla) contains a restaurant.

The proposed change to the approved plans was heard by the PZHAC at their regular Work Shop and meeting on January 21, 2020 and was table to allow the applicant to provide more information about the proposed widows to be used instead of those originally approved by the PZHAC. The applicant has provided additional information in this packet (see attached window diagram and photo of proposed window). The replacement windows will be 6'8" high by 2' wide multipaned french doors opening inward.

This case was originally heard and approved by the PZHAC on August 6, 2018 (Case 060748). The plans approved at the time were for a dwelling that was about 1.5 feet lower than what was originally requested (see attached elevations) in order to be consistent with the surrounding development zone. The applicant has not yet started construction of the dwelling and has now decided that she would like to build the dwelling according to the original height requested (see original elevations attached). The applicant was informed by staff that this requested change would need to be reviewed by the PZHAC with final approval by the BOT to allow the change in height. The applicant would also like to change the plate glass windows shown in the elevations with multipaned french doors.

The subject property originally contained an adobe single family dwelling in poor condition. The applicant received a permit to demolish this structure on from the BOT on March 26 of this year. The proposed dwelling is a replacement of the original structure. (Photos of the original dwelling are attached.)

The property is about 0.122 acres (5,314 square feet) in size. All necessary utilities are available to the property. Access to the property is by Calle de San Albino. Off-street parking requirements (Section 18.60.170 - Parking requirements and fees) for the property require three off street spaces. (This does not include enclosed parking areas such as garages.) The proposed dwelling appears to be more of a "Ranch" style (details were not supplied by the applicant at the time of submission), and will consist of about 2300 square feet of total floor area (estimated from the drawing provided by the applicant), including four bedrooms and a one car garage. Construction will be wood frame with stucco, with a pitched roof. The maximum height of the structure will be under 30 feet. This will be under the maximum height of 30 feet in the HR zone. (The PZHAC will need to determine if the proposed height of the structure will be compatible with the heights of other structures in the area, not counting the structure immediately to the south.)

The PZHAC determined that although the proposed dwelling appeared to be a "Ranch" style, it did not appear to be similar in character to other dwellings in the area due to size ad height. A second issue was that since the setback at the rear of the dwelling was under five feet, there could be no openings (doors, windows, etc.) in the rear wall, according to Tommy Maese, CID inspector. Also, the applicant was informed that the color of the metal roof would need to be either grey or red, the only two colors approved by the Town for metal or corrugated roofs.

The applicant has provided a new set of plans for the dwelling that addresses these concerns by lowering the roof height to 15 feet at the top of the ridge, and reconfiguring the back wall to meet Building Code requirements (see attached plans). Additionally, the applicant has provided a completed questionnaire for the "Ranch" style (attached).

The PZHAC will need to determine if the new design of the proposed dwelling structure is compatible with the development zone for the property. Since this construction is in a Historic zoning district, the following section of the Code applies:

18.33.080 Historical appropriateness permit.

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

The applicant will be present at the work session to provide further details about the request 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 S

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: [R0400390](#)

Parcel Number: 4006137322516

Owner: BUSTAMANTE IGNACIO &
NATALIA TRTEES BUSTAMANTE
FAMILY TRUST

Mail Address: 2300 W UNION

Subdivision:

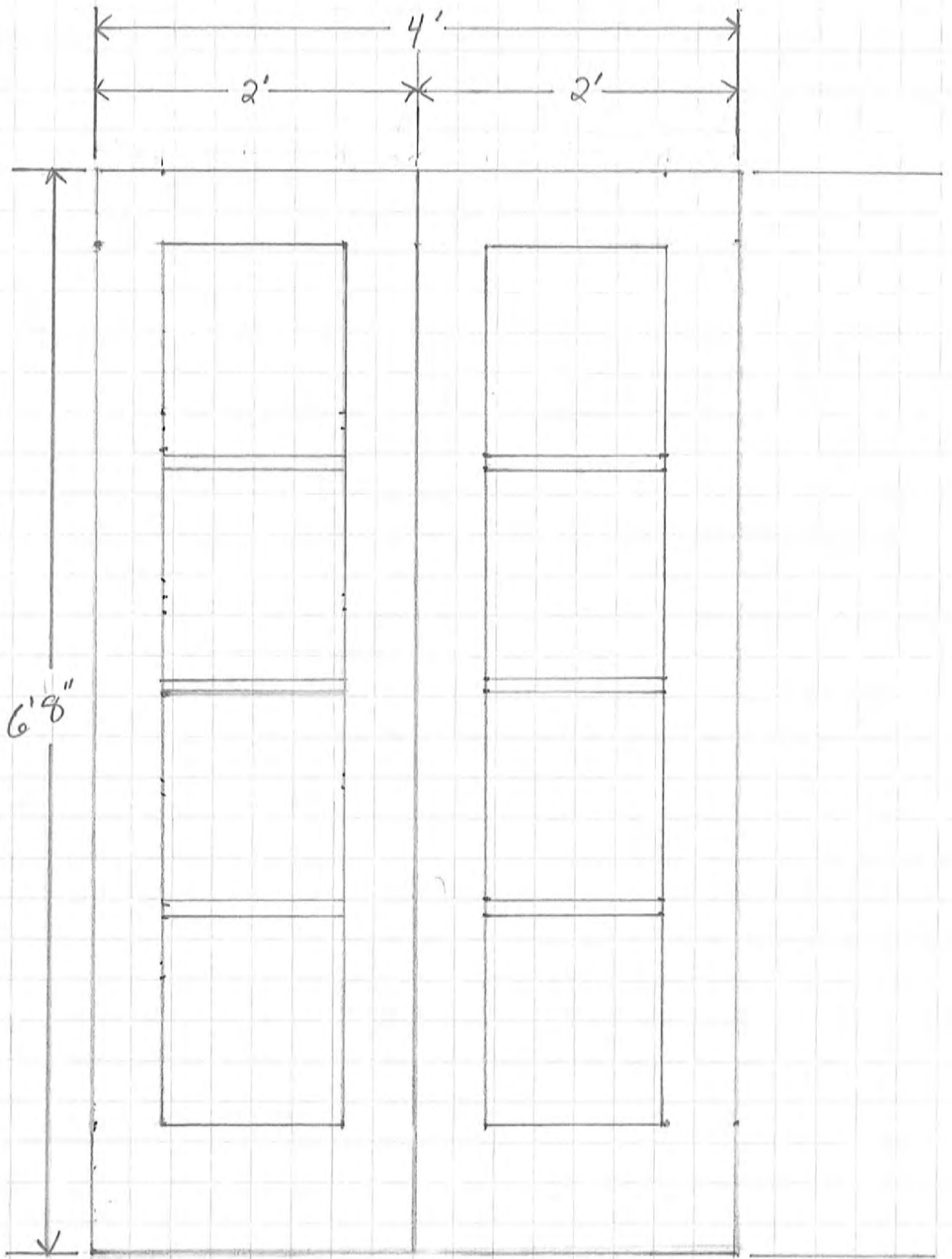
Property Address: 2729 CALLE DE
SAN ALBINO

Acres: 0.13000459



CASE 060748

PLANS CURRENTLY BEING REQUESTED



Rawson Builders Supply
 Kevin Tycer / Sales

1/4" tempered glass insulated clear

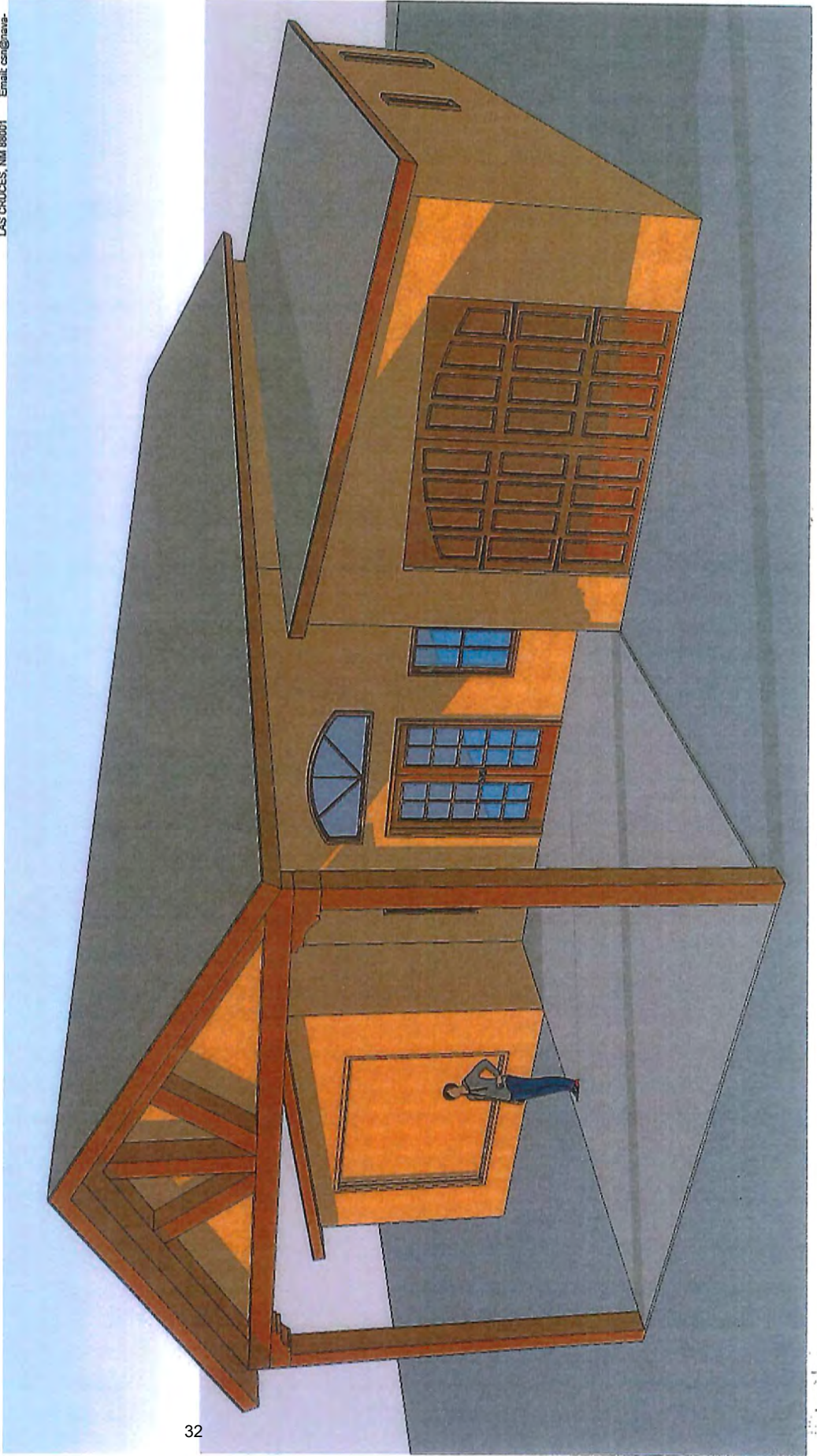
scale: 1" = 1'-0"

1 3/4" wood door

OGAZ RESIDENCE
CONCEPTUAL PERSPECTIVE

DRAWING BY
JAVA TECH INC.
AND ASSOCIATES
CONSTRUCTION PLAN PRODUCTION & COORDINATION

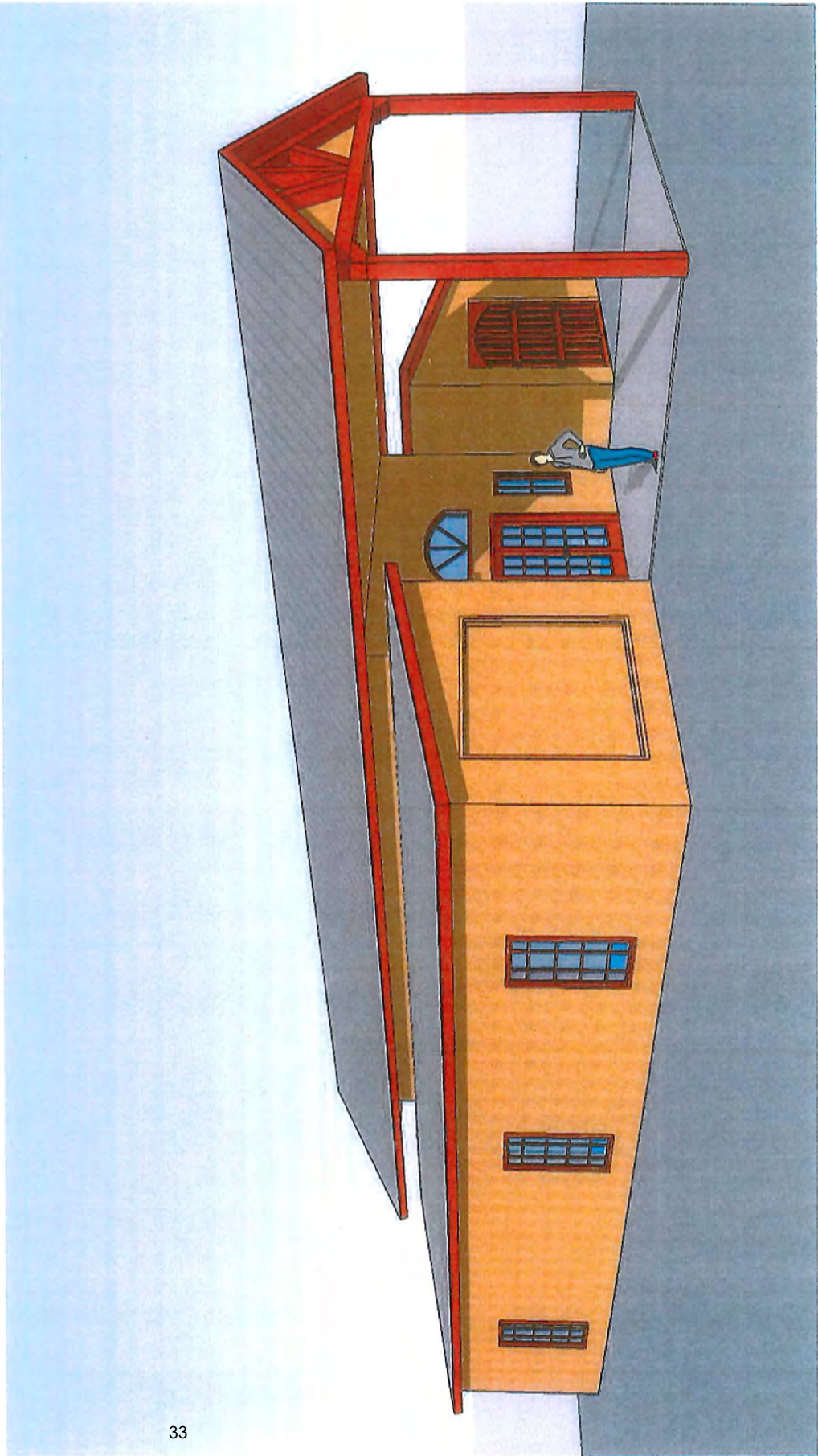
1615 S. SOLANO DR.
LAS CRUCES, NM 88001 Email: cst@java-



**OGAZ RESIDENCE
CONCEPTUAL PERSPECTIVE**



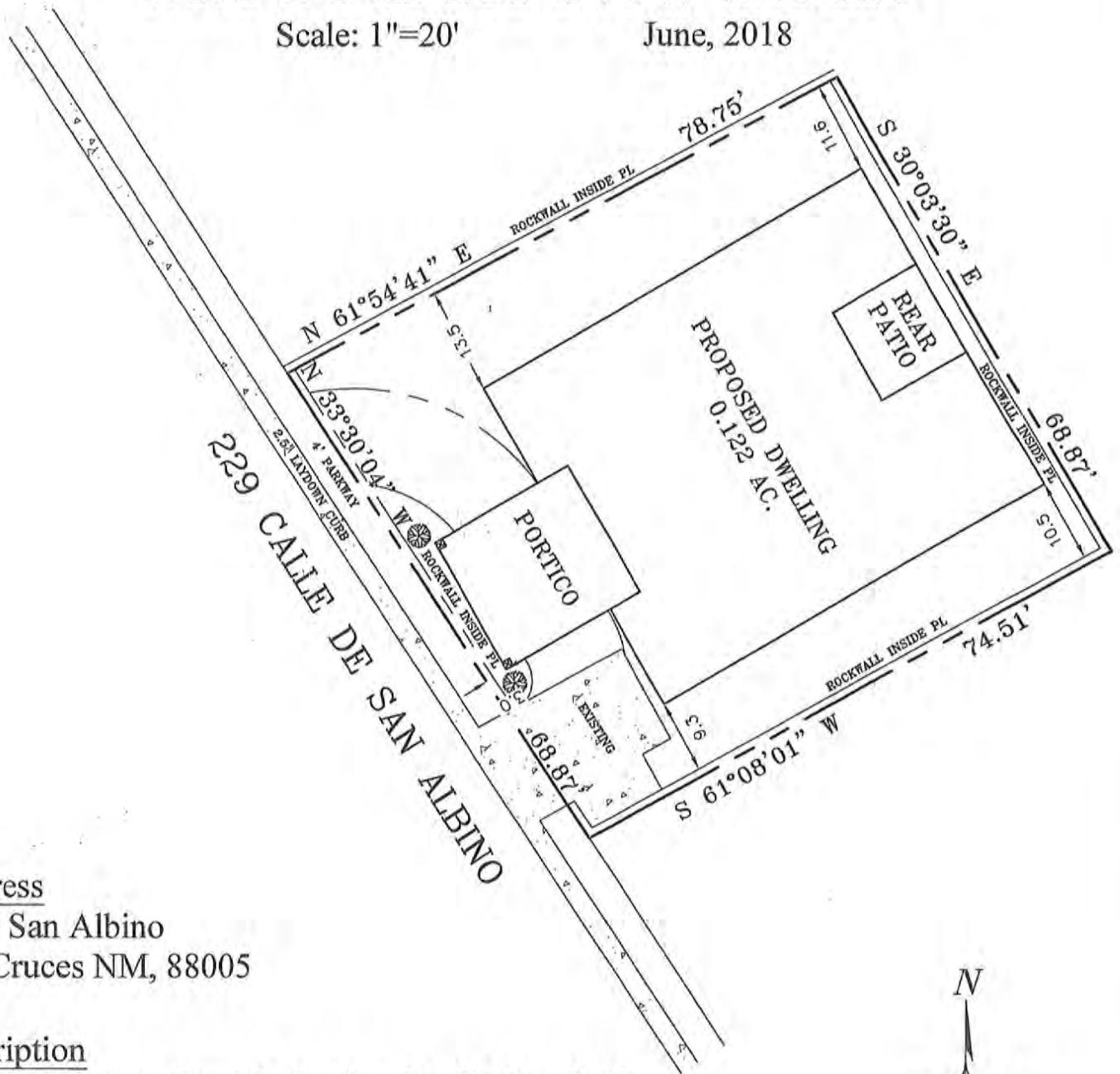
1615 S. SOLANO DR.
LAS CRUCES, NM 88001 Email: cm@na



Site Plan for New Home

Scale: 1"=20'

June, 2018



Address

2729 San Albino
Las Cruces NM, 88005

Description

On A 0.122 Acre Tract In Section 25, T.23S., R.1E.,
N.M.P.M. Of The U.S.R.S. Surveys Being U.S.R.S.
Tracts 11-5A & 11A-5B
Town Of Mesilla
Dona Ana County
New Mexico

Drafting By:



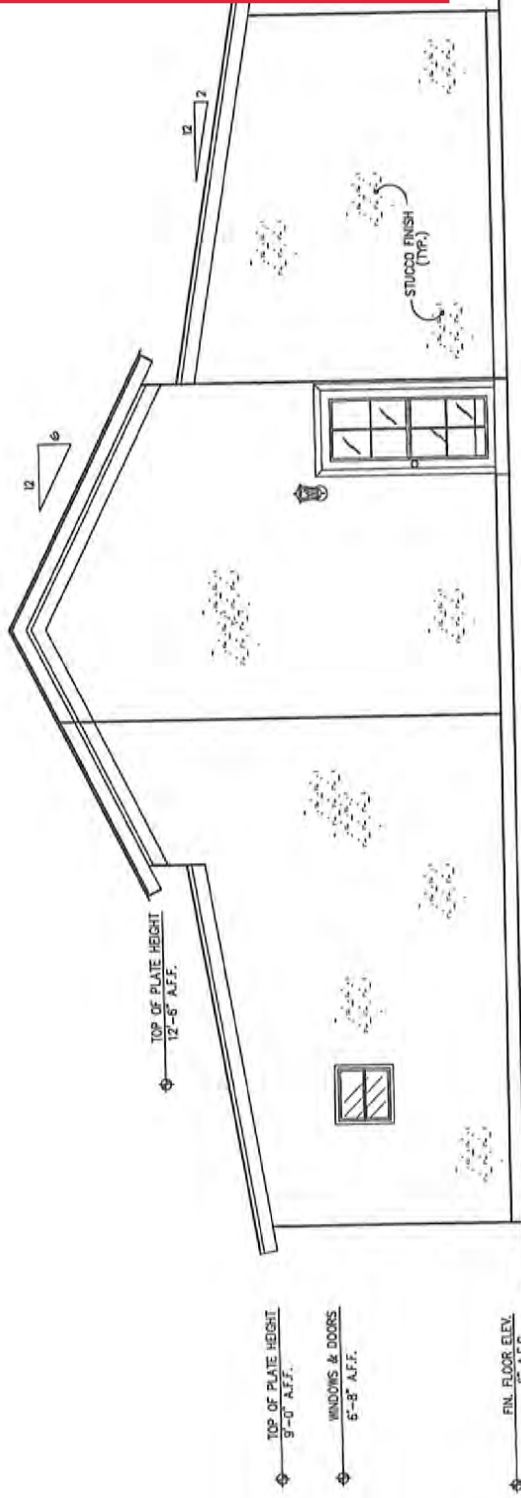
1615 S. Solano Dr.
Las Cruces, NM 88001
Office: (575) 541-5050

Fax: (575) 522-6060
Email: csn@nava-techinc.com



SCALE: 1" = 20'

CURRENTLY REQUESTED



REAR ELEVATION

SCALE: 3/16" = 1'-0"

TOP OF PLATE HEIGHT
12'-6" A.F.F.

TOP OF PLATE HEIGHT
9'-0" A.F.F.

FIN. FLOOR ELEV.
8' A.F.F.

LEFT ELEVATION

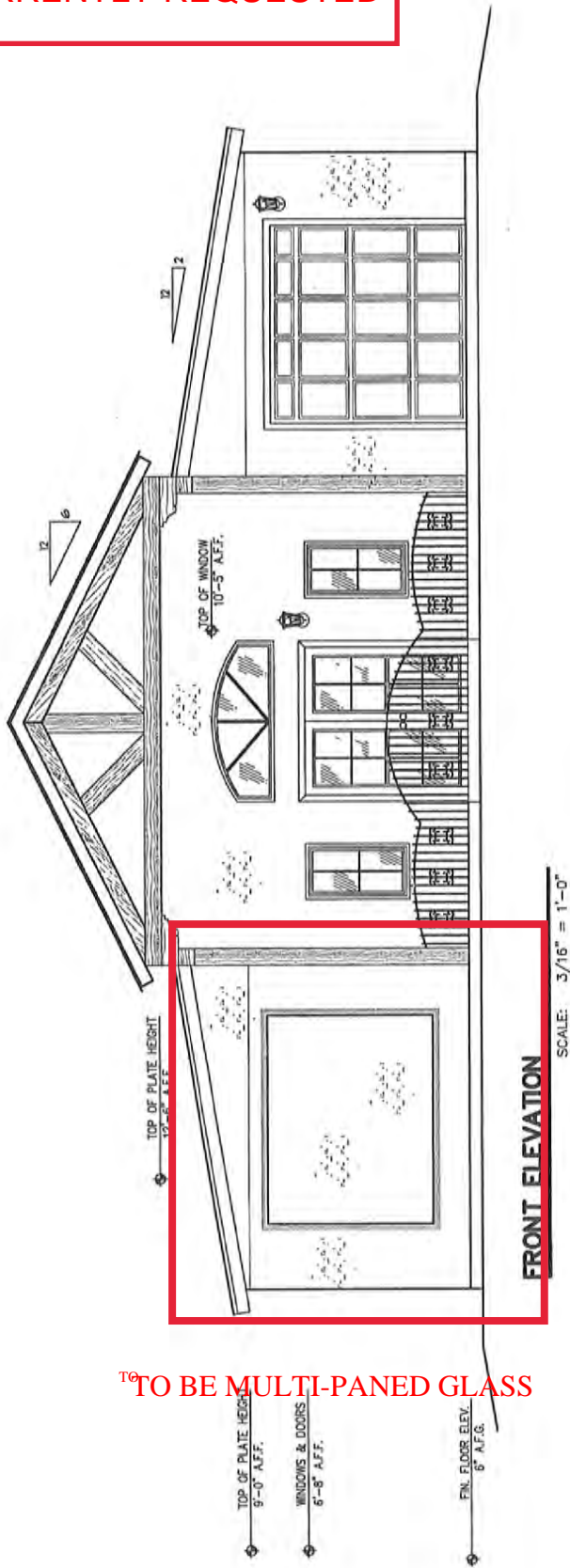
SCALE: 3/16" = 1'-0"



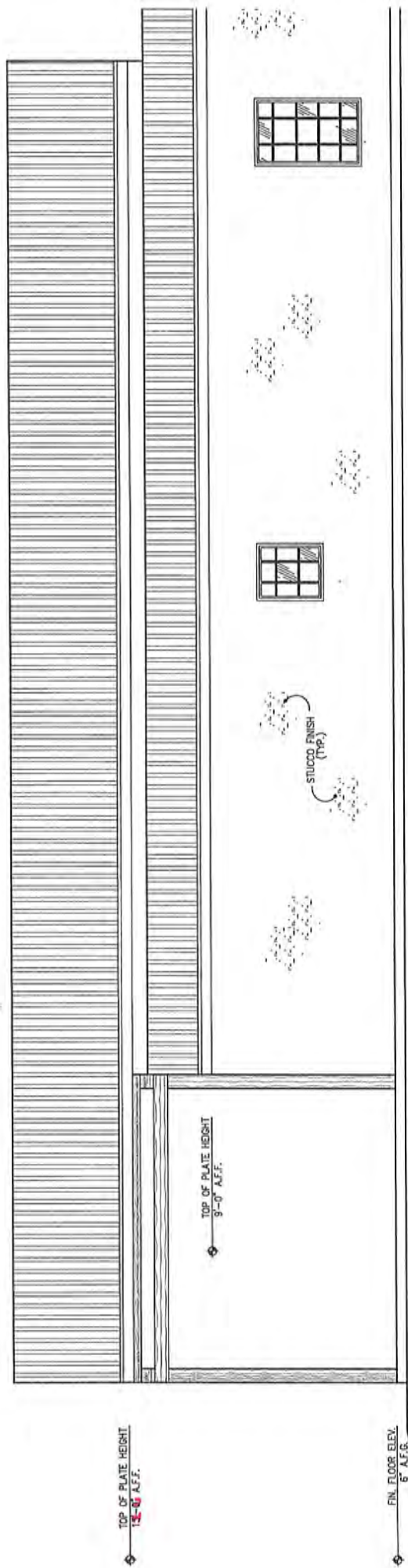
CONSTRUCTION PLAN PRODU

1615 S. Solano Dr.
Las Cruces, NM 88001
Office: (575) 341-5058

CURRENTLY REQUESTED



TO BE MULTI-PANED GLASS



CASE 060748

PLANS THAT WERE APPROVED BY THE PZHAC

AUGUST 6, 2018

Site Plan for New Home

Scale: 1"=20'

July, 2018

Owners

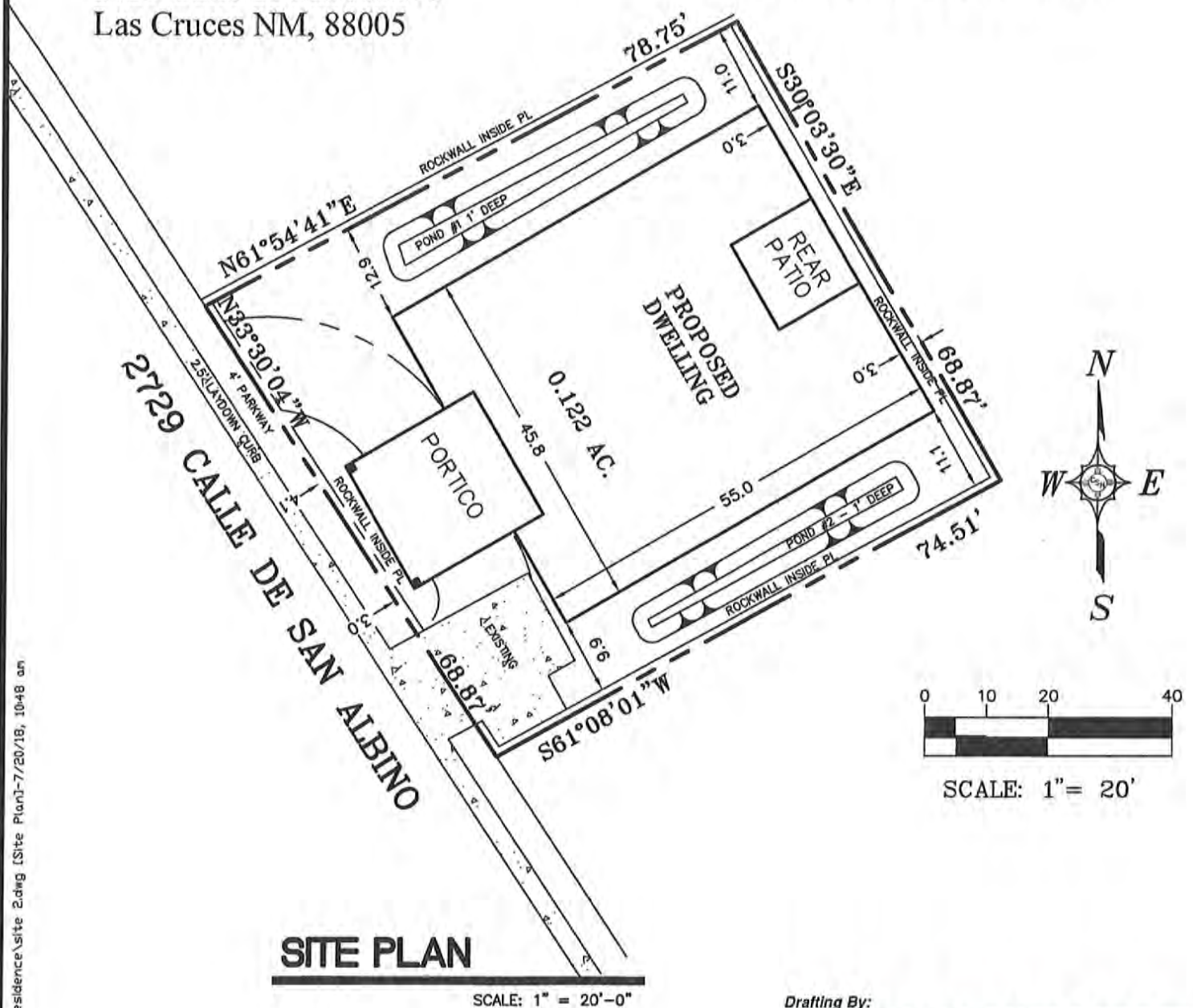
Richard & Natalia Ogaz
2729 Calle de San Albino
Las Cruces NM, 88005

Address

2729 Calle de San Albino
Las Cruces NM, 88005

Description

On A 0.122 Acre Tract In Section 25,
T.23S., R.1E., N.M.P.M. Of The
U.S.R.S. Surveys Being U.S.R.S. Tracts
11-5A & 11A-5B Town Of Mesilla
Dona Ana County New Mexico



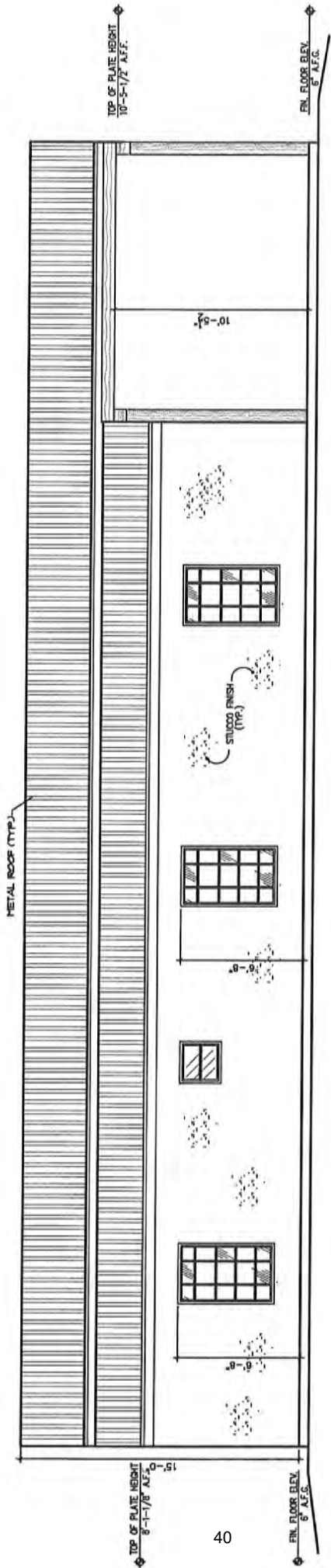
Z:\2018\18-044 Ogaz Residence\site 2.dwg (Site Plan)-7/20/18, 10:48 am

Drafting By:



1615 S. Solano Dr.
Las Cruces, NM 88001

Office: (575) 541-5050
Email: csn@nava-techinc.com

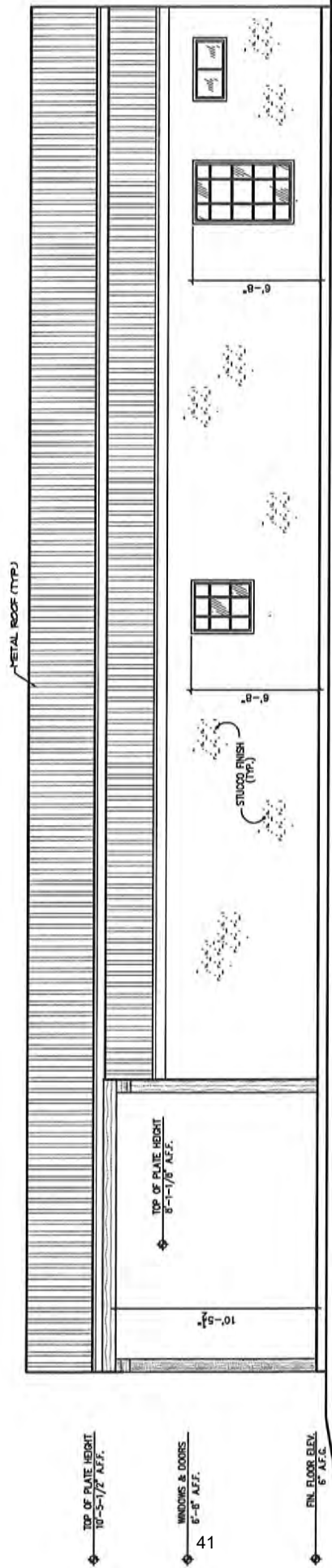


RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

NAVA TECH INC.
AND ASSOCIATES
 CONSTRUCTION PLAN PRODUCTION & COORDINATION

1615 S. Solano Dr.
 Las Cruces, NM 88001
 Office: (575) 541-5050
 Fax: (575) 522-6060
 Email: csn@nava-techinc.com



TOP OF PLATE HEIGHT
10'-5 1/2" A.F.F.

WINDOWS & DOORS
6'-8" A.F.F.

FIN. FLOOR ELEV.
6" A.F.S.

TOP OF PLATE HEIGHT
8'-1 1/8" A.F.F.

10'-5 1/2"

8'-0"

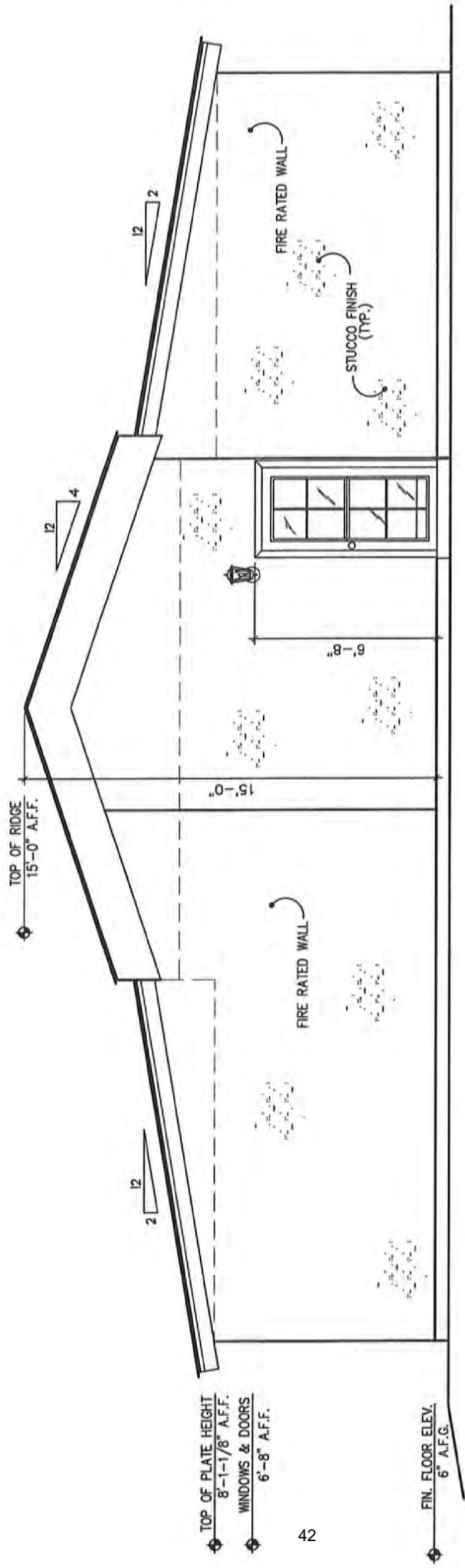
8'-0"

RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

NAVA TECHINC.
AND ASSOCIATES
CONSTRUCTION PLAN PRODUCTION & COORDINATION

1615 S. Solano Dr.
Las Cruces, NM 88001
Office: (575) 541-5050
Fax: (575) 522-6060
Email: csn@nava-techinc.com



REAR ELEVATION

SCALE: 3/16" = 1'-0"

TOP OF PLATE HEIGHT
8'-1-1/8" A.F.F.

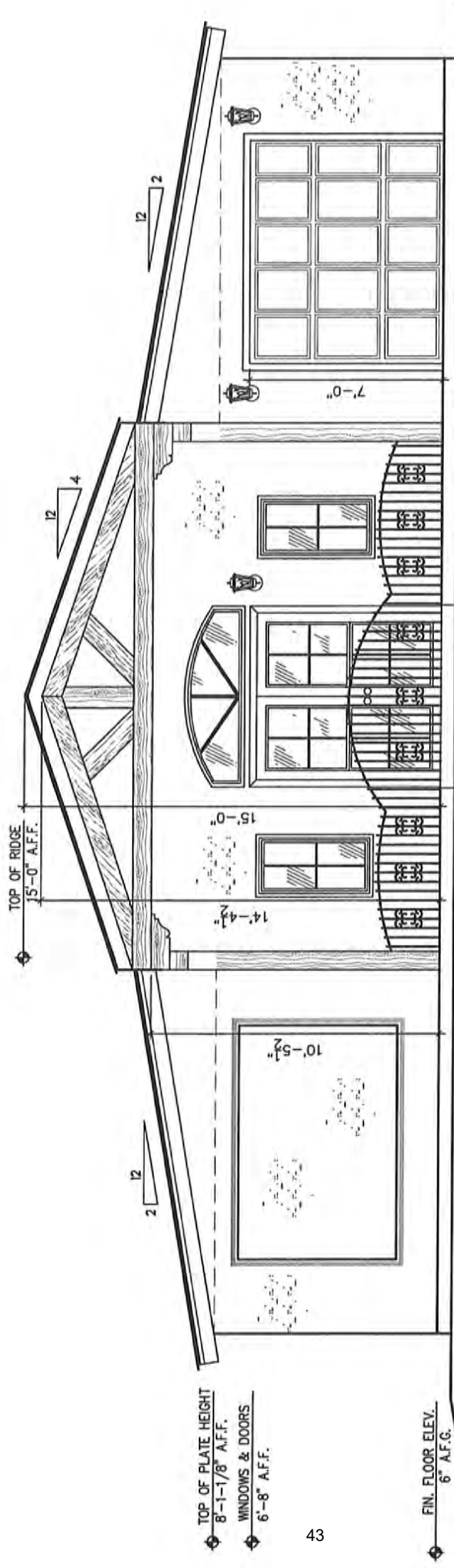
WINDOWS & DOORS
6'-8" A.F.F.

FIN. FLOOR ELEV.
6" A.F.G.

NAVA TECHINC.
AND ASSOCIATES
CONSTRUCTION PLAN PRODUCTION & COORDINATION

1615 S. Solano Dr.
Las Cruces, NM 88001
Office: (575) 541-5050

Fax: (575) 522-6060
Email: csn@nava-techinc.com



FRONT ELEVATION

SCALE: 3/16" = 1'-0"

NAVA TECH INC.
AND ASSOCIATES
 CONSTRUCTION PLAN PRODUCTION & COORDINATION

1615 S. Solano Dr.
 Las Cruces, NM 88001
 Office: (575) 541-5050
 Fax: (575) 522-6060
 Email: csn@nava-techinc.com

PHOTO OF SUBJECT PROPERTY



PHOTOS OF THE DWELLING BEING REPLACED



PHOTOS OF OTHER DWELLINGS IN THE AREA

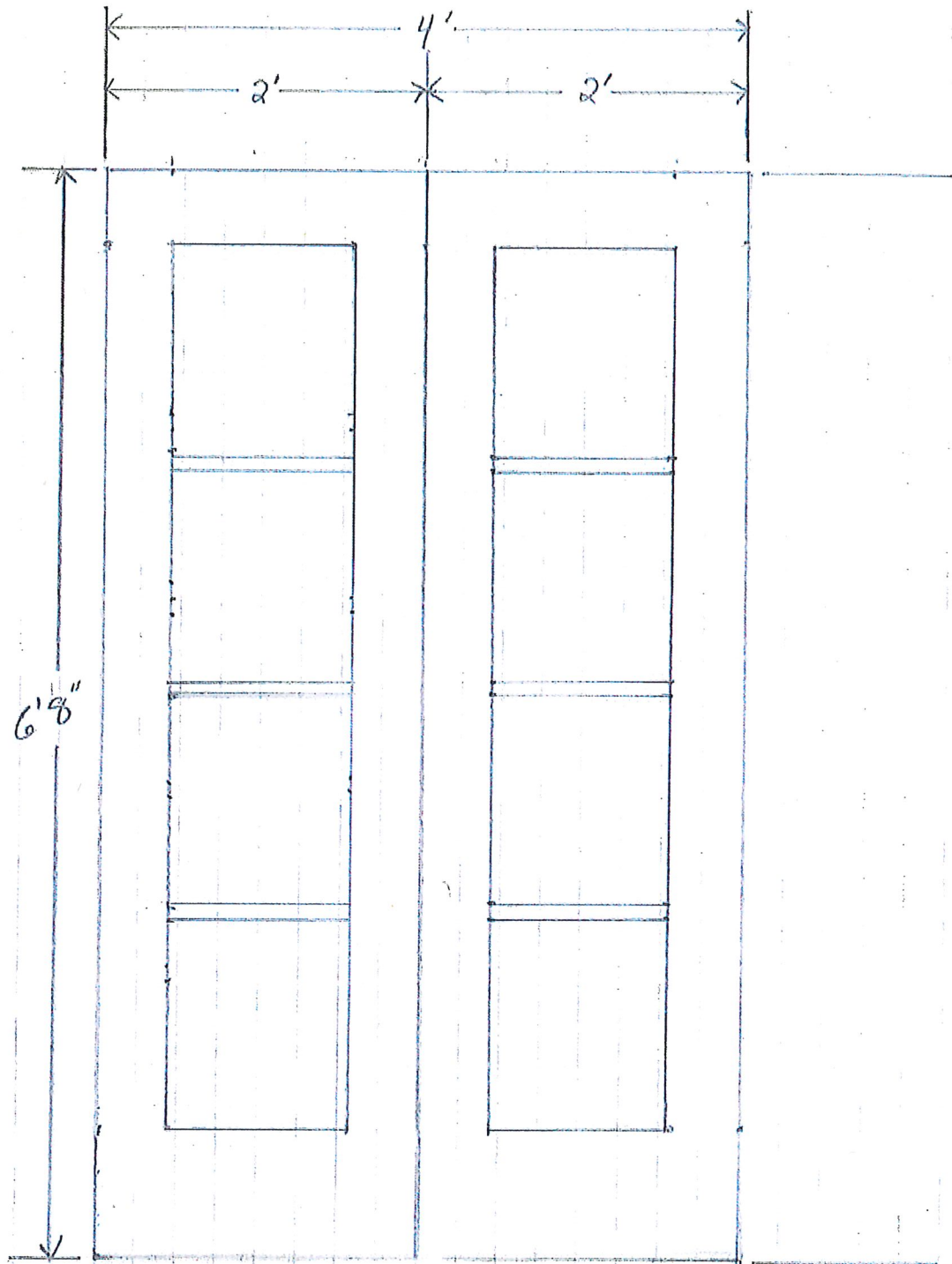


PHOTOS OF OTHER DWELLINGS IN THE AREA



PHOTOS OF OTHER DWELLINGS IN THE AREA





Rawson Builders Supply
Kevin Tyer / Sales $\frac{1}{4}$ " tempered glass insulated clear

scale: 1" = 1'-0"

$1\frac{3}{4}$ " wood door

TOWN OF MESILLA
 PERMISSION TO CONDUCT WORK
 OR
 OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT

OFFICIAL USE ONLY:

Case # 060748

Fee \$ 237.00 (TOD)

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

CASE NO. 060748 ZONE: UR CODE: NR APPLICATION DATE: 7/9/18

Name of Applicant/Owner: Natalie B Ogas Applicant's Telephone Number: 575 680 8864
 Applicant's/Owner's Mailing Address: P.O. Box 457 City: Mesilla State: NM Zip Code: 88046

Applicant's/Owner's E-mail Address: _____
 Contractor's Name & Address (If none, indicate Self): 2729 Calle de San Albino Cross Town Contractor

Contractor's Telephone Number: _____ Contractor's Tax ID Number: _____ Contractor's License Number: _____
 Address of Proposed Work: 2729 Calle de San Albino
 Description of Proposed Work: new house

Estimated Cost: \$2001.00 (TOD (150000 City)) Signature of Applicant: Natalie B Ogas Date: Jun 25, 2018
 Signature of property owner if applicant is not the property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and BOT before issuance of a building permit. Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legally subdivided status of the property are required. **Plan sheets are to be no larger than 11 x 17 inches.**

FOR OFFICIAL USE ONLY

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

FIRE INSPECTION/APPROVAL REQUIRED: ___ YES ___ NO ___ SEE CONDITIONS

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

CONDITIONS: _____

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

This Application will include the following, if checked:

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. ___ Proof of legal access to the property.
4. ___ Drainage plan.
5. ___ Architectural style and color scheme – diagrams or elevations (Historical and commercial zones only).
6. ___ 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).
7. ___ Other information as necessary or required by the City Code or Community Development:

**MINUTES
OF THE**

FEBRUARY 3, 2020

PZHAC WORK SESSION AND MEETING



Town of Mesilla, New Mexico

PZHAC WORK SESSION AGENDA FEBRUARY 3, 2020

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION MONDAY, FEBRUARY 3, 2020 AT 5:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

Item 1: Submitted by Natalie B. Ogaz, a request to discuss changes to approved plans and to provide additional information for the construction of a new dwelling at 2729 Calle de San Albino (Case 060748). Zoned: Historic Residential (HR)
The applicant was present to discuss the request and answer any questions that might arise. Staff provided a brief introduction of the case, explaining that the application had been postponed to this meeting to allow the applicant to provide more information about the proposed French doors. (The applicant has requested a change to the style of all of the large windows originally approved to allow a style having multiple panes more resembling French doors. Tom Maese, Chief Inspector for CID, asked for further information about the windows at the last meeting. The information has been submitted in response to that request.) There was also additional discussion about the total height of the structure and the fact that this had been discussed in 2018 when the structure was originally approved for the lower height, and what effect the requested height would have on the surrounding properties. The PZHAC again questioned whether the proposed height would be consistent with the development zone for the property. There were no other issues.

Item 2: Submitted by Bruce (Burt) McClure, a request to discuss plans to construct a wood fence on a property at 2551 Calle de Principal. Zoned: Historical Residential (HR) (Case 061009)
This request was withdrawn by the applicant.

Item 3: Submitted by Gerard Nevarez; a request to discuss plans to add a privacy panel to a rock wall at the rear of his property at 2305 Calle de Colon. Zoned: Historical Residential (HR) (Case 061010)
The applicant was present to discuss the request and answer any questions that might arise. Staff provided a brief introduction of the case, explaining that the applicant intended to add a decorative wrought iron panel to the top of an existing rock wall in order to provide privacy to his patio. Mr. Nevarez explained that the new dwelling being built on the property on the other side of the wall was close to the property line and several windows looked directly into his back yard. Issues that were discussed were the height of the existing wall, the resulting height of the extension on the wall, and the style of the proposed extension. There were no other issues with the proposal.

Item 4: Submitted by Anna Biad; a request to discuss plans to construct a rock wall and change the landscaping of a commercial property at 2172 Calle de Santiago. Zoned: Historical Commercial (HC) (Case 061011)
This request was withdrawn by the applicant.

PZHAC REGULAR MEETING AGENDA FEBRUARY 3, 2020

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD ITS REGULARLY SCHEDULED MEETING MONDAY, FEBRUARY 3, 2020 AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF A QUORUM

Commissioner Prieto was absent. All others were present. There was a quorum.

III. CHANGES/APPROVAL OF THE AGENDA

Cases 0601009, 0601011 and 0601012 were removed from the agenda at the request of the applicants, and the election of officers was postponed to allow the full commission to be present. A motion to approve the Agenda was made by Commissioner Houston, seconded by Commissioner Lucero, and approved by a vote of 3 - 0.

IV. *ACCEPTANCE OF THE CONSENT AGENDA

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

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

A. *PZHAC MINUTES – PZHAC Regular Work Session and Meeting of January 15, 2020.

Approved as part of the Consent Agenda

B. *ADMINISTRATIVE APPROVAL

Zoning Permits:

1. **Case 061003** – 2309 Calle de Santiago, submitted by Viola and Larry Tafoya; a request for a zoning permit to repair a damaged sidewalk and repair portions of the stucco on the wall of a commercial building at this address. Zoned: Historical Commercial (HC)

Approved as part of the Consent Agenda

2. **Case 061004** – 2000 Calle de Parian, submitted by Mark Sideris of Buffalo Builders for Julianne Hadfield; a request for a zoning permit to conduct a plumbing inspection on a commercial building at this address. Zoned: Historical Commercial (HC)

Approved as part of the Consent Agenda

3. **Case 061005** – 2825 Teresita Street, submitted by Annabelle Hurst; a request for a zoning permit to allow the replacement of a roof on a dwelling at this address. Zoned: Historical Residential (HR)

Approved as part of the Consent Agenda

4. **Case 061006** – 319 Capri Arc, submitted by Samuel McBurney; a request for a zoning permit to allow the replacement of a roof on a dwelling at this address. Zoned: Residential, one acre (R-1)

Approved as part of the Consent Agenda

5. **Case 061008** – 2745 Boldt Street, submitted by Jim Jones; a request for a zoning permit to allow the installation of a concrete driveway and brick flat work on a residential property at this address. Zoned: Historical Residential (HR)

Approved as part of the Consent Agenda

V. PZHAC NEW BUSINESS:

A. PUBLIC INPUT ON CASES - None

B. DECISIONS:

Zoning Permits:

1. **Case 060748** – 2729 Calle de San Albino, submitted by Natalie B. Ogaz, a request for changes to an approved building permit to construct a new residence at this address. Zoned: Historic Residential (HR). **(Discussed during the Work Session – Item 1)**

Staff provided a brief review of this request, explaining that this case was heard during the Work Session. The PZHAC discussed this case further. The PZHAC determined that there were no problems with the proposed use of French doors in place of windows. Further discussion focused on the applicant's request to return to the original requested height of the dwelling. Commissioner Lucero brought up the fact that the PZHAC determined the first time the case was presented in 2018 that the requested height of the structure was too high and out of character with the surrounding dwellings. She wanted to know what changed to make that height acceptable now. The applicant stated that there were other dwellings in the area that would be the same height, including the property to the south. There was no further discussion. The PZHAC determined that there were no other issues with the proposed request. A motion was made by Commissioner Nevarez to approve the requested plans with the French doors and the lower height, seconded by Commissioner Houston, and approved by a vote of 2 – 1 with Commissioner Lucero voting against the request.

2. **Case 091009** – 2551 Calle de Principal, submitted by Bruce B. (Burt) McClure, a request for a zoning permit construct a wood fence on a residential property at this address. Zoned: Historical Residential (HR). **(This case was discussed during the Work Session – Item 2)**
This case was withdrawn by the applicant.

3. **Case 061010** – 2305 Calle de Colon, submitted by Gerard Nevarez; a request for a zoning permit to allow the addition of a privacy panel to a rock wall at the rear of a residential property at this address. Zoned: Historical Residential (HR) **(This case was discussed during the Work Session – Item 3)**
Staff provided a brief review of this request, explaining that this case was heard during the Work Session. Commissioner Nevarez recused himself from any discussion or voting on the case since the subject property is his. The PZHAC determined that the addition of the panel to the existing wall would result in an overall fence height that would be higher than the six feet allowed by the Code. The PZHAC suggested that the panel be mounted to the back of an existing decorative structure located in the back yard near the wall so that the height would not be an issue. This was acceptable to Mr. Nevarez. A motion was made by Commissioner Houston to approve the request, seconded by Commissioner Lucero, and approved by a vote of 3 – 0 with the following CONDITION: The panel will not be attached to the wall.

4. **Case 061011** – 2172 Calle de Santiago, submitted by Anna Biad; a request for a zoning permit to allow the construction of a rock wall and changes to the landscaping of a commercial property at this address. Zoned: Historical Commercial (HC) **(This case was discussed during the Work Session – Item 4.)**
This case was withdrawn by the applicant.

Sign Permit

1. **Case 061012** – 2172 Calle de Santiago, submitted by Anna Biad for “Blue Door Venue”; a request for a sign permit to allow a wall sign at this address. Zoned: General Historical Commercial (HC)
This case was withdrawn by the applicant.

C. PZHAC Special Business: Election of Officers

The election was postponed to allow a full quorum of the PZHAC to be present.

VI. PUBLIC COMMENTS

Prescilliana Sandoval – resident

Complained about the smoke from the meat smoking operation at Chala’s Restaurant on Avenida de Mesilla, stating that the smoke from the smoker constantly blows across her back yard making it impossible for her to use the back yard due to the smoke, and that the problem exists from 9 am to 10 pm. She stated that she went to the NM Governor’s office and was told to sue Mesilla. She would like to see Mesilla’s ordinances changed to address this issue to protect residents from this type of nuisance. She stated that the restaurant should never have been approved in the first place.

VII. PZHAC/STAFF COMMENTS

Larry Shannon – Mesilla Planning staff

Stated that there are 0 Mesilla Codes that could be used to address the issue created by Chala’s smoker

Russ Hernandez – PZHAC Commission Chair

Directed Staff to look into the nuisance problem created by Chala’s smoker and research the NM Statutes to see if there are any regulations that can be applied to the smoker. He also directed Ms. Sandoval to provide Mr. Shannon with copies of whatever information and documentation that she had to determine what we could legally do as a Town.

VIII. ADJOURNMENT

The meeting was adjourned at 6:30 pm.

**PETITION AND LETTERS
IN SUPPORT OF
THE PROPOSED DWELLING**

Please sign our petition urging Town of Mesilla to allow

Us to finish our previously permitted home.

Natalie & Rick

Mesilla farming family since 1848

Marykelen Estrada	2447 Calle Del Norte
Martillo Estrada	2447 Calle del Norte
Jenny Estrada	2447 Calle del Norte
Alice Estrada	2147 Calle del Norte Huertas
Patricia Lozano	2409 Calle De Norte
Isaac Ortiz	2409 Calle De Norte
Al Man	2409 Calle de Norte
Lily Garcia	2409 Calle de Norte
Anthony Castella	
Al Castella	

Please sign our petition urging Town of Mesilla to allow
Us to finish our previously permitted home.

Natalie & Rick

Mesilla farming family since 1848

JIMMY TORRES	MESILLA
SANTIAGO TORRES	MESILLA
Jesse Burroughs	Mesilla
Mark + Stacy Hendricks	Mesilla
Robyn Tierney	Mesilla
Bette CUTBERT	Mesilla
Donald Murphy	"
Mary CARMEN Roche	
Colette Obregon	Las Cruces.
Frances Olanda	2885 Calle St Albino Mesilla, NM 88046
Frank	Mesilla

Please sign our petition urging Town of Mesilla to allow
Us to finish our previously permitted home.

Natalie & Rick

Mesilla farming family since 1848

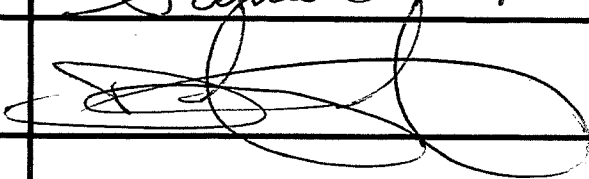
<p><i>Mercedes Luna</i> 2235 Calle de Colon Mesilla NM 88046</p>	<p>Jason & Sharon Dahison 1948 calle de Santiago Mesilla NM 88046</p>
<p><i>Romas Prieto</i> 223 B Calle de Colon Mesilla NM</p>	<p>Sandra Lucero Mesilla</p>
<p><i>Romas Prieto</i> 3260 Hwy 28</p>	<p>Josus D. Lucero Mesilla NM</p>
<p><i>Josh Prieto</i> 2117 W. Hwy 28 H.C. N.M. 88046</p>	<p><i>Fred Pizarro</i> Mesilla NM</p>
<p><i>Josh Prieto</i> Mesilla NM</p>	<p><i>Maibelle Prieto</i> Mesilla NM</p>
<p><i>Josh Prieto</i> Mesilla NM</p>	<p><i>Paul M. Pizarro</i> Mesilla Prop. Owner</p>
<p><i>Josh Prieto</i> Mesilla NM</p>	<p><i>Valencia Terrano</i> Mesilla NM</p>
<p><i>Ms. Teresa G. Geronzi</i> 2244 Calle de Oeste Mesilla N.M. 88046</p>	<p><i>Winda Francani</i> H.C., NM</p>
<p><i>Jessye prieto</i> 3260 N Hwy 28 Las Cruces NM</p>	<p><i>Adriana Prieto</i> 2149 Calle de Guadalupe Mesilla NM 88046</p>
<p><i>Markes Billy Rogers</i> 2937 Estrada Mesilla NM</p>	<p><i>Janice Coleman</i> Mesilla</p>

Please sign our petition urging Town of Mesilla to allow

Us to finish our previously permitted home.

Natalie & Rick

Mesilla farming family since 1848

	Mesilla Resident
Samuel L. Kame	Samuel L. K
Delano Acosta	
Carney Pauloski	Carney Pauloski
Gonnie Lara	Gonnie Lara
Jeff Lara	Jeff Lara
Paul Bustamante Mesilla	Paul Bustamante mesilla
Ashley Mares	Dee Ann Mares
Shirley	Shirley
Joseph Kone	Joseph Kone

Town of Mesilla - Board of Trustees
2231 Avenida de Mesilla
Mesilla, New Mexico
88046

November 02, 2020

Dear Board of Trustees,

As a parishioner of the San Albino Catholic Church and as the mother, mother-in-law, and great-grandmother to long-time Mesilla residents, Richard, Natalie, and Delaney, I implore you to reverse your decision on halting the building construction on the proposed Ogaz-Bustamante family home.

Both Richard and Natalie have been contributing Mesilla community members, as former owners of Café Don Felix and as regular volunteers to Mesilla Elementary and town community events. They have made their home in Mesilla and hope to continue providing a safe, consistent, family household for their 13-year-old grand-daughter, Delaney, as she attends Zia Middle School and raises her beloved farm animals in absence of her parents.

As a family, they have anxiously awaited the construction of their new home that they hoped would provide a bright spot in the Mesilla landscape. For nearly three years they have been living in very small quarters on Bustamante Farms and had hoped to have a Christmas 2020 move-in date. Natalie was proud to design a home that was worthy of Mesilla's heritage and in what she understood was in regulation of town policy; unfortunately, the family is now being penalized for administration errors. It has been difficult to watch the stress of this building delay wear on the mental health and finances of my family who have gone through so much already.

I will continue to support Richard, Natalie, and Delaney as much as I can during these difficult times, but I ask that the Town of Mesilla thoroughly review the depth and consequence of this building decision. The livelihood, health, and happiness of a longstanding Mesilla family is at stake and is surely worth more than a height regulation.

Thank you for your time.

Respectfully yours,



Mrs. Adrian R. (Cleo) Ogaz

November 9, 2020
1680 Boulders Dr.
Las Cruces, NM 88011

Board of Adjust
Town of Mesilla
2231 Avenida de Mesilla
Mesilla, NM 88046

Re: Case V20-001

To Whom It May Concern:

We are writing to express our support for Rick and Natalie Ogaz in the building of their home located at 2727 Calle de San Albino. They are requesting a variance to building height from 15 to 18 feet. It is our understanding that the building plans were approved before building began. If that is accurate, it seems to us that the building should continue as planned. In either event, whether the home is 15 or 18 feet high, it will clearly be a welcomed addition to the neighborhood. We respectfully request that you grant the variance and allow the building to continue without further delay.

Sincerely,



Stephanie O'Dell



Harold O'Dell

ATTN: Town Council
Re: V20-001

Greetings;

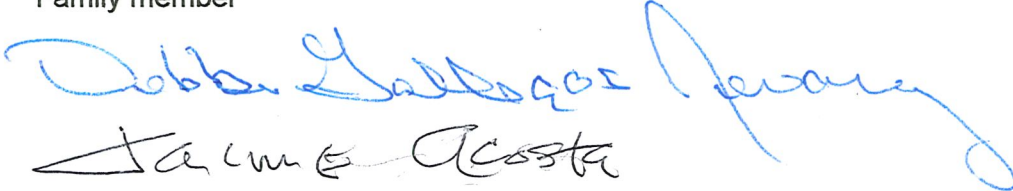

I was informed by Natalie that the work on her new residence at 1800 Calle de San Albino has been ordered to stop due to an alleged code violation.

It seems there is an issue with the height of the residence. I am asking that the council please reconsider the stop order. Natalie forwarded in good faith the plans for the residence to obtain the permit to begin construction and therefore after two years of permit review Natalie proceeded with construction.

There will be an extreme financial burden for Natalie to re-construct the project into compliance. To place this burden on Natalie is unfair.

Please reconsider your decision, If it is not rescinded Natalie has informed me that she will abandon the project which is unfortunate because her family has a rich tradition with Mesilla. She loves Mesilla and this was to be her home.

Respectfully
Family member

11-4-2020 Town of Mesilla
Community Development Dept.

ATT.N: Larry Shannon

Our Response to: Variance meeting
on property 2729 Calle de San Albino.

Well the town approved this house
to original plans height 18 feet high
you all approved this & now
you should keep your word & let
this house be build as is now.

This should have been inspected
sooner & plans should have been
looked at before this house
was approved. If it were

me I would sue the town of
Mesilla for this mess you
created. Thanks for listening

Let them build Maria Louisa Medina
AS IS!!!

(Lujan) 2747 Calle de
Guadalupe