



**PZHAC WORK SESSION & MEETING  
MINUTES  
FEBRUARY 1, 2021**

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A WORK SESSION VIA TELECONFERENCE ON MONDAY, FEBRUARY 1, 2021 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 Brad and Debbie Foreman, a request to discuss plans to build a residence and a structure with a 600 square foot casita, a pool, a workshop, and a studio on a five acre property located at 2725 Old Farm Road between Old Farm Road and Stanford Road along the Gillem Lateral. (Case 061156) Zoned: Rural Farm (RF)

*The applicant was present by zoom to discuss the request and answer any questions that might arise. Staff provided a brief review of this request, including the fact that this case was originally heard by the PZHAC at their Work Session on January 16, 2021. Various elements of the case were discussed at that time, but the height and other dimensions could not be read on the plans included in the packet, so the case was postponed in order to have the full-sized plans reviewed by the "Architectural Review" Committee for necessary dimensions. This was done on January 17, 2021 and no problems with the application were discovered.*

*There was no further discussion or issues.*

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD --A REGULAR MEETING VIA TELECONFERENCE ON MONDAY, FEBRUARY 1, 2021 IMMEDIATELY FOLLOWING THE WORK SESSION. 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.*

*Other attendees:*

*Larry Shannon (Mesilla Staff); Tom Maese (Chief Inspector-CID); Debbie Foreman (applicant – dwelling); Grady and Marcy Oxford; and an unknown phone caller at 915-667-0792.*

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

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

**IV. \*ACCEPTANCE OF THE CONSENT AGENDA**

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

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

- A. \*PZHAC MINUTES – PZHAC Work Session and Meeting of January 19, 2021.

*Approved as part of the Consent Agenda.*

- B. \*ADMINISTRATIVE APPROVALS

**Zoning Permit:**

1. **Case 061158** – 3037 Los Arenales, submitted by Elisa Rios, a request for a zoning permit to allow the replacement of three window on a dwelling at this address. Zoned: Rural Farm (RF)  
*Approved as part of the Consent Agenda.*
2. **Case 061159** - 2170 Calle de Santa Ana, submitted by Lorenzo L. Fierro; a request for a zoning permit to allow the extension of an existing driveway at this address. Zoned: Historic Residential (HR)  
*Approved as part of the Consent Agenda.*
3. **Case 061160** – 2140 Calle de Norte, submitted by Douglas Zimmerman; a request for a zoning permit to allow the repainting of a dwelling at this address. Zoned: Historic Residential (HR)  
*Approved as part of the Consent Agenda.*
4. **Case 061161** – 2510 Calle de Parian, submitted by Toby and Steven Carrasco; a request for a zoning permit to allow the landscaping of a 4,200 square foot backyard of a dwelling at this address. Zoned: Historic Residential (HR)  
*Approved as part of the Consent Agenda.*

## II. 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 read a letter from Grady Oxford (applicant for Case 061162) to the PZHAC into the record. (A copy of the letter is attached to the end of these minutes.)*

### B. DECISIONS:

#### Zoning Permits

1. **Case 061156** – 2725 Old Farm Road, submitted by Brad and Debbie Foreman, a request for a zoning permit to allow the construction of a residence and a structure with a 600 square foot casita, a pool, a workshop, and a studio. Zoned: Rural Farm (RF) **Discussed during the Work Session**  
*Staff provided a brief review of this request, including the fact that the case was discussed during the Work Session. The PZHAC determined that there were no issues with the proposal. Commissioner Prieto made a motion to approve the request, seconded by Commissioner Houston, and the request was approved by the PZHAC by a vote of 5 – 0.*
2. **Case 061162** – 3150 Bowman Street, submitted by Grady Oxford; a request for a zoning permit to allow the construction of an addition to a dwelling on a 0.84 acre property at this address. Zoned: Residential, one acre (R-1)  
*Staff provided a brief review of this request, including the fact that since the property was only 0.84 acres in size and the zoning of the property required one acre, this was a legal non-conforming (LNC) property based on a legal opinion obtained by the PZHAC in August of 2020. Staff also explained that this had been explained to the applicant when the case was first submitted to staff. Grady Oxford (applicant) stated that this property should not be considered LNC, according to MTC 18.60.180(A) since the property was created well before 1972. Commission Chair stated that we have been following the attorney’s opinion since August of 2020. Commissioner Houston stated that the written law should supersede an opinion. Commission Chair Lucero stated that she was confused by the intention of MTC 18.60.180 and that she believed that the intent of the Code was to protect the “Greenspace” around the Town by limiting growth on smaller properties than required. Commissioner Nevarez stated the ordinance could take “grandfathering” into account, and Commissioner Salas stated that he agreed with Grady Oxford’s interpretation of the Code and Commissioner Houston’s statement. Commissioner Nevarez said that modification of existing structures should be allowed. Mr. Grady also explained that the proposal was for an extension of the family living quarters as a place where his in-laws could live with his family. After a short discussion about MTC 18.60.180, the PZHAC determined that the proposed addition met the requirements of the Code based on MTC 18.60.180. Commissioner Nevarez*

*made a motion to approve the request based on MTC 18.60.180(A) and the fact that expansion of the dwelling was shown on the original plans for the dwelling, seconded by Commissioner Houston, and approved by the PZHAC by a vote of 5 – 0.*

#### **Business/Short-Term Rental Registrations**

3. **Permit 0866** – 2419B Calle de Parian, submitted by Veronica Slade; a request for a business license to allow the applicant to operate an online mental health counselling operation as a home occupation from a dwelling at this address. Zoned: Historic Residential (HR).  
*Staff provided a brief review of this request. There were no issues. Commissioner Prieto made a motion to approve the request, seconded by Commissioner Houston, and approved by the PZHAC by a vote of 4 – 0. (Commissioner Salas recused himself from the case since he rents the dwelling to the applicant.)*
4. **Permit 0868** – 2030 Calle de Parian (upper floor), submitted by Julienne Hadfield for “Billy the Kid’s Getaway”; a request for a Short-Term-Rental business license to allow the applicant to operate a short-term-rental operation on the upper floor of a commercial building at this address. Zoned: Historic Commercial (HC).  
*Staff provided a brief review of this request, explaining that the living quarters to be used as the short-term rental was approved as part of the renovation of the building in 2020. Tom Maese, Chief Building Inspector for CID, stated that he had no concerns. There were no issues. Commissioner Houston made a motion to approve the request, seconded by Commissioner Prieto, and approved by the PZHAC by a vote of 5 – 0.*
5. **Permit 0870** – 2030 Calle de Parian (lower floor), submitted by Julienne Hadfield for “Billy the Kid’s Casita”; a request for a Short-Term-Rental business license to allow the applicant to operate a short-term-rental operation on the ground floor of a commercial building at this address. Zoned: Historic Commercial (HC).  
*Staff provided a brief review of this request, explaining that the living quarters to be used as the short-term rental was originally rented as an apartment by Stahman Farms who were the previous owners of the building. Tom Maese, Chief Building Inspector for CID, stated that nothing special would be required if there is no change in the occupancies of the structure and that no prmt would be necessary if there were no changes. There were no issues. Commissioner Prieto made a motion to approve the request, seconded by Commissioner Houston, and approved by the PZHAC by a vote of 5 – 0.*

#### **C. ELECTION OF PZHAC OFFICERS**

##### **1. PZHAC Chairperson**

*Commission Chair Lucero was nominated for the position of Commission Chairperson by Commissioner Houston and elected by a unanimous vote of the PZHAC.*

##### **2. PZHAC Vice Chairperson**

*Commissioner Prieto was nominated for the position of Vice Chairperson by Commissioner Nevarez. Commissioner Salas was nominated for this position by Commissioner Prieto but declined.*

*Commissioner Prieto was elected PZHAC Vice Chairperson by a unanimous vote of the PZHAC.*

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

*Commissioner Salas requested that staff set up a joint meeting of the BOT and the PZHAC to discuss interpretations of the MTC. Commissioner Prieto and Commission Chair Lucero agreed with the request.*

#### **VII. ADJOURNMENT**

*The meeting was adjourned at 3:46 pm.*