



THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A SPECIAL MEETING ON THURSDAY, JUNE 10, 2021, AT 10:00 A.M., **IN PERSON AT THE MESILLA COMMUNITY CENTER, 2251 CALLE DE SANTIAGO** OR **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 HEARINGS ON TWO APPEALS OF A DECISION MADE BY THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION:
 - a) ***A Public Hearing:*** Case 061099– 23230 Calle de Santiago, submitted by Martha Liefeld; a request for a zoning permit to allow the installation of coyote fences and a stucco wall around a property at this address. Zoned: Historical Residential (HR).
 - b) ***A Public Hearing:*** Case 061218 – 2355 Calle de Guadalupe, submitted by Buddy Ritter for the “Double Eagle Restaurant; a request for a zoning permit to allow a retracting cloth awning to be installed over the entrance walkway to the Double Eagle Restaurant. Zoned: Historic Commercial (HC).
5. FOR CONSIDERATION: TWO APPEALS OF A DECISION MADE BY THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION:
 - a) ***For Approval/Disapproval:*** Case 061099– 23230 Calle de Santiago, submitted by Martha Liefeld; a request for a zoning permit to allow the installation of coyote fences and a stucco wall around a property at this address. Zoned: Historical Residential (HR). ****After a roll call vote of the above appeal, a resolution stating the board’s decision and justification shall be approved at the next Board of Trustee meeting****
 - b) ***For Approval/Disapproval:*** Case 061218 – 2355 Calle de Guadalupe, submitted by Buddy Ritter for the “Double Eagle Restaurant; a request for a zoning permit to allow a retracting cloth awning to be installed over the entrance walkway to the Double Eagle Restaurant. Zoned: Historic Commercial (HC). ****After a roll call vote of the above appeal, a resolution stating the board’s decision and justification shall be approved at the next Board of Trustee meeting****
6. 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 5/27/2021 FINALIZED 6/3/21 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, Ristramnn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.

PZHAC MINUTES OF MAY 17, 2021

Town of Mesilla, New Mexico

PZHAC MEETING MINUTES MAY 17, 2021

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION (PZHAC) WILL HOLD A REGULAR MEETING VIA TELECONFERENCE ON MONDAY, MAY 17, 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.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND DETERMINATION OF A QUORUM

Commission Chair Lucero and Commissioners Houston, Nevarez and Salas were present. There was a quorum.

Other attendees:

Larry Shannon (Mesilla Staff), Tom Maese (Chief Inspector-CID), Eric Liefeld (Applicant – Case 061099), Anthony Lucero (Rep. for applicant – Case 061210) and Susan Krueger (Resident)

III. CHANGES/APPROVAL OF THE AGENDA

There were no changes to the Agenda. Commissioner Nevarez made a motion to approve the Consent Agenda, seconded by Commissioner Houston, and approved by the PZHAC by a vote of 4 – 0.

IV. *ACCEPTANCE OF THE CONSENT AGENDA

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

There were no changes to the Consent Agenda. Commissioner Houston made a motion to approve the Consent Agenda, seconded by Commissioner Nevarez, and approved by the PZHAC by a vote of 4 – 0.

A. *PZHAC MINUTES – PZHAC Meeting and Work Session of MAY 3, 2021.

Approved as part of the Consent Agenda.

B. *ADMINISTRATIVE APPROVALS

Zoning Permit:

1. **Case 061216** – 1815 West Boutz Road, submitted by Eloy Zubia Roofing for Patricia Ramirez; a request for a zoning permit to repair and reroof a weather damaged garage at this address. Zoned: Historic Commercial (HC)
Approved as part of the Consent Agenda.
2. **Case 061217** – 2501 Calle del Norte, submitted by Neri Fietze; a request for a zoning permit to allow concrete pavers to be overlaid on a small parch at the rear of the dwelling at this address. Zoned: Historic Residential (HR)
Approved as part of the Consent Agenda.

V. PZHAC NEW BUSINESS:

C. PUBLIC INPUT ON CASES

Public input shall be received at larrys@mesillanm.gov at least one hour prior to the meeting and will be read into the record. You will also be given an opportunity to speak during this time by joining the meeting by phone and pressing *9 while in the teleconference. This will let the host know that you wish to speak. You will be prompted by the host or the Commission Chair when to begin speaking.

Staff received one e-mail from Susan Krueger. This was read into the record. (A copy of this e-mail is attached to the end of these minutes.) There was no other input.

B. DECISIONS:

Zoning Permits

1. **Case 061099**– 23230 Calle de Santiago, submitted by Martha Liefeld; a request for a zoning permit to allow the installation of coyote fences and a stucco wall around a property at this address. Zoned: Historical Residential (HR)

Staff gave a brief description of the case, explaining that the fences and wall were to be located on the north property line of the property and along Calle de Picacho and Calle de Santiago. Staff also included the fact that there will be two gates in the fence along Calle de Santiago. Staff stated that the fences and wall appeared to meet the requirements of the MTC for fences and walls in the HR zone, including clear-sight-triangle requirements for roads and driveways, but that the applicant had not provided a Right-of-Entry agreement for the property to the north.

Commissioner Nevarez questioned whether the two gates in the fence along Calle de Santiago met the clear-sight-triangle requirements of the MTC. The applicant, Eric Liefeld, was present and responded that the property line is 12 feet from the edge of the pavement which meets the requirement of MTC 18.60.340(G) that the fence be 10 feet from the pavement. Commissioner Nevarez also questioned the fact that a Right-of-Entry agreement with the property owner to the north was not submitted with the request and that the application was incomplete without this. Mr. Liefeld answered that since New Mexico is a “Common-law” state, the fence would be co-owned with the neighbor and therefore an entry agreement with the neighbor is not needed. According to Mr. Liefeld, the fact that he is being forced into a private agreement by the Town is actually a violation of his rights. Commission Chair Lucero stated that since the fence will be on the property line and entry onto the neighbor’s property will be necessary to construct the fence, an agreement to enter the neighbor’s property will be needed. Commissioner Salas made a motion to recommend approval of the request to the BOT, seconded by Commissioner Houston, and the motion failed by a vote of 0 – 4 of the PZHAC due to the fact that a Right-of-Entry agreement had not been submitted with the request as required by the Code, therefore the case was DENIED.

2. **Case 061210**– NE Corner of Calle de Segunda and Calle del Sur (address to be assigned), submitted by Ralph Lucero; a request for a zoning permit to allow the construction of two detached dwelling units on a 16,114 square foot property at this location, Zoned: Historic Residential (HR)

Staff provided a brief description of this request, explaining that this case had been postponed at the May 3 PZHAC meeting to allow the applicant to address concerns that this property would somehow be part of a larger development with neighboring properties owned by members of the same family. Additionally, the applicant needed to return to the PZHAC with proof that the property is large enough to meet the latest requirements of MTC 18.35 (Historic Residential Zone) that require 8,000 square feet of land on a property for each residential dwelling unit to be constructed and that the request would meet the density limit of two dwelling units per property. Both Commission Chair Lucero and Commissioner Nevarez stated that they were either uncomfortable or unhappy with development zone, and that the multi-family aspect of the proposal was not compatible with the development zone. Commissioner Nevarez stated that he was concerned with the traffic impacts, lack of fire hydrants, and increase in density that would be created by the units.

Commissioner Salas made a motion to recommend approval of the request to the BOT, seconded by Commissioner Houston, and the motion failed by a vote of 0 – 4 of the PZHAC due to not being compatible with the development zone, therefore the case was DENIED.

3. **Case 061213** – 2391 Calle de Parian, submitted by Robert Reynolds, a request to install a gazebo type shade structure on a residential property at this address. Zoned: Historic Residential (HR)

Staff provided a brief description of this request, explaining that the purpose of the request was to enable the applicant to install a shade structure in the front yard of this property and that a photo of the property with dimensions was provided by the applicant to show where the structure would be located. Staff also explained that this case had been postponed at the May 3 PZHAC meeting to allow the applicant to provide a site plan showing the location of the gazebo to the PZHAC, and that a site plan has now been provided. Commissioner Salas was still concerned with the number of structures on the property (there are only two – a dwelling and a workshop, plus a small tool shed. This meets the density requirements of MTC 18.35.) Commissioner Nevarez was concerned with the location of the shade structure and stated that the Code requires a regular site plan. There was no other discussion.

Commissioner Houston made a motion to recommend approval of the request to the BOT, seconded by Commissioner Nevarez, and the motion was APPROVED by the PZHAC by a vote of 3 – 1. (Commissioner Salas voted against the motion because he did not believe the use was allowed by the Code.)

4. **Case 061218** - 2355 Calle de Guadalupe, submitted by Buddy Ritter for the “Double Eagle Restaurant; a request for a zoning permit to allow a retracting cloth awning to be installed over the entrance walkway to the Double Eagle Restaurant. Zoned: Historic Commercial (HC)
Staff provided a brief description of this request, explaining that the purpose of the request was to enable the applicant to install a retracting awning over a walkway to the restaurant entrance. The walkway itself is located on a neighboring property that is leased by the restaurant. The awning would be attached to the wall of the restaurant and would unfold out over the walkway.

Commission Chair Lucero stated that she was concerned with damage to the adobe of the restaurant that would be caused by attaching the awning to the adobe wall. Commissioner Nevarez expressed support for this concern. Commissioner Salas stated that he did not remember any of these concerns being brought up during the discussion of this case by the Architectural Styles Committee. Commission Chair Lucero also said that the awning does not fit the style of the Plaza, and that the weight of the awning would damage the wall. Commissioner Houston stated that only the framework of the awning is metal and that the awning itself is cloth. Commissioner Nevarez also stated that he is concerned that the awning would be susceptible to wind, which could be an issue to people and the structure. Tom Maese, Chief CID Inspector, stated that a structural engineer will need to ensure the structural integrity of the awning.

The PZHAC determined that the proposed awning could damage the adobe wall of the restaurant that it would be attached to and that the awning would also be out of character with the historical aspect of the Plaza, therefore the PZHAC failed to approve the request by a vote of 0 - 4, resulting in a DENIAL of the request.

Sign Permit

5. **Case 061219** – 2488 Calle de Guadalupe, submitted by Juan Albert for “Rincon de Mesilla”; a request for a sign permit to allow a twelve square foot (3 foot by 4 foot) metal sign to be installed next to a sign for another tenant located on the property. Zoned: Historic Commercial (HC).
Staff provided a brief description of this request, explaining that the purpose of the request was to allow the applicant to install a freestanding sign on a signpost that already contains a sign from another tenant in the structure. Commissioner Nevarez stated that the sign will be mismatched in size when compared to the other sign on the post. Commissioner Houston stated that she did not believe the difference in size would be a problem, the way the post is set it would look natural. There was no other discussion.

Commissioner Salas made a motion to recommend approval of the request to the BOT, seconded by Commissioner Nevarez, and the motion was APPROVED by the PZHAC by a vote of 4 - 0.

Business Permit

6. **Permit 0878** – 2488 Calle de Guadalupe, submitted by Juan Albert for “Rincon de Mesilla”; a request for a license to allow the applicant to operate a coffee and gift shop in a commercial building at this address. Zoned: Historic Commercial (HC).
Staff provided a brief description of this request, explaining that the Staff had approve this administratively based on the fact that the PCHAC has allowed this practice in the past when a business was coming into a commercial location as a replacement to another business that had recently been in the same location and there were to be no changes to the structure or occupancy classification. (Sign permits and changes to the structure have always come before the PZHAC.) Staff also explained that the Mayor disagreed with the practice of administrative approvals of businesses and that, from now on, all businesses would come before the PZHAC for approval. There was no other discussion.

Commissioner Salas made a motion to recommend approval of the request to the BOT, seconded by Commissioner Houston, and the motion was APPROVED by the PZHAC by a vote of 4 - 0.

VI. PZHAC/STAFF COMMENTS

Commission Chair Lucero brought up two Codes violations to be looked into:

- 1. The was painting without a permit being done at the Mercado.*
- 2. The signs at Don Felix Café still have not been changed.*

VII. ADJOURNMENT

The meeting was adjourned at 3:40 pm.

Public Input, PZHAC, 5/17/2021, Susan Krueger

A suggestion: please create an outline for what an applicant for a building and zoning permit can expect from CID and the Town, such as:

1. PZHAC follows the MTC,
2. CID follows Construction Industries Division's rules and regulations,
3. Architectural Styles Committee, at a minimum, follows Chapter 18.33, Historic Preservation.

Then consider that, as a learning experience with the opportunity to ask and answer questions, applicants should be present at 1 and 3. Having these committee meetings open to the public can be useful to the applicant, committee members, and the public.

Then, throughout to close information gaps, someone(s), needs to have the knowledge to cite information from the code, provide guidance on how to use it and then monitor what happens, requiring corrections and adjustments as needed as the project moves along.

As a possible example: regarding the fence on the Casa Blanca de Mesilla property, there is a height restriction; construction is carried out at ground surface level, etc.

Cynthia Stoechner-Hernandez

From: Eric Liefeld <eric.liefeld@gmail.com>
Sent: Tuesday, May 18, 2021 3:36 PM
To: cynthias-h@mesillanm.gov
Cc: Larry Shannon
Subject: Urgent: appeal for case #: 061099, 2320 Calle de Santiago...
Attachments: wall-appeal-letter.pdf

Dear Cynthia,

I am writing to appeal the Mesilla PZHAC's decision to deny my mother's building permit for a security and privacy wall/fence around her property (case #: 061099, 2320 Calle de Santiago) to the Mesilla Board of Trustees.

I am attaching my letter (in PDF) for inclusion with the appeal.

Please don't hesitate to contact me if you'd like to discuss anything or need any more information.

Kind regards,

Eric Liefeld
575-571-5642

ps - Larry indicated that he would be on vacation on Monday when the next Board of Trustees meeting is scheduled. I'm OK if this is put on the agenda for the next meeting when he is back, as long as our right to appeal is preserved. Please let me know when this appeal has been scheduled.

ERIC LIEFELD

P.O. Box 1780, Mesilla | 575-571-5642 | eric.liefeld@gmail.com

5/18/2021

Town of Mesilla

Honorable Mayor Barraza and esteemed Mesilla Trustees,

I wish to appeal the Planning, Zoning, and Historical Appropriateness Commission (PZHAC) decision to deny case #061099 for a yard wall/fence for my mother's home at 2320 Calle de Santiago. As stated publically by town staff, the project design meets all requirements for height, setbacks, line-of-sight, clear-sight triangle, and building materials. My mother Martha Liefeld is 91, and is visually handicapped. The wall is needed to ensure her safety and security. Her application was submitted on July 28, 2020, almost 10 months ago!

Requirement for a "right-of-entry" agreement

As of approximately June 2020, Mesilla now requires a "right-of-entry" agreement for "new construction of fences" (ordinance 2020-02, section 18.35.40). This newly-inserted language is a **bad requirement** and it may well be unconstitutional. PZHAC and town staff have told us alternately that the agreement is needed to allow "construction" or "maintenance". Neither make any sense:

- **Construction.** If the agreement is for construction, why require that it be filed with Doña Ana County **in perpetuity** and tied to both properties? It is a dangerous overreach for the town to attempt to legislate legal agreements between neighbors.
- **Maintenance.** Because New Mexico is a Common-Law State, state statute holds that a wall or fence on a property line belongs to **both** property owners—no matter who paid for it—with each party responsible for the maintenance of their side. In other words, there is simply **no need** for a "right-of-entry" agreement for wall maintenance.

Section 18.60.340.1 clearly defines requirements for yard walls, stating in part:

"A six-foot maximum height above ground surface level **SHALL BE PERMITTED** on any part of the required setbacks of front yards or side yards...". The new fence language was inserted into Section 18.35.40, which is about zero-lot-line buildings, **not** fences. Conflating fences with zero-lot-line buildings is not helpful. As I communicated with you earlier, this is a badly-written addition to the Town Code that needs to be removed as soon as possible.

The town's requirement for a "right-of-entry" agreement for "all new construction of fences" is also wrong and harmful for several reasons, including:

1. Mesilla is forcing a legal agreement between third parties as a pre-condition

Mesilla is forcing a property owner to enter into a binding, perpetual, notarized, and irrevocable legal agreement with a third party (a neighbor) as a **PRE-CONDITION** of applying for a building permit to improve their own property. This is clearly wrong and unfair.

2. Mesilla is abdicating its unique role in approving building permits

The town is giving absolute veto power to a neighbor or neighbors, and abdicating its own role and responsibility in approving (or denying) building permits. A neighbor can arbitrarily stop a permit application by refusing to sign the agreement, denying due process to the applicant.

3. Mesilla is arbitrarily forcing property owners to give up property rights (a "Takings")

The ordinance forces the applicant (and the neighbor) to give up a fundamental property right (the right of entry) in perpetuity, with **no compensation** (a Fifth Amendment issue). This right is given up not just to the neighbor, but to whoever may own the property in the future.

4. Mesilla is needlessly encumbering properties without compensation (a "Takings")

The requirement for a perpetual "right-of-entry" agreement encumbers both properties, again, **without compensation**. This encumbrance may negatively impact market valuation or complicate salability of both properties, another Fifth Amendment issue.

5. Mesilla is forcing residents to abandon their property without compensation (a "Takings")

Section 18.35.40 says that those without a "right-of-entry" agreement must "Meet the required setback of seven feet". While this may make sense for a building, it makes zero sense for a yard wall or fence (in direct conflict with section 18.60.340.1). Doing so would force a property owner to essentially abandon a large swath of their property, again **without compensation**.

I strongly urge you as Town Trustees to delete the new language around "right-of-entry" agreements for "new construction of fences" from the ordinance, as well as review any other policies or language that deprive Mesilla residents of their property rights. Meanwhile, please approve this application as soon as possible since the design of the fence and wall meets all town requirements for height, setbacks, line-of-sight, clear-sight triangle, and building materials.

Sincerely,



Eric Liefeld – Power of Attorney for Martha Liefeld

PZHAC ACTION FORM
[PZHAC REVIEW – 5/17/2021]
STAFF ANALYSIS

Item:

Case 061099– 23230 Calle de Santiago, submitted by Martha Liefeld; a request for a zoning permit to allow the installation of coyote fences and a stucco wall around a property at this address. Zoned: Historical Residential (HR)

Staff Analysis:

The applicant would like to remove a deteriorating low cinder block yard wall across the front of the property and replace it with an adobe wall that would extend to the property lines at the north and south of the property (see attached diagram). (The north property line borders an occupied property and the south property line borders Calle de Santiago.) The wall will be about five to six feet high with a wooden gate near the entrance to the dwelling, tapering to a height of three feet about thirty feet before either end of the wall, preserving the clear-sight-triangle at the north and south property lines.

The north property line will have a six foot high coyote fence along its length from an existing wall on the west property line to a short adobe wall that is part of the proposed adobe wall on the east property line.

The proposed adobe wall will extend along at least seventy feet of the south property line along Calle de Santiago. The wall will be three feet in height for at least thirty feet of its length in order to preserve the clear-sight-triangle at the Corner of Calle de Santiago and Calle de Picacho. The wall will then increase to six feet in height, and be continued as a coyote fence to the existing wall on the west property line. There will be two ten foot wide gates in the coyote fence to allow access to the rear of the property (see attached site diagram and diagrams of fences/walls.)

The materials used for the fence and wall are materials that are allowed by the code for fences and walls that are in setbacks along roads in Town. It appears that clear-sight-triangle requirements will be met where there are existing streets or driveways, except for the two ten foot wide gates in the coyote fence along Calle de Santiago. Also, the vegetation near the corner of Calle de Santiago and Calle de Picacho will need to be trimmed to meet clear-sight-triangle requirements.

This case was reviewed by the Architectural Review Committee and the applicant was informed that a Right-of-Entry Agreement was needed with the property owner to the north. The applicant felt that this requirement was a violation of his property and other rights. The Architectural Review Committee determined that a legal opinion on this should be obtained by the Town, and the case was to be postponed until the legal opinion was obtained.

The applicant felt that this could take an extended period of time and has requested that the case be heard anyway in order to obtain an opinion from the PZHAC that could be appealed if necessary. That is why the case is part of this packet.

Estimated Cost: \$4,000.00

Consistency with the Code:

The PZHAC will need to determine that the proposed fence s and wall are consistent with the following sections of the Code:

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

- A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.
- B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:
 1. The historical and literary value and significance of the site, building, or structure;
 2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
 3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings;
 4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.

5. The commission shall also consider the applicable zoning and other laws of the town.

18.33.060 Development zone.

A development zone defines the immediate physical vicinity to be used to identify the historic character of a particular area and includes the predominant architectural style and design standards of existing structures together with their setting.

A. Function of the Development Zone. The function of the development zone is to provide for historically appropriate development within an existing historic district by setting standards for both new construction and alterations to existing structures.

18.35.040 Development standards.

D. Yards. For all new buildings, front, side and rear yard must be at least seven feet.

1. Any repairs of structures that have been legally built on a property line or new construction of fences shall require a right-of-entry agreement signed by all property owners of all applicable properties for construction and maintenance that is recorded in Dona Ana County records and filed with the town clerk;

18.60.340 Wall, fence, or hedge.

E. Walls or fences constructed within the front yard setback area facing a street within the H-R, H-C, R-1 zones must be built with the following materials only: stucco, brick, stone, wood, adobe and wrought iron.

(The fence will be built of wood or adobe in the front setbacks.)

G. No walls, fences, hedges or other obstructions may be placed near exits from driveways or parking areas which block a driver's view of approaching traffic for a distance of 90 feet in both directions. The following explanations will further define this unobstructed view (also, see illustrations in Appendix C):

1. The driver's eye level may be from three to eight feet above the driveway's surface and located as far as 10 feet back from the curb line or pavement edge.
2. Those portions of approaching cars which are more than three feet above the roadbed must be within view of the exiting driver.

(The fence will be three feet high from the intersection of Calle de Santiago and Calle de Picacho to a point thirty feet from the intersection in either direction.)

Findings that need to be made:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of building coyote fences and an adobe wall on this property.
- The PZHAC has determined that the proposed fences and wall will not be in violation of MTC 18.06, MTC 18.33, MTC 18.35 or MTC 18.60
- The PZHAC has determined that the proposed fences and wall meet all applicable Code requirements.

PZHAC OPTIONS:

1. Approve the zoning permit.
2. Approve the zoning permit with conditions.
3. Postpone a decision on the zoning permit to allow the applicant to provide additional information.
4. Reject the zoning permit.

PZHAC ACTION:

Doña Ana County, NM

General Reference Maps

Map Help

Doña Ana County Ge

2014 Aerial Addresses County Address Points

Select Search Type: Account Numbe

01237

Enter Value: Search



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: [R0400228](#)

Parcel Number: 4006137154481

Owner: LIEFELD MARTHA L

Mail Address: PO BOX 634

Subdivision:

Property Address: 2320 CALLE DE SANTIAGO

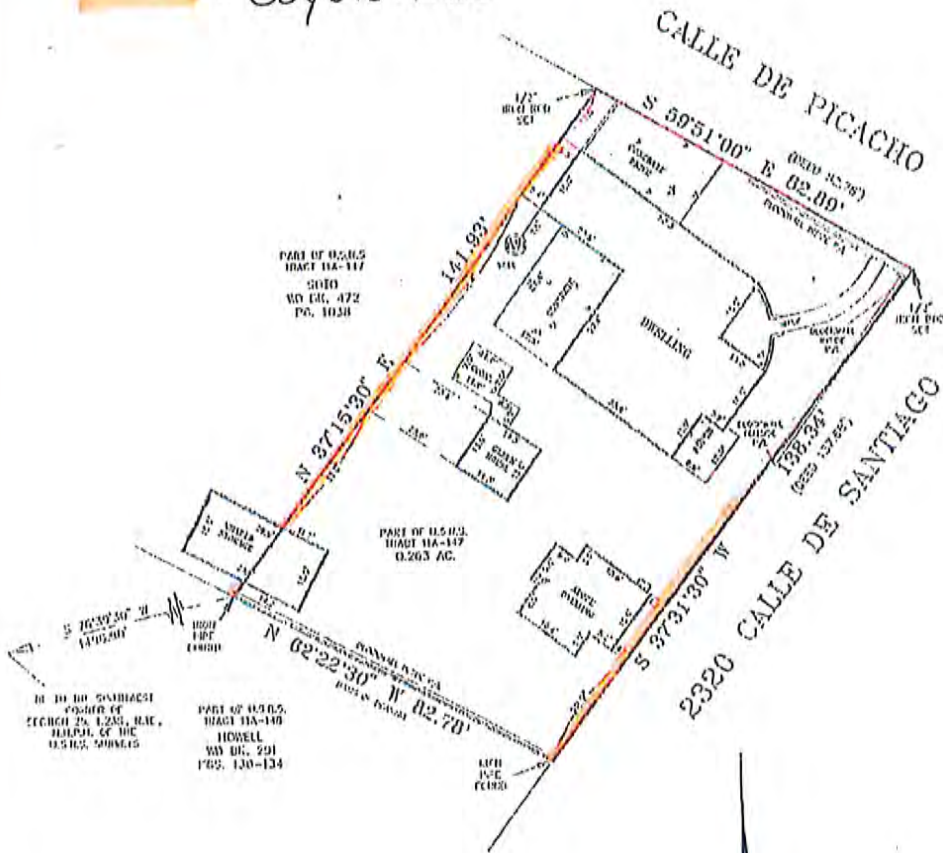
Acres: 0



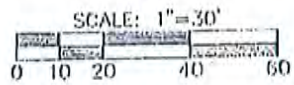
Doña Ana County, Bu

- Adobe Wall

- Coyote fence



NOTES:
 FLOOD ZONE "X", AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, IN MAP NO. 35013G0653 E, EFFECTIVE SEPTEMBER 27, 1991.
 THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL I.C.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
 INFORMATION IN THE PREPARATION OF THIS PLAN DERIVES FROM WARRANTY DEED FILED OCTOBER 23, 2003, IN CLERKS BOOK 472, PAGE 1037, DONA ANA COUNTY RECORDS.



"ADDITIONAL INFORMATION FOR CREDIT CLERK"
 PROPERTY OWNER:
 SOTO
 PROPERTY LOCATING:
 TOWN OF MESILLA



PLAT OF SURVEY
 SHOWING THE LOCATION OF IMPROVEMENTS
 ON A 0.263 ACRE TRACT
 IN SECTION 25, T.23S., R.1E., N.M.P.M.
 OF THE U.S.R.S. SURVEYS BEING PART OF
 U.S.R.S. TRACT 11A-147
 TOWN OF MESILLA
 DONA ANA COUNTY, NEW MEXICO

I, JORGE MOY, A NEW MEXICO PROFESSIONAL SURVEYOR HEREBY CERTIFY THAT I CONDUCTED THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

Jorge Moy
 JORGE MOY
 D.L.L.P.S.
 5939

MOY SURVEYING INC.
 111 N. DOWNTOWN BLVD.
 LAS CRUCES, NEW MEXICO
 88001
 PHONE: (505) 525-9683
 FAX: (505) 524-3230

JOB NO. 07-0037
 DRAWN BY ROBERT E. LAWS
 FIELD BY PETE & JERRY
 DATE 1/10/07 SCALE: 1"=30'



**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:

Case # 061099

Fee \$ 90.00

**PERMISSION TO CONDUCT WORK
OR
OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT FROM CID**

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

CASE NO. 061099 ZONE: HR CODE: M1 APPLICATION DATE: 8/10/20

Martha Liefeld 575-571-5642
Name of Property Owner Property Owner's Telephone Number

P.O. Box 634 Mesilla NM 88046
Property Owner's Mailing Address City State Zip Code

eric.liefeld@gmail.com
Property Owner's E-mail Address

Self
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: 2320 Calle de Santiago

Description of Proposed Work: -Demolish degraded cinder block yard wall
-Build arbor + coyote fence as per attached

\$ 4,000 [Signature] (POA for Martha) 7/28/2020
Estimated Cost Signature of Applicant Date

Signature of property owner: [Signature] (POA for Martha)

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

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

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

The following are requirements to be included with all building permit applications for new structures or additions to existing structures, as well as other construction or fixtures that will be permanent in nature and affect the appearance or use of the property. (This includes fences, well houses, storage units, metal sheds, photo-voltaic panels that can be seen from the ground, etc.)

BUILDING PERMIT REQUIREMENTS

A. Completed application, including:

1. Applicant's name
2. Applicant/property owners contact information
3. Physical address of property
4. Description of work to be done, including dimensions of any construction or repairs
5. Value of work to be done
6. Property owner's signature on the application

B. Include all information required in the checklist at the bottom of the application.

C. Additional information required:

- Site triangle at corner will be preserved
- Existing cinder block yard wall is degraded and partially outside the property line
- See drawing & site plan for details

Cynthia Stoehner-Hernandez

From: Buddy Ritter <buddyritter@zianet.com>
Sent: Tuesday, May 18, 2021 11:47 AM
To: z-Mesilla Cynthia S. Hernandez
Cc: larrys@mesillanm.gov
Subject: Double Eagle Awning

Cynthia,

The P & Z turned down my request to install an Awning over the Entry to the Double Eagle.

Their reason was the attachment to the Adobe Wall would damage the adobe.

I have retained Bohannon Huston's engineer Mathew Thompson who will provide a letter concerning the adobe.

I would like to request that you place my Appeal on the Town Trustees next meeting. I will provide you with a copy of the Bohannon Mathew Thompson letter for the Trustees packet.

I appreciate your help in this matter.

**Buddy
The Double Eagle de Mesilla**

PZHAC ACTION FORM
[PZHAC REVIEW – 5/17/2021]
STAFF ANALYSIS

Item:

Case 061214 – 2355 Calle de Guadalupe, submitted by Buddy Ritter for the "Double Eagle Restaurant"; a request for a zoning permit to allow a retracting cloth awning to be installed over the entrance walkway to the Double Eagle Restaurant. Zoned: Historic Commercial (HC)

Description of Request:

The purpose of the awning is to provide shade to waiting patrons of the restaurant. The awning will be located over the walkway at the north side of the restaurant between the wall of the restaurant and the wall along the parking area. The awning will consist of two overlapping 16 foot long awnings that will have final dimensions will of 13 feet 6 inches (the width of the walkway) by about 30 feet (the distance between the walkway gates and the entrance to the restaurant.)

Since the walkway and the low wall alongside the parking area are actually on the adjacent property to the north that contains the parking lot and the walkway and this part of the adjacent property has been leased by the applicant or his predecessor for many years, permission for the awnings is required from the adjacent property owner. (This permission is attached.) This is not a right-of-entry form, but an actual legal agreement as part of the lease on the property that has been in place for years.

Additionally, run-off from the awning should not be allowed to impact the top of the low wall in order to keep the wall from being damaged by the run-off.

Consistency with the Code:

The PZHAC will need to determine that the proposed dwelling will be is consistent with the following sections of the Code:

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

- A. All applications for work in the Historical zones and Commercial zone (not subject to administrative approval) shall be reviewed by the planning, zoning and historical appropriateness commission. The commission shall determine whether the request involved will be appropriate for the purposes of this title. If the request shall be determined to be inappropriate, the board shall determine whether, owing to conditions especially affecting the building or structure involved, but not affecting the historical district generally, such application may be approved without substantial detriment to the public welfare and without substantial derogation of the intent and purposes of this title.
- B. In reviewing an application, the planning, zoning and historical appropriateness commission shall consider in addition to this chapter:
 - 1. The historical and literary value and significance of the site, building, or structure;
 - 2. The general design, arrangement, texture, material and color of the features, sign or billboard involved;
 - 3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surroundings;
 - 4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. The land area upon which the building or structure is situated;
 - b. The landscaping and planting features proposed by the applicant; and
 - c. The neighboring sites, buildings or structures within the historical district.
 - 5. The commission shall also consider the applicable zoning and other laws of the town.

18.33.060 Development zone.

A development zone defines the immediate physical vicinity to be used to identify the historic character of a particular area and includes the predominant architectural style and design standards of existing structures together with their setting.

- A. Function of the Development Zone. The function of the development zone is to provide for historically appropriate development within an existing historic district by setting standards for both new construction and alterations to existing structures.

18.40.030 Exterior appearance.

An application for a permit for erection, construction, modification of, moving or destruction which would affect the exterior appearance of any structure, sign, or any other improvement affecting use or function must first be approved by the commission. [Ord. 94-06 § 1; prior code § 11-2-11.5.C]

Estimated Cost: \$4,000.00

Findings that need to be made:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of installing two overlapping awnings that will be 13.5 feet wide by a total of about 30 feet long over a walkway to a restaurant at this address.
- The PZHAC has determined that the proposed awning will not be in violation of MTC 18.06, MTC 18.33 or MTC 18.40
- The PZHAC has determined that the proposed awning meet all applicable Code requirements.

PZHAC OPTIONS:

- **Recommend approval of the zoning permit to the BOT.**
- **Recommend approval of the zoning permit to the BOT with conditions.**
- **Postpone a decision on the zoning permit to allow the applicant to provide additional information.**
- **Reject the zoning permit.**

PZHAC ACTION:

Doña Ana County, NM

General Reference Maps

Map Help

Doña Ana County Ge

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Numbe

01237

Search

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: [R0400321](#)

Parcel Number: 4006137239434

Owner: SANCHEZ ERIC L TRUSTEE

Mail Address: PO BOX 32

Subdivision:

Property Address: 2337 CALLE DE GUADALUPE

Acres: 0



Doña Ana County, Bur

E&T Management, LLC

P.O. Box 358
Mesilla Park, NM 88047



(575) 323-1383
eandtmanagementllc@gmail.com

May 10, 2021

ATTN: Larry Shannon
Town of Mesilla
2231 Avenida de Mesilla
PO Box 10
Mesilla, NM 88046

REF: Request by the Double Eagle to put on Awning

Dear Mr. Shannon:

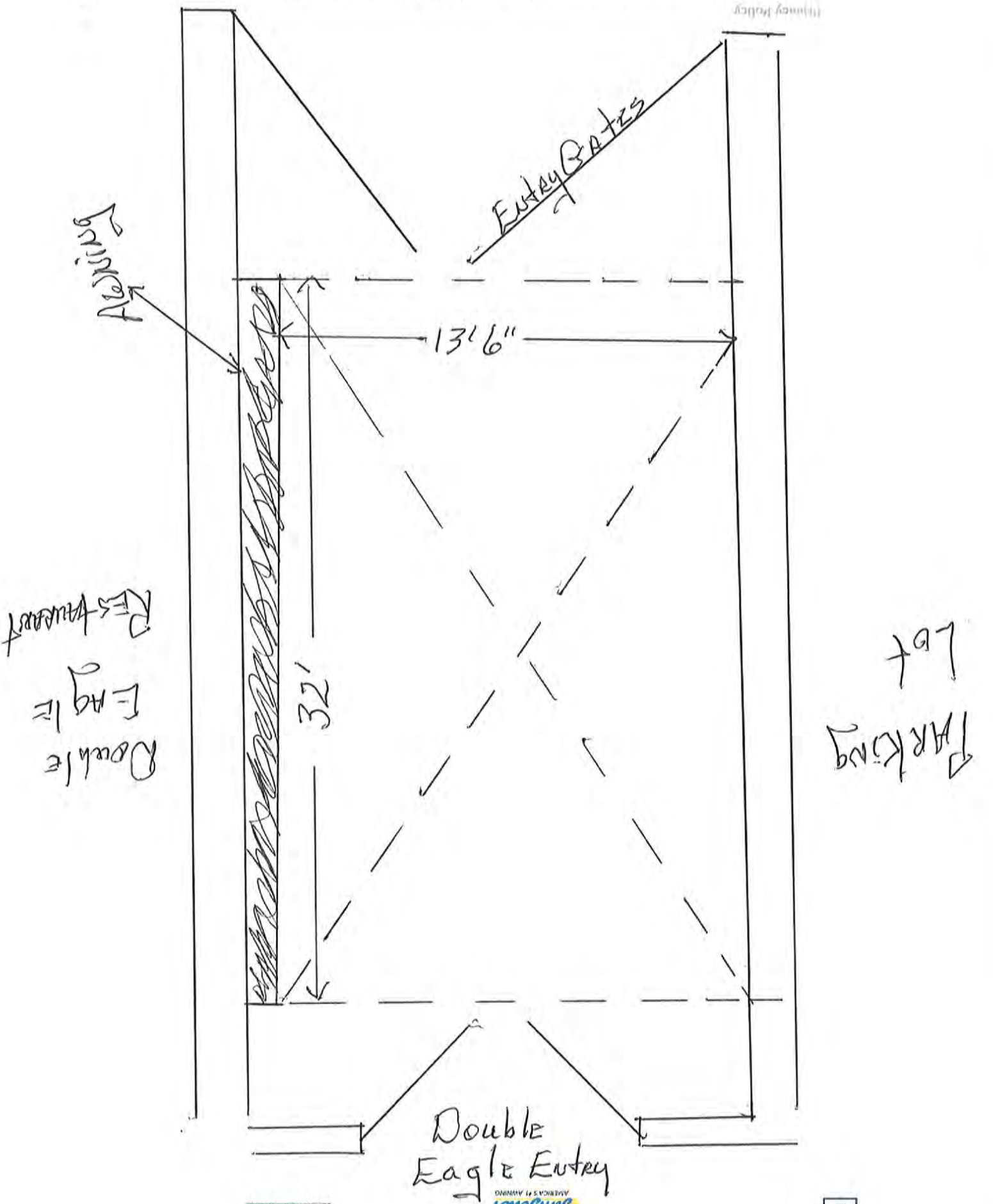
This letter is a formal notification to the Town of Mesilla that Buddy and Margaret Ritter, as owners of The Double Eagle, have discussed with us that they would like to put up two awnings, in approximate size of 15' x 13.5' feet each, across the entrance to the Double Eagle restaurant. These awnings will extend over the portion of the property that they are currently leasing from our company, Butcho Fietze, LLC.

We have reached an agreement with The Double Eagle concerning these awnings and would like to offer this letter of support on behalf of The Double Eagle so they may obtain the necessary permit and permissions from the Town of Mesilla.

Please feel free to call our financial manager, Donna Brown at 575-649-6916, if you have any questions or need additional information.

Sincerely,

Teresa V-F Sanchez, Owner
Butcho Fietze, LLC



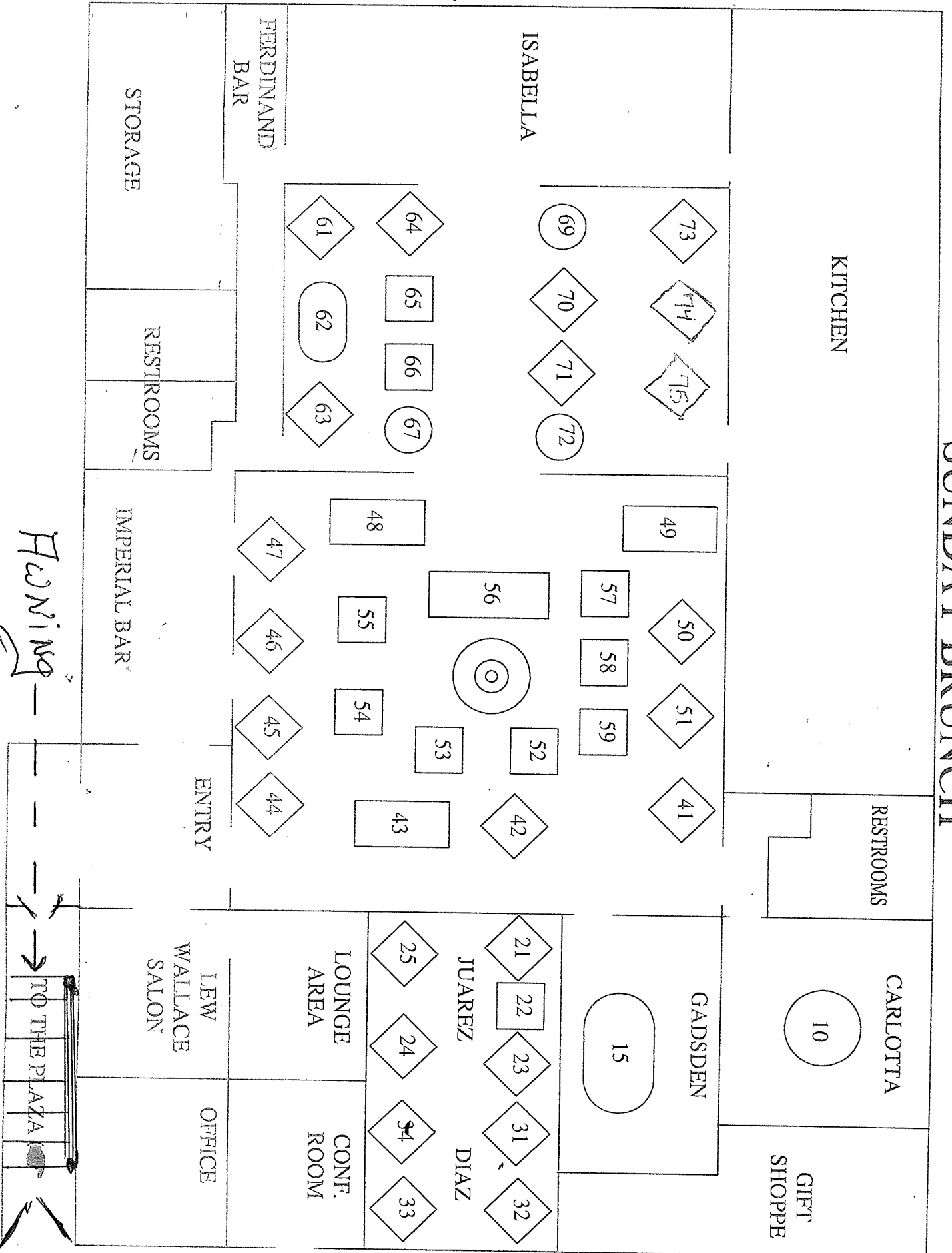
Roadside Eagle Restaurant

Parking Lot

Double Eagle Entry



DOUBLETREE SUNDAY BRUNCH



Handwritten: FLOWING

Buddy Ritter

From: "SunSetter Awnings" <awnings@sunsetter.com>
Date: Thursday, May 06, 2021 7:00 AM
To: <buddyritter@zianet.com>
Subject: \$350 off any awning



Have Questions?
Call: 1-800-876-2340

Enjoy Outdoor Living More Than Ever Before!

TAKE \$350 OFF
Any SunSetter Awning

**LIMITED
TIME
OFFER!**

SAVE NOW >



HURRY! OFFER ENDS IN 7 DAYS!

Your Special Discount Code is:



BUILD YOUR AWNING » STEP 1: Select which Awning Series you'd like to order.

Simply click one of the images below.



The SunSetter Series includes all of the models SunSetter has been selling for over 30 years and features our most popular model, the SunSetter Motorized Model. The SunSetter Series features 100% waterproof Traditional Laminated Fabric or 100% solution-dyed SunSetter exclusive water repellent woven acrylic fabric and a 5-year limited warranty.

STEP 2: Please select your SunSetter Series model:

- Motorized
- Motorized XL
- PRO (Motorized)
- PRO XL (Motorized)
- Manual Lateral
- 1000XT Manual
- Oasis Motorized
- Oasis Manual



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**TOWN OF MESILLA
ZONING APPROVAL**

OFFICIAL USE ONLY:
Case # _____
Fee \$ _____

**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. _____ ZONE: _____ CODE: _____ APPLICATION DATE: _____

C. W. Ritter Name of Property Owner 575 523-6700 Property Owner's Telephone Number

PO Box 905 Las Cruces Property Owner's Mailing Address NM City 88004 State Zip Code

buddyritter@zianet.com Property Owner's E-mail Address

SANCAI Contractor's Name & Address (If none, indicate Self)

915 549-2012 Contractor's Telephone Number _____ Contractor's Tax ID Number _____ Contractor's License Number _____

Address of Proposed Work: 2355 CALLE DE GUADALUPE

Description of Proposed Work: INSTALL AWNING

\$ 4,000 Estimated Cost C. W. Ritter Signature of Applicant May 6, 2021 Date

Signature of property owner: _____

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

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

CONDITIONS: _____

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B. Include all information required in the checklist at the bottom of the application.

C. Additional information required:

Install/mount Awning (RETRACTABLE) to
DOUBLE EAGLE North side of the outside
entry - burgandy stripes in color