



Town of Mesilla, New Mexico

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WILL HOLD A WORK SESSION AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY-OCTOBER 16, 2023, AT 5:00 PM

MINUTES

COMMISSIONERS

Yolanda Lucero, Chairperson
Davie Salas, Commissioner
Eric Walkinshaw, Commissioner

STAFF

Eddie Salazar, Community Development Coordinator (CDC)
Thomas Maese (CID Inspector Supv)

PUBLIC

Les Williamson	Trina Witter
Catherine Walkinshaw	Edith W.
John Rawlings	Rosemary M.
Andrea Bryan	Karena A.
Kennet Magoon	

Mr. Salazar (CDC) – Opened the work session by announcing date and time.

WORK SESSION #1

PZHAC CASE #061643 – 2215 Calle de Guadalupe, submitted by John Rawlings, requested approval to replace an exterior with a window. Case was previously tabled on June 5, 2023, concerning a historical building.

Mr. Rawlings – like to replace the door with a window since it is in a zero-lot line. The property next to mine was sold and is owned by different owners. I can't open the door and walk out. I would be in someone else's property. The door allows water to leak into the building. The wall is cider block, it is not adobe.

Is looking for direction from the commission to assist in properly replacing door with window according to code. There are 3 windows and the request is looking to install a similar window to replace wall. The building has had many add-ons throughout the years and the part where the door is, is not historical. The door was installed within the past few years and Town of Mesilla should have paperwork on it.

Commissioner Salas - the door is on the inside, can't see it from the street.

Mr. Rawlings - I would use whatever the commission allows me to use to make the door a window. Again, there is water coming in, so that creates an issue too.

Commissioner Walkinshaw - asked to confirm the wall east to the door in question is all cinder block. Also, pointed out that the door is not the same dimension as the windows that was suggested to be similar to.

Mr. Rawlings - no, the window going in will not be the same size but will be similar to the appearance of them.

Commissioner Walkinshaw - was confused because in the proposal, it stated the request was to replace door with similar windows of the existing building but they are not the same size.

Mr. Salazar (CDC) - when stated similar, it refers to the same style, not necessarily the same size. That is why it states similar and not identical. It will conform to the building and other windows.

Madam Chair Lucero - had some concerns do to the historic integrity and how old it is. Also, asked why he wants to change the door for a window.

Mr. Rawlings - the building is a variety of ages. The oldest I suppose goes back to 1440s. The door as it was, functioned only when the two properties were one property. Now that it has been sold, and each individual owners, the door is useless.

Town of Mesilla should have within its records, that this door was installed in the past years, so it should not be considered an historic value door.

Madam Chair Lucero - do you own the property?

Mr. Rawlings - yes, I own the property, my name is John Rawlings. I own it outright, there is no loan on this house. I own it.

Madam Chair Lucero - I just don't like to change the historic significance properties.

Mr. Rawlings - I understand that, but this door is not historical. You have records of this door recently installed.

Madam Chair Lucero - so the reason you want to change the door is because you are having problems with that door.

Mr. Rawlings - I have no use for that door, I am on a zero-lot line and once I open that door, I have no rights beyond that door. The people that own that property in fact would like to put tables and chairs along the wall where the door is.

Madam Chair Lucero - can something be done in the interior so it doesn't change the face?

Mr. Rawlings - I can do what you want, but I don't see the sense in that what so ever.

Madam Chair Lucero - well, because that door has been there for many many years and I would...

Mr. Rawlings - when you say many many years, that's not so, maybe some years but that door has been installed last 10-15 years. It certainly isn't historical.

Commissioner Walkinshaw – Madam Chair, I have the registry here and it was established in 1860, it is significant.

Mr. Salazar – I think the question is, is the whole building historically significant or just that part of the building?

Madam Chair Lucero – I have a problem because even if it was changed 10 years ago, why are we changing it again. I would like to see it as it is and if you want, seal it in the back. I just can't see changing it out, it is a significant building.

Mr. Rawlings – ok , so I can make changes in the interior, right? I'm happy with that and can make it work.

Madam Chair Lucero – I would still like to know what you would be doing on the inside. I don't know if CID would also be involved with what you will be planning on doing.

Mr. Maese (CID) – I see two issues right now. Even if they put the wall there, it is not going to change the water situation. So, they would have to put up some kind of a stem wall.

The second issue is because there is no foundation, there will need some kind of plans to present the commission for approval.

Third, what is being proposed and what is being said, the 72 inch opening for the window does not match the other windows and the application says, similar to the other windows and it is not.

My fourth thing is because it is a zero-lot line and they start changing anything that is already in existence, they have to meet the firewall and they can't it not being 3 feet minimum.

Commissioner Salas – what is beyond the door, on the other side?

Mr. Rawlings – used to be an entry way but now my wife uses it to do yoga.

Mr. Maese (CID) – we at CID need to know what you are planning to do on the inside. Can't just say yes, that will be ok. We as the state need more detailed information.

If they do decide to change the door with a window, the glass is going to have to be fire rated and that is very expensive. Your not changing so much the foot print of the house but the aesthetics.

Mr. Rawlings – let's hang on for a second, I already agreed to leave the door there, no external change. I need now to be led on what requirement I need to do to get it done. Not to be told what I can't do, I need to be told what I can do so I can do it for you. I am certainly not in the process of jumping through hoops either. So, just tell me what I need to do and I will come up with a drawing for you.

Commissioner Salas – Mr Rawlings, what Tommy is trying to say, is that the door is in a zero lot line and even if the commission approved the replacement of the door with window, the fire proof windows are very expensive.

Mr. Rawlings – I don't propose that I am a wealthy person by all means, I am a retired teacher but if I have to put an expensive window in, then that is what I will do. Just tell me what I need to do.

Commissioner Salas – I am not opposed to the window, but you need to meet all of CID requirements. That is just me, the commissioners might have another opinion.

For me, keeping this look works for me. Putting up maybe a 30-inch stem wall on the inside the door and a window on top of that.

Mr. Maese – if we are going to leave the door, as far as construction goes, it will need a stem wall to prevent water from coming in. Would need to build a solid wall in front of inside of that door. We as the state would allow it to be done that way.

Mr. Rawlings – so, I will need to design a cinderblock wall to go in front of that door, correct?

Mr. Maese – at least the bottom end of it, 8 to 12 inches. You can go the whole way if you like.

Commissioner Walkinshaw – Eddie mentioned that you wanted to put a window and not a wall because you wanted to allow the light to continue to go inside the house. You can build up to the door's windows and put a ledge. It would then look like a window from the inside.

Mr. Rawlings – I would certainly don't want the back side of that door to be my inside window. I was thinking of putting a window in front of the back of that door.

Mr. Maese – you can do that, but again, they are very expensive, and you would still have to come to the commissioner for approval.

Mr. Rawlings – this is why I came today to discuss what I can do. I will tell you that probably no one has given it the love and attention that we have given it in the last few months and we intend to continue to do so.

Madam Chair Lucero – I hope you understand that we as the commission take modifications to historical buildings seriously and only want the best for the preservation of Mesilla.

Mr. Rawlings – of course, I understand. Ed and I will get together and we will present at another time. Thank you and that is all I have.

Mr. Maese – one last comment for the record. Because, this is a commercial property, there will need to be a set of drawings. Because it is a minor alteration, if the commission is ok with it, CID can waive that requirement for a set of plans. As long as they present us a detailed drawing/instructions on how they are going to build that wall.

Commissioner Salas – I am ok with that.

Mr. Salazar (CDC) – here is the only comment that I have, the code does not regulate interior construction. If it is all interior work, it would not be required to come in front of this commission. It would have to go straight to CID.

Ok, if we are done with that, we will move on to work session number 2.

WORK SESSION #2

Les Williamson has a duplex sitting on a little over half-acre lot. He is looking to sell the property, either to sell as is or split the lot if allowed to be able to build a primary residence.

The code allows two primary residences on one lot providing each have 8000 square feet. Is a duplex considered to be one primary residency (unit) and therefore allow a second primary on the lot, or is a duplex considered to be two primary residencies and not allowed to build another residence in a single lot? Looking for the commission's guidance in proceeding with this request.

Commissioner Salas – I am going to say, yes it does fall under that code.

Madam Chair Lucero – I agree with that.

Commissioner Walkinshaw – the code says, two dwellings, is a duplex considered to be one or two dwellings.

Commissioner Salas – a duplex is considered to be 2 dwellings. I been through this before.

Mr. Salazar (CDC) – ok noted

My other question is, the survey that Mr. Williamson turned in is 156 linear feet of frontage road. Is looking for options, what can be done with that property. The only option I see, now that I have learned the duplex is to be considered as two primary residences, he will need to request a variance.

Commissioner Salas – that is what I see is he would have to ask for a variance and along with a variance, he would have to have a hardship with that.

Madam Chair Lucero – yes, would need to show a hardship.

Mr. Salazar (CDC) – Ok, that is the questions I had. I would now like to invite, Mr. Williamson to address the commission and ask any further questions he might have.

Mr. Williamson (CDC) – the duplex is barely 11% of that lot. I understand the code to control the densities in that historical zone and approve of it. After referencing the code, it is a matter of interpretation if a duplex being one dwelling be considered one primary residence. Was hoping to be able to have a good buyer.

There are 2 addresses on that property, not going to deny but with the duplex being 2300 square feet and the lot size being over 21,000 square feet, I thought the commission might find a way to improve the neighborhood.

Commissioner Salas – I get it, I understand what you mean. Although you were in agreement with the density thing, I wasn't. It used to be 4,000 square feet and if it was as it was then, you would be able to build.

Even if we split it. We are making them both a non-conforming lot. One would not have the required frontage and the other would not have the 16,000 square feet to hold two primary residences.

Mr. Williamson - that is true, I was not thinking about that.

Commissioner Salas – It states it in the zone, a lot split not permit that does not meet the requirement in the zoning district, 17.35.030. The code states it clearly, the only option I see is a variance, but you will need to provide a hardship.

Mr. Williamson – then that is what I will do. Except, I will need to provide a hardship, there is no hardship, really.

Madam Chair Lucero – we can't just keep handing out variances. It would make more sense to speak with the board and amend the ordinances.

Mr. Williamson – well, it's a matter of interpretation, can a duplex be considered as one dwelling. In my mind, it is one dwelling.

Ok, so what is the practice of applying for a variance?

Mr. Salazar – it would be similar to a zoning or special use permit. You would have to fill out an application. Pay the fee. The hearing would be held no earlier than 15 days or more than 45 days. From there, it would be heard by the Board of Adjustments. They would make the final decision. Would not have to go in front of the Board of Trustees.

Mr. Williamson – is there any way to predict on what the outcome would be to amend the ordinance. To allow some common sense in some of these individual cases.

Mr. Salazar (CDC) – the commission has to follow the code. If your request is not approved because it is against code, it is ok. They have done their job. The next step is to appeal the decision and address the Board of Trustees, because the commission can't change or amend the code. The BOT can. So, your request would need to be presented to them and the only way to do so, is being denied by the commission.

If the BOT agrees that one structure/dwelling should be considered as one primary residence regardless if it's a multi-family, then they are the ones that have that authority to do so, not the commission.

We should not take it as a negative thing when denied by the commission, it is simply the process that we need to take in order for you to address the BOT.

Mr. Williamson – ok, I understand. I would then like to put in a request as soon as possible to the PZHAC and expect a denial so I can appeal to the BOT.

Mr. Salazar – ok, as soon as I get an application submitted, I can place you on the agenda.

Mr. Maese (CID) – as far as our interpretation with CID, you would have to have up to four units for it to be considered a multi-family. In our building code, you are allowed to have two duplexes on a single lot.

The issue is, you are showing a well. Is that well for domestic or irrigation use?

Mr. Williamson – it is domestic. If we are allowed another dwelling, it would be hooked up to a city meter.

Mr. Maese (CID) – you can't do that because it is one parcel. Under the environmental regulations, you would have to have a certain amount of property in order to be able to sustain two individual units. It's going to be more than half-acre.

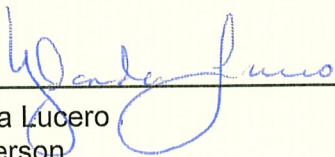
So, if you are approved by the board to allow another dwelling, you would still have to comply with environmental regulations. It is possible you would be required to go to city water on both units.

Commissioner Salas – to add to that, when you subdivide, you would need to provide sewer and water to each lot.

Mr. Williamson – ok, understood. Thank you

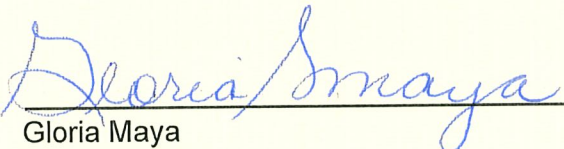
Mr. Salazar – Ok, that is all I have and thank you all for your input. If no one else has anything, we will take a little break and back at 6 for our regular meeting.

Work Session adjourned.



Yolanda Lucero
Chairperson

ATTEST:



Gloria Maya
Town Clerk/Treasurer



