



MINUTES

Planning and Zoning Commission

Tuesday, February 5, 2013
Grant County Administration Building
1400 Hwy 180 East
Silver City, New Mexico

Commissioners Present

Sherry Clements, Chair
Lita Furby
Carl A. Waterman
John Lawson

Commissioners Absent

Nickolas Seibel

Staff Present

Peter Russell, Community Development Director
Jim Coates, Planner
Jaime Reading, Planner

The regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm by Chair Sherry Clements. The Pledge of Allegiance was recited. A roll call of commissioners was taken and a quorum was present.

Approval of Agenda

Commissioner Waterman moved to approve the agenda as submitted. Commissioner Furby seconded the motion. A vote was taken and the agenda was approved as submitted.

Approval of Minutes

Commissioner Waterman moved to approve the minutes of the December 4, 2012, meeting as written. Commissioner Lawson seconded the motion. A vote was taken and the minutes were approved as written.

Public Hearings

VA 12-04: A request for a Variance to allow a garage to be constructed within the required setback. The property, addressed as 929 Camino de Suenos, is located on a tract of land described as Lot 3, of the Vista de Plata Subdivision, in the Town of Silver City, Grant County, New Mexico. The applicant is Habitat for Humanity, owner.

None of the commissioners had any ex-parte communication or conflict of interest. Eight people were sworn in for testimony. Jaime Reading presented the staff report and

testified that the application was complete and that a building permit was mistakenly issued by the Town of Silver City Building Official with a ten foot setback.

Cissy McAndrew presented the application for Habitat for Humanity. She addressed the seven findings required for the Variance to be granted.

Frank Quarrel, a volunteer for Habitat for Humanity, spoke in favor of the Variance being granted. He stated that by stopping construction of the garage, it created safety issues for the people building the home.

Mike Eley, Planner for the Town of Silver City and project coordinator for the subdivision, spoke in favor of the Variance being granted. He stated the setback problem was not a misinterpretation. He stated that he informed the architectural firm which designed the subdivision that the setback for the area was ten feet. He also stated he was not aware of the change in the Land Use Code of 2010 that increased the garage setback to 20 feet. Mr. Eley testified that the subdivision has restrictive covenants which prevent the homeowners from converting garages to living space.

Michelle Dwyer, the construction manager for the project stated that the length of the garage could be shortened by eighteen inches.

No members of the public spoke against the Variance.

Commissioner Waterman moved that the Commission approve the Variance application 12-04 with the following findings:

- 1) The hardship of which the applicant complains is one that is unique to the applicant rather than one suffered by the neighbors or the general public; and
- 2) The hardship relates to the applicant's land or property, and
- 3) The hardship was not created by the deliberate action of the applicant, or by one under his control, and reasonable remedies are not presently available, and
- 4) The granting of the variance is consistent with the Town's Comprehensive Plan, and
- 5) The granting of the variance is in harmony with the purposes and intent of the Land Use Code, and
- 6) The granting of the variance will not be injurious to the neighborhood surrounding the property where the variance is proposed, and otherwise is not detrimental to the public welfare, and
- 7) The variance will not result in the extension, expansion or enlargement of a non-conforming structure in violation of Article VII, and will not authorize the initiation of a non-conforming use of land.

The motion was seconded by Commissioner Lawson.

Commissioner Furby questioned the staff recommendation that all other garages constructed in the subdivision meet the required 20 foot setback.

Chair Clements did not feel that the condition should apply as it does not pertain to the individual property.

Commissioner Furby moved to add an amendment to the motion that the applicant makes every effort to reduce the length of the garage as much as they can. The amendment received no second.

A vote was taken and the Commission, agreeing that the application meets the seven required findings, hereby approves by a roll-call vote of 4 to 0, the applicant's request for a Variance.

ZC 12-08. A Zone Change request for numerous tracts of land. The request is to amend the Official Zoning Map for the following properties from the Commercial or Residential B districts to the Mixed-use Zoning District. The map amendment/zone change includes:

- 1) all of Blocks 243, 254, 267 and 268 of the Fraser Survey of the Town of Silver City;
- 2) the east 74' of Lots 1, 3, 5, 7, 9 and 11 of Block 256 of the Fraser Survey of the Town of Silver City;
- 3) the east 70' of Lots 1 and 3 of Block 266 of the Fraser Survey of the Town of Silver City;
- 4) the west portion of Block 276 of the Fraser Survey of the Town of Silver City bordered on the east by the Town owned ROW in Pinos Altos Creek and including the vacated portion of 15th Street as described in Ordinance 702;
- 5) all of Blocks 1 and 6 of Schadel's Subdivision.

The applicant is the Town of Silver City.

None of the commissioners had any ex-parte communication or conflict of interest. Three people were sworn in for testimony. Jaime Reading presented the staff report.

Ms. Reading testified it is the staff's opinion that the application meets the following findings;

1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan.
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan.
4. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code.
7. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

Commissioner Waterman stated that he prefers zoning areas with uniform borders and generally likes to avoid spot and strip zones. He stated that he realizes that the Town has a long history and that the wishes of the people need to be accommodated.

Commissioner Waterman moved to recommend ZC 12-08 for approval to the Town Council as it meets the following findings;

1. The proposed amendment is in substantial compliance with the Town's Comprehensive Plan.
2. The proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan.

4. The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code.
7. The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code.

Commissioner Furby seconded the motion and it passed by a unanimous roll-call vote.

Old Business

None

New Business

Mr. Waterman moved to confirm Commissioner Seibel for Vice-Chair. Commissioner Lawson seconded the motion which passed by a unanimous roll-call vote.

Community Forum

Chair Clements suggested a fire prevention forum for the March agenda.

Reports from Staff

Mr. Coates thanked the Commissioners for the opportunity to present the Pedestrian and Bicycle Routes Plans.

Reports from Commission

None

Community Input

None

Adjournment

Commissioner Waterman moved to adjourn the meeting. Commissioner Lawson seconded and the motion passed unanimously. The meeting was adjourned at 8:40 pm.

Sherry Clements, Chair
Planning & Zoning Commission

Approved March 5, 2013