



PUBLIC HEARING

City of Anthony, NM Planning and Zoning Commission
Municipal Building / 820 Hwy 478
Anthony, NM 88021 & Conference Call
Wednesday, September 09th, 2020
6:30 P.M.

MINUTES

You can join meeting at the City Municipal Chambers in person or:-
Using your phone by dialing.

United States: +1 (408) 650-3123; Access Code: 701-708-349

All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members;

1. **CALL TO ORDER** by *Chairwoman Sarah Holguin*

[**Chairwoman Holguin**] I call the meeting of the City of Anthony, New Mexico Planning and Zoning Commission, to come to order. For today, Wednesday, September 9, 2020.

2. **PLEDGE OF ALLEGIANCE** led by *Mrs. Sarah Holguin*

[**Pledge of Allegiance**] I pledge allegiance to United State of America and to the republic for which it stands one nation under God, Indivisible, with liberty and justice, for all.

3. ROLL CALL: <i>Present:</i>	<i>Commissioner Jose Terrones</i>	YES	NO
	<i>Commissioner Andres Borunda</i>	YES	NO
	<i>Commissioner Barbara Cameron</i>	YES	NO
	<i>Commissioner Janny Brumlow</i>	YES	NO
	<i>Chairwoman Sarah Holguin</i>	YES	NO
	<i>Quorum established</i>	YES	NO

4. **APPROVAL OF AGENDA ORDER**

1ST Motion: Comm. Terrones 2ND Motion: Comm. Borunda **AIF**

5. **ITEMS FROM THE FLOOR – PUBLIC COMMENT (Swear the speakers) None.**

[**Chairwoman Holguin**] Are there any public comments further than what is being considered at tonight's meeting?

- Ok, so there are no public comments.

6. **DISCUSSION AND ACTION**

a) Consideration and Action to approve a variance request to approve a setback of 5' at the rear of property located on **1109 Tierra Huichol ID-R181747** which is in CR-1 Zone (community Residential).

[Chairwoman] This time, we will move to our public hearing.

- Um, do we have any legal notices for tonight's meeting that has been posted? Notice was posted for the hearing previously. So, we're good on that.
- These cases being heard under provisions required under the New Mexico Court of Appeals, intended to protect the rights of all parties to the proceedings, requirements including the identification of the parties under witnesses and the swearing in parties, giving testimony.
- The affected parties will have the right to cross-examine persons giving testimony.
- Today we are considering the action to approve variance request to approve a setback of five feet at the rear of property located at 11090 withdrawal circle, which isn't in the CR- 1 zone, community residential.
- Is there a commissioner who has a conflict of interest? No for everybody.
- Have there been any outside ex-parte communications by any Commission member?

[All Commissioners] No.

[Chairwoman Holguin] We'll start determining the presence of the parties. Is the city manager on the line by any chance?

[Oscar Dominguez] Yes, I am here representing the City for the continuation of the hearing. Thank you.

[Chairwoman Holguin] The staff is here to present the case, you will need to be sworn in by the secretary.

[Comm. Cameron] Please state your name and position for the record please.

[Oscar Dominguez] This is Oscar Dominguez- City manager with the City of Anthony.

[Comm. Cameron] Do you swear that the statement you are about to give are true as you know them?

[Oscar Dominguez] I do

[Chairwoman Holguin] Are there any questions from the applicant or agent by any commission member?

[Chairwoman Holguin] Are there any affected parties who would like to speak, you will need to be sworn in by the secretary. Please state your name and address for the record. {Statement repeated in Spanish}

- None

- Are there any questions for the affected Parties by any commission member and with the applicant who you would like to cross-examine?
- Ok, so at this point I think we can go ahead and go into the issue pending for the, Consideration and Action to approve a variance request to approve a setback of 5' at the rear of property located on 1109 Tierra Huichol ID-R181747 which is in CR-I Zone (community Residential).

[Comm. Brumlow] I have a question, are we not supposed to get a plot?

[Comm. Terrones] We did receive on our packets

- My name is Antonio Alvarado

[Comm. Cameron] Do you swear that the statement you are about to give are true as you know them?

[Antonio Alvarado] I do

[Comm. Terrones] I see now and understand how your Mobile home is sitting; it faces to the west. What is the total length of the structure?

[Antonio Alvarado] 50 Feet x 60 Feet

[Comm. Terrones] So, the 60 feet is from the mobile home?

[Antonio Alvarado] Yes, sir?

[Comm. Terrones] right now you are leaving 5ft from the west wall

[Antonio Alvarado] Actually, it's 5 Feet and 6 inches

[Comm. Terrones] how much room are you leaving from that structure in the north?

[Antonio Alvarado] 5 feet

[Comm. Terrones] I see that it is divided in three ways that each they have our wall.

[Antonio Alvarado] the one on the rear has a wall

[Comm. Terrones] what is the width between each? The structure sits with an arch on their side, on the west, Arch, and another on what is the distance?

[Antonio Alvarado] From the rear to the front, 20 feet from the sides 25

[Comm. Brumlow] are those wall on the side all the way up?

[Antonio Alvarado] No, ma'am the one on the rear.

[Comm. Brumlow] Because that's what it looks like in this picture.

[Antonio Alvarado] No Ma'am everything in the back has arches

[Comm. Brumlow] is this the back?

[Antonio Alvarado] No ma'am, that's a picture from those street view

[Comm. Brumlow] this is a side?

[Antonio Alvarado] Yes, ma'am?

[Comm. Cameron] This is, this is the back right here.

[Antonio Alvarado] Yes, ma'am.

- **This picture is from the side of the street**

[Comm. Terrones] if you remove one wall that would be 20 feet you're removing. You would have the 5ft to have 25?

[Antonio Alvarado] I would have to build another wall.

[Comm. Terrones] Looking at it, if you remove this part you would have your five feet from the wall, you will have 25 feet.

[Antonio Alvarado] Well, I will have to do a lot of redoing it, all the way to the top is 15 feet

[Comm. Brumlow] already over

[Antonio Alvarado] that's the reason is why I will RV or I won't be able to use it, all the way to the sitting at the top of the center of the arches at the top. That's 12 feet at the center of the arch.

[Comm. Brumlow] Um, this might be hard for me to accept, but our job is to make sure that everybody in town stays within the standards as prescribed, OK, ah, we can't play favorites.

- We can't let somebody do something and then not let the other people the same thing, do you understand what I'm saying? We have to be fair and equal.

[Antonio Alvarado] That's why they should do their variance meeting as well.

[Comm. Brumlow] Well, that's what this is for.

[Antonio Alvarado] If somebody else does it, they should go through the same processes.

[Comm. Brumlow] Everybody does

[Antonio Alvarado] and everybody, that's, I mean, they go through a process to know, I mean, I don't see it as favoritism.

[Comm. Brumlow] Well, everybody that comes here gets the same.

[Antonio Alvarado] I'm just saying. They do want to build something like that.

[Comm. Brumlow] they should, they should go to City Hall.

[Antonio Alvarado] That's why we're on it. That's why we stopped working things the right way.

[Comm. Brumlow] I think Mr. Terrones preposition is a Fair one.

[Comm. Terrones] there are few reasons that you will have to prove your case.

[Antonio Alvarado] Which are?

[Comm. Terrones] one of them is ordinance, second is public health

[Antonio Alvarado] I don't know what you mean by public health

[Comm. Terrones] I mean, there's certain things the law requires to not conflict with standards. I see your financial hardship.

[Chairwoman Holguin] granting the variance will cause conflict to the ordinance and substantial justice.

The first one for granting the variance. There will be not detrimental to the public health safety of both. Number two would be a justification because there is a physical hardship.

Then, the one of the example that I remember we had was, things already set like an arroyo that cannot be removed it is already stated. So those are kind of like the physical hardships that the ordinance in addressing resulting, some size shape, existing structures in the topographical areas, which are the things that are already in the nature itself.

[Antonio Alvarado] For us, as public health, I don't see why a patient and nobody could have an electrical or.....

[Chairwoman Holguin] That's just one of the things,

[Antonio Alvarado] and as far as, like, flooding and all that, I showed, those, doesn't even have a lab in the bottom.

[Comm. Terrones] It's the other way. That you do this variance in order to not cause a public health issue, you know, we would avoid a lot. If you were causing public health, I guarantee you, we would not pass it. But it's the other way around, so asking, I need this variance because I'm trying to avoid a public health issue. Does that make sense?

I see your point, I'm trying to make a action here. If your argument can kind of help us here I would greatly appreciate it.

[Comm. Cameron] What is your name?

Ashley Garcia

[Comm. Cameron] Do you swear the statement you are about to make here are the truth.

[Ashley Garcia] Yes

As far as public health, I believe my kids are part of this. Kids do need some shade to play. They have nowhere to play out. If they're out, they have nowhere to play, for example, the trampoline gets super-hot. It was out in the sun they can't go out, they have to wait until the sun goes down. When the sun goes down, they can be outside. I don't allow it.

The pool, the sun hits right on their face, they could end up with one of those severe burns, and their feet can be burnt.

-My dogs: they need shade, they need their shade to be outside. I do need this shade for my kids to have somewhere to go.

-My vehicle: You get in the car they are burning when car is parked, you get in there, and your steering wheel is burning. It's not going to get better unless it's winter. The winter time, well, it's been covered.

[Antonio Alvarado] Like I said, we do need this shade, like in this case I do own an RV.

[Ashley Garcia] Easement. We have no events in the back there all in the front. Everyone through the front, even in the back, there is nothing.

[Antonio Alvarado] As far left, some emergency vehicles, somebody's can go through the back. I don't think we're on our way from nobody. Nobody is in the rear of our house.

We went through all our neighbors, and we got those letters from them, doesn't bother them.

I mean, I seriously don't understand. What else?

[Comm. Terrones] Madam Chair.

Staff- How does that water get to that drainage, that is just south of this property.

[Ashley Garcia] are you talking about the first lot?

[Antonio Alvarado] I think it's to the road.

[Comm. Terrones] from your property?

[Ashley Garcia] I think it's not

[Antonio Alvarado] they have a little ditch but that's on Acosta.

Out lot and step mom, but we won't harm that. As far as, like me retaining water. And like I said, I don't mean water go through there.

[Ashley Garcia] with shade my kids can play even when its rain and they are not burn.

[Comm. Brumlow] even if you cut it down, that still gives you 20,000 square feet.

[Ashley Garcia] The thing is that we have it on that cement.

[Antonio Alvarado] it's just so the pillars won't move, it's not an actual slab like all the way.

I mean, it's really well constructed as we send some pictures.

[Comm. Terrones] Oh, it does.

[Antonio Alvarado] yeah, and the time and the money that we put into that.

[Comm. Terrones] does staff have any recommendation

[Comm. Brumlow] I understand the financial think about it because I'm a homeowner, and I have financial difficulties with my home.

[Antonio Alvarado] the person who build that fall right in between the two, will

The kind of divide our backyard. There's no action to fix it, again. There's not that much space.

[Comm. Brumlow] This will put us in a position, where we have to do it would have to let everybody do it. We have to let these regulations in place for a reason. I mean, we didn't come up with them.

[Ashley Garcia] we understand that, that's why we are here to try and get this

[Comm. Brumlow] Like I said, our job is to make sure that all the ordinances are according to what we have in front of us.

[Ashley Garcia] there's mobile home stuck together with another issue.

[Comm. Brumlow] Well that's another issue, if something was there before the city became a city, that is their grandfathered and we can't do anything about it, the only thing that can be done about it, if they were get pulled out they cannot bring another one in. Anything that was there before, July first of 2010 was grandfathered in.

[Ashley Garcia] we are here, trying to do something good for our property. If you could see the mobile is just the mobile home with no trees, no shade, I mean, if we even have like a cookout, we can't go out and have a cookout. I our cars, Like I said, our cars are heating over there, will need this just for our kids but for us. It's a good building, its very well build it has, what a lot of porches done have. Some porches are sitting on walls.

[Antonio Alvarado] I mean, if you actually cut the porch, like you suggested, who have a wall, a wall in our backyard, we will lose all those 25 feet of our yard, we do have to have that walk, that's the way the sunset, that's what gives us some shade in the afternoon.

[Comm. Brumlow] if you move it, you would still have a shade

[Antonio Alvarado] we will only have like five feet actually, so we will lose the rest of our yard on the site, to build that wall will lose those 25 feet. There's no way you could get injured.

[Comm. Terrones] I just wanted to be clear, so, your backyard is beside here, so, you have five feet. What I would suggest is you remove this gate.

[Ashley Garcia] that's what he was saying, if you remove that part you have to put a wall up to divide

[Antonio Alvarado] so we would lose those 25 feet

[Ashley Garcia] because we wouldn't be able to move into the back.

[Antonio Alvarado] there's no way you could bring a car in there, all you will have is like five feet on each side.

[Ashley Garcia] Nothing will fit back there.

[Comm. Brumlow] wasn't it five feet on each side already?

[Ashley Garcia & Antonio Alvarado] yes, exactly.

[Comm. Brumlow] Okay, we're not talking about this side we're talking about the back.

[Comm. Terrones] their lot is 60 feet and this thing is 50 feet

[Ashley Garcia] so it's more of a hazard if we do that, in case anything something need to go back there. So, we are doing it as far as we could just to avoid anything going back there.

[Antonio Alvarado] I mean, all that is secure if we move that wall we will lose the space in the back. We will only have like spikey clearance on the side.

[Comm. Brumlow] I don't understand why you will be losing that space.

[Antonio Alvarado] Let's say, this is our lot, right. This is the back wall.

If I move it like he said, 25 feet, all we will have its five feet from here and here

[Comm. Brumlow] and 25 feet in the back...

[Antonio Alvarado] Yes, ma'am because there's no way we could fit anything in the back. We would lose that space.

[Comm. Terrones] yes because total lot space is 60 feet wide, this thing is 50 feet wide so he's got five feet, five feet

[Comm. Brumlow] Except that, that's not the issue, the issue is that you meet the 25 feet in the back.

[Antonio Alvarado] That's what we are doing

[Comm. Terrones] so how does it get your arch?

[Antonio Alvarado] you got to go through the arch. That's why it's so high we put it inside our shop. You could still get it, in there but we will lose those 25 feet in the back. I mean, the RV almost 22 feet wide, we'll just have like 20 feet in front. No point in spending all that money for 20 feet room. As you will lose those 20 feet, that will give us 40 right? But to my RV, just give us 20 feet.

[Comm. Brumlow] if you took that last bay out and then built it in front of your mobile home There's equal not where your mobile home is, I'm not saying build it to the street.

[Antonio Alvarado] if we build the wall on the front. There's no access at all for the cars. The front is where the cars coming in,

[Comm. Brumlow] right but you're just going to do it on the side. Just on the side and on the top, so that the shelter switches.

[Comm. Cameron] so are we, looking at their House Street, right there.

[Comm. Brumlow] Because there's nothing in front of the mobile homes.

[Antonio Alvarado] Just the axis. That we need to get to vehicles

[Ashley Garcia] Oh, if there's an accident example, there's an accident in the back of my home.

Help need to come in get from it, the RV is parked right in the middle. To get to the back they could walk.

[Comm. Brumlow] so, on the same respect, if you have it all the way up there, if your accident is back there, they will still no going to be able to get it all the way.

[Ashley Garcia] The RV goes all the way back

[Antonio Alvarado] we only have five feet nobody's going to be back there

[Ashley Garcia] there are other ways to the back and the 25 feet that they have to walk, which they can bring the bed. I know this for a fact, I've done medical.

[Chairwoman Holguin] At this time, is there a Commissioner prepared to make a motion? Or continue discussion?

[Antonio Alvarado] can make a comment?

[Chairwoman Holguin] yes, just say your name please

[Antonio Alvarado] maybe it doesn't have anything to do with it, but need to say this. I was born and raised here in thinks like this, we're falling behind from Anthony Texas. Maybe it's not in my case, but just want to put it out there. I mean, I'll just share that. We have stuff here that are really bad building. But I'll put ourselves through, help each other.

[Ashley Garcia] I mean, if we around we've seen trash, we've seen people that their yards are...

[Antonio Alvarado] maybe it doesn't impede our case but the city needs things like this with all due respect.

[Antonio Alvarado] we've always been residents here, my daughter serves at church.

[Comm. Terrones] madam chair, is staff still online?

[Chairwoman Holguin] city manager...

[City Manager] madam chair yes, this is Oscar Dominguez. I'm sorry, I did hear staff, but I can I can barely hear.

[Comm. Terrones] I'm just trying to understand this, I don't know how to exactly how to phrase this

question. The 25 feet required, has Mr. Roman expressed what concern would be if we were to lose that?

[City Manager] Madam Chair, this is city manager back on, no, commissioner Terrones, he not expressed a concern, other than, of course, it's a fairly large variance from code. But, no, I've not heard any specific concerns from our public work supervisor, Mr. Roman, around this particular variance and it should also be noted that, again, no protests or concerns were raised by the neighbors. The resident went through the process of public notification through the city.

So no, sir, Commissioner Terrones, no concerns, other than, again, the great variance from the code.

[Antonio Alvarado] I work for a framing company in cruces, I've seen a lot of houses they're small there may be some but there's a lot of houses that don't. Maybe it's a different city. I really don't see the issue, why here?

[Chairwoman Holguin] I have a question, the mobile home where it's at before the building of the porch. How far was it?

[Antonio Alvarado] on the backside? 7 feet and on the front side 9 around 30 feet.

[Comm. Cameron] state your name, please.

[Eddie Salazar]

[Comm. Cameron] do you swear that the statement you are about to make are the truth?

[Eddie Salazar] I do

[Comm. Cameron] are you codes enforcement?

[Eddie Salazar] right now I just got promoted to neighborhood services that combination of codes and animal control. I don't know what's going on with the variance listening today might help understand. What I want to express, being out there and seen your home, it's beautiful I see how you want to make it better. My very first question is when you started building it, and everything planned did you ask for permit?

[Ashley Garcia] I called Las Cruces, they said we have to go through city and they said...which they are closed when we all started this, they said they don't do that because it is a porch but I did call them, they said no to anything that has to do with the porch or the wall

[Eddie Salazar] I just wanted to have an idea, as she was mentioning it part of our enforcement is we have to follow the ordinance. As Mr. Terrones was mentioning it, this variance is for you to show hardship or public health, or to justify the acceptance of the building. If the city allow that to happen what's going to stop the next door neighbor to do the same thing. What is going to stop them from saying, "we just build it, then go get variance"?

On your behalf, I understand what you are saying. I understand you wanted to build a better home for the community I just needed to explain a little bit better because I have seen your home, explain why you built it like what's the whole purpose of the 25 feet setback, who came up with that? Those are the kind of things I would like to have the opportunity to hear maybe ask to post pone allow communication because, you guys don't know so you are trying to picture it and you guys trying to explain it and they don't see the whole picture. You can bring better pictures, video layout, any kind of evidence that you can bring that would help.

[Ashley Garcia] We have videos

[Chairwoman Holguin] one thing that we did want to clear up today is that we wanted to make sure there was no easement that was being blocked so, that was clarified today, because that's one of the

things we did request from the last time, because we just wanted to clarify that there was not going to be any block to easement and today they have proven, there is no block of easement and also they brought photographs that we did request, and it does show a lot better. The building, I mean, the porch and how it was built gives us a better perspective, of all directions, the fluid, and then you very much for that information.

[Comm. Terrones] madam chair, this is Commissioner Terrones. Here's the problem, OK. I see what you've done and you've done good job at it, OK, and you have put in quite a bit of money. I think that more residents here in Anthony it looks clean ah... and this is what makes this decision. The fact of the matter is that we do have these in place.

I'm going to make the motion that this gets denied.

I don't think you can bet on the hardship and the health, you do have other options, I don't know how the other commissioners do, but I think it is my duty to say if we denied this you can appeal this to basically the Mayor and board of Trustees. I know, maybe this is your first time go for a hearing, but it is very important that you try and fix this..... I think you're very close.

I haven't heard those key words make an easy decision.

[Comm. Terrones] I now make a Motion, I don't know how the rest of the Commissioners feel to do that, it's not an easy decision and that I do understand a lot of your points but this is not still half of the resources. The other thing you know, I've been asking questions to try and make a connection here, one of them is ah the 25 foot what you see with that part? What are we willing to do? Maybe 10 feet, I mean, maybe we can meet somewhere in the middle. I don't know, but from what I have seen tonight, ah madam chair, I make the motion that this variance be denied.

[Ashley Garcia] if the wall in the back, if somehow we were able to open that wall, is that an easier decision?

[Comm. Terrones] it's hard for me to say now

[Comm. Brumlow] we just wanted because we have a motion on the on the floor. I second it.

[Chairwoman Holguin] we have a second

[Comm. Cameron] so the motion is to deny the setback of 5 feet at the rare of property located at 1109 Tierra Huichol ID-R181747.

1st Motion: Comm. Terrones 2nd Motion: Comm. Brumlow

Roll Call:

<i>Commissioner Jose Terrones</i>	YES	NO
<i>Commissioner Andres Borunda</i>	YES	NO
<i>Commissioner Barbara Cameron</i>	YES	NO
<i>Commissioner Janny Brumlow</i>	YES	NO
<i>Chairwoman Sarah Holguin</i>	YES	NO

[Comm. Cameron] motion carries

[Chairwoman Holguin] Any actions of the planning, Commission and approving, conditionally approve or deny this application will be appealed to the County Council within the concurrent days after the date of this action by the appellant person by any member of the city council, or county administrator pursuant to section 17.26 point 30.

Make a motion to adjourn the meeting?

[Comm. Cameron] uh..... Second by Andy?

So, they understand where need go to?

[Chairwoman Holguin] You are able to appeal to the Mayor and the board of trustees. They hold a meeting same place here, I believe you have to be on agenda we have the recording so you are able to call. Call city hall and request to be placed on agenda.

[Comm. Terrones] who have you been coordinating with at the city?

[Ashley Garcia] Esther and Mr. Dominguez

[City Manager] the resident has been communicating primarily, with me, a little bit with our public works supervisor Mr. Roman.

[Comm. Terrones] so contact the city manager and let him know that you wish to appeal and ask what the process is.

[Chairwoman Holguin] being that the city is relatively new, sometimes we don't know their rules and regulations which have changed and so that's one thing I would say you know, check for rules.

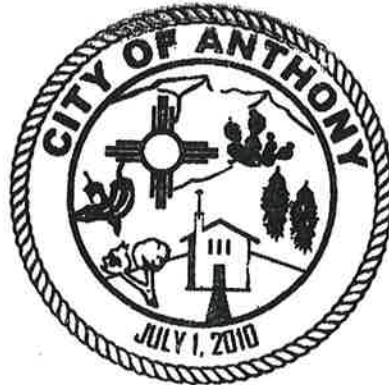
1st Motion: Comm. Terrones 2nd Motion: Comm. Borunda

Roll Call:

Commissioner Jose Terrones	YES	NO
Commissioner Andres Borunda	YES	NO
Commissioner Barbara Cameron	YES	NO
Commissioner Janny Brumlow	YES	NO
Chairwoman Sarah Holguin	YES	NO

ATTEST:

{SEAL}




Diana Murillo-Trujillo, Mayor



Esther Motongo, City Clerk