

AGENDA

FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 24TH OF APRIL 2017 AT 6:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

A COPY OF THE AGENDA CAN BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGEANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES:
April 10, 2017
6. PUBLIC HEARING WITH POSSIBLE ACTION
 - A. REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTIONS:
RONNIE TORRES. LEGAL DESCRIPTION: Township 5 North, Range 2East, Section 18, Map 100, Lots 20-22, Block 21, BTS Addition, aka 422 Dalies Ave., Belen, NM, 87002
7. DISCUSSION
Spot Zoning
8. OPEN COMMENTS/REQUESTS
9. ADJOURNMENT

RESPECTFULLY SUBMITTED

/s/

Lisa R Miller
Planning & Zoning Administrator

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact 505-966-2746 at least one week prior to the meeting.

cc: Mayor & City Council
News Bulletin

Belen Chamber of Commerce
Belen Recreation Center

Belen Public Library
Belen City Hall

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NEW MEXICO 87002
(505) 966-2746
www.belen-nm.gov

WAYNE GALLEGOS
CITY COUNCIL
DAVID CARTER
CITY COUNCIL
DARLEEN ARAGON
MAYOR PRO-TEM
FRANK ORTEGA
CITY COUNCIL

CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
APRIL 10, 2017

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

PRESENT: Chairman Steve Etheridge
Vice Chair Pete Armstrong
Commissioner Claudine Montano
Commissioner Gordon Reeves

ABSENT: Commissioner Debbie Thompson

CITY STAFF: Lisa Miller, Planning & Zoning Administrator

PLEDGE OF ALLEGEANCE

Chairman Steve Etheridge

APPROVAL OF AGENDA:

Commissioner Gordon Reeves moved to approve the agenda.

Vice Chair Pete Armstrong seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Commissioner Gordon Reeves moved to approve the minutes of March 27, 2017.

Commissioner Gordon Reeves moved to approve the minutes of March 27, 2017.

Commissioner Claudine Montano seconded the motion.

Motion carried.

OPEN COMMENTS/REQUESTS

Zoning Ordinance-Dwelling Units

Chairman Steve Ethridge informed the Commission that they will be concentrating on the Dwelling Units as they are used in our Ordinances. This is in response to our last Zone Change request. We will be concentrating on the R-3 and R-4 zones.

Lisa Miller informed the Commission that it is also to clarify some of the language that is in the Zoning Ordinance. Lisa went over the R-3 regulation which requires at least 3,500 sq. ft. per lot and an R-4 requires a minimum of 4,000 sq ft per lot. An R-4 is the only regulation is the only one that mentions a duplex unit. She went over the handout that was provided. This handout had the meaning of Dwelling Unit and Condominium from the Zoning Ordinance and with these meanings each Dwelling Unit would require the sq. footage that the Ordinance states unless it refers to the lot size specifically, which is what the R-4 states. If a dwelling unit was placed in the R-3 zone each unit would require 3,500 sq. ft. so a duplex in that zone would require a total of 7,000 sq. ft. She explained that in a condominium you are only purchasing the living space and not the lot. One of the diagrams shows two Townhouses with an adjoining wall but they are on two separate lots. The other diagram shows a duplex with two dwellings with an adjoining wall but on one lot. The dwelling units in that duplex can never be sold because they are on one lot.

Commissioner Gordon Reeves said that the R-4 has more sq. footage, for a bigger unit.

Lisa Miller said that if the lot is .11 acres it has more than 4,000 sq. ft. The R-3 is stating 3,500 sq. ft. per dwelling unit, but the R-4 states 4,000 sq. ft. per lot size. There is a difference. A duplex has two dwelling units.

Chairman Steve Ethridge said that he thinks that they are trying to distinguish the definition of a dwelling unit. He noticed in the R-4 allows for a variety of lot sizes and he thinks that gets around all the lot size part of things if the same type of situation occurs similar to Mr. Baldonado's. The apartments behind Mr. Baldonado's lot are located within and R-1 zone and are no- conforming, and asked what zone they should be in.

Lisa Miller said that apartments are allowed in an R-2, R-2A, R-3, C-R, C-1, B-A, C-2, and with a conditional use permit in the R-4.

Chairman Steve Ethridge said that it seems that in Mr. Baldonado's situation, he requested the wrong zone and needs to change his request to fit the correct zone.

Lisa Miller said that the Commission needs to distinguish what a dwelling unit is, so that they can decide which zone that can go into. The R-4 zone uses the lot size and not dwelling units as most of the zones say.

Vice Chair Pete Armstrong said that he thought he read that the R-4 also requires a lot width of 100 ft.

Lisa Miller said that it states a width of 40 ft. She the setbacks are also different.

Chairman Steve Ethridge said that he noticed an error in the Ordinance. Under R-4 H (Landscaping) where it says landscaping will consist of a combination of grass, shrubs, gave and trees, he says let not kill them just yet and change that to gravel and trees.

Everyone laughed.

Chairman Steve Ethridge said that the R-4 seems to be more permissive than all of them and asked if the Commission can make grammar corrections to the Ordinance.

Lisa Miller said that they need to decide what is considered a dwelling unit, etc. There is no definition in our Ordinance for duplex. The Commission did, awhile back, make those changes to the Ordinances but the City Council did not move forward and adopt them. This happened because the Council did not want to review any more changes to the Zoning Ordinance because we had already made changes and they did not want to review any more. The City is going after funding for the Comp Plan and when that is complete we will have to address Ordinance changes, whether the Council wants to or not.

Commissioner Gordon Reeves said that a definition of a duplex is needed then.

Lisa Miller said it is the way that our Ordinances are worded that needs to be looked at and come to an understanding as to what is meant by a dwelling unit. The only zone in our Ordinances that mentions a duplex is an R-4. What gets confusing sometimes, is that apartments are allowed in the R-2, R-2A, R-3, C-R, C-1, B-A and R-4 and contain multiple dwelling units.

Chairman Steve Ethridge said according to the definition of an apartment, which is one or more structures containing two or more dwelling units each and located on one lot, a duplex could fit that description also.

Commissioner Gordon Reeves said that the intent of the R-4 zone says that the purpose of this zone is to allow for a variety of single-family detached, to him means that you could have two dwelling units on one piece of property. It is not a duplex, but the next line reads and single-family attached (Duplex Units), and it makes since to leave the duplex in the R-4 because it is talking about two dwellings on a single piece of property.

Lisa Miller said that if a person came in and requested an R-4 designation they would have to be informed that the dwelling units in that duplex could never be split up and sold because it is on one lot. They would have to sell it as a whole structure.

Commissioner Gordon Reeves said that it needs to be worded that a duplex is two dwelling units in one structure on a single lot. That would be a good definition for a duplex.

Chairman Steve Ethridge said that a townhouse, as we know, is on two lots. With Condominiums you have nothing to do with the lot.

Commissioner Gordon Reeves said they could then define townhouses.

Lisa Miller said that they are not changing the Ordinance, at this time, they need to find the right designation for a situation like they had with Mr. Baldonado. They also need to know how they would interpret the Ordinances as they are now in conjunction with defining what the Ordinance means as a dwelling unit, etc.

Chairman Steve Ethridge said as to how they would justify the proper zoning designation. The issues he sees, on interpreting such, is that they are not changing anything in the Ordinance and it is a useless exercise as far as he can tell. They need to figure out what the right place to put something like Mr. Baldonado's issue.

Commissioner Claudine Montano said that it will come before the Commission again because of the different types of lots that are in the City.

Lisa Miller said that it would and it has before and will do so again.

Vice Chair Pete Armstrong said that for each time someone comes in for this type of issue the City needs to look at them individually.

Commissioner Gordon Reeves said that the lot size did not even go near the zone that was requested.

Lisa Miller said that the smallest lot sizes that are in the Ordinance are an R-3 and R-4.

Commissioner Claudine Montano said that Mr. Baldonado should just go with a small home due to the fact that the lot is so small.

Chairman Steve Ethridge said that if someone came up with similar circumstances and requested an R-3 or an R-4 would that be acceptable based on the current Ordinances.

Lisa Miller said that there may be another issue like this in the near future. A gentleman came in the other day and was asking about building small homes on a single lot. Like a senior living community within one large lot. He was looking at around eight dwelling units on this lot.

Commissioner Gordon Reeves said in that situation it would probably be best to change it into an R-2 Zone.

Vice Chair Pete Armstrong said that he feels the role of the Commission is, that Lisa and Steven are the City employees that deal with this, and considered experts in this field, but when it comes before the Commission it is coming for a yes or no type answer. It is not their job to fix the owners problem. By the time it comes before the Commission it should have enough documentation and information and should be ready to rock and roll on its own merit.

The Commission was all in agreement.

Lisa Miller told the Commission that this issue will come up again and again due to the fact that there are some odd shaped lots throughout the City.

Chairman Steve Ethridge said that there should be something in place to help these owners develop those types of lots.

Vice Chair Pete Armstrong said that if they are changing the requirements for the Ordinances, they also have to look at the impact it will have on the owners that are selling those types of lots.

Chairman Steve Ethridge said that if need be they could request a variance.

Commissioner Gordon Reeves said that they could add another section to the Ordinances for odd size lots that do not meet normal criteria.

Lisa Miller said that would require, with the present Ordinances, a variance like the Chairman said.

Vice Chair Pete Armstrong said that, as an example, he was looking at a piece of property that the City owns, and the setbacks there are next to zero and it is in a residential zone.

Lisa Miller said that is what is called a non-conforming use. It may be grandfathered in but it can stay that way as long as they do not significantly change it. As long as it is not changed it can stay the way it is but if it burns down and you want to replace it you have to comply with the current Ordinance.

Vice Chair Pete Armstrong said that he was amazed at how many unique situations exist in this City.

OPEN COMMENTS/REQUESTS

Lisa Miller informed the Commission that she had gone out and did some measurements on the 501 S Thirteenth issue. She measured the distances for the clear sight triangle clearance that the Commission requested. It meets those requirements. She explained the process that was used to determine this and showed them the photos that were taken.

Commissioner Claudine Montano informed the Commission that Affordable Tire closed down.

Vice Chair Pete Armstrong asked who was going to get all those tires and just moved out of the alley behind that store.

Chairman Steve Ethridge informed the Commission that, for Lisa to have accurate minutes, it is hard to hear when there are several different conversations going on at one time, and he would like to have one at a time speaking. He would like to also see clearly stated motions.

Vice Chair Pete Armstrong asked if he was on the email distribution list.

Lisa Miller informed him that he did not have a City email account yet and asked him if he would like one set up for him.

Vice Chair Pete Armstrong said no.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves moved to adjourn.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:02 pm.

Chairman Steve Ethridge

ATTEST: _____
Lisa Miller, Planning & Zoning Administrator

CITY OF BELEN, NEW MEXICO
APPLICATION FOR ZONING VARIANCE

Section 17.04.040 City of Belen Municipal code: "Variance" means a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance may be authorized only for area, height, dimension, distance, setback, off-street parking, and off street loading requirements

Applicants Name: Ronnie Torres Phone: 514-3911
Address: 422 Dalies
Authorized Agents Name: _____ Phone: _____
Address: _____

Address of Property: 422 Dalies
Block and Lot: Bk 21 Lots 20-22 Addition: BTS
Tract Number: _____ Map: D-5-18 Map 100
Total acreage in Tract: .22
Number of Dwellings: 1 Density/Acre: .22ac
Zoning of Property: C-R Present Use: Residential

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee payment of \$150.00 Double application fees will be charged for uses commenced without approval under the Municipal Code and/or the Zoning Ordinance and for which a citation (violation) may have been issued.
- Letter of transmittal, state why a literal enforcement of Section 17.04.040 City of Belen Municipal Code would result in unnecessary and undue hardship.
- Specify type of variance requested, height, setback, lot coverage, parking requirement.
- Affidavit of ownership.
- Survey plat or scaled drawing of property describing property line, lot dimensions, easements, structures and accessory structures where variance is requested. Indicate dimensions of all structure heights and size of signs.

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Zoning Variance. I have examined and am familiar with the zoning regulations of the present zone and the requested variance. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Ronnie Torres
Signature of Applicant

3-30-17
Date

THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION

Planning and Zoning Commission Meeting Date: 4-24-17 Approved/Disapproved: _____

FEE PAID: ^{\$}150.00 RECEIPT NO.: 66213437PT DATE: 3-30-17

OWNERS AFFIDAVIT

STATE OF NEW MEXICO)
COUNTY OF VALENCIA) SS
CITY OF BELEN)

We, Ronnie Torres
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at
422 Dalies, for which (I am) (we are)
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal)
through the City of Belen. Furthermore, (I) (we) hereby appoint
of as our agent to act in our
behalf on all matters pertaining to the processing of this application.

Ronnie Torres
Signed

422 Dalies
Address

Belen N.M 87002

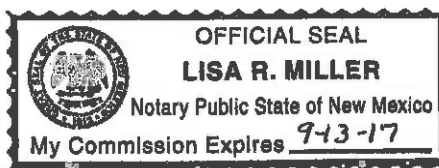
505-514-3911
Phone

Subscribed and sworn to before me this 30 day of March, 20 17.

Lisa R Miller
Notary

My Commission Expires:

9-13-17



To whom it may concern

I would like to put a 6 ft fence
around the area I park my car-

I have been broken into 6 times
and I feel the need to protect
my home and property

Thank you

Ronni Jones

505-574-3911



04.07.2017 10:05



WREINKENAVE

515

511

211

209

415

212

N FIFTH ST

504

500

422

412

408

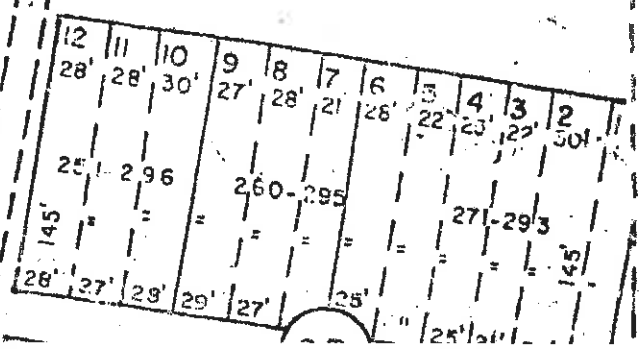
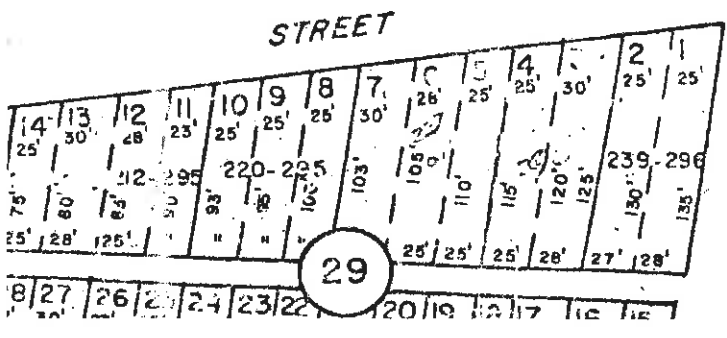
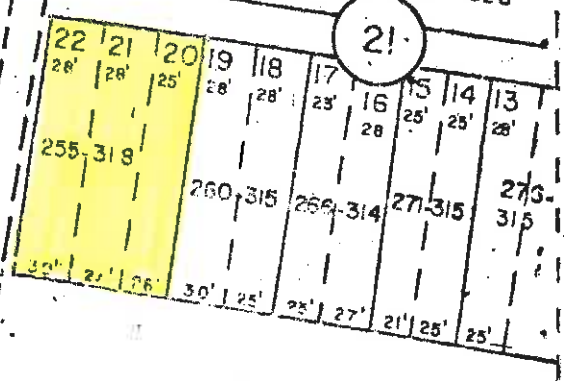
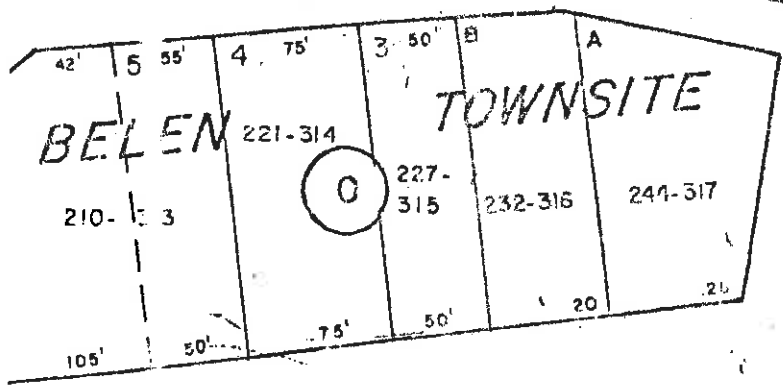
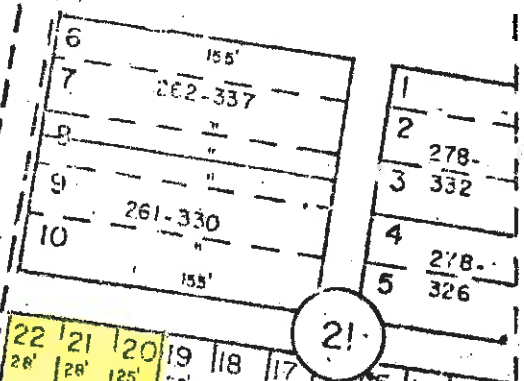
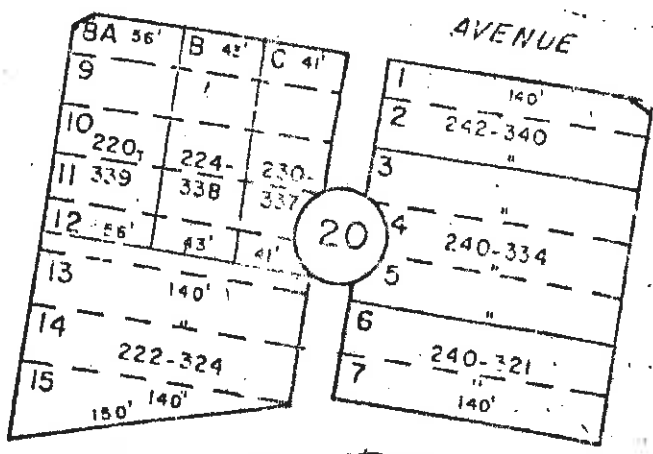
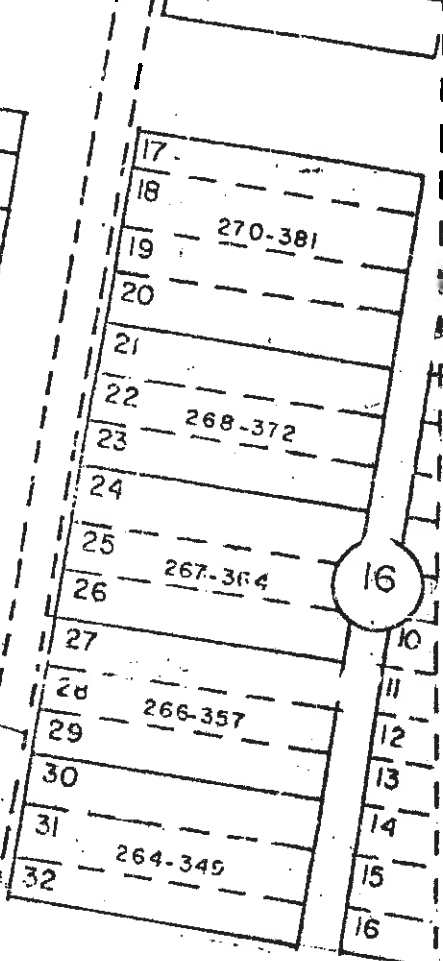
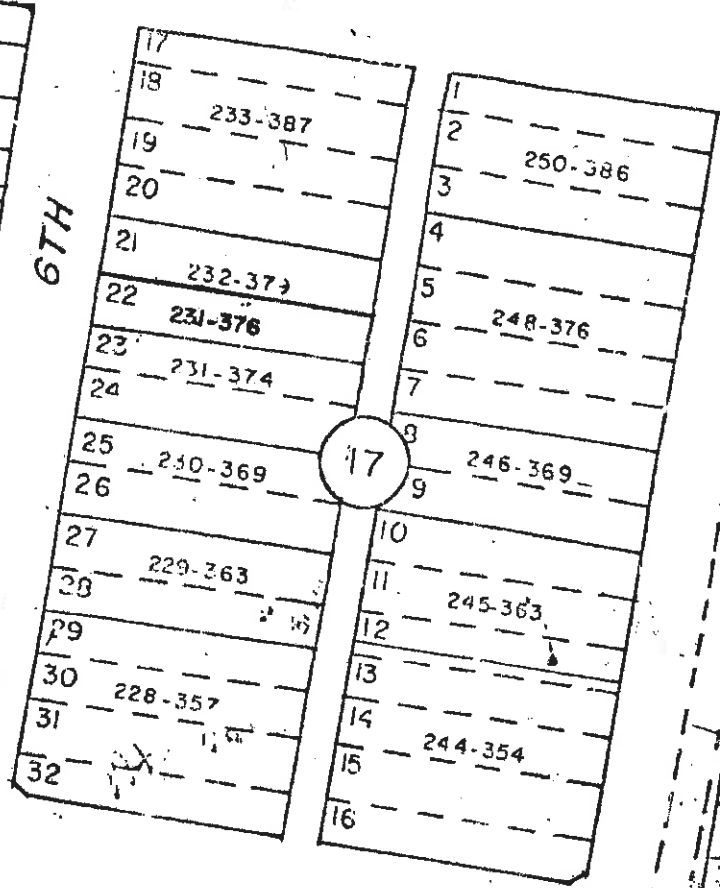
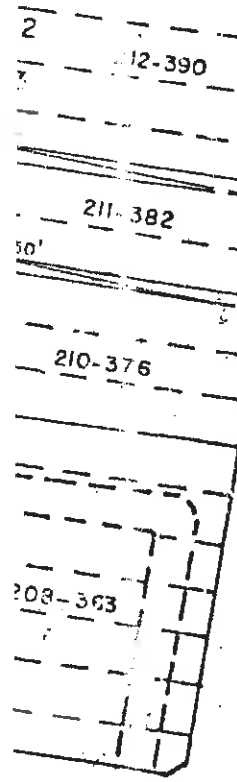
DALIESAVE

501

423

415

TOWN



To Belen Planning and Zoning Commission

Gary S. Charrel
Lillian Matteucci

We support Ronnie Torres and
his request for a Zoning Variance
on a fence at his home at 422 Dalies
Belen, NM 87002.

Gary S. Charrel
Lillian Matteucci

415 Dalies
Belen, NM 87002