

Planning Commission Meeting
March 10, 2011
6:00 PM
City Council Chambers
405 N. Paseo de Oñate, Española, NM

Item I Call to Order:

The Planning Commission Meeting was called to order at 6:03 PM, by Chairman Erle Wright. The following were present:

Commissioners: Erle Wright, Chairman
Richard Beaudoin
Amrit Khalsa
Anissa Martinez

Commissioners
Absent: Laurie Koontz, Vice-Chairwoman
Sunee Sandoval

Staff: Russell Naranjo, Planning Director
Isabelle Martinez, Code Enforcement Officer

Item II Pledge of Allegiance:

Russell Naranjo, Planning Director, led the Pledge of Allegiance.

Item III Approval of Agenda:

As presented:

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Public Concerns
- V. Item for Consideration
 1. Variance Request. A variance request from Ms. Vanessa Almeida, property owner, on side setbacks for a pre-fabricated metal carport (placed on site without proper permits) located at 905 Calle Piedad. The property is located within the B-1, Local Commercial District.
- VI. Approval of Minutes
March 10, 2011
- VII. Matters from the Planning Commission
- VIII. Matters from the Planning Staff
- IX. Adjournment

Commissioner Khalsa moved to approve the agenda as presented. Commissioner Beaudoin seconded the motion. Motion carried by a 4-0 vote.

Item IV Public Concerns:

None

Item V Items for Consideration:

1. Variance Request. A variance request from Ms. Vanessa Almeida, property owner, on side setbacks for a pre-fabricated metal carport (placed on site without proper permits) located at 905 Calle Piedad. The property is located within the B-1, Local Commercial District.

Mr. Naranjo read staff's report as follows:

Variance Request: A variance request from Vanessa Almeida, property owner, on side setbacks for a pre-fabricated metal carport (placed on site without proper permits) located at 905 Calle Piedad. The property is located within the B-1, Local Commercial District.

Recommendations:

As is the case in any request for deviation from the Development Code, this office cannot recommend approval, although each request is approved or denied based on its own merits.

Executive Summary:

In accordance with the City of Española, Development Code, Resolution 2004-20, **Site Development Requirements, Single Family Residential Districts, Table 1:**

<i>R-6 Districts: Required</i>		<i>Existing/ Proposed</i>
<i>Lot Area:</i>	<i>6500 square feet</i>	<i>8712 square feet</i>
<i>Lot Width:</i>	<i>65 feet</i>	<i>69 feet</i>
<i>Setbacks:</i>	<i>20' Front 25' Rear 5' Sides</i>	<i>69' front 31'8' rear 2' & 1. 5' sides</i>
<i>Lot Coverage:</i>	<i>35%</i>	<i>19%</i>
<i>No. of Dwelling Units per lot:</i>	<i>(1) One</i>	<i>(1) One</i>

In reviewing this variance request, the Planning Commission shall determine whether all of the following Section has been met in making a determination of approval, conditional approval or denial.

Sec.156. Variance review criteria

- (a) The practical difficulty or unnecessary hardship is inherent to the lot and is peculiar because of size, shape, topography or some other characteristic of the lot which differentiates it from other lots in the vicinity or in the district. The hardship created should not be self-imposed.
- (b) The practical difficulty or hardship created is caused by a strict interpretation of the provisions of this Ordinance, is not self-imposed and is not generally shared by other lots in the vicinity or the district.
- (c) The granting of the requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which is possessed by others in the vicinity.
- (d) The granting of the variance sought will not be contrary to the purpose or intent of this Ordinance, or injurious to property within 100 feet or otherwise detrimental to the general health, safety or general welfare of the community.

Should any request for variance not meet all four of the above listed criteria, the Planning Commission shall deny the request.

Summary:

The applicant is requesting a variance for the placement of a pre-fabricated metal carport at 905 Calle Piedad which was placed without prior approval or proper permits from this department. The placement of the carport does not meet minimum setback requirements to the side property line. The structure is not placed on a permanent foundation but is anchored to the ground. Locating the structure to other places on the property is not possible due to the size of the lot and the location of the manufactured home on it.

Conditions of approval:

Should approval be granted to allow the placement of the carport on this property, staff is recommending that the following be considered as a condition of approval:

- 1. The enclosure or expansion of the carport will not be permitted

Comments:

At this time staff has not received any comments from adjoining property owners or neighborhood groups.

Mr. Naranjo stated that Code Enforcement had noticed that the carport had been placed on the property without permits and had informed Ms. Almeida that permits were required. Upon Ms. Almeida submitting her paperwork, it was noticed that the side setbacks were not met. Mr. Naranjo added that the International Building Code (IBC) requires that zoning and building permits be issued for these carports.

Mr. Naranjo stated that due to the size of the lot and the placement of the mobile home the carport cannot be relocated.

Commissioner Khalsa stated that he does not understand why IBC would consider the carports structures because they can be moved. Mr. Naranjo stated that because they are used to house vehicles, the fire rating has to be considered and the proximity to the house also has to be reviewed. Mr. Naranjo added that the Planning office does issue permits for these carports.

Commissioner Beaudoin stated that during the site visit it appeared that the carport is placed on a footing. He asked the property owner if the carport was on a permanent foundation. Ms. Vanessa Almeida, property owner, responded no. Commissioner Beaudoin stated that if there is a strong wind, it could blow the carport over. Ms. Almeida stated that if approved they could place it on a footing if required.

Commissioner Khalsa stated that where he lives there are several carports and the wind has never moved them.

Chairman Wright asked Ms. Almeida if she had heard the conditions of approval, that the carport cannot be enclosed or expanded. Ms. Almeida responded yes and she agrees with that.

Chairman Wright opened the public hearing at 6:12 PM, there was no public input; therefore, he closed the public hearing at 6:12 PM.

Commissioner Wright stated that he believes the applicant meets the criteria for requesting a variance. He asked who had placed the carport on the property. Ms. Almeida stated she had purchased the carport at R&E Glass.

Commissioner Khalsa stated that the carport will improve the aesthetics of the lot.

Mr. Naranjo stated that the Planning Department will have to speak with the sales people and inform them that permits need to be obtained prior to placing them on properties. He added that the Construction Industries Division (CID) had notified the city that permits were required for these structures.

Chairman Wright stated that people purchasing these carports should be informed that permits are needed. Mr. Naranjo stated that the Planning Department will notify the carport dealers that permits are needed.

Commissioner Martinez asked if Ms. Almedia is required to obtain permits, after the fact, or if it must be stated as a condition of approval. Isabelle Martinez, Code Enforcement, stated no because Ms. Almedia has already submitted the paperwork and permits will be issued upon approval from the commission.

Commissioner Beaudoin stated that the home owners are being victimized by contractors who are placing the carports and not obtaining permits. Commissioner Khalsa stated that it is the property owner's responsibility to obtain proper permits.

Commissioner Beaudoin suggested placing a notice in the city water bills informing people that permits are required.

Mr. Naranjo suggested that the commission place a definition of a structure and not include carports. He added that the Planning Department will continue to issue permits for them.

Chairman Wright expressed concern of the structures' anchoring. Mr. Naranjo stated that these carports are engineered to meet the wind and snow loads for New Mexico.

Commissioner Martinez moved to approve the variance request from Ms. Vanessa Almeida for placement of a carport at 905 Calle Piedad with the condition that the carport not be expanded or enclosed. Commissioner Khalsa seconded the motion.

Commissioner Beaudoin requested to place a friendly amendment to the motion, that a \$25.00 penalty fee be added to the permit fee. He added that this will get the word out and people will obtain permits prior to placing structures on the property.

Mr. Naranjo stated that the Building Inspector has the authority to impose a penalty fee of up to 50 percent of the overall price of the building permit.

Commissioner Khalsa stated that if penalty fees are going to be imposed it needs to be advertised prior so people are aware. He added that he will not second the proposed friendly amendment to the motion.

Commissioner Beaudoin withdrew his friendly amendment.

Mr. Naranjo stated that Ms. Almeida has already paid an application fee of \$50.00 and the postage to notify all property owners, within one hundred feet, by certified mail.

Chairman Wright stated that it was up the Building Inspector to impose the fees.

Commissioner Khalsa stated that people value their vehicles and would like to protect them. He added that the carports are an improvement to the properties.

Commissioner Beaudoin stated that he agrees with Commissioner Khalsa; however, has concerns that the carport will blow over and hurt someone. He added that property owners need to contact the city prior to placing structures on the property.

Motion carried by a 4-0 vote.

Item VI Approval of Minutes:

Commissioner Beaudoin moved to approve the minutes from the February 10, 2011 meeting, as presented. Chairman Wright seconded the motion. Motion carried by a 4-0 vote.

Item VII Matters from the Planning Commission:

Commissioner Martinez asked if a new commissioner was going to be appointed. Mr. Naranjo stated that it has been on the agenda for City Council; however, they have not appointed anyone yet. She added that she had seen the City website and the Planning Commission minutes are on there.

Commissioner Martinez asked if the appeal from Ms. Bernadette Archuleta on Taos Lane had been heard by the City Council. Mr. Naranjo stated that it had been heard and the City Council overturned the Planning Commission decision and approved the request. However, they placed a stipulation that the mobile home can only be a 12' X 40'. He added that the city has received a letter from the manufacturer stating that they do not make 12 foot widths.

Commissioner Martinez inquired about the access next to the Las Lomas Apartments. Mr. Naranjo stated that it is an approved access.

Commissioner Martinez stated that the city news letter was included with the water bill and they have a business corner which she thought was very nice and she would like to commend whoever is responsible for that.

Chairman Wright asked for a status on the stop sign exiting the hospital. Mr. Naranjo stated that plans have been submitted for the expansion of the hospital and that access will be relocated. He added that they had asked if the placement of an A-frame stop sign would be sufficient.

Commissioner Beaudoin stated that people leaving the hospital are not always thinking clearly and it is important that the stop sign be placed. He asked if the city had a stop sign to give the hospital. Mr. Naranjo stated he would take care of this issue.

Chairman Wright asked if the changes to the sign code would be advertised and placed on the agenda for the next meeting. Mr. Naranjo stated yes. It was suggested that a survey, on changes to the sign code, be placed on-line. Mr. Naranjo stated that it was difficult to conduct a survey on line. Commissioner Khalsa stated that Survey Monkey is a good web site for conducting surveys.

Item VIII Matters from the Planning Staff:

None

