

**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
October 7, 2013**

MINUTES

1) Residents to Address Commission (Non-Agenda Items)

None

2) Call to Order

Chairman Garrison called the meeting to order at 6:30 pm.

3) Roll Call

Present were Chairman Garrison, Commissioners Eastman, Hulsey, Craig and McAda and Planning & Zoning Officer Loretta K. Hatch.

4) Pledge of Allegiance

5) Approval of Agenda

Motion by Commissioner Hulsey to approve. Seconded by Commissioner Eastman. Carried unanimously.

6) Approval of the Minutes:

Motion by Commissioner Hulsey to approve the Minutes of the September 9, 2013 Planning and Zoning Commission meeting. Seconded by Commissioner Eastman. Carried unanimously.

7) New Business

Loretta Hatch requests that Item A.) under new business be moved to item D.) and all other items moved forward accordingly. Motion made by Commissioner Eastman. Seconded by Commissioner Hulsey. Carried unanimously.

A.) Request for a Development Review/Floodplain Permit as per Ordinance 10-1-18.

1935 Bosque Farms Blvd. by Henry Holmes.
For the purpose of constructing an Assisted Living Village.

Motion made by Commissioner Hulsey to table request until next meeting.
Seconded by Commissioner McAda. Carried unanimously.

B.) Request for a Home Occupation Permit as per Ordinance 10-1-114.

815 Foxcroft Lp. By Michael Garcia
For the purpose of a home office for a handyman/landscaping business.

Commission suggest that decision be delayed to end of meeting to see if Mr. Garcia attends meeting.

C.) Request for a Variance as per Ordinance 10-1-16.

370 Pine St. by Alonzo Rubio
For the purpose of placing a carport within the front thirty foot setback area.

Loretta K. Hatch, Planning and Zoning Officer for the Village of Bosque Farms reported that on April 22, 2013 during a drive by inspection of the above-mentioned property a carport was observed that did not comply with setback requirements as set forth in Municipal Code 10-1-5.D. "Building and Structure Setback". Mrs. Hatch having found no record of a Variance or non-conformance on file, mailed a notice of violation of Bosque Farms Ordinance to Alonzo Rubio at 370 Pine St., Bosque Farms, NM 87068 ordering the necessary correction be made within thirty days of the notification letter. Mr. Rubio contacted Mrs. Hatch and explained that he provided Donna Baker with drawing showing that the carport would be place in the front 30 foot setback area and that having done so he would like to seek a variance in order to keep the structure in its current location.

Sworn in Mr. Alonzo Rubio, 370 Pine St., Bosque Farms, NM 87068.

Mr. Rubio explained that he had indeed provided drawings to Donna Baker showing that the carport would be built inside of the front thirty foot setback area and that she approved his permit at which point he proceeded to build the carport not feeling the need to check the permit for error. Donna then later told him that he must get a State permit or he must take it down. Mr. Rubio states that he applied for a State permit and brought the permit to Donna and never heard from her again. Mr. Rubio states that an inspector from the State did come twice to inspect the structure and said that everything was fine but he never signed the permit. He says he never called for a final inspection.

There is no record at the Village of Bosque Farms of drawings reflecting the carport being built in the front setback area. There is also no record of a final inspection of the structure by CID. Mr. Rubio could not produce these documents.

Commissioner McAda moved to post pone consideration on the Variance until a plot plan showing the planned location of the building and the actual location of the building as well as the signed State permit along with copies of any plans submitted at the time the permit was applied for. Seconded by Commissioner Hulsey.

Sworn in Gerald Gates, 415 Pine St., Bosque Farms, NM 87068.

Mr. Gates addressed his concern that the structure may not really be intended to serve as a carport but rather a storage area. Mr. Gates states that the carport is inaccessible due to a fence and a tree situated directly in front of the carport.

Mr. Rubio states that he will not be using the structure for storage. He currently has some adobe bricks under the carport but that they are for the home that he hopes to build in the future.

Motion carried unanimously.

Commissioner Eastman cautioned that there shall be no further construction on the structure in question until such time as the issue is settled.

D.) Request for a Replat as per Ordinance 10-2-14.

590 Country Ln. by Jeremy Utash

For the purpose of moving property line to encompass structures at 590 Country Ln.

Commissioner McAda asks to recused herself due to her financial arrangement with Mr. Utash.

Sworn in Jeremy Utash, 590 Country Ln., Bosque Farms, NM 87068.

David C. Chavez, attorney for the Village of Bosque Farms did review Village Ordinance 10-2-14.C. and has given an official interpretation stating that the land owner may subdivide the property at a later date after having been granted the replat.

Commissioner Eastman moved to make a recommendation that the replat be approved under 10-2-14.D. Seconded by Commissioner Hulsey. Carried unanimously.

In regard to Item B. request for a Home Occupation Permit at 815 by Michael Garcia for the purpose of a home office for a handyman/landscaping business, a motion is made by Commissioner Eastman to deny Home Occupation Permit request according to Ordinance 10-1-26. Seconded by Commissioner Hulsey. Carried unanimously.

8) Monthly Report

Mrs. Hatch gave the monthly report for the months of August and September.

9) Adjourn

Commissioner Eastman moved to adjourn the meeting at approximately 7:28pm. Commissioner Hulseby seconded. Carried unanimously.

PASSED, APPROVED AND ADOPTED ON THIS 4th DAY OF NOVEMBER, 2013.

Chairman, Dan Garrison

ATTEST:

Planning & Zoning Officer, Loretta K. Hatch