

**Planning & Zoning Meeting  
Minutes for October 28th, 2024**

**Pledge of Allegiance:** The pledge of allegiance was recited by all attendees prior to the Call of order.

**Call to Order:** The meeting was called to order by Oliver at 4pm

**Roll Call:** Board Members present:

Oliver L'esperance

Star Ford

Travis Regensburg

Andrew Salazar

-A quorum was established.

**Board members absent:** Kerry Rodriguez  
Mike Sweeney

**Others in present:** Charles Ortiz: CD Planning & Zoning Coordinator; Erik Hidalgo: CD Admin Aide 1; Bernadine Lujan: James Frankes: Jessie Montoya

**Approval of minutes:** Oliver asked all members to review the minutes. Salazar made a motion to approve the minutes. L'esperance asks for a second. Ford & L'esperance abstained. Rengensburg & Salazar approve. Motion carries.

**Approval of agenda:** L'esperance asked for a motion to approve agenda. Motion approved with all voting in favor.

4:11PM Star Ford was sworn in by Oliver

L'esperance asked for any public comments.

L'esperance asked Bernadine if she wishes to speak on her case. She states, she does not & that all of the information was turned in.

4:14 PM Board members review the variance at 919 New Mexico Ave. Ford: What is the preliminary zoning of the current property? Ortiz: R3. Ortiz: We have Ms. Bernadine Lujan which is requesting approval for her variance application to place a new mobile home, the property currently has 853 total square footage, Lujan would need a minimum of 10,000 sq ft because there already is a current dwelling on the same lot. The minimum is 5,000 sq ft per dwelling. L'esperance: Has the variance been approved by the Fire Department? Ortiz: No.

Regensburg: I have questions about your set backs. I see you have 10ft on each side. The setback on the back is 5ft & the alley is 20ft. You're allowed to use 10ft of the alley as a partial set back. The only thing I don't see is the space between the existing house & the double wide. Do you know how far the difference is? Lujan: If the variance gets approved the existing dwelling will be worked on. The existing dwelling is 22ft wide. If the variance is denied the whole front home will be knocked down. Montoya gets sworn in by L'esperance. L'esperance: Is anyone living in the existing house? Lujan: A family member is currently squatting. They have been given a 30 day notice. I am buying this from a family member. The front of the house is adobe and has been inspected by a contractor, it is in good standing condition. The back additions have no electricity/power for the last 20 years. L'esperance: What is the sq feet of that? Lujan: Maybe 1,000 sq ft. Regensburg: Currently there is 8,500 sq ft you are short 1,500 sq ft. Salazar: Does the mobile home currently have a mortgage? Lujan: It's mine & has been paid off. L'esperance: does it encumber any of your neighbors? Lujan: No. The additions to the adobe home are starting to detach & will be torn down. The remaining part of the house will be turned into a Airbnb or short term rental. 2 bedroom casita. Ortiz: All utilities are available for the area.

4:21 PM Ford: I'm inclined to think that the R3 zoning is intended for a higher density and the area does need a lot of investment. L'esperance: Asks for a motion to approve with the variance. Salazar: Motion to approve. Regensburg: Seconds.

Roll Call: Salazar - Yes

Regensburg - Yes

Ford - Yes

Motion Passes.

4:22 PM James Frakes sworn in by oath.

Ortiz: Mr. Frakes is requesting approval for the variance application for a change in setback requirements at 1402 10th street. The lot is 25 by 140 ft and approximately 3,500 sq ft. The 25 necessitates the variance of a 5 yard set back to allow for the development to continue. Frakes: I'm requesting for the setbacks to be changed from 7ft on each side to 4 ft. This will allow for a structure to be built. L'esperance: Will this be for an investment or an airbnb? Frakes: The property will be sold, the site plans are included in the application.

4:26PM Regensburg: The reason 7ft is required is so that the Fire Department can set up a ladder to the second story if needed. I would move to get an opinion of the local Fire Marshal on such a small setback, before making a decision. Frakes: The property is currently listed for sale. Regensburg: Would a request to get the Fire Marshall's opinion encumber your time frame? Frakes: The only setback would be on the time. Would it be possible to move forward with a variance request for a single story dwelling, then apply for a double story variance after the Fire Marshall approval? Regensburg: I would like to table this application before we continue with another. L'esperance: As far as now there are safety concerns with a 2 story building being built.


I think we need the Fire Marshalls opinion first. Ford: Does anyone here know how the future property owners would be informed there is a contingency of some kind. For example if the Fire marshall decides that windows can only be placed at the front & not the sides. Ortiz: The future property owners will be informed because they will need to follow the same process as Mr. Frakes. Salazar: Mr. Frakes, are you asking for the variance in order for it to be included in the listing? Frakes: From what I understand the variance will be transferred to the buyer.

4:38 PM        Regensburg: Is this variance transferable according to the city's legal team?  
Ortiz: We'll have to check with the city's attorney. We can have the information ready for the next meeting.

4:39 PM        L'esperance: Do I hear a motion to table the proposal. Regensburg: Makes a motion to table the matter. Ford: Seconds motion.

Roll Call:     Ford - Yes  
                  Regensburg - Yes  
                  Salazar - Yes

4:39 PM        L'esperance asks for a motion to adjourn. Ford: Move. Salazar: Seconds motion.  
All in favor.

Approved by:  \_\_\_\_\_

Date: 11/21/24