



**VALENCIA COUNTY PLANNING & ZONING COMMISSION
MINUTES**

December 12, 2013

4:00 PM

**Valencia County Administrative Offices
Commission Chambers
444 Luna Ave, Los Lunas, NM**

1. CALL THE MEETING TO ORDER

Commissioner Artiaga

2. PLEDGE OF ALLEGIANCE

Hoss Foster

3. APPROVAL OF AGENDA

1st Motion: Commissioner Milam

2nd Motion: Commissioner Gaudette

4. APPROVAL OF MINUTES: August 28, 2013

1st Motion: Commissioner Gaudette

2nd Motion: Commissioner Milam

5. SWEARING IN OF PARTICIPANTS

Commissioner Artiaga

6. ACTION ITEMS

- A. REQUEST FOR A Variance-Set Backs: Joe Abeyta-** Legal Description: T6N, R2E, Section 17, NMPM; Map 86; Land of Pete & Patricia Herrera; Tract 1; Zoned C-1; Filed in Book 359, Page 8,745 of the office of the Valencia County Clerk, also known as 4965 Highway 314, Los Lunas, NM.

Mr. Abeyta stated that his name is Joe and he is asking for approval for a variance for being too close to the property line.

Commissioner Artiaga asked if Mr. Abeyta had already built something too close to the property line and he is now asking for Variance so he can be in compliance.

Mr. Abeyta stated yes.

Commissioner Artiaga stated that letters went out to all of the neighbors and asked Mr. Abeyta how his neighbors feel about it.

Mr. Abeyta stated that nobody had complained about it and they said they would sign stuff if he needed them to stating.

Commissioner Milam stated the record indicates Code Enforcement asked him to stop the construction and get a permit and that Code Enforcement went back two more times for the same thing.

Mr. Abeyta stated that Code Enforcement went out and gave him a red tag.



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Commissioner Milam stated that Hoss Foster stated in the record that Code Enforcement went out two more times and he was continuing to build without the permit and would like to know if there was a reason why.

Mr. Abeyta stated that he did not know Code Enforcement had gone out two other times, and on the second time he was told he could not be building on it at all.

Commissioner Milam asked Mr. Abeyta if he was going to be putting sides on the property cover.

Mr. Abeyta stated no.

Commissioner Milam asked if Mr. Abeyta had obtained a business license for his window tinting company as he did not have one at the time Code Enforcement went out.

Mr. Abeyta stated yes.

Mr., Martinez stated that Mr. Abeyta does have a business license on record and he has had one on record reoccurring for the last ten years.

Commissioner Artiaga asked what kind of business he has.

Mr. Abeyta stated window tinting.

Commissioner Artiaga stated from the picture it looks like the poles are right next to the fence.

Mr. Abeyta stated it is not that close to the fence.

Commissioner Artiaga asked Mr. Foster what the set- backs are supposed to be.

Mr. Foster stated fifteen feet.

Commissioner Artiaga asked what Mr. Abeyta is at.

Mr. Foster stated about eighteen inches.

Mr. Martinez stated he is about two feet maybe a little less than two feet from the property line, and C-1 property defines side variance as twenty five feet from the side or the back.

Commissioner Artiaga asked if there is anybody present who would like to speak in favor of the variance.

Commissioner Artiaga stated that there were none.

Commissioner Artiaga asked if there was anybody present that was opposed.

Commissioner Artiaga stated that there were none.

Commissioner Milam asked what the past Commission has ruled on in past cases.



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Mr. Martinez stated that it has been on a case by case basis and has been suggested more by fire staff the twenty five foot set-back be met for safety reasons and in those cases the Commission took that into consideration when making the decision, and there were not any issues by staff on this variance.

Commissioner Gaudette stated that the structure does not appear to be blocking the road, and if Mr. Abeyta had come to the Commission before building the carport with the request he does not see any problem with it.

Mr. Martinez stated that in his opinion there is not an issue with the set-backs, except for the run-off that would come off the structure and onto the County maintained road, and a condition could be set that a gutter system be placed on the structure and his property as well.

Mr. Abeyta stated that he had already hired someone to start work on the gutters and was told he could not continue working on the structure.

Commissioner Gaudette stated he does not see any reason not to grant the variance as long as gutters are installed and the water redirected so that it does not run onto the public road way.

Commissioner Milam stated he seconds the motion with the conditions in place.

Mr. Martinez stated there is a motion made to approve the Variance with condition that a gutter system is to be placed on the structure so the runoff is maintained on the personal property and not on the County road, there is a second by the motion and he will call for a vote.

Commissioner Milam votes yes.

Commissioner Gaudette votes yes.

Commissioner Artiaga votes yes.

Mr. Martinez stated to Mr. Abeyta that his application for a Variance has been approved on the condition that gutters are to be placed on there to maintain runoff on his property and he will be sending him a letter in the next couple of days and to note that the date on the letter is the official approval date and there is a fifteen day period for appeal, and that he must also continue with the building permit process.

Mr. Abeyta thanked the Commission.

7. DISCUSSION

8. MOTION TO ADJOURN

Commissioner Milam made a motion to adjourn.

Commissioner Gaudette seconds the motion.

9. ADJOURNED