



Planning & Zoning Commission
of the
Village of Los Ranchos de Albuquerque

MINUTES
March 12, 2024

Commissioner:

Commissioner Mary Homan, Vice Chair
Commissioner Connie Barrow
Commissioner Bob Martinez
Commissioner John Edward
Commissioner Gwenn Baldwin
Commissioner Dru Tagliapietra
Commissioner Claire Heywood

Staff:

Maida Rubin – Planning & Zoning Director
Brennon Williams – Village Staff

Bill Chappell – Village Attorney
Darnell Worrell – IT Specialist &
Streaming Moderator

1. CALL TO ORDER

The regular meeting of the Planning & Zoning Commission was called to order at 7:02 p.m., March 12, 2024, at the Warren J. Gray Hall, by Vice Chairman Mary Homan.

a) Oath of Office for new Commissioners

- a. Dru Tagliapietra
- b. Claire Heywood

b) Roll Call - A quorum was present.

c) Approval of the Agenda – Changes to Agenda:

- a. Public Hearing 4.A V 24-01 A request by Thomas & Mary McConnell for a variance from §9.2.7(C)(5)(a) limiting the size of a guest house to 1,000 square feet of heated floor area requested deferral to the April 9, 2024 P&Z Regular Meeting due to the need to apply for a second variance to address a related issue to the project. Deferral request is included in the packet.

Motion: Commissioner Barrow moved to approve agenda as amended.

Second: Commissioner Baldwin seconded the motion.

Vote: The motion carried unanimously (7 - 0) by roll call vote.

Commissioner Barrow – yea
Commissioner Martinez – yea
Commissioner Edward – yea
Commissioner Baldwin – yea
Commissioner Tagliapietra – yea
Commissioner Heywood – yea
Commissioner Homan – yea

2. PUBLIC COMMENT

- None

1 **CONSENT AGENDA**

- 2 a) Approval of the Consent Agenda
3 1. January 9, 2024, Regular Meeting Minutes

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5 **Motion:** Commissioner Baldwin moved to approve the minutes of January 9, 2024.

6 **Second:** Commissioner Martinez seconded the motion.

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8 **Vote: The motion carried (7- 0) by roll call vote.**

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10 *Commissioner Barrow – yea*
11 *Commissioner Martinez – yea*
12 *Commissioner Edward – yea*
13 *Commissioner Baldwin – yea*
14 *Commissioner Tagliapietra – yea*
15 *Commissioner Heywood – yea*
16 *Commissioner Homan – yea*
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18 **3. PUBLIC HEARINGS & APPLICATIONS**

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20 **A. V 24-01;** Deferred to the April 9, 2024 P& Z Meeting.

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22 **B. V 24-02;** A request Caroline Orcutt for a Variance from § 9.2.11(E)(2)(a)
23 requiring a 10-foot side yard setback distance. The property is zoned R-3 and is
24 located within the 4th Street Character Area. The property is located at 363 Tyler
25 Rd. NW and is legally known as Lot 7, Kingsbury Addition. The property
26 contains 0.32 acres, more or less.

27
28 **Director Rubin,** having been sworn in by Attorney Chappell, gave the planning report with a
29 recommendation of denial.

- 30
31 • Commissioners presented questions for Director Rubin.
32 ○ What are the setback requirements to the development to the north and the
33 subject site? Does P&Z have a count of other properties in the area that have
34 sought out variances? How are illegal, non-conforming buildings enforced? Is
35 it possible that existing, non-conforming buildings have been grandfathered in
36 before being annexed into the Village? How are these incorporated and how are
37 new codes and ordinances that were in place at the time determined? The
38 Village is somewhat of a “hodgepodge” when it comes to this.
39 • Director Rubin responded to questions.
40 ○ Setbacks are as follows:
41 ▪ A-1, A-2, A-3 Zone: front & rear 25’ and side 15’
42 ▪ R-2 & R-3 Zone: front 20’; rear 15’; side 10’
43 ○ The Village Code Enforcement Officer handles complaints and illegal non-
44 conforming buildings. At the present time, the Village is in between Code
45 Enforcement Officers.
46 ○ If Commissioners would like to discuss past variances, they can make an
47 appointment to meet outside this meeting.

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2 **Speakers for the Discussion:**
3 Shown in the order of presentation. All speakers in attendance were sworn in by Attorney
4 Chappell.

<u>SPEAKERS:</u>	<u>POSITION:</u>
7 Carolyn Orcutt 363 Tyler Rd NW	Applicant
8 Bud Latven 363 Tyler Rd NW	Applicant

- 9
10 **Discussion:**
- 11 • Applicant spoke to their application. Their lot is only a 1/3 of an acre and to keep a
12 clean yard a shed is required to store the equipment. After placing a call to the Village,
13 the P&Z Department informed them that if a shed is under 120 SF in area, they are not
14 required to follow the setback requirements. Tuff Shed (their contractor) confirmed this
15 with them.
 - 16 • Commissioners presented questions for applicant: Is the red building shown on the
17 photograph they presented as part of their packet in their yard? Are the sheds connected
18 to utilities? Are they placed on a slab? Is there another place in the yard that the sheds
19 can go?
 - 20 • Applicant responded to the questions presented. The red building is on their neighbor's
21 property. There are no utilities, other than an electrical connection. Only garden tools
22 are stored in the sheds and they are not placed on a slab. The sheds cannot be placed
23 elsewhere due to existing landscaping and overhead utilities within the back yard.
 - 24 • Floor was closed for comments.

- 25
26 **Commissioners' Discussion:**
- 27 • Concerns regarding the perceived number of current non-conforming buildings and
28 other possible unpermitted structures in the area was discussed, as well as what
29 direction to take going forward. It was suggested to that it may be helpful to have a
30 FAQ article in an upcoming edition of the *Village Vision* magazine regarding steps and
31 considerations before building a shed. What happens if a resident constructs one shed
32 under 120 SF, then another shed under 120 SF, and keeps adding sheds? At what point
33 do we stop allowing multiple sheds? The Village administration should create a
34 friendly environment which encourages residents to want to come in and ask questions.

35
36 **Motion:** Commissioner Barrow moved to deny with staff findings.

37 **Second:** Commissioner Martinez seconded the motion.

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39 **Vote: The motion failed (4 - 3) by roll call vote:**

- 40
41 *Commissioner Barrow – yea*
42 *Commissioner Martinez – yea*
43 *Commissioner Edward – yea*
44 *Commissioner Baldwin – nay*
45 *Commissioner Tagliapietra – nay*
46 *Commissioner Heywood – nay*
47 *Commissioner Homan – nay*

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Discussion on motion:

- Variance approval changes the dynamic when P&Z informed the application that the setbacks do not apply to sheds under 120 SF.

New Motion: Commissioner Baldwin moved to approve V 24-02

Motion: Commissioner Tagliapietra seconded

Vote: The motion carried (5 - 2) by roll call vote:

- Commissioner Barrow – nay*
- Commissioner Martinez – nay*
- Commissioner Edward – yea*
- Commissioner Baldwin – yea*
- Commissioner Tagliapietra – yea*
- Commissioner Heywood – yea*
- Commissioner Homan – yea*

Vice Chairman Homan stated that the public hearing on item **V 24-02**, a request Caroline Orcutt for a Variance from § 9.2.11(E)(2)(a) requiring a 10-foot side yard setback distance, was formally closed with approval of the variance.

4. OLD BUSINESS

There was no Old Business

5. NEW BUSINESS

A. Adoption of Resolutions for 2024

1. Adoption of Resolution 2024-2 Planning & Zoning – Open Meetings Act

Director Rubin gave a summary of Adoption of Resolution 2024-2: Change meeting time to 6:00PM from 7:00PM, and the annual election of Officers to be held in February rather than March.

Discussion:

- Will there be a discussion on meetings being recorded at any point? Are there any legal standings of meetings being recorded? P&Z Meetings are not available by Zoom, they are streamed. Attorney Chappell said there is no specific standards for keeping minutes to a meeting; however, case law has indicated that minutes should be complete enough to understand the subject matter and discussion to support the decisions rendered.
- Can this resolution be amended to reflect meetings are recorded for use at later date? Attorney Chappell stated there can be technical difficulties, and therefore, this is not in the ordinances or resolution for that reason.

Motion: Commissioner Barrow moved to approve Resolution 2024-2.

Second: Commissioner Baldwin seconded the motion.

1 **Vote: The motion carried (7 - 0) by roll call vote:**

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3 *Commissioner Barrow – yea*
4 *Commissioner Martinez – yea*
5 *Commissioner Edward – yea*
6 *Commissioner Baldwin – yea*
7 *Commissioner Tagliapietra – yea*
8 *Commissioner Heywood – yea*
9 *Commissioner Homan – yea*

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11 **6. Election of Officers for 2024**

12 A. Nomination for Chair, Vice Chair, and Secretary.

13 a. **Chair:**

14 **Motion:** Commissioner Barrow moved to elect Mary Homan for Chair.

15 **Second:** Commissioner Tagliapietra seconded the motion.

16 **Vote:** The motion carried unanimously (7-0) by roll call vote.

17 b. **Vice Chair:**

18 **Motion:** Commissioner Baldwin moved to elect Connie Barrow for Vice Chair.

19 **Second:** Commissioner Martinez seconded the motion.

20 **Vote:** The motion carried 6-0 by roll call vote; Commissioner Barrow abstained.

21 c. **Secretary:**

22 **Motion:** Commissioner Barrow moved to elect Gwenn Baldwin for Secretary.

23 **Second:** Commissioner Heywood seconded the motion.

24 **Vote:** The motion carried 6-0 by roll call vote; Commissioner Baldwin abstained.

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26 **7. REPORTS**

27 A. Planning & Zoning Department Report.

- 28 a. Director Rubin gave the P&Z Department report. Report included in
29 packet.

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31 **8. COMMISSIONERS' INFORMAL DISCUSSION**

- 32 • A Code Enforcement report is included in the BOT Packet.
33 • P&Z Department receives complaints for weeds, leaves, dogs, disputes between
34 neighbors, trash, Dark Skies violations, potholes, and speeders.

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36 **9. ADJOURNMENT**

37 **Motion:** Commissioner Edward moved to adjourn the meeting.

38 **Second:** Commissioner Tagliapietra seconded to adjourn the meeting.

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40 Attorney Chappell added information regarding legally non-conforming uses in the
41 Village as it pertains to variances. He explained that if a use was in existence at time
42 the zoning became applicable, it's legally non-conforming. When our ordinance says
43 that these are the criteria for a hardship, the more of those granted by the Planning &
44 Zoning Commission that don't meet the criteria, the harder it becomes for the
45 Commission to deny the next one.

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47 **Vice Chairman Homan adjourned the meeting at 8:15 pm**

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Approval of the March 12, 2024, Minutes

These minutes have been **APPROVED** by the Planning & Zoning Commission of the Village of Los Ranchos de Albuquerque this 9~~th~~ day of April, 2024.



Glenn Baldwin, Secretary
Planning & Zoning Commission