



MINUTES

Planning and Zoning Commission

Thursday, November 6th, 2025
Grant County Administrative Building
1400 US Hwy 180 E.
Silver City, New Mexico

Commissioners Present:

Simon Wheaton-Smith, Chair
John Balas
Susan Moody
Dave Stone

Commissioners Absent: Susan Mittelstadt

Staff Present:

Ms. Olea, Assistant Town Manager
Ms. Hickle, Planning/Mapping Technician

The regular meeting of the Planning and Zoning Commission was called to order at 6:02 pm. The Pledge of Allegiance and the New Mexico State Flag salute were recited. A roll call was taken among the commissioners, and a quorum was present.

Approval of Agenda:

The Chair approved the agenda after the Commission unanimously agreed there would be no revisions.

Approval of Minutes:

Commissioner Moody motioned to approve the minutes from the regular meeting scheduled for October 7th regular meeting minutes. Commissioner Stone seconded, motion approved by a unanimous voice vote, 4/0.

Reports:

None

Community Input:

None

Public Hearings:

VA 25-01: A Request for a Variance to Section 3.4.2 (B) Street Setback Overlay Zones for the installation of a manufactured home into the ten-foot front setback, for the property addressed as 3906 N. Fowler Ave., Silver City, New Mexico. The applicants are Gary & Denise Placencio, represented by Mr. Robert Ruiz

The Chair noted that exparte communication was acceptable for this legislative action, and the representative and the Community Development Department Staff were sworn in.

Ms. Hickle read her report into the record. The variance request, VA25-01, was submitted by Gary and Denise Placencio for the property at 3906 North Fowler Avenue.

- The request sought a variance to the 10-foot front setback for installing a new manufactured home. The lot's unique hardship was its proximity to the Pinos Altos Creek, placing the current structure in a regulatory floodway.
- The proposed new home, located in an Area of Special Flood Hazard (Zone AE), would comply with all flood hazard reduction regulations, including being adequately anchored and having the lowest floor elevated a minimum of 12 inches above the base flood elevation.
- Departmental review confirmed the existing 10-foot sewer easement would not impact the new structure. Engineering stipulated that the structure requires an engineered foundation with an architect or engineer's stamp of approval.
- Staff noted that nineteen neighbors were notified, one sought clarification, and one voiced support.
- Staff recommended approval, stating the request met all seven required findings because the proposed location is the only viable area on the property for construction. The manufactured home construction naturally aids in meeting the elevation requirements

Commissioner Balas asked staff to define an engineered foundation. Ms. Olea explained it must be designed by a licensed professional based on flood calculations to be securely fastened to the foundation to withstand flood forces and prevent flotation

Mr. Ruiz then began his presentation, and as required, he explained how the seven findings were met within this application. Number one, the hardship of the applicant's complaints is unique to the applicant, rather than one suffered by neighbors or the general public: yes, the location of the lot was directly adjacent to the floodway, and they were unaware that the majority of the lot was located in the floodway. Number two, the hardship relates to the applicant's land property: yes. Number three, the hardship was not created by the deliberate action of the applicant or by one under his control, and reasonable remedies are not presently available: yes, the location of the floodway was out of their control, and they were not aware during the purchase of that property. Number Four, the granting of variance is consistent with the town's comprehensive plan: yes, the town's comprehensive plan references infield development. Number five, the granting of variance is in harmony with the purposes and intent of the land use code: yes, the proposed structure is residential and, in nature, conforms with the residential zone. Number Six, the granting of the variance will not be injurious to the neighborhood surrounding the property where the variance is proposed, and otherwise is not detrimental to the public welfare: yes, the plans for the foundation will be engineered to prevent any issues to adjoining properties. Number Seven, the variance will not result in any extension, expansion, or enlargement of non-conforming structures in violation of Article VII and will not authorize the initiation of any non-conforming use of land. He answered yes. Mr. Ruiz then concluded his presentation by asking if any commissioners had a question on the application. Commissioner Balas inquired about the placement of the new primary structure. Ms. Olea answered by explaining where the relevant information is located in the packet. The Chair asked if the primary structure would be moved or replaced. Mr. Ruiz answered that the current structure would be replaced.

Commissioner Balas motioned, and Commissioner Stone seconded to approve Case VA25-01, confirming all seven findings had been met and remedied. A roll call vote was taken: The motion passed unanimously, 4/0.

The Chair explained that the variance was granted, subject to an appeal timeline. Community Development would draft a Notice of Decision, and any appeals would go to the Town Council and subsequently to the District Court.

New Business:

None

Community Input:

None

Reports from Staff:

Ms. Olea reported that the next meeting on December 2nd will have three applicants: one Variance request, and two Conditional Use permits.

Reports from Commission:

The Chair gave his report; he noted his recent appearance on a local radio show; he then reminded the Commission that a text amendment to the land use code would be necessary to address public comments from the last hearing. He reiterated the plan for an annual review every January to select issues for correction throughout the year, ensuring the land use and zoning code remains up to date.

Adjournment:

Commissioner Stone moved to adjourn the meeting. Commissioner Moody seconded the motion, passing by a unanimous voice call 4/0. The meeting was adjourned at 6:33 pm.

Simon Wheaton-Smith, Chair
Planning & Zoning Commission

Date