

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION  
TUESDAY, FEBRUARY 9, 2016 @ 4:00 P.M.  
**HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

**PURPOSE OF MEETING:**

- Consider approval of Encroachment on City easement at 609 S Third Street, Lovington, NM
- Consider approval of Encroachment on City easement at 610 W Aspen Avenue, Lovington, NM

**PRESENT:** Members: Vice Chairman Randy Pettigrew, Member David Lynch, Bobby Kimbro, Clint Laughrin, and Betty Price.

**NOT PRESENT:** Chairman Kallie Windsor and Member Abel Cabello

**ALSO PRESENT:** City Manager James Williams, City Attorney Patrick McMahon, Fire Chief Terrance Lizardo, Planning and Zoning Coordinator Crystal Ball, Code Enforcement Laura Brock, Public Works Director Wyatt Duncan, City Clerk Carol Ann Hogue, and Administrative Assistant Anna Juarez

**CALL TO ORDER:** The meeting was called to order by Vice Chairman Randy Pettigrew at 4:08 p.m.

**APPROVAL OF AGENDA:** Vice Chairman Pettigrew called for a motion. Member Price so moved to approve agenda as published; Member Laughrin second. Motion was approved.

**APPROVAL OF REGULAR MINUTES OF JANUARY 12, 2016:** Vice Chairman Pettigrew called for a motion to approve the regular minutes of January 12, 2016. Member Price so moved. Member Laughrin seconded. Motion was approved.

**NON-ACTION ITEMS:**

**Staff Report on Action Items Approved by City Commission:** Nothing to present. Mr. Dimisha withdrew his request in zoning and is not pursuing to build townhomes.

**ACTION ITEMS:**

**CONSIDER APPROVAL OF ENCROACHMENT ON CITY EASEMENT AT 609 S THIRD STREET, LOVINGTON NM:** Planning and Zoning Coordinator Crystal Ball addressed Commission of 609 S Third Street of the carport and cinder block fence (CMU) are both over the City's easement; the carport is over by 13'1" and the CMU fence is over by 11'1" into City's easement. The dwelling in itself was built in 1960; therefore the residence set back of 12'3" from the front property line is accepted and grandfathered in. Planning and Zoning Coordinator Ball stated encroachments were found by surveyor because property owner Juan and Sylvia Vega are in the processing of selling property. Planning and Zoning Coordinator Ball recommends to grant easement encroachment of carport attached to the dwelling and move CMU fence back to property line due to safety issues of vehicles backing out of the carport. Staff and members discussed the year the carport was built in 1980's, height of fence, property line, and risks or liabilities to the City. Vice Chairman Pettigrew called for a motion to grant the easement encroachment 13'1" of the carport attached to

the dwelling and require owner to move or remove CMU fence back 11'1" to the property line. Member Price so moved. Member Laughrin seconded. With no further discussion, all Aye. Motion was approved.

**CONSIDER APPROVAL OF ENCROACHMENT ON CITY EASEMENT AT 610 W ASPEN AVENUE, LOVINGTON, NM:** Planning and Zoning Coordinator Crystal Ball addressed Commission of a homeowners requesting an easement encroachment of 3' of the corner of their new home built at 610 W Aspen Avenue which was built on the City's easement and property setbacks are improper; contractors did not get a permit through the City only by the State. Planning and Zoning Coordinator Crystal Ball stated the property was brought to the City's attention because owners are selling the home. Staff and members discussed other homes in this subdivision which do not meet setbacks and discussed having contractor to ask for the variances. City Attorney McMahan stated his recommendation is to look at the encroachment and then make them come back and request a variance for the setback. Public Works Director Duncan stated Lonnie Ramirez and Ken Jameson are the owners of this subdivision; owners have been shut down due to incorrect placement of infrastructure. Staff and members discussed recourses for housing incentive builders which are not complying with zoning and setbacks. Code Enforcement Brock stated the State is not signing off on any building permits unless City has their signature on building permit. Vice Chairman Pettigrew stated board can only act on what was published and pass on to City Commission suggestion of variance to approve variance if board agrees. Planning and Zoning Coordinator Ball stated notices for variance needs to be mailed to neighbors in 100' radius, which will allow enough time to be able publish variance on Commission agenda for the first meeting in March. Vice Chairman Pettigrew called for a motion. Member Price so moved to grant the easement encroachment 3' and with added requirement for City Commission to review and approve owners request for a variance for the improper setbacks of the dwelling at 610 W Aspen, Lovington, NM 88260; Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

**PUBLIC COMMENT:**

No public comment was made.

**OTHER COMMENT:**

Member Price asked what could be done with vehicles parked in the easement at the Avenue R Apartments; Code Enforcement Brock stated she would get with Chief of Police Rodriguez. Vice Chairman Pettigrew stated he did not recall the fence line in the plans for the subdivision to the east by the Avenue R apartments; City Manager Williams and Code Enforcement Brock will review plans of subdivision. Vice Chairman Pettigrew stated if Staff could address concerns of fence line and to have documentation of conversations with developer concerning fence, so the landowner or the City will not held responsible.

**ADJOURNMENT:**

There being no further business the meeting adjourned at 4:50 p.m.

**APPROVED:** \_\_\_\_\_  
**VICE CHAIRMAN, RANDY PETTIGREW**

**ATTEST:** \_\_\_\_\_  
**MEMBER, DAVID LYNCH**