

**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, AUGUST 11, 2015 @ 4:00 P.M.
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

PURPOSE OF MEETING:

- Consider Recommendation Variance at 200 North Roosevelt: Rear-Yard Setback for Manufactured Home
- Consider Recommendation for Variance at 622 North Eddy Street: Front yard Setback for Manufactured Home
- Consider Recommendation for Variance at 421 West Tyler Avenue: Rear Yard Setback and Distance Between Accessory Building and Manufactured Home
- Consider Recommendation for Request to Vacate a portion of Avenue A from Eddy Street east 140 feet
- Consider Recommendation for Request to Vacate a 40-Foot Right-of-Way Easement west of Eddy Street Between Madison Avenue and Jefferson Avenue: East portion of Block 28 in College Addition
- Consider Recommendation for Request to Vacate a 20-Foot Alley Easement and dedicate Street Right-of-Way on a portion of East Street: West Portion of Block 28 in College Addition

PRESENT: Members: Chairman Kallie Windsor, Vice Chairman Randy Pettigrew, Members Clint Laughrin, David Lynch, and Betty Price.

NOT PRESENT: Member Abel Cabello and Bobby Kimbro

ALSO PRESENT: Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, City Clerk Carol Ann Hogue, City Planner Merideth Hildreth, Fire Marshall Skip Moorhead, Finance Director Gary Chapman, and Administrative Assistant Anna Juarez

CALL TO ORDER: The meeting was called to order by Chairman Windsor at 4:00 p.m.

APPROVAL OF AGENDA: Chairman Windsor called for a motion. Vice Chairman Pettigrew so moved to approve agenda with the correction to item number 6 of 40 to 20 foot vacation of alley easement. Member Price seconded. All Aye, motion was approved.

APPROVAL OF REGULAR MINUTES OF JULY 14, 2015: Chairman Windsor called for a motion to approve the regular minutes of July 14, 2015. Vice Chairman Pettigrew so moved. Member Price seconded. All Aye, motion was approved.

ACTION ITEMS:

CONSIDER RECOMMENDATION OF VARIANCE AT 200 NORTH ROOSEVELT: REAR-YARD SETBACK FOR MANUFACTURED HOME: City Planner Hildreth addressed Board of property owner request for a variance to install a 30 X 64 foot double wide manufactured home on the lot which measures 60 X 110 feet deep; to accommodate the unit the owner is requesting permission for a 20 foot rear yard setback on this lot. Owner Luis Andujo Teran was not present. Chairman Windsor called for motion. Member Laughrin so moved to approve a variance to allow a 20 foot rear yard setback at 200 North Roosevelt Drive Lot 1,

Block 8 in Fairview Addition to the City of Lovington, Lea County, New Mexico; Member Lynch seconded. Vice Chairman Pettigrew asked if zone B allows manufactured home; City Planner Hildreth responded yes, zone A does not allow single wide, but does allow double wide. With no further discussion, all Aye. Motion was approved.

CONSIDER RECOMMENDATION FOR VARIANCE AT 622 NORTH EDDY STREET: FRONT YARD SETBACK FOR MANUFACTURED HOME:

City Planner Hildreth addressed Board of property owner installing manufactured home on the lot before City Code Enforcement conducted a preliminary site inspection; placing manufactured home approximately 22 feet from the front property line. Vice Chairman Pettigrew asked how property is being measured from surveyor stakes or center of road; City Planner Hildreth stated stakes if available or from center of road to get approximate property line. City Planner Hildreth stated variance difference between 200 North Roosevelt is a 110 foot lot and 622 North Eddy Street is a 140 foot lot, Eddy Street can accommodate the manufactured home whereas the 200 North Roosevelt property is 110 foot deep lot. Members and Staff discussed site plan, commercial versus residential setbacks, timeline on preliminary inspection, and additional expense of surveyors to City or property owner. City Attorney McMahon stated if variance is not granted, owner would receive notification of violation of code and if owner does not comply, then the City would have choice to move forward to file a lawsuit to get owner to comply. City Attorney McMahon continued if City litigates, the City will be responsible to hire a surveyor the mark corners. Members and Staff discussed potential lawsuit, cost of surveyors, model year of manufactured home, and guidance from City Commissioners. Chairman Windsor called for a motion. Vice Chairman Pettigrew so moved to table variance and staff to discuss the City's concerns with the homeowners and have movers make it right; Member Lynch seconded. Members and Staff discussed whom would bear the cost of moving the manufactured home, direction from City Commission, hiring professionals or surveyors, and communication and time frame of inspection. City Planner Hildreth recommended to the homeowners to fix it or request a variance, but there was no guarantee of approval if homeowner requested variance. Members stated skirting would need to be removed, electrical disconnected, and reconnect sewage. Vice Chairman Pettigrew so moved to retract motion; Member Lynch rescinded. Member Laughrin so moved to approve variance to allow a 22 foot front yard setback at 622 North Eddy Street Lot 6, Block 6 College Addition to the City of Lovington, Lea County, New Mexico; Member Price seconded. Members and City Commissioner Trujillo discussed implementing in packet for property owners to survey property. With no further discussion, all Aye; Vice Chairman Pettigrew opposed. Motion was approved. Next agenda add: recommendation for planning and zoning issue in general.

CONSIDER RECOMMENDATION FOR VARIANCE AT 421 WEST TYLER AVENUE: REAR YARD SETBACK AND DISTANCE BETWEEN ACCESSORY BUILDING AND MANUFACTURED HOME:

City Planner Hildreth addressed Board of property owner request for 421 West Tyler Avenue zoned B multiple dwelling district lot 5. City Planner Hildreth stated lot is 50 feet wide by 140 feet deep; mobile home is a single wide 16 feet wide by 76 feet long. An existing stone garage was built in the front yard in excess of 65 years ago is located 28 feet from the front property line. City Planner Hildreth stated the owner is requesting a variance to allow a 10 foot rear yard setback to accommodate the 76 foot manufactured home on the lot; municipal code requires a Rear Yard setback that is thirty feet or 20 percent the length of the lot. Municipal Code states that accessory buildings must be located in Rear Yards and must be located a minimum of 10 feet from the main structure; requiring a variance to allow a distance of 5 feet from the existing

historic garage to the manufactured home. Leslie Brow is the property owner; Mrs. Brow will be renting mobile home to renters. Assistant City Manager Cobb stated RV was there and was required to be moved; an alternative was to bring in a manufactured home. Chairman Windsor called for a motion. Member Laughrin motion to approve variance to allow a 10 foot Rear Yard Setback and approve a variance to allow a manufactured home to be located 5 feet from the existing accessory garage, which is located in the front yard, at 421 West Tyler Avenue Lot 5, Block 8 in Cowan Addition to the City of Lovington, Lea County, New Mexico; Member Price seconded. With no further discussion, all Aye. Motion was approved.

Vice Chairman Pettigrew exited meeting at 4:52 p.m. due to prior engagement

CONSIDER RECOMMENDATION FOR REQUEST TO VACATE A PORTION OF AVENUE A FROM EDDY STREET EAST 140 FEET: City Planner Hildreth addressed Board of property owner request to vacate Avenue A from Eddy Street to the alley east of Eddy Street; property is zoned "C" Commercial District. Assistant City Manager Cobb stated City's concerns on vacation, with several parcel along the platted Avenue A, will cut off access to platted lots. Assistant City Manager stated this area is not developed and City plans to insure connectivity in the future to comply with comprehensive plan. Members and Staff discussed surrounding property owners. Ryan Burkett stated reason for the vacation was due to his engineer stating there is an extra 40 feet that will probably never be developed or used as a street. Sharon Little stated with the Fair & Rodeo out there, there is going to be a need for more access since there is not much access as it is. Chairman Windsor called for a motion. Member Price so moved to deny request to vacate a portion of Avenue A from Eddy street to the Alley East of Eddy Street and adjacent to Lot 1, Block 18 of the East Addition to the City of Lovington, Lea County, New Mexico; Member Lynch seconded. With no further discussion, all Aye. Motion was approved. Ryan Burkett announced ground breaking of storage facility on Monday.

CONSIDER RECOMMENDATION FOR REQUEST TO VACATE A 40-FOOT RIGHT-OF-WAY EASEMENT WEST OF EDDY STREET BETWEEN MADISON AVENUE AND JEFFERSON AVENUE: EAST PORTION OF BLOCK 28 IN COLLEGE ADDITION: City Planner Hildreth addressed Board of property owner, Daniel Valdez, request for vacation of approximately 40 feet by 300 feet of Eddy Street Easement; easement is located west of Eddy Street between Madison Avenue and Jefferson Avenue. City Planner Hildreth stated surveyors are working on correcting recording error that skewed everything by 40 feet. Chairman Windsor called for a motion. Member Price made motion to approve vacation of the Eddy Street Easement between Madison Avenue and Jefferson Avenue located on 1.38 acres on the eastern portion of Block 28 of College Addition to the City of Lovington, Lea County, New Mexico. Member Laughrin seconded. With no further discussion, all Aye. Motion was approved.

CONSIDER RECOMMENDATION FOR REQUEST TO VACATE A 20 ~~40~~-FOOT ALLEY EASEMENT AND DEDICATE STREET RIGHT-OF-WAY ON A PORTION OF EAST STREET: WEST PORTION OF BLOCK 28 IN COLLEGE ADDITION: City Planner Hildreth addressed Board of property owner, David Trujillo, request for approval of replat to split lot into 2 lots and request to vacate 20 feet of alley easement; Mr. Trujillo is also dedicating a portion of East Street. A sewer main is located in the alley to the east of the easement under consideration for vacation; a water main has not yet been developed to serve the lot being created through a replat on the northern portion of the property. Chairman Windsor called for a motion. Member Lynch so moved to approve the vacation and

rededication plat of a street and alley easement located in Lot 7 of Block 28 of college addition to the City of Lovington, Lea County, New Mexico; Member Price seconded. With no further discussion, all Aye. Motion was approved.

PUBLIC COMMENT: None

OTHER COMMENT:

- Members discussed scheduling meetings after City Commission meetings; members agreed to schedule meeting for September 15, 2015
- City Planner Hildreth announced NMLZO in September 16 – 18 in Taos or NM Chapter of America Planning & Association Meeting in Las Cruces dealing with planning & civil engineering
- Chairman Windsor mentioned to discuss members attendance

ADJOURNMENT:

There being no further business the meeting adjourned at 5:28 p.m.

APPROVED: _____
CHAIRMAN, KALLIE WINDSOR

ATTEST: _____
MEMBER, DAVID LYNCH

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: September 15, 2015

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: 1205 West Avenue O: Variance Request - Front Yard
DEPARTMENT: Community Development
SUBMITTED BY: Merideth Hildreth, City Planner
DATE SUBMITTED: September 8, 2015

STAFF SUMMARY:

Due to consolidation of two (2) lots into one lot at 1205 West Avenue O, the front yard is redefined as facing Avenue P instead of Avenue O. With this new configuration, the applicant is requesting a variance from the required twenty-five (25) foot front yard setback to allow a twenty (20) foot front yard setback. Approximately forty (40) feet of the sixty-four feet eight inch (64'8") facade facing Avenue P is a garage. (Property Legal Description: Faye Heights Addition, Block 2, Lots 7 & 8)

This property is in Zone "A" - Single-Family Dwelling District.

Reference: City of Lovington Municipal Code 17.20.040 (A) There shall be a front yard having a depth of not less than twenty-five feet. 17.040.030 Definitions: "Yard, front."

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Planning & Zoning Application
Variance Request (3 pages)
Location Map & Aerial

Site Plan
September 1, 2015 Letter to Neighbors
List of Neighbors Notified

Warranty Deed

RECOMMENDATION:

Consider a Motion to approve a variance to allow a twenty (20) foot Front Yard Setback facing Avenue P at 1205 West Avenue O described as Lots Seven (7) and Eight (8), Block Two (2), Replat of Blocks 1, 2, 3, and 4, Faye Heights Subdivision to the City of Lovington, Lea County, New Mexico.

MAH

Department Head

James R. Williams
City Manager



CITY OF LOVINGTON, NEW MEXICO PLANNING AND ZONING APPLICATION

For Required Actions, submit all materials at least three weeks prior to your scheduled meeting in order to ensure placement on the Planning & Zoning Commission agenda.

ADDITION	PARK - RV OR MH PARK	ANNEXATION
BUILDING (Residential)	PORCH	ALTERNATE SUMMARY REPLAT
BUILDING (Commercial)	ROOF / RE-ROOF	REPLAT (Major)
CAR PORT	SIGNAGE	SUBDIVISION (Preliminary)
CURB CUT	STORAGE UNIT	SUBDIVISION (Final)
FENCE	SEWER CONNECTION	CONDITIONAL/SPECIAL USE
MANUFACTURED HOME	TOWER	VACATION _____
MODULAR HOME	WATER CONNECTION	VARIANCE
NEW HOME (SITE BUILT)	OTHER _____	ZONE CHANGE

Applicant Name: Harvey Dee Brannin
Mailing Address: 426 W. Clearfork Circle
Hobbs, NM 88240
Phone Number: 575-390-0856
Property Address (Site Location): 1205 W. Ave D
Property Owner(s): Sonia L. Murillo + Harvey Dee Brannin

Brief Description of Request: New site - built home

Subdivision: Faye Heights Zone: (A) B C D
Block: 2
Lot: 7 & 8
Owner Number: 208 736 Parcel Number: 4981216101346 (Lot 8)
Book: 1832 Page: 603 4981216100605

Present Use of Property: Vacant Residential

Applicant Signature: A. Dee Brannin Date: 6-4-15

Date Received by Code Enforcement: 6-4-15
Code Enforcement Officer Name: Maideeth Hildreth
Code Enforcement Officer Signature: [Signature]



Variance Request

The first step in obtaining a variance is to complete the Planning and Zoning Application. This document provides the basic information required for all City planning, zoning and permitting applications. The following check list provides additional requirements for your specific application. Please attach all of the requested documentation, sign, and date.

Variance Request Requirements

- 1) Submit a completed Planning and Zoning Application. All fields must be completed and legible in order to process the application.
- 2) Provide proof of ownership or interest in the property. A deed with a legal description or property lease will meet this requirement. If the applicant is not the owner, an Affidavit by Property Owner(s) is required.
- 3) A site plan, submitted on paper or in an electronic format, showing
 - North arrow
 - Location of site with respect to streets and adjacent properties
 - Property lines and dimensions
 - Location and dimensions of buildings
 - Building setback distances from property lines
 - Any proposed features of the site which are applicable to the requested variance
- 4) A written statement documenting the reason for the variance, including evidence that the request complies with the criteria identified on page 2 ("Criteria for Variance Approval")
- 5) Completed Variance Support Petition

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative must be present at all public hearings concerning this application.

X Applicant Name: Harvey Dee Branin X Date: 8-4-15
X Applicant Signature: H. Dee Branin

CITY USE ONLY	
Code Enforcement Officer Name: <u>Meredith Hill</u>	Received: <u>8-26-15</u>
Code Enforcement Officer Signature: <u>Meredith Hill</u>	

PROPERTY

Address or General Location: 1205 West Avenue O, Lovington, NM 88260

Legal Description (if platted): Lots 7 & 8 Block 2 Faye Heights Addition

Zoning Classification: A B C D

Existing use of land and/or buildings:

Single Family Residential under construction.

REQUESTED ZONING VARIANCE

Variance to Lovington Municipal Code Zoning Ordinance Section(s):

17.20 "A" Single-Family Dwelling District 17.20.040 Front Yard Requirements

Current Ordinance Requirements:

17.20.040 (A) There shall be a front yard having a depth of not less than twenty-five feet.

17.04.030 Definitions: "Yard, front" means a yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line or another lot line and the main building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches.

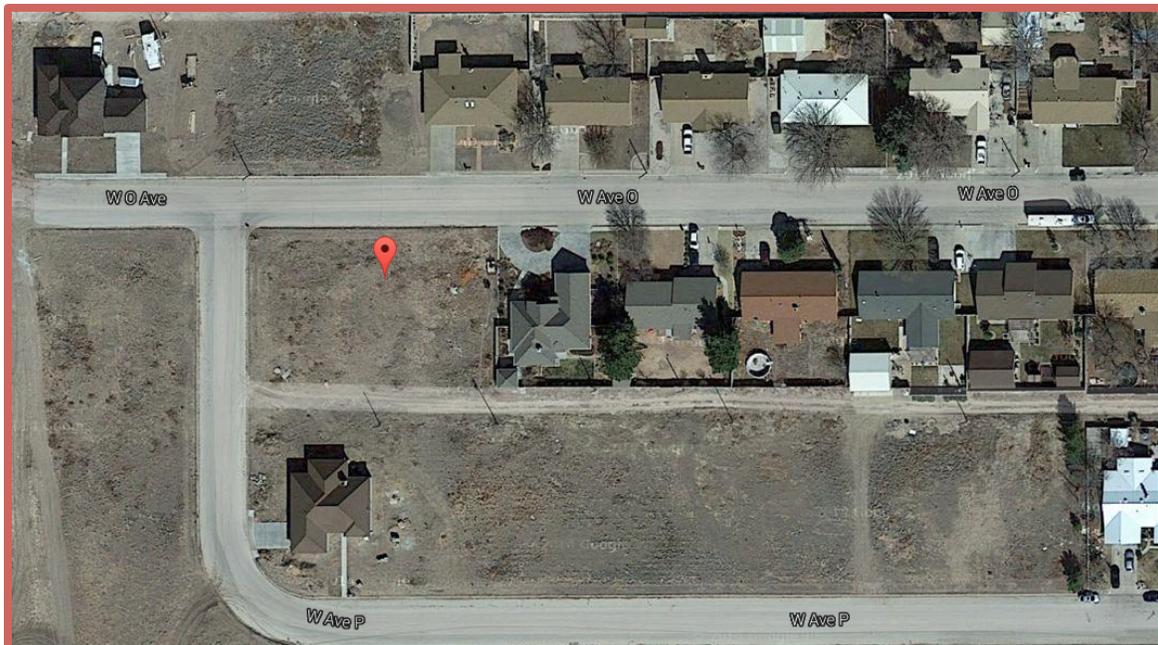
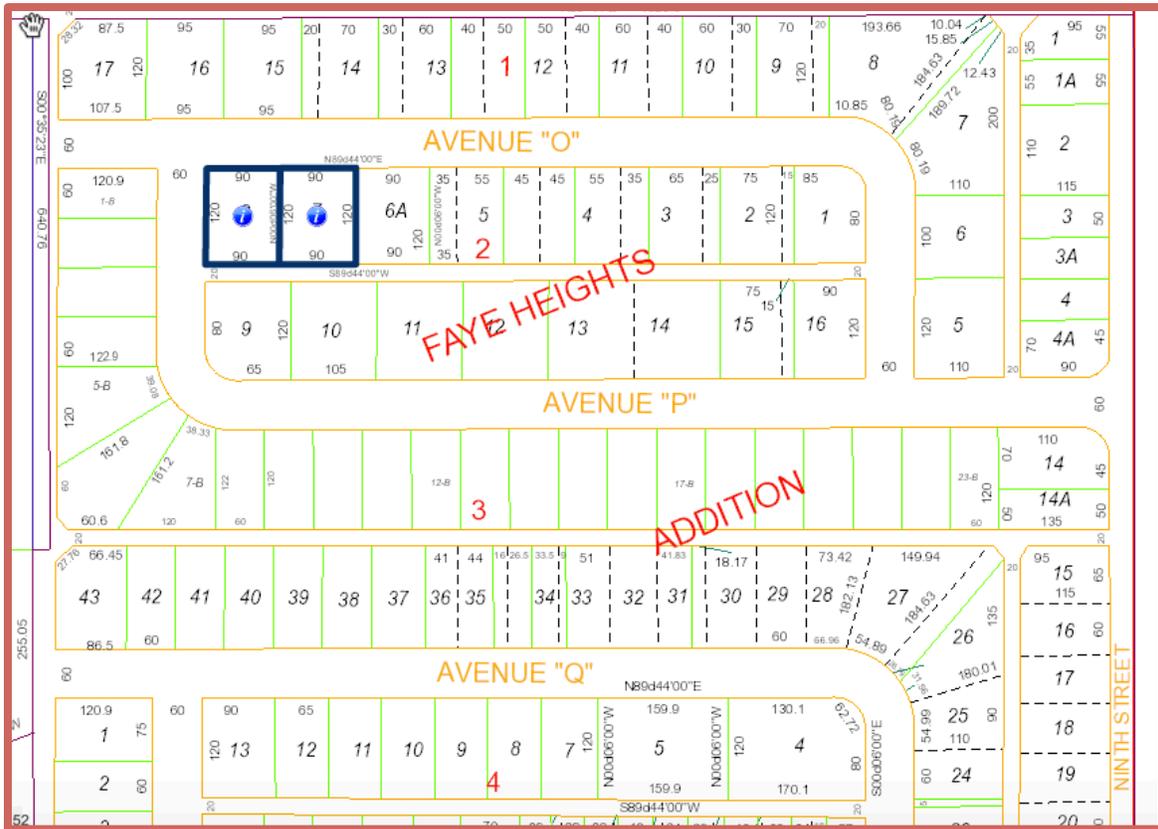
"Yard, rear" means a yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

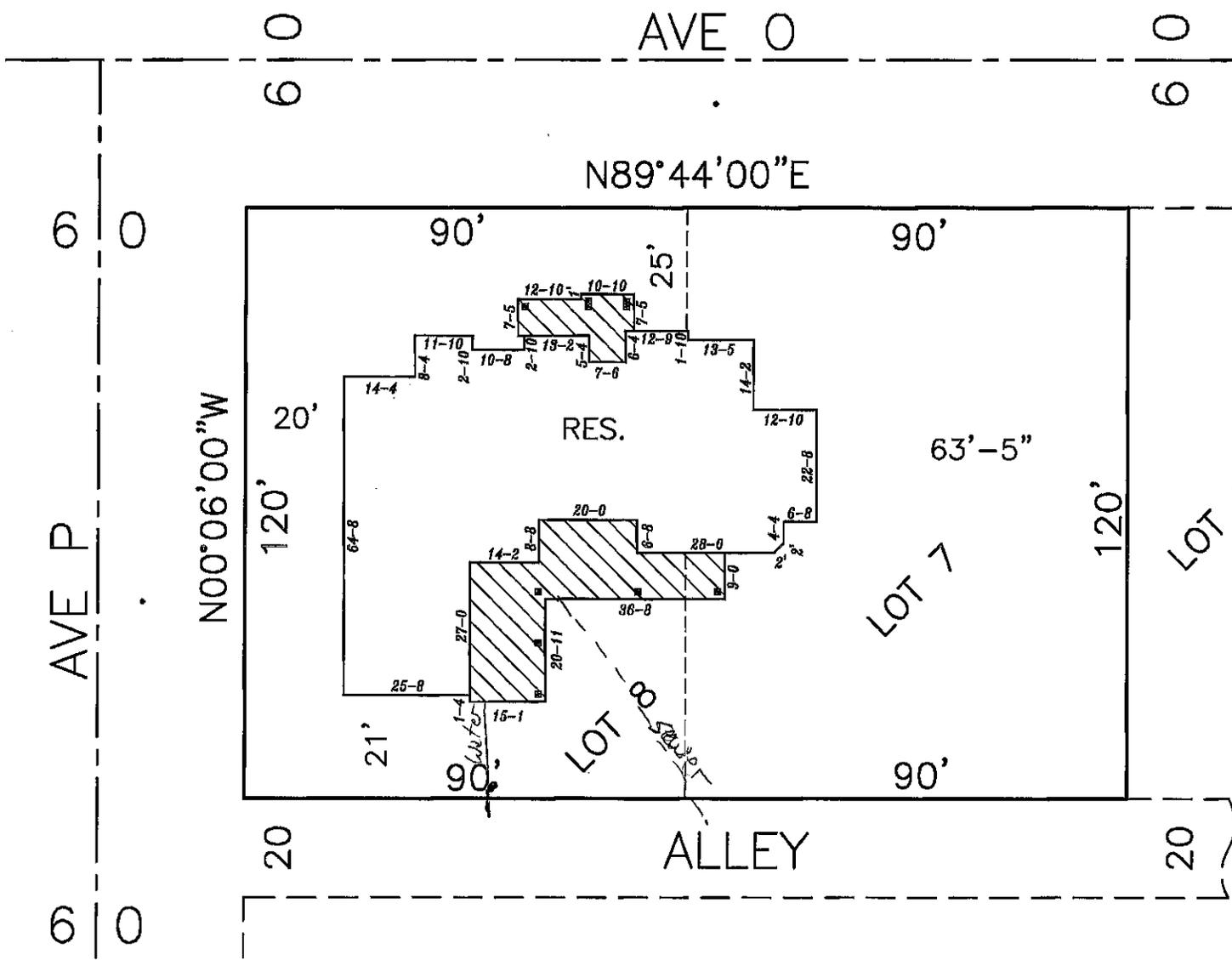
Requested Variance(s)

This property is a corner lot at the intersection of West Avenue O and West Avenue P.

Consolidation of Lots 7 & 8 redefines Ave P as the "Front Yard." The property owner is requesting a variance to allow a twenty (20) foot front yard setback facing Avenue P. The garage portion of the residential structure faces Avenue P and comprises approximately two-thirds of the linear footage of the building facing Avenue P.

1205 West Avenue O





CLIENT	
H DEE BRANIN	
PROJECT	
ONE STORY DWELLING	
DRAFTSMAN	
BRUCE JONES	
CELL	
631-384-7484	
SCALE	DATE
GRAPHIC	10-11
REVISION	SHEET #
00	1 / 4
JOB NO.	
14-038	

City of Lovington

Community Development Department



214 South Love Street
PO Box 1268
Lovington, NM 88260

Bus: 575-396-3000
Fax: 575-396-6328
planning@lovington.org

September 1, 2015

The purpose of this letter is to inform you that a request for a **Zoning Variance** has been submitted to the City of Lovington Planning and Zoning Commission. The property requesting the **Variance** is located at 1205 West Avenue O in Lovington, New Mexico. (Property legal description: Lots Seven (7) and Eight (8), Block Two (2), Replat of Blocks 1, 2, 3, and 4, Faye Heights Subdivision)

This property is zoned Single-Family Dwelling District (Zone A). Consolidation of both lots into one lot will result in reconfiguration of the front and rear yards. The property owner is requesting a variance to reduce the Front Yard Setback.

You have received this letter of notification because your property is located within 100 feet of the property requesting the **Variance**. This letter is for notification purposes only, and no action is required on your part. However, you have the opportunity to comment at the following public meetings to be held at Lovington City Hall, 214 South Love Street, Lovington, NM 88260.

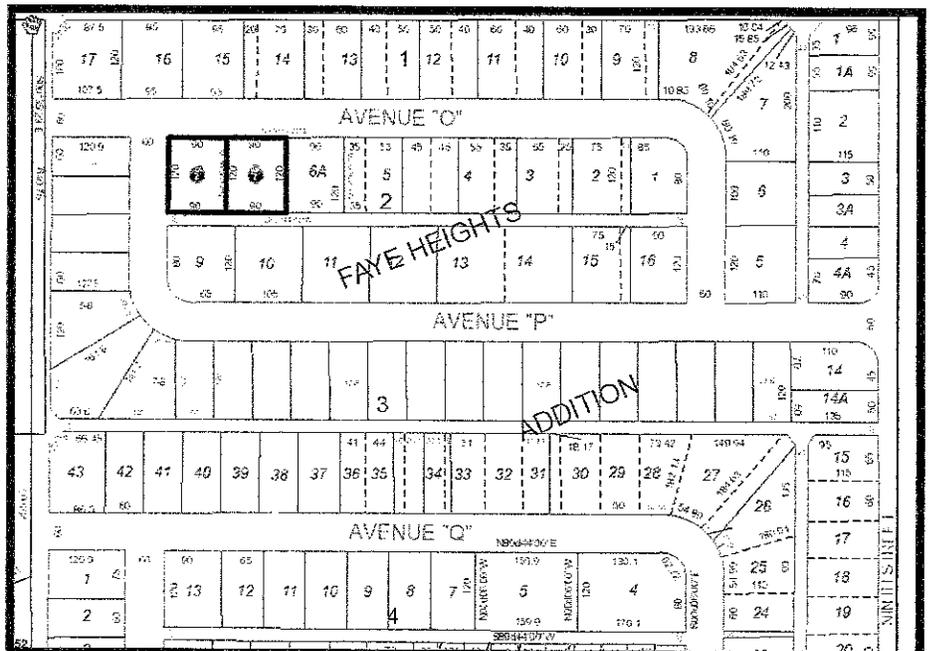
Planning and Zoning Commission
Tuesday, September 15, 2015
4:00 p.m.

City Commission
Monday, September 28, 2015
5:30 p.m.

Meeting agendas and packets are posted on the City of Lovington website at www.lovington.org. If you have any questions, please contact me at 575-396-9301 or via email at planning@lovington.org.

Sincerely,

Merideth Hildreth, M.A., AICP
City Planner



Sonia L Murillo & Dee Branin
426 W Clearfork Circle
Hobbs, NM 88240

Raoul Ivan DeAndra
1108 W Ave O
Lovington, NM 88260

Pilar R. Carrasco
1107 W Ave O
Lovington, NM 88260

Kayla Taylor
1106 W Ave O
Lovington, NM 88260

Juan Carlos Borunda
1103 W Ave O
Lovington, NM 88260

David R Byrd
1008 W Ave O
Lovington, NM 88260

Jesus Rodriguez, Jr
1218 W Ave P
Lovington, NM 88260

Mrinal Sharma
1409 S Yucca Dr
Lovington, NM 88260

Danny Lamb
2723 Morning Sun Place
Lovington, NM 88260

Burkeshaw LLC
PO box 725
Lovington, NM 88260

Paul Campos
1300 W Ave O
Lovington, NM 88260

Berry & Gomez LLC
PO Box 168
Caballo, NM 87931

Kevin Cook
1306 W Ave H
Lovington, NM 88260

04542

STATE OF NEW MEXICO
COUNTY OF LEA
FILED

APR 24 2013

at 10:19 o'clock A M
and recorded in Book _____
Page _____
Pat Chappell, Lea County Clerk
By Sandra Deputy



CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: September 15, 2015

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: 705 South Love Street: Variance Request - Side Yard
DEPARTMENT: Community Development
SUBMITTED BY: Merideth Hildreth, City Planner
DATE SUBMITTED: September 8, 2015

STAFF SUMMARY:

Applicant is requesting a Variance for a Side Yard Setback at 705 South Love Street in order to construct a back porch the width of the existing single-family dwelling. Property Owner owns the adjacent lot. (Legal Description: Lot Five (5), Block Seventy-Three (73), of the Llano Addition).

On the south side of the property, the wall of the existing house was constructed approximately three feet six inches (3'6") from the property line and the roof line is located approximately two feet five inches (2'5") from the property line. According to Lea County Assessment Information, the one-story house was built circa 1945. This property is in Zone "C" - Commercial.

Reference: City of Lovington Municipal Code 17.28.070 Side Yard (Commercial District) 17.24.050 Yard Regulations (Multiple-Dwelling District) 17.20.050 Side Yard Requirements (Single-Family Dwelling District) A. There shall be a side yard...having a width of not less than 5 feet...

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Planning & Zoning Application
Variance Request (2 pages)
Location Map & Aerial

Site Plan
September 1, 2015 Letter to Neighbors
List of Neighbors Notified

Warranty Deed

RECOMMENDATION:

Consider a Motion to approve a variance to allow construction of a back porch and maintenance of existing dwelling within the required five (5) foot side yard set back at 705 South Love Street; Lot Five (5), Block Seventy-Three (73), of the Llano Addition to the City of Lovington, Lea County, New Mexico.

MAH

Department Head

James R. Williams
City Manager

CITY OF LOVINGTON, NEW MEXICO PLANNING AND ZONING APPLICATION

For Required Actions, submit all materials at least three weeks prior to your scheduled meeting in order to ensure placement on the Planning & Zoning Commission agenda.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> ADDITION | <input type="checkbox"/> PARK - RV OR MH PARK | <input type="checkbox"/> ANNEXATION |
| <input checked="" type="checkbox"/> BUILDING (Residential) | <input type="checkbox"/> PORCH | <input type="checkbox"/> ALTERNATE SUMMARY REPLAT |
| <input type="checkbox"/> BUILDING (Commercial) | <input type="checkbox"/> ROOF / RE-ROOF | <input type="checkbox"/> REPLAT (Major) |
| <input type="checkbox"/> CAR PORT | <input type="checkbox"/> SIGNAGE | <input type="checkbox"/> SUBDIVISION (Preliminary) |
| <input type="checkbox"/> CURB CUT | <input type="checkbox"/> STORAGE UNIT | <input type="checkbox"/> SUBDIVISION (Final) |
| <input type="checkbox"/> FENCE | <input type="checkbox"/> SEWER CONNECTION | <input type="checkbox"/> CONDITIONAL/SPECIAL USE |
| <input type="checkbox"/> MANUFACTURED HOME | <input type="checkbox"/> TOWER | <input type="checkbox"/> VACATION _____ |
| <input type="checkbox"/> MODULAR HOME | <input type="checkbox"/> WATER CONNECTION | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> NEW HOME (SITE BUILT) | <input type="checkbox"/> OTHER _____ | <input type="checkbox"/> ZONE CHANGE |

Applicant Name: Gerardo & Concepcion Fuentes
 Mailing Address: 705 South Love
Lovington, NM 88260

Phone Number: _____
 Property Address (Site Location): 705 South Love
 Property Owner(s): Gerardo & Concepcion Fuentes

Brief Description of Request: Addition 20x36 on back of house

Subdivision: Llano Addition Zone: A B C D
 Block: 73
 Lot: 5
 Owner Number: _____ Parcel Number: 4000217390001
 Book: _____ Page: _____

Present Use of Property: Residential

Applicant Signature: Gerardo Fuentes Date: 8-12-15

Date Received by Planning & Zoning: 8-13-15
 City Staff Name: Meredith Hildrich
 City Staff Signature: [Signature]



Variance Request

The first step in obtaining a variance is to complete the Planning and Zoning Application. This document provides the basic information required for all City planning, zoning and permitting applications. The following check list provides additional requirements for your specific application. Please attach all of the requested documentation, sign, and date.

Variance Request Requirements

- 1) Submit a completed Planning and Zoning Application. All fields must be completed and legible in order to process the application.
- 2) Provide proof of ownership or interest in the property. A deed with a legal description or property lease will meet this requirement. If the applicant is not the owner, an Affidavit by Property Owner(s) is required.
- 3) A site plan, submitted on paper or in an electronic format, showing
 - North arrow
 - Location of site with respect to streets and adjacent properties
 - Property lines and dimensions
 - Location and dimensions of buildings
 - Building setback distances from property lines
 - Any proposed features of the site which are applicable to the requested variance
- 4) A written statement documenting the reason for the variance, including evidence that the request complies with the criteria identified on page 2 ("Criteria for Variance Approval")
- 5) Completed Variance Support Petition

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative must be present at all public hearings concerning this application.

Applicant Name: JERRY FUENTES

Date: 8/12/15

Applicant Signature: *Jerry Fuentes*

CITY USE ONLY

Code Enforcement Officer Name: Merideth H. Smith Received: 8.12.15

Code Enforcement Officer Signature: *Merideth H. Smith*

PROPERTY

Address or General Location: 705 South Love Street, Lovington, New Mexico

Legal Description (if platted): Lot 5, Block 73, Llano Addition

Zoning Classification: A B C D

Existing use of land and/or buildings:

Single-Family Residential

REQUESTED ZONING VARIANCE

Variance to Lovington Municipal Code Zoning Ordinance Section(s):

Current Ordinance Requirements:

17.28.070 Side yard (Commercial District)

The side yard regulations for dwellings are the same as those in the "B" multiple dwelling districts.

17.24.050 Yard regulations.(Multiple- Dwelling District)

A. The yard regulations shall be the same as in the "A" single-family dwelling district.

17.20.050 Side yard requirements (Single Dwelling District)

A. There shall be a side yard on each side of the one story portions of buildings having a width of not less than five feet....

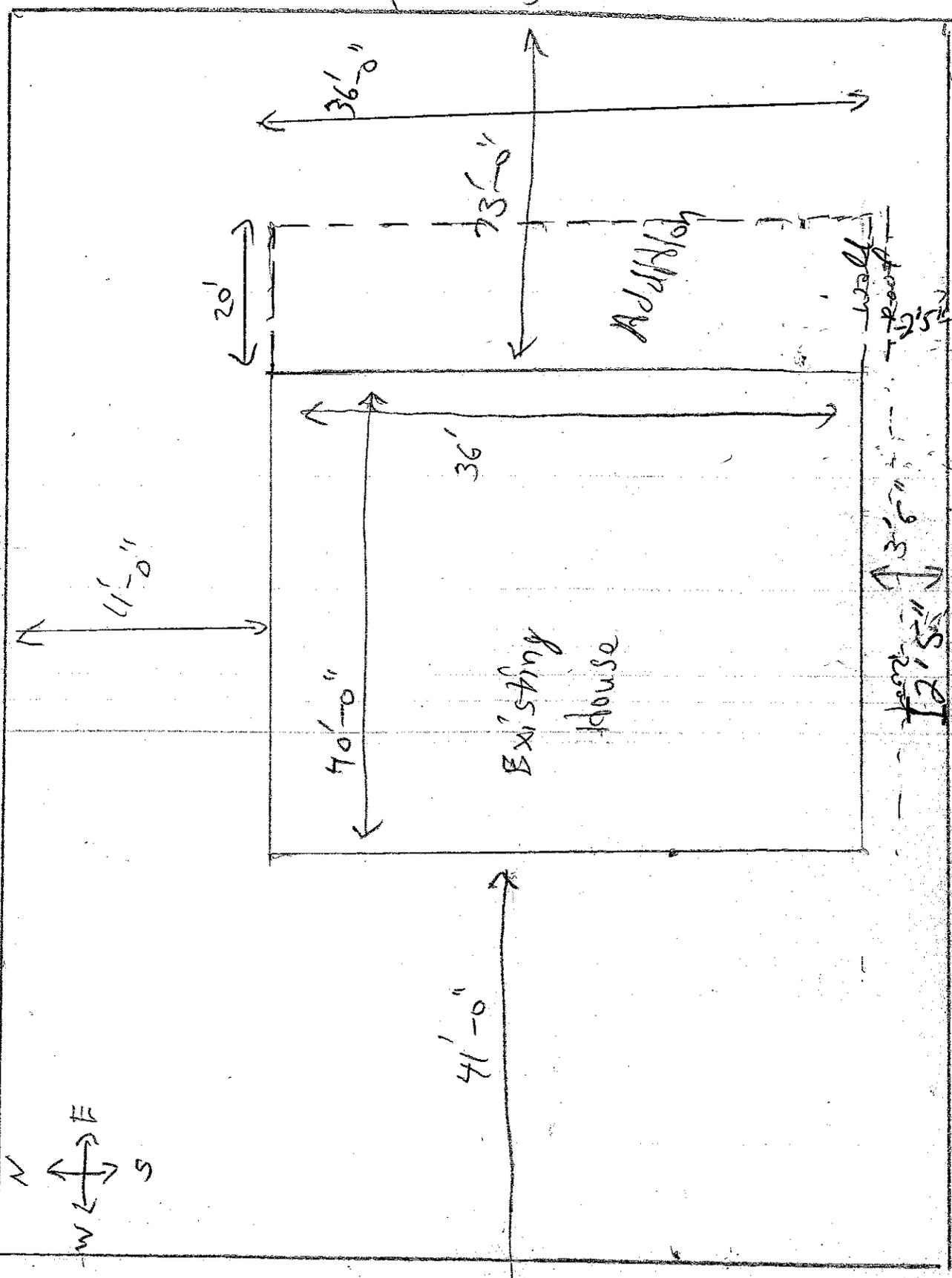
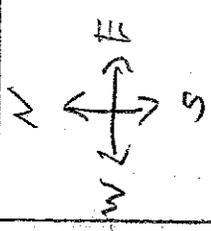
Requested Variance(s)

The City's Zoning Ordinance requires one-story dwellings to have a minimum five (5) foot side yard with a neighboring property.

The Property Owner is requesting a variance to allow the single-family dwelling on the property (Lot 5) to remain where it was originally built. The roof of the house is constructed within eighteen (18) inches of the property line on the south side of the property. Further, the Property Owner is requesting permission to construct a porch on the back side of the home that is the same width of the house. Construction of the 20 foot by 36 foot porch will place the roof of the proposed porch approximately eighteen (18) inches from the southern side yard property line. The Property owner owns the adjacent lots to the south of Lot 5 (Lots 4 and 3). The property owner has developed Lot 4 with a recreational court for use with the home on Lot 5.

100 S 40th ST

140'



LOVE STREET

Site Plan 705 South Ford Street

Received 8.12.15

City of Lovington

Community Development Department



214 South Love Street
PO Box 1268
Lovington, NM 88260

Bus: 575-396-3000
Fax: 575-396-6328
planning@lovington.org

September 1, 2015

The purpose of this letter is to inform you that a request for a **Zoning Variance** has been submitted to the City of Lovington Planning and Zoning Commission. The property requesting the **Variance** is located at 705 South in Lovington, New Mexico.

(Property legal description: Lot Five (5), Block Seventy-Three (73), of the Llano Addition to the City of Lovington, Lea County, New Mexico.)

This property is zoned Commercial District (Zone C). The property owner is requesting a variance to reduce the property's side yard setback on the south. The property owner wishes to construct a porch on the rear of the house that is the same width as the house. The existing house is located within the side yard setback.

You have received this letter of notification because your property is located within 100 feet of the property requesting the **Variance**. This letter is for notification purposes only, and no action is required on your part. However, you have the opportunity to comment at the following public meetings to be held at Lovington City Hall, 214 South Love Street, Lovington, NM 88260.

Planning and Zoning Commission

Tuesday, September 15, 2015

4:00 p.m.

City Commission

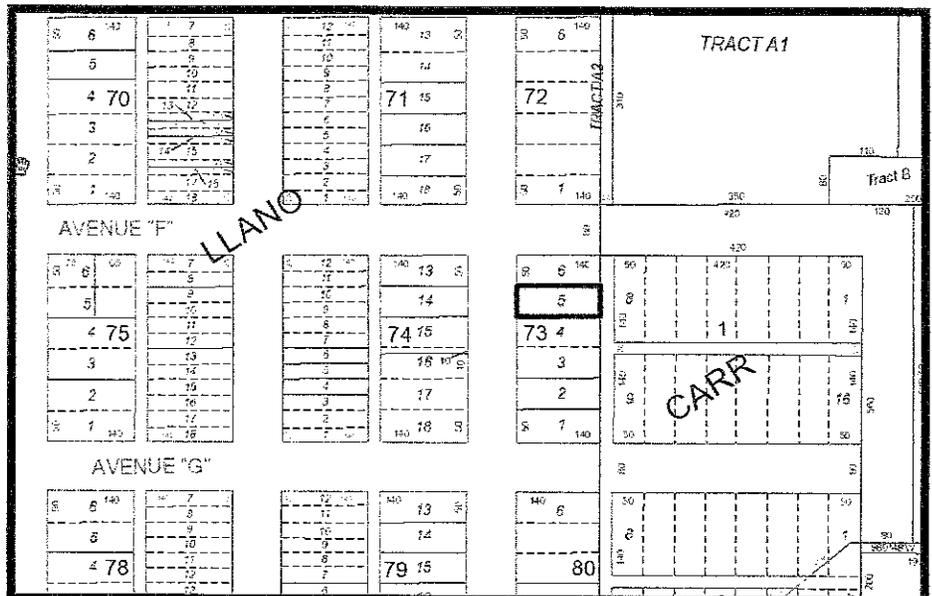
Monday, September 28, 2015

5:30 p.m.

Meeting agendas and packets are posted on the City of Lovington website at www.lovington.org. If you have any questions, please contact me at 575-396-9301 or via email at planning@lovington.org.

Sincerely,

Merideth Hildreth, M.A., AICP
City Planner



Gerardo Fuentes
705 S Love St
Lovington, NM 88260

Guadalupe Castaneda
115 E Ave G
Lovington, NM 88260

Byron L Drown
PO Box 1196
Hobbs, NM 88241

Rafaela Valdez
618 W Ave J
Lovington, NM 88260

Haarmeyer Electric, Inc
PO Box 478
Lovington, NM 88260

City of Lovington
PO Box 1269
Lovington, NM 88260

Dora Maria Salinas
14117 N Shady Ln
Hobbs, NM 88242

Rolland Hudson
PO Box 1384
Lovington, NM 88260

Pansy Dunlap
702 S Love St
Lovington, NM 88260

Ricardo Carrillo
706 S Love St
Lovington, NM 88260

Juan Ramon Moreno
710 S Love St
Lovington, NM 88260

WARRANTY DEED

Charles E. Spears and Beverly J. Spears, husband and wife, E. J. Nichols and Barbara A. Nichols, husband and wife, Bruce A. Kennedy and Doris A. Kennedy, husband and wife and Mark L. Kennedy and Sandra K. Kennedy, husband and wife

for consideration paid grants to

Gerardo O. Fuentes and Conception C. Fuentes, husband and wife as joint tenants

whose address is 1118 W. TAYLOR

LOVINGTON NM 88260

the following described real estate in LEA county, New Mexico:

FOR SURFACE TITLE ONLY:

Lot Five (5), Block Seventy-Three (73), of the LLANO ADDITION to the City of Lovington, Lea County, New Mexico.

Subject to reservations, restrictions and easements appearing of record. with warranty covenants.

WITNESS our hands and seals on 6/ 4/92

<i>Charles E. Spears</i>	_____
Charles E. Spears	_____
<i>Beverly J. Spears</i>	_____
Beverly J. Spears	_____
<i>E. J. Nichols</i>	_____
E. J. Nichols	_____
<i>Barbara A. Nichols</i>	_____
Barbara A. Nichols	_____
<i>Bruce A. Kennedy</i>	_____
Bruce A. Kennedy	_____
<i>Doris A. Kennedy</i>	_____
Doris A. Kennedy	_____
<i>Mark L. Kennedy</i>	_____
Mark L. Kennedy	_____
<i>Sandra K. Kennedy</i>	_____
Sandra K. Kennedy	_____

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: September 15, 2015

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Zone Change Request for Properties 800 & 900 Block East Monroe
DEPARTMENT: Community Development
SUBMITTED BY: Merideth Hildreth, City Planner
DATE SUBMITTED: September 8, 2015

STAFF SUMMARY:

On November 25, 1996, the City of Lovington adopted Ordinance No. 405 to change the zoning classification of the Fairview and Morningside Additions from "A" Single Family Dwelling District to "B" Multiple Family Dwelling District. In the 1980s, the division of property began to occur adjacent to the northernmost Alley of Morningside Addition. This has resulted in the creation of four (4) lots. These lots are still classified as "A" Single Family Dwelling District. Staff is requesting that these four (4) lots be rezoned to "B" Multiple Family Dwelling District. This will allow these lots to accommodate single wide manufactured housing and to better reflect the development that has already occurred on these lots over time.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Location Map & Aerial

List of Neighbors Notified

Ordinance No. 405

Warranty Deeds

September 1, 2015 Letter to Neighbors

RECOMMENDATION:

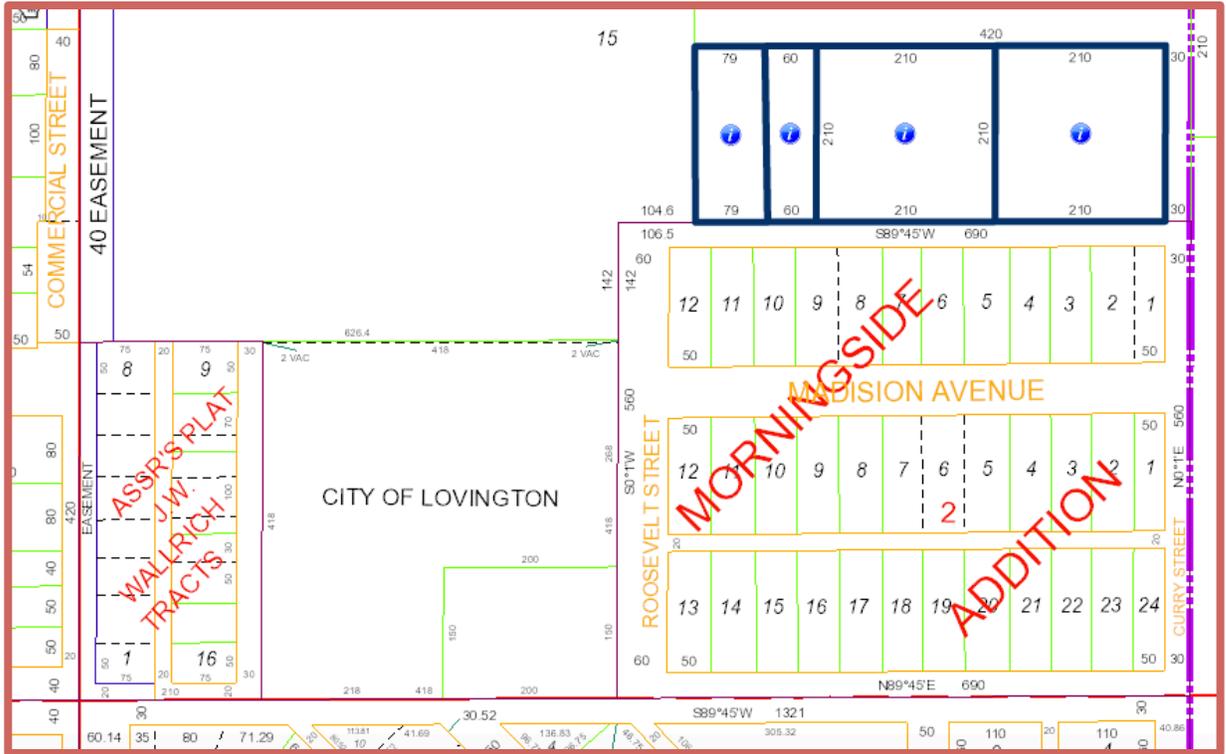
Consider a Motion to approve a zoning reclassification for the four (4) lots adjacent to and north of the Morningside Addition's northernmost Alley, currently known as East Monroe Avenue for Lea County addressing purposes, from "A" Single Family Dwelling District to "B" Multiple Family Dwelling District.

MAH

Department Head

James R. Williams
City Manager

Maps of East Monroe Area



ORDINANCE NO. 465

AN ORDINANCE AMENDING AND MODIFYING CLASSIFICATION OF THE FAIRVIEW AND THE MORNINGSIDE ADDITIONS TO THE CITY OF LOVINGTON FROM "A" SINGLE FAMILY DWELLING DISTRICT TO "B" MULTIPLE FAMILY DWELLING DISTRICT AND ALLOWING PLACEMENT OF MOBILE HOMES IN SAID ADDITIONS IF COMPLYING WITH CURRENT FIRE AND SAFETY CODES AND IF PROPERLY BLOCKED AND SKIRTED.

BE IT ORDAINED by the Governing Body of the City of Lovington, New Mexico that the public interest, health and safety and general welfare is better served by changing the classification of the Fairview and Morningside Additions to the City of Lovington from the present "A" Single Family Dwelling District to the "B" Multiple Family Dwelling District.

The Ordinance is subject to the following conditions:

(a) to the extent necessary the changes shall include the authorization to install Mobile Homes in the subdivision.

Subject to the setback and area requirements for "B" Multiple Family Dwellings.

Subject to fire, electrical and safety code for Mobile Homes no more than ten (10) years old.

The Mobile Home should be properly blocked and skirted

PASS, ADOPTED AND APPROVED this 25th day of November, 1986

CITY OF LOVINGTON

By Troy Harris
TROY HARRIS, Mayor

ATTEST:

Priscilla Mannan
PRISCILLA MANNAN, City Clerk

City of Lovington



214 South Love Street
PO Box 1268
Lovington, NM 88260

Bus: 575-396-3000
Fax: 575-396-6328
planning@lovington.org

September 1, 2015

The purpose of this letter is to inform you that the City of Lovington Planning and Zoning Commission will consider a **Zone Change** request at its next meeting. The properties under consideration for a **Zone Change** are located on four lots north of and adjacent to Morningside Addition in Lovington, New Mexico. (Approximate Legal description: A Tract of land in Lot 15, Section 3, Township 16 South, Range 36 East of the Morningside Addition to the City of Lovington, described as beginning 106 ½ feet East of the Northwest corner of Morningside Addition, thence North 210 Feet, Thence East approximately 559 feet, Thence South 210 Feet, Thence West approximately 559 feet to the point of beginning.)

Currently, the property is zoned Single-Family Dwelling District (Zone A). It is requested that the zoning for the properties be changed to Multiple Dwelling District (Zone B).

The Zone Change will allow these properties to reflect zoning of the adjacent urbanized area (Morningside Addition and Fairview Addition, both of which were rezoned from Single-Family Dwelling District (Zone A) to Multiple Dwelling District (Zone B) by Ordinance Number 405 adopted on November 25, 1996.

You have received this letter of notification because your property is located within 100 feet of the properties under consideration for a **Zone Change**. This letter is for notification purposes only, and no action is required on your part. However, you have the opportunity to comment at the following public meetings to be held at Lovington City Hall, 214 South Love Street, Lovington, NM 88260.

Planning and Zoning Commission
Tuesday, September 15, 2015
4:00 p.m.

City Commission
Monday, September 28, 2015
5:30 p.m.

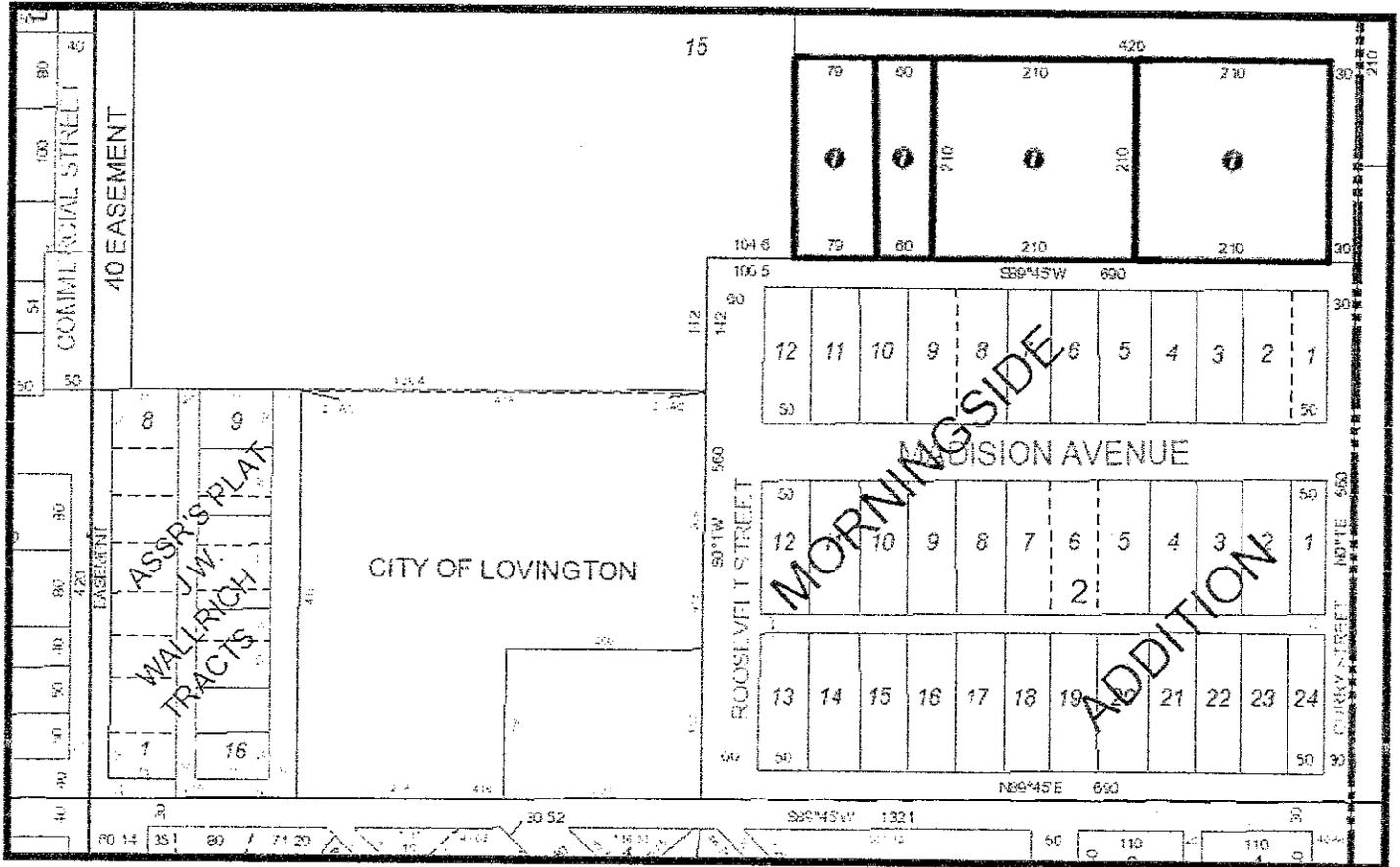
The City's Municipal Code, meeting agendas and packets are posted on the City of Lovington website at www.lovington.org. The City's Zoning Ordinance is located under Title 17 of the Municipal Code. If you have any questions, please contact me at 575-396-9301 or via email at planning@lovington.org.

A handwritten signature in black ink, appearing to read "Merideth Hildreth".

Merideth Hildreth, M.A., AICP
City Planner

**A Map of the Area under consideration
for a Zone Change is located on the
reverse side of this page.**

The Four (4) Lots Outlined in Blue Are Under Consideration for a Zone Change



Rosa Rodriguez
310 N 6th Street
Lovington, NM 88260

Joe Medina
PO Box 1031
Lovington, NM 88260

Alonso & Sarah Rodriguez
1300 W Brian Urlacher, #4
Lovington, NM 88260

Octaviano Hernandez
PO Box 942
Lovington, NM 88260

Adan Marquez
812 E Monroe
Lovington, NM 88260

Rafael Moriel
905 E Madison
Lovington, NM 88260

Carlos (Domingo) Pando
409 S 4th St
Lovington, NM 88260

Olivia Gutierrez
909 E Madison
Lovington, NM 88260

Andrea Madrid
409 S 4th St
Lovington, NM 88260

Elizabeth Ann Molina
1219 N Grayson St
Hobbs, NM 88240

Moses Hernandez
PO Box 1912
Lovington, NM 88260

Alma Angelina Villalobos Cardenas
917 E Madison
Lovington, NM 88260

Kathy Elaine Jewell
408 W Gold Ave
Hobbs, NM 88240

Melvin Brehm
308 Journey's End
Seguin, TX 78155

Ramon Gutierrez
801 E Madison
Lovington, NM 88260

Andrea Madrid
1619 W 20th
Odessa, TX 79763

Francisco Guzman
805 E Madison
Lovington, NM 88260

Javier Vasquez
1215 W Ave K
Lovington, NM 88260

75749

300X 429 PAGE 395

WARRANTY DEED (JOINT TENANTS)

Rodrigo Porraz and Sally Porraz husband and wife

for consideration paid, grant to

Gerardo Rodriguez

whose address is P. O. Box 2011

Lovington, New Mexico 88260

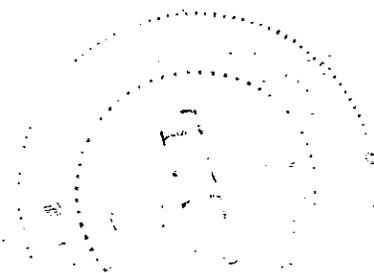
and Rosa Elena Rodriguez

whose address is P. O. Box 2011, Lovington, New Mexico 88260

as joint tenants the following real estate in Lea County, New Mexico:

SURFACE ESTATE ONLY:

A tract of land in Lot 15, Section 3, Township 16
South, Range 36 of the Morningside Addition to the
City of Lovington, described as beginning 185 1/2 feet
East of the Northwest corner of Morningside Addition,
THENCE North 210 feet;
THENCE East 60 feet;
THENCE South 210 feet
THENCE West 60 Feet to the point of beginning, containing
.289 acre more or less.



with warranty covenants.

WITNESS _____ hand and seal this _____ day of

19 _____

[Signature] (Seal)

[Signature] (Seal)

_____ (Seal)

_____ (Seal)

STATE OF NEW MEXICO, }
County of Lea } ss.

The foregoing instrument was acknowledged before me this 11th day of August,
19 86 by Rodrigo Porraz and Sally Porraz

My Commission expires 11-14-86, 19 _____

[Signature]
Notary Public

75719

STATE OF NEW MEXICO, }
County of Lea } ss.

I hereby certify that this instrument was filed for
record on the 15th day of
August, A. D., 19 86
at 4:00 o'clock p. m., and duly recorded in
Book 429 Page 395 of

Records of Deeds of said County

[Signature]
County Clerk

By *[Signature]*, Deputy

Rec. No. _____ Fees, \$ _____

Return to *[Signature]*
P.O. Box 2011
Livingston, N.M.
88260

18118 *Deed* BOOK 393 PAGE 41

WARRANTY DEED

RALPH E. FRENCH, A single man

SAN JUANA RAMOS

whose address is 1002 West Jackson, Lovington, New Mexico 88260

the following described real estate in LEA county, New Mexico:

SURFACE ESTATE ONLY:

A tract of land in Lot 15, Section 3, Township 16 South, Range 36 East of the Morningside Addition to the City of Lovington, described as beginning 106 1/2 feet East of the Northwest corner of the Morningside Addition, THENCE North 210 feet; THENCE East 139 feet; THENCE South 210 feet; THENCE West 139 feet to th point of beginning, containing one-half (1/2) acre, more or less.

with warranty covenants.

WITNESS my hand and seal this 23rd day of November 1981

Ralph E. French
RALPH E. FRENCH (Seal)
(Seal)
(Seal)
(Seal)

STATE OF NEW MEXICO, }
County of LEA } ss.

The foregoing instrument was acknowledged before me this 24th day of November 1981 by RALPH E. FRENCH

My Commission expires July 22, 83 *Kay Shuman*
Notary Public

STATE OF NEW MEXICO, }
County of Leas } ss.

I hereby certify that this instrument was filed for record on the 30th day of November, A. D., 1981 at 12:20 o'clock P. M., and duly recorded in Book Page of

Records of Deeds of said County.
Pat Snipes County Clerk
By *MH* Deputy
Rec. Fees, \$
Return to *San Juana Ramos*
1002 W. Jackson, Lovington

This Deed was prepared by John Humphre, Jr., Attorney at Law, Post Office Box 1348, Lovington, New Mexico 88260

18118

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: September 15, 2015

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Faye Heights Additiona Street Lights
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: September 9, 2015

STAFF SUMMARY:

Continued development of single family dwellings in the Faye Heights Addition requires the installation of street lights for safety and security. The attached aerial provides locations of existing street lights and proposed locations of new lights. New light placements are based upon the distance between existing lights and are intended to keep with neighborhood uniformity.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

Each 150W residential light will increase electrical costs by \$8.83 per month or \$105.96 annually. As presented, this will increase City electrical costs by \$741.72 with the seven proposed lights.

ATTACHMENTS:

Aerial of area

RECOMMENDATION:

Motion to recommend approval.

Department Head

James R. Williams

City Manager



★ Existing Street Light

★ Proposed Street Light