

CITY OF LOVINGTON
REGULAR MEETING OF PLANNING AND ZONING COMMISSION
TUESDAY, MARCH 15, 2016 4:00 P.M.
TO BE HELD AT 214 SOUTH LOVE STREET

AGENDA

Notice of this meeting has been given to the public in compliance with Section 10-15-4 NMSA 1978

OPEN MEETING

Call To Order
Approval of Agenda
Consideration of the Regular Meeting Minutes of February 9, 2016

NON- ACTION ITEMS

- Staff Report on Action Items Approved by City Commission

ACTION ITEMS

- Consider recommendation of variance at the vacant lot to the east of 710 West Avenue C, Lovington, NM
- Consider recommendation of new subdivision on the east side of Eddy Street between Madison and Jefferson, Lovington, NM

PUBLIC COMMENT

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-396-2884 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-396-2884 if a summary or other type of accessible format is needed.

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 McMahon 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

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 15, 2016



TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Variance for Lot 14, Block 5 in the Love addition, Lovington NM
DEPARTMENT: Community Services
SUBMITTED BY: Crystal R Ball
DATE SUBMITTED: March 15, 2016

STAFF SUMMARY:

Owner has requested a variance to allow for an accessory building (garage/storage building) to be built on a Single family zone "A" lot 46' from the front lot line, with the building being 1500sqft (30'x50') metal structure.

LMC 17.20.020: Permitted uses. (paragraph H) Accessory buildings and uses customarily incident to the above uses, not involving the conduct of a business, including a private garage. Any accessory building that is not part of the main structure shall be located not less than sixty feet from the front lot line.

LMC 17.16.040: Accessory buildings may be built in a required rear yard but such accessory buildings shall not be nearer than 10 feet to the main building, nor shall any such accessory building occupy more than 30% of of the rear yard.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

This variance if granted would adversely affect the use of a Zone "A" single family residential lot. Fiscal impact would be the cost of Zone A lot in that area due to the fact a home could no longer be built on the lot.

ATTACHMENTS:

Request for Variance application, Owner Letter, Owner site drawing, and Request for Variance letter sent out by Planning and Zoning Coordinator to residences within 100ft

RECOMMENDATION:

Recommend Denial of this variance as it will make the lots appropriate use non functional and the problem can be eliminated by the owner merging his two lots and requesting a set back variance for the accessory building. Merging the lots would also remove future issue of the lot being sold as an individual lot, which can no longer have a home built on it.



Department Head

City Manager



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: DARREL EUBANKS

Date: 1-26-16

Applicant Signature: Darrel Eubanks

CITY USE ONLY

Code Enforcement Officer Name: Crystal R. Ball Received: 1-26-16

Code Enforcement Officer Signature: Crystal R. Ball

What is a Variance?

A variance is a limited exception to the usual requirements of local zoning. If approval for a variance is obtained, the property owner may make minor deviations to the property that are not in conformance with zoning ordinances. Examples of variances that may be granted can include:

- Use
- Physical requirements such as dimensions or setbacks
- Yard and space requirements
- Requirements applied to all districts
- City-wide design standards

Criteria for Variance Approval

Variance requests must comply with the following criteria as required for approval of a variance:

1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from enforcement of the ordinance;
2. The condition or characteristic noted above is not caused by an action or choice of the property owner, occupant, or applicant;
3. The variance is the minimum amount necessary to allow a reasonable use of the property;
4. The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship.
5. The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district;
6. The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance; and
7. There are no other remedies.

Variance Request Procedure

- a) Submit completed Planning and Zoning Application, Variance Request, and all required documentation to City Code Enforcement. Variance requests must be received no later than 21 days prior to the scheduled Lovington Planning and Zoning Commission.
- b) City staff will send notification letters to each owner of property within 100 feet of the property requesting the variance.
- c) The first public hearing in which this matter will be considered is conducted during the Lovington Planning and Zoning Commission meeting. You or an authorized representative are required to attend this hearing.
- d) The recommendation from the Lovington Planning and Zoning Commission will be presented to the Lovington City Commission during a regular meeting. This will serve as the second public hearing. You or an authorized representative are required to attend this meeting.

PROPERTYAddress or General Location: 708 W. Ave. "C"Legal Description (if platted): Block 5 LOT 14Zoning Classification: ☒ A ☐ B ☐ C ☐ D

Existing use of land and/or buildings:

VACANT LOT**REQUESTED ZONING VARIANCE**

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

17.20.060 - 17.16.040 - 17.20.204

Current Ordinance Requirements:

REAR YARD Requirements - There shall be a rear yard having not less than 30' or 20% of the depth of the lots whichever amount is smaller.

Accessory Buildings - any accessory building that is not part of the main structure shall be located not less than 60' from the front lot line

Accessory Buildings A - Accessory buildings may be built in the required rear yard, but such buildings shall not be nearer than 10' to the main buildings nor shall any such accessory building occupy more than 30% of the rear yard

Requested Variance(s) Building will be 46' from the front lot line. The Building will be 1500 square feet

I have been informed of the variance request(s) "as stated below" and I have NO objection.

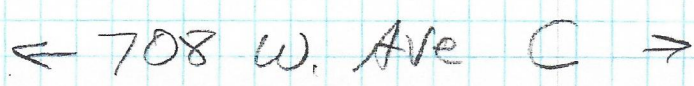
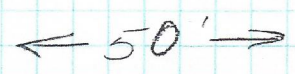
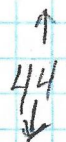
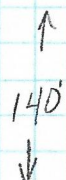
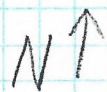
(DO NOT SIGN PETITION IF SECTION IS BLANK)

Proposed metal building will be for Non Commercial purposes. IT will be used as a garage to store and work on Antique Autos. (Hobby) The building will be 30' X 50' (1500 square feet). The proposed building will be built 46 feet from the front lot line. (which is even with the front of the dwellings on the block) The requirement is 100 feet. The rear yard requirement is 30 feet

[illegible]

There are several reasons for requesting this variance:

If the building were built on the required set back there would be a 100 foot deep front yard that would have to be driven through in order to access the front door of the garage. Note that the appearance of the neighborhood will not be affected by the proposed 46 foot setback. In fact it will result in a more uniform appearance. If the building were built in the rear of the lot as required it would preclude the use of longer car-hauler trailers backing into the rear garage door because of the fences along the other side of the alleyway. If the garage were built at the back of the lot, day to day back yard activities such as growing a small vegetable garden would not be possible.



CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM



MEETING DATE: _____

TYPE: ☐ RESOLUTION ☐ ORDINANCE ☐ PROCLAMATION ☐ INFORMATION ☒ OTHER ACTION

SUBJECT: Eddy Madison Subdivision
DEPARTMENT: Community Services
SUBMITTED BY: Crystal R Ball
DATE SUBMITTED: March 15, 2016

STAFF SUMMARY:

Owners Rual Corrales and Hortencia Corrales are subdividing their land into 4 lots. The land is located on the east side of Eddy Street between Madison Ave. and Jefferson Ave. in Lovington NM.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

Improvement to the City's infrastructure.

ATTACHMENTS:

Drawing

RECOMMENDATION:

Recommend approval on preliminary subdivision owners will install all infrastructure in the 20' easement and owners must notify all potential buyers that the lots are not appropriately sized for any modular or mobile homes.


Department Head

City Manager

