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 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.

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There being no fur	ther 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.
Crystal RSelf
Denartment 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.

Va	riance Request Requirements	
1)	Submit a completed Planning and Zoning Application. All fields must be completed and legible in order to process the application.	V
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.	V
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")	<u> </u>
5)	Completed Variance Support Petition	
and	the best of my knowledge, this application and associated documents are complete and co lit is understood that I or another representative must be present at all public hearings cerning this application.	rrect
Арр	olicant Name: DARREL Eubanks Date: 1-26-11	i O

CITY USE ONLY

Code Enforcement Officer Name:

Applicant Signature: Danel Eulanh

Received: 1-26

Date: /-26-/6

Code Enforcement Officer Signature:

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.

City of Lovington Variance Support

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

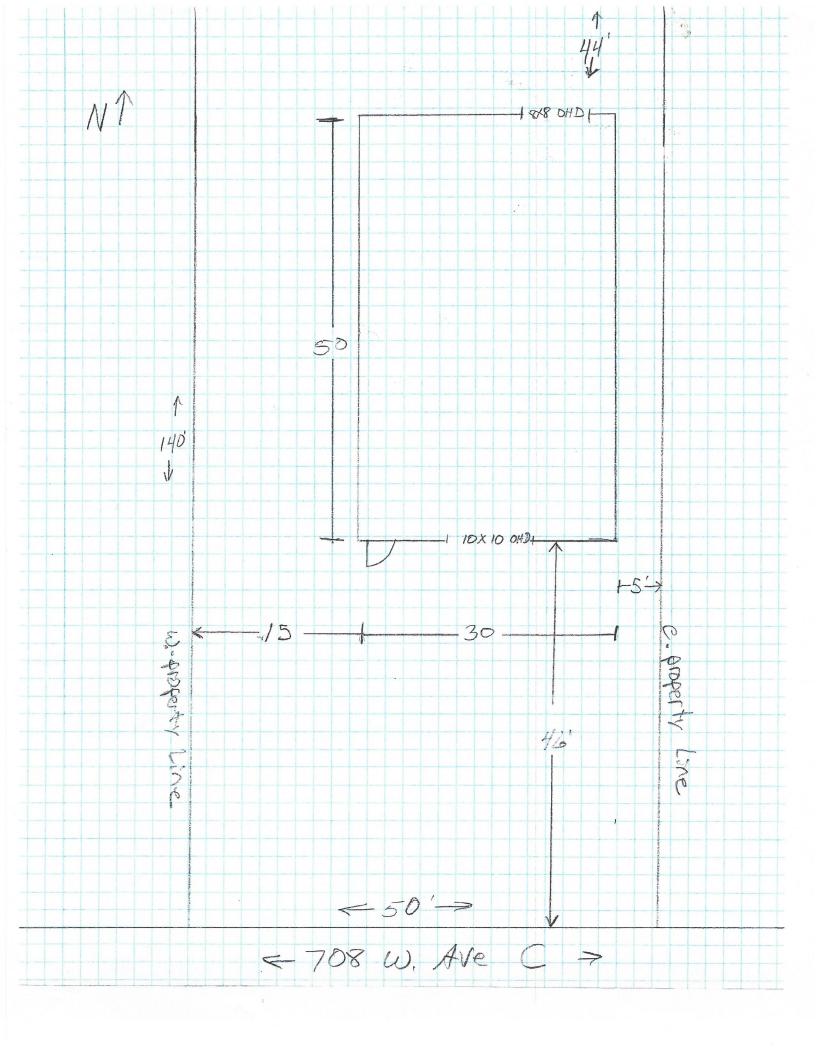
(DO NOT SIGN PETITION IF SECTION IS BLANK)

Proposed Metal building will be for NON Commercial purposes. IT will be used as a garage to store and work on Antique awas. (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 feat of the dwellings on the block) The requirement is loo feet. The Real yand requirement is 30 feet

Neighbors Name	Neighbors Signature	Address
Westere Williams	Thelet Millon	600 Ce AUX A Locington
CHARLIE GRIFFIN	Crarlie Brillians	4015. 7±H LOUIN-
Stott Lowelless	South fewille	618 w Auchous
Gan Cummings	Willy Cummies	3115.7th Lovington
Dicentecinib	dicitionals	3/2 7Th Louisett
Samuel Portal	40	715 W Ave B
Victoria McCraw	Victori Milas	718 WAU, C
Paul Raines	Fulk	709 W. AME B
Alfonso Gomes	alfano yonez	3045 7th st lovingt
Murty Eubanks	Ment Shuh	22038 DOLOMITE DR. SAN ANTONIO, TX 78257-2747
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	4	*.
3		
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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 Theorem in order to recess the front door of the garage. Note that the appearance of the Noighborhood will not be affected by the proposed 416 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 carchanter trailers backing into the rear garage door because of the feares along the other side of the alkydry. If the garage were built at the back of the Lot, day to day back yand activities such as graving a small vegetable garden would not be possible.



CITY OF LOVINGTON

COMMISSION STAFF SUMMARY FORM



City Manager

MEETING DATE: INFORMATION

✓ OTHER ACTION RESOLUTION ORDINANCE PROCLAMATION TYPE: **Eddy Madison Subdivision SUBJECT: Community Services DEPARTMENT:** Crystal R Ball **SUBMITTED BY:** 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.

PROPERTIES TO BE SUBDIVIDED: THE FOREGOING PLAT OF A TRACE 536 OF THE DEED RECORDED IN BOOK 1940, PAGE 536 OF THE OFFICIAL RECORDS OF LEA COUNTY, NEW MEXICO. (80' R.O.W. EDDY STREET NO0'30'08"W 297.49 N89'32'27"E - 80.13 O. 137 ACRES O. 137 ACRES O. 137 ACRES LOT 3 0.137 ACRES MADISON AVENUE (80' R.O.W.) 3,80,0£.00S 297.12

THIS PROPERTY IS IN FLOOD ZONE X as shown on the FEMA, Flood Insurance Rate Map, Community—Panel Number: 3501500310D, Map Effective: June 4, 2010. THIS PLAT IS TO DIVIDE A TRACT

PURPOSE:
THE PURPOSE OF INTO 4 LOTS. CROUND PHYSICAL EVIDENCE AND/OR ONE CALL

MARKINGS

BASIS OF BEARING:
BEARINGS SHOWN HEREON ARE MERCATOR GRID AND
BEARINGS SHOWN HEREON COORDINATE SYSTEM
"NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM
1983. DISTANCES ARE SURFACE VALUES.

- DENOTES 5/8" STL ROD W/ RED CAP MRKD. "HICKS PLS 12348"
- DENOTES FENCE
 DENOTES ELECTRIC LINE W/POWERPOLE
 DENOTES PROPOSED WATER AND SEWER LINES DENOTES SET 1/2" STL ROD W/CAP MRKD "HARCROW PLS 17777" OR PK. NAIL
- DENOTES STREET DEDICATION TO THE PUBLIC

SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS OF RECORD AND IN OPEN VIEW AND EDDY COUNTY PROPERTY TAXES.

- DENOTES ALLEY DEDICATION TO THE PUBLIC



VICINITY MAP NOT TO SCALE

EDDY MADISON SUBDIVISION

CITY OF LOVINGTON SUMMARY SUBDIVISION

OWNERS STATEMENT AND AFFIDAVIT STATE OF NEW MEXICO) COUNTY OF EDDY)

AS OWNERS AND PROPRIETORS WE HAVE OF OUR OWN PREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS AND EXISTING ROAD RIGHT-OP- WAY AND EASEMENTS TO BE PLATTED. THE PROPRIETY DESCRIBED ON THIS PLAT LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF LOYINGTON, LEAR COUNTY, NEW MEXICO. THE UNDERSIGNED BEING FIRST DULY SWORN ON OATH, STATE:

CERTIFICATE OF MUNICIPAL SUMMARY PROCESS APPROVAL I JAMES R. WILLIAMS, THE DULY APPOINTED CITY MUNICER FOR THE CIT THE FOREGORM FLAT, WITHIN THE CITY OF LOVINGTON, LEA COUNTY, NI	CHAD HARCROW N.M.P.S. NO. 17777		HAND AND AFFIX MY OFFICAL SEAL THIS DAY OF	SURVEYOR'S CERTIFICATION 1. CHAD HARCROW, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY THAT I DIRECTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELLEF, AND THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. IN WITNESS WHEREOF I HEREUNTO SET	NOTARY PUBLIC	MY COMMISSION EXPIRES:	THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS	ACKNOWLEDGMENT STATE OF NEW MEXICO) COUNTY OF LEA)	RAUL CORRALES
CERTIFICATE OF MUNICIPAL SUMMARY PROCESS APPROVAL. 11. JAMES R. WILLIAMS, THE DUTY APPOWERD CITY MANGER FOR THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO, DO HEREBY CERTIFY THAT IT. JAMES R. WILLIAMS, THE DUTY APPOWERD CITY MANGER FOR THE CITY OF LOVINGTON, LEA COUNTY, NEW MEXICO, WAS REVIEWED AND DEEMED COMPLIANT WITH THE MUNICIPAL THE PROPERTY.	CHOTESS BINAS !	TISNOSIT MANUFUR WEYOR	2015.	CERTIFY THAT I DIRECTED AND AM RESPONSIBLE FOR THIS SURVEY, DOES AND BELLEF, AND THIS SURVEY AND PLAT MEET THE MINIMUM REUNTO SET			DAY OF 2015 BY RAUL AND HORTENCIA CORRALES.		HORIENCIA CORRALES

JAMES R. WILLIAMS, CITY OF LOVINGTON MANAGER

SUMMARY PROCESS REGULATIONS ON THE

DAY OF

ATTEST: CAROL ANN HOGUE, CITY CLERK

ACKNOWLEDGMENT STATE OF NEW MEXICO) COUNTY OF LEA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS

DAY OF

2015 BY JAMES R WILLIAMS.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

OWNERS: INDEXING INFORMATION FOR COUNTY CLERK RAUL AND HORTENCIA CORRALES

SECTION: SECTION 3, TOWNSHIP 16 S, RANGE 36 E

ACREAGE: LOT 1: ...
LOT 2: LOT 3: ...
LOT 4:
STREET DEDICATION: ...
CITY DEDICATION:137 ACRES .137 ACRES .137 ACRES .137 ACRES .273 ACRES

SUBDIVISION: N/A

TOTAL ACRES: .957 ACRES

HARCROW SURVEYING
2314 W. MAIN ST, ARTESIA, N.N.
PH: (575) 746-2158 FAX: (575) 7charcrow@larcrowsurveying.c

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FILED FOR RECO PAT SNIPES CHAPPELLE, LEA COUNTY CLERK CAB. PAGE SLIDE A.M. P.M.

