

**REGULAR MEETING OF THE PLANNING & ZONING
COMMISSION
MONDAY, JULY 21, 2014 @ 4:00 P.M.
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

PURPOSE OF MEETING:

- Consider Approval of Zoning Variance at 819 W Avenue H – Commercial Vehicle Parking in Zone A - Residential
- Consider Approval of Zoning Variance for a portion of land located on the East Side of South 17th Street between the 900 and 1200 blocks – Development of a self-Storage Facility in Zone B - Multifamily
- Consider Approval of Zoning Variance at 721 W. Taylor Street - Accessory Building in Rear Yard to Exceed Maximum Allowable Size
- Consider Approval of Zoning Variance at 1106 W Tyler Avenue – Accessory Building in Rear Yard to Exceed Maximum Allowable Size
- Consider Approval of Zoning Change in College Addition, Block 6 – Change the South Half of Block 6 from Zone A – Residential to Zone C - Commercial

PRESENT: Members: Vice Chairman Randy Pettigrew, Member David Lynch, and Bobby Kimbro.

NOT PRESENT: Chairman Kallie Windsor, Members Lynda Kreybig, Abel Cabello, Betty Price and Fire Inspector Skip Moorhead.

ALSO PRESENT: City Manager James Williams, Assistant City Manager Jared Cobb, City Attorney Patrick McMahan, Code Enforcer Laura Brock, City Clerk Carol Ann Hogue, and Administrative Assistant Anna Juarez.

CALL TO ORDER: The meeting did not meet, no quorum. Vice Chairman Randy Pettigrew scheduled next Planning & Zoning Meeting for August 5, 2014.

PUBLIC COMMENT: NONE

OTHER COMMENT: NONE

ADJOURNMENT:

Member Pettigrew made the motion for adjournment at 4:05 p.m. Member Kimbro seconded.

APPROVED: _____
VICE CHAIRMAN RANDY PETTIGREW

ATTEST: _____
MEMBER DAVID LYNCH

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: _____

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Summary Plat Approval - Garner Property
DEPARTMENT: Code Enforcement
SUBMITTED BY: James Garner, Jr.
DATE SUBMITTED: July 21, 2014

STAFF SUMMARY:

Staff are requesting recommendations for the approval of the referenced alternate summary plat. Of concern is access to the property located in Tract 1B and 1C.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Garner Re-Plat

RECOMMENDATION:

Recommendations for any changes provided by the Commission will be given to the owner so the plat may be amended. Once finalized, the plat can be approved.

Department Head

James R. Williams

City Manager

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: ~~July 21, 2014~~ **August 5, 2014**

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Variance **17th Street - Between 900 and 1200 Blocks**
DEPARTMENT: Code
SUBMITTED BY: Ryan Burkett
DATE SUBMITTED: 6-25-2014

STAFF SUMMARY:

Zone B approved July 14, 2014 City Commission
17.24.020 Permitted Uses; does not include storage facility use
Requesting to build Self storage Facility

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Variance Application, variance notification, mail list, written statement, site plan

RECOMMENDATION:

I believe this variance will not affect public health or safety, interfere with appropriate use of adjacent property, and is in harmony with the intent and purpose of the zoning ordinance.

Laura J. Brock

Department Head

James R. Williams

City Manager

Hasbrook Living Trust / Safford Beeson Trust
PO Box 237 Durham, California 95938

July 17, 2014

City of Lovington
City Commission
City Planning & Zoning Board

To Whom It May Concern:

I would like to request a variance to allow for a high end self storage facility to be constructed on the attached parcel on the northern half of the property. The property is currently in Zone B (Multi Family). The reason we are requesting this variance is because a self-storage facility can only be constructed and operated in Zone C (Commercial).

The request complies with the Variance request guidelines as follows:

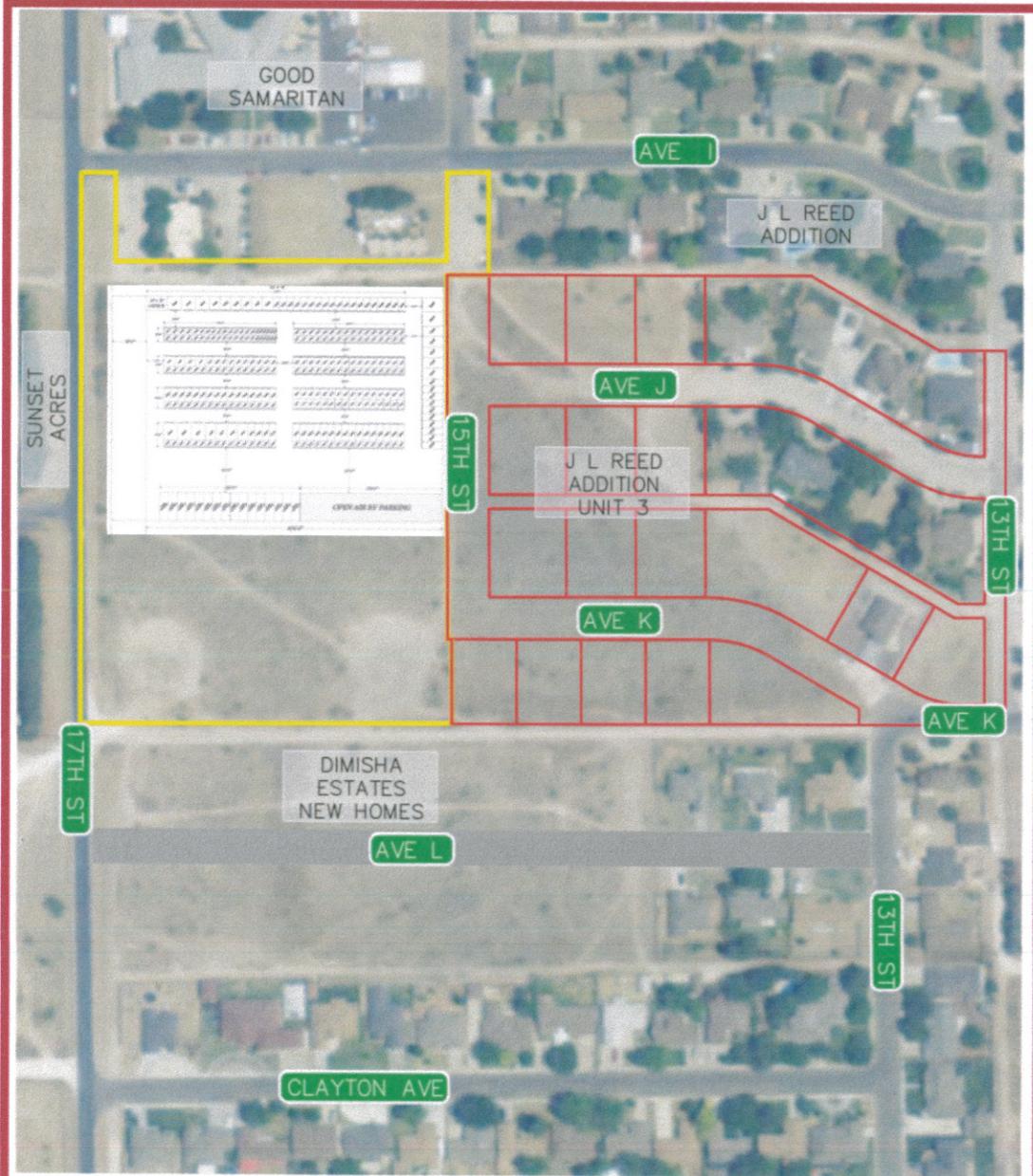
- The northern half of the property where the facility will be located will be adjacent to other commercial properties in Halsell Chiropractic and the Lovington Good Samaritan.
- The requested variance will not adversely affect public health or safety in any way.
 - National average of visitors to a self-storage facility in only 6 per day
 - Property will be fully secured with fence and electronic gate and security monitoring system
- The office facility will be of neutral colors and of like features of adjacent businesses and homes. Will be using stone accents and have a nice landscaping plan
- A self-storage facility is a very similar business like that of many of the businesses allowed in Zone B that have minimal traffic and noise
- There are no other remedies with Zone B not allowing for a self-storage facility

Thank you for your consideration.

Sincerely,

Ryan Burkett
Managing Partner & Agent

VARIANCE EXHIBIT



DEVELOPER:
RYAN BURKETT
5610 N. GRIMES
HOBBS, NM 88240

PROPOSED
STORAGE UNITS


Fierro & Company
ENGINEERING
P.O. BOX 936
LOVINGTON, NEW MEXICO 88260



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

PROPERTY

Address or General Location: E side 17th 8.28 Acreage

Legal Description (if platted): See Attachment

Zoning Classification: A B C D

Existing use of land and/or buildings:

Vacant land

REQUESTED ZONING VARIANCE

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

17.24.020 Permitted Uses

Current Ordinance Requirements:

Multi Dwelling District

Requested Variance(s)

Self-Storage Facility

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: RYAN BURKETT

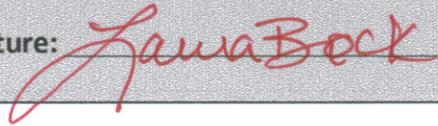
Date: 6/25/14

Applicant Signature: 

CITY USE ONLY

Code Enforcement Officer Name: Laura Brock

Received: 6-26-14

Code Enforcement Officer Signature: 



City of Lovington

214 South Love Street
PO Box 1268
Lovington, NM 88260

Bus: 575-396-2884
Fax: 575-396-6328
lbrock@lovington.org

July 7, 2014

Request for Variance

The purpose of this letter is to inform you that a request for a use variance in zoning has been submitted to the Lovington Planning and Zoning Commission for the property located on the East side of 17th (8.28 Acreage tract), New Mexico (see attached property description and map). The property owner has requested a variance be granted to allow for a Self-Storage Facility, which is in violation of Lovington Municipal Code 17.24.020. This request will be considered at their next regularly scheduled meeting on July 21, 2014 at 4 p.m. held at City Hall, 214 South Love Street, Lovington, New Mexico.

We are providing notification to each property owner within 100 feet of the area, excluding public right of ways, of this variance request. This request, with the recommendation from the Planning and Zoning Commission, will be presented to the Lovington City Commission for final approval at their July 28, 2014 meeting.

If you have any questions, please do not hesitate to contact me at 575-396-9329 or via email at lbrock@lovington.org.

Sincerely,

Laura J. Brock
Code Enforcement Supervisor
City of Lovington NM 88260

Mail List South 17th

Halsell, Cecil 1601 W Ave I

Acosta, Daniel 503 W Adams

Benard, John 1407 W Ave I

Dimsha Stanley 5012 Redland Dr. Las Cruces NM 88011

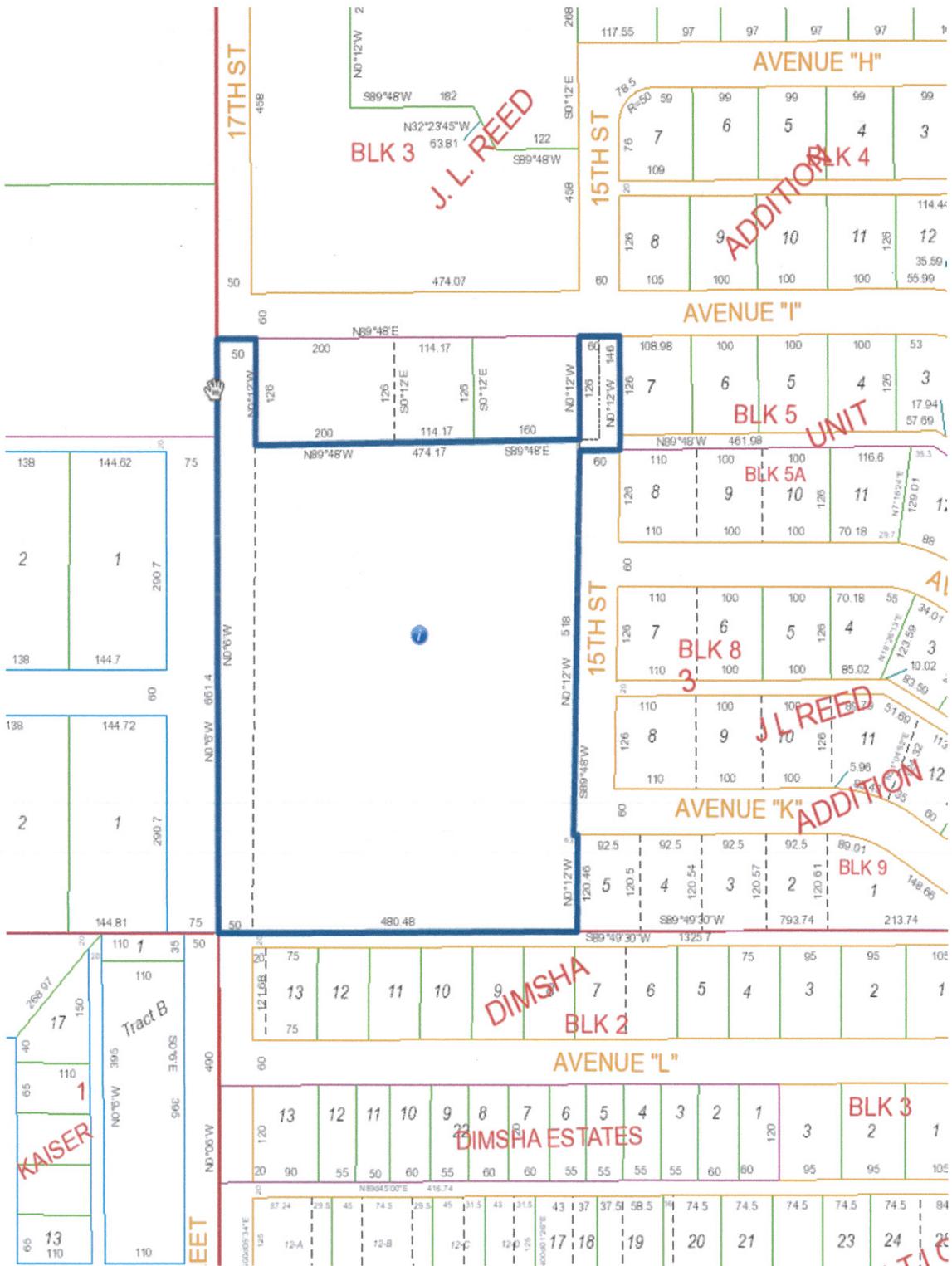
Faris Micheal 1306 W Yucca Dr.

Kann Larry 1701 W Ave J

Gandy Family Trust PO Box 488 Lovington

Weiser Mark PO Box 206

Safford Beeson Trust PO Box 237 Durham CA 95938



CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: ~~July 21, 2014~~ August 5, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Variance 721 W. Taylor
DEPARTMENT: Code
SUBMITTED BY: Eric Gomez
DATE SUBMITTED: 6-12-2014

STAFF SUMMARY:

17.16.040 Accessory Buildings A. shall not be near than 10 feet to the main building, nor shall any such accessory building occupy more than thirty percent of the rear yard.
17.20.020 Permitted uses H. Any accessory building that is not part of the main structure shall be located not less than sixty feet from the front lot line.

102.5X60=6150 sq ft. total lot size; 42.5X60=2550 sq ft. back yard;
30% of 2550=765 Sq ft. allowed for accessory building
Shop= 2250 sq ft.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Planning and Zoning Application, warranty Deed, petition, Variance notification, mail list, state permit packet, copy of receipts.

RECOMMENDATION:

In May of 2012 Mr. Gomez came to the City to follow proper procedures. He was directed to the state without notice of zoning ordinances that he needed to follow. With all things considered it is my recommendation to approve the variance.

Laura J. Brock

Department Head

James R. Williams
City Manager

PLANNING AND ZONING APPLICATION

- Type(s):
- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> VARIANCE | <input type="checkbox"/> SPECIAL USE | <input type="checkbox"/> CONDITIONAL USE |
| <input type="checkbox"/> ZONE CHANGE | <input type="checkbox"/> VACATION | <input type="checkbox"/> ANNEXATION |
| <input type="checkbox"/> CARPORT | <input type="checkbox"/> RV PARK | <input type="checkbox"/> MOBILE HOME PARK |
| <input type="checkbox"/> PLAT | <input type="checkbox"/> REPLAT | <input type="checkbox"/> ALTERNATE SUMMARY |
| <input checked="" type="checkbox"/> BUILDING | <input type="checkbox"/> MOBILE/MANUFACTURED | <input type="checkbox"/> WATER CONNECTION |
| <input type="checkbox"/> SEWER CONNECTION | <input type="checkbox"/> CURB CUT | <input type="checkbox"/> SIGN |

Applicant Name: Clint Eric Gomez

Mailing Address: 721 WEST TAYLOR ST.
LOVINGTON N.M. 88260

Phone Number: (575) 513-1504

Property Address (Site Location): 721 West TAYLOR ST.
LOVINGTON N.M. 88260

Property Owner(s): Clint Eric Gomez

Brief Description of Request:

Completely continue completing Building in, on my BACK YARD.

Subdivision: _____

Zone: A B C D

Block: _____

Lot: _____

Owner Number: _____ Parcel Number: _____

Book: _____ Page: _____

Present Use of Property:

Applicant Signature: Clint Eric Gomez

Date: 6-5-14

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.
6-12-14

Date Received by Code Enforcement: _____

Code Enforcement Officer Name: _____

Code Enforcement Officer Signature: _____



City of Lovington

214 South Love Street
PO Box 1268
Lovington, NM 88260

Bus: 575-396-2884
Fax: 575-396-6328
lbrock@lovington.org

July 7, 2014

Request for Variance

The purpose of this letter is to inform you that a request for a use variance in zoning has been submitted to the Lovington Planning and Zoning Commission for the property located at 721 West Taylor St., Lovington, New Mexico. The property owner has requested a variance be granted to allow him an accessory building in his rear yard which exceeds the thirty percent maximum of the rear yard requirement, which is in violation of Lovington Municipal Code 17.16.040. This request will be considered at their next regularly scheduled meeting on July 21, 2014 at 4 p.m. held at City Hall, 214 South Love Street, Lovington, New Mexico.

We are providing notification to each property owner within 100 feet of the area, excluding public right of ways, of this variance request. This request, with the recommendation from the Planning and Zoning Commission, will be presented to the Lovington City Commission for final approval at their July 28, 2014 meeting.

If you have any questions, please do not hesitate to contact me at 575-396-9329 or via email at lbrock@lovington.org.

Sincerely,

Laura J. Brock
Code Enforcement Supervisor
City of Lovington NM 88260

Mail List 721 W Taylor

Jo-Ann Brady
716 Taylor
Lovington NM 88260

Juan Valles
720 Taylor Ave
Lovington NM 88260

Jose Leyva
613 W Adams
Lovington NM 88260

Linda Bishop Trust
205 W Harrison Ave
Lovington NM

Maria Barriga
623 N 8th St
Lovington NM 88260

Lovington Public Schools
18 W Washington
Lovington NM 88260

Flabio Gomez
725 W Taylor Ave
Lovington NM

Betry Norris
711 W Taylor Ave
Lovington NM 88260

Ramon Carrion
306 W Ave G
Lovington NM 88260

July 16,2014

To whom It may concern:

When I was going to build my shop I went to the city to see what I needed to do. They directed me straight to the state for permits and approvals. When all permits were in order I began to build my shop. It's been a slow ongoing project to get it finished. I am now ready to finish it up, everything from concrete, to outside metal, to garage doors are set, ready and paid for and ready for my ok are non-refundable.

The reason I made my shop so big is because I have 5 older model race cars that I have in storage right now. It's hard for me to work on them after a race in the storage. I can work on my cars as soon as my shop is up and ready, save me a storage expense. I restore and rebuild them and there very valuable to me and my family. It's a third generation family affair shop. I've put a lot of work into them and I don't want the kids vandalizing them like before when they were on my property.

I'm also a welder and I will be storing all my equipment in my shop as well as my welding truck. Everything is expensive and having to replace stolen equipment every few months starts to add up, especially when I'm working out of town on jobs. I also have a vinyl business I'm trying to get going and will be using the shop as my office as well.

I can get a lot of things out of my home and into my shop for storage. I don't see the need to upgrade my home for I am a single man. My work permits all of it was already ongoing and in effect before the city ordinance came into effect. I have no use for the backyard space, my cars can be protected from the weather.

All inspections are up to code with the state with no issues, I've spent a total of \$17,000.00 not including what's already been paid in advance and what I need to finish the inside of shop. All my neighbors are in compliance and in agreement with my shop. The shop will have 5 exits total to meet fire code. The structure can pull up to 140mph winds. Building will be sound proof and will nice from outside for the city. Fabrication is top of the line. Proper gutters will be in use. All steps needed by state or city have been met so far and will continue to be met.

Many city professionals have been involved in building the shop. I have lots of use for this size of shop as I've explained. I would appreciate your approval to continue with finishing my shop.

Thank You


Clint E Gomez

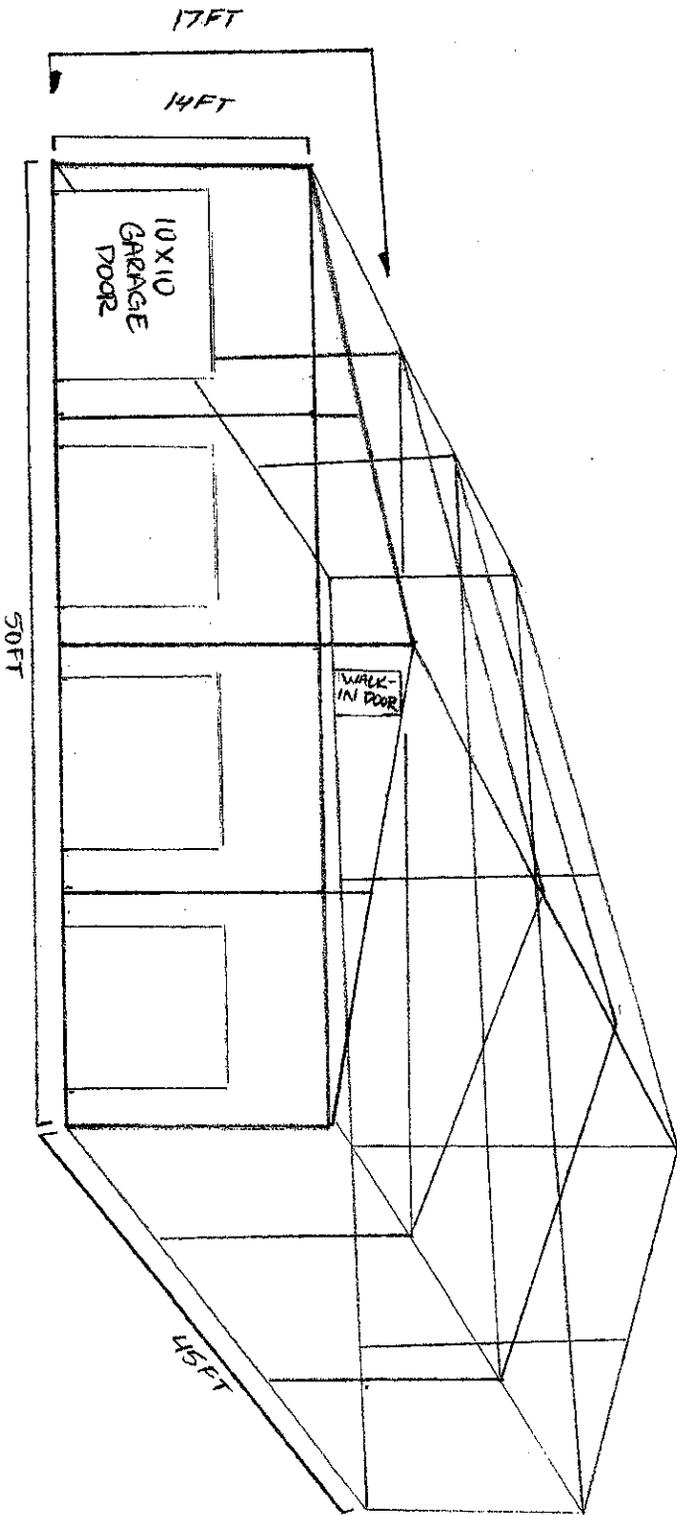
PETITION FOR CONTINUANCE OF ONGOING SHOP
 ERIC GOMEZ, 721 W TAYLOR LOVINGTON, NM 88260 (575)513-1504
 PERMIT # 2012010755

We, the undersigned have no issues with our neighbor Mr. Gomez's building being built. We feel that the shop building being built in Mr. Gomez's backyard will not affect us and will be no interference to us as his neighbors. We sign this petition because we approve of his building and believe Mr. Gomez should be allowed to finish his shop.

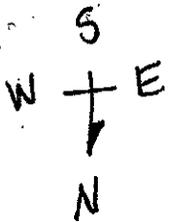
Thank You.

NAME	SIGNATURE	ADDRESS	PHONE #
1. Lougo Dyer	399-9408		
2. Sidro Barron	396-6813		
3. Juan Valles	575 396 7009	720 W. Taylor	
4. Diana ^{Voiles} Core	575-396-7009	720 W. Taylor	
5. Patricia Nova	575-441-3242	716 W. Taylor	
6. Al Bland	396-2329	710 W. Taylor	
7. Alex	575-411-3242	710 W. Taylor	
8. Betty Ferris	575-396-3008	710 W. Taylor	316-3008
9. Cindy Willis	575-704-0769	711 W. Taylor	Cindy Willis
10. Rebecca M.	575-947-4511	706 W. 8th	
11. Anthony S.	575-676-1930	706 W. 8th	
12. Flavia Gomez	575-290-9412	725 W. Taylor	
13. Flavia Gomez	575-370-0714	725 W. Taylor	
14. Damian Gomez	575-390-0090	725 W. Taylor	
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			

STRUCTURE WILL BE BUILT WITH 2 7/8" STRUCTURE PIPE.

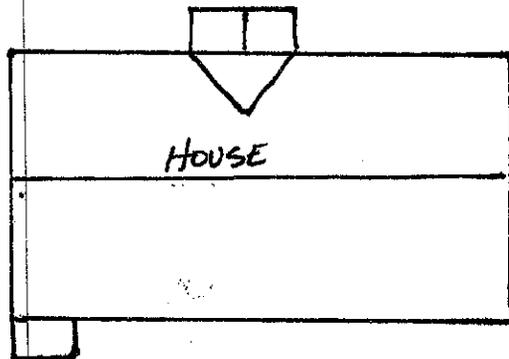


SITE PLANS



TAYLOR STREET

ADDRESS:
721 WEST
TAYLOR ST.



HOUSE

PLANS APPROVED
Construction Industries Division
General Construction Bureau
 NO EXCEPTIONS TAKEN
 EXCEPTIONS AS NOTED
By *[Signature]*
Permit No. 2012010755
Does not include Mechanical or Electrical

NOTE
APPROVED PLANS AND SPECIFICATIONS SHALL NOT BE CHANGED WITHOUT AUTHORIZATION FROM CONSTRUCTION INDUSTRIES DIVISION.

ALL INSPECTIONS MUST BE MADE AND A CERTIFICATE OF OCCUPANCY ISSUED BEFORE THIS BUILDING MAY BE OCCUPIED

SHOP

NOTICE!
THE APPROVED PLAN MUST BE AT THE JOB SITE AT ALL TIMES DURING CONSTRUCTION

An electrode encased by at least 2 inches of concrete, located within and near the bottom of a concrete foundation or footing that is in direct contact with the earth, consisting of at least 20 feet of one or more electrically conductive steel reinforcing bars or rods of not less than 1/2 inch diameter, or consisting of at least 20 feet of bare copper conductor not smaller than No. 4 reinforcing bars shall be permitted to be bonded together by the steel reinforcing wires or other effective means.

State of New Mexico
Construction Industries Division

FOUNDATION PLAN.

NOTE

SECTIONS ~~R40~~
OF THE INTERNATIONAL RESIDENTIAL
CODE MUST BE COMPLIED
WITH (N.M. RESIDENTIAL BUILDING CODE)

FOUNDATION

48.333 FT CONCRETE FLOOR

FOOTER
10" X 9"
CONCRETE

FOOTER
10" X 9"
CONCRETE

48.333 FT
CONCRETE
FLOOR
WIDTH

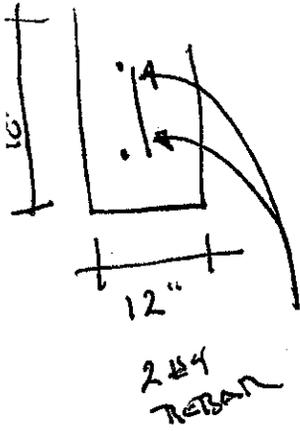
SEAM OF CONCRETE

24.167 FT
CONCRETE FLOOR LENGTH
3 INCH THICK

24.167 FT
CONCRETE
FLOOR LENGTH
3 IN THICK

48.333 FT FLOOR WIDTH

45 FT CORNER TO CORNER



50 FT

State of New Mexico
Construction Industries Division

ALLEY OF TAYLOR STREET
IN LOVINGTON, N.M.

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: ~~July 21, 2014~~ August 5, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Variance 1106 W. Tyler
DEPARTMENT: Code
SUBMITTED BY: Sergio Andaluz
DATE SUBMITTED: 7-7-2014

STAFF SUMMARY:

17.16.040 Accessory Buildings A. shall not be near than 10 feet to the main building, nor shall any such accessory building occupy more than thirty percent of the rear yard.
17.20.020 Permitted uses H. Any accessory building that is not part of the main structure shall be located not less than sixty feet from the front lot line.
114.25X60= 6855 sq ft. total lot size; 54X60= 3240 sq ft. back yard;
30% of 3240= 972 allowed for accessory building
shop 34X34 =1156 sq ft.;

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Planning and Zoning application, Warranty Deed, Variance notification letter, mail list, site plan, letter, petition

RECOMMENDATION:

Laura J. Brock

Department Head

James R. Williams

City Manager

PLANNING AND ZONING APPLICATION

- Type(s):
- | | | |
|--|--|--|
| <input type="checkbox"/> VARIANCE | <input type="checkbox"/> SPECIAL USE | <input type="checkbox"/> CONDITIONAL USE |
| <input type="checkbox"/> ZONE CHANGE | <input type="checkbox"/> VACATION | <input type="checkbox"/> ANNEXATION |
| <input type="checkbox"/> CARPORT | <input type="checkbox"/> RV PARK | <input type="checkbox"/> MOBILE HOME PARK |
| <input type="checkbox"/> PLAT | <input type="checkbox"/> REPLAT | <input type="checkbox"/> ALTERNATE SUMMARY |
| <input checked="" type="checkbox"/> BUILDING | <input type="checkbox"/> MOBILE/MANUFACTURED | <input checked="" type="checkbox"/> WATER CONNECTION |
| <input checked="" type="checkbox"/> SEWER CONNECTION | <input type="checkbox"/> CURB CUT | <input type="checkbox"/> SIGN |

Applicant Name: SERGIO ANDALUZ
 Mailing Address: P.O. BOX 306
LOVINGTON, NM 88260
 Phone Number: 575-631-3799
 Property Address (Site Location): 1106 W. TYLER AVE.
LOVINGTON, NM 88260
 Property Owner(s): Sergio and Misty Andaluz

Brief Description of Request: Reinforce existing fence and build a block 2 car garage in backyard.

Subdivision: High School Addition Zone: A B C D
 Block: 19
 Lot: 19
 Owner Number: 21828 Parcel Number: 400028280001
 Book: 1521 Page: 892

Present Use of Property: Residential Dwelling.

Applicant Signature: Sergio Andaluz Date: 10-22-14

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

Date Received by Code Enforcement:	<u>7-7-14</u>
Code Enforcement Officer Name:	<u>Laura Brock</u>
Code Enforcement Officer Signature:	<u>Laura Brock</u>

41130

WARRANTY DEED

Rafela Valdez, a married woman dealing in
her sole & separate property

for consideration paid, grant S to
Sergio Andaluz and Mridy Andaluz, husband
& wife, JTW 2005

whose address is 1106 W Tyler, Lovington, NM 88240

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

For Surface Title Only:

Lot Nineteen (19), Block Two (2), High
School Addition to the City of
Lovington, Lea County, New Mexico

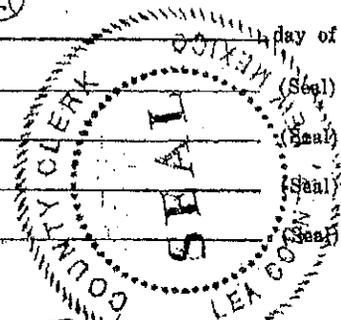
Subject to reservations, restrictions,
and easements appearing of record

with warranty covenants.

WITNESS _____ hand and seal _____ this 3rd day of
July 2007 [Signature]

STATE OF NEW MEXICO, } ss.
County of Lea

The foregoing instrument was acknowledged before me this 3rd day of July,
2007 by Rafela Valdez.



OFFICIAL SEAL
Kay Hardin

[Signature]
Notary Public



City of Lovington

214 South Love Street
PO Box 1268
Lovington, NM 88260

Bus: 575-396-2884
Fax: 575-396-6328
lbrock@lovington.org

July 7, 2014

Request for Variance

The purpose of this letter is to inform you that a request for a use variance in zoning has been submitted to the Lovington Planning and Zoning Commission for the property located at 1106 W Tyler Ave., Lovington, New Mexico. The property owner has requested a variance be granted to allow him an accessory building in his rear yard which exceeds the thirty percent maximum of the rear yard requirement, which is in violation of Lovington Municipal Code 17.16.040. This request will be considered at their next regularly scheduled meeting on July 21, 2014 at 4 p.m. held at City Hall, 214 South Love Street, Lovington, New Mexico.

We are providing notification to each property owner within 100 feet of the area, excluding public right of ways, of this variance request. This request, with the recommendation from the Planning and Zoning Commission, will be presented to the Lovington City Commission for final approval at their July 28, 2014 meeting.

If you have any questions, please do not hesitate to contact me at 575-396-9329 or via email at lbrock@lovington.org.

Sincerely,

A handwritten signature in black ink that reads "Laura J. Brock". The signature is written in a cursive style with a large, sweeping initial "L".

Laura J. Brock
Code Enforcement Supervisor
City of Lovington NM 88260

Mail List 1106 W Tyler

Alvian Dominguez
1113 W Tyler Ave
Lovington NM

Joyce Connolly
622 W Ave A
Lovington NM

Jose Valencia
2125 Allen Dr
Lovington NM

Micheal Samuels
1101 W Tyler
Lovington NM

Saul Hernandez
1109 W Taylor
Lovington NM

Thomas Grigsby
1110 W Tyler
Lovington NM

Felipe Moreno
1105 W Polk
Lovington NM

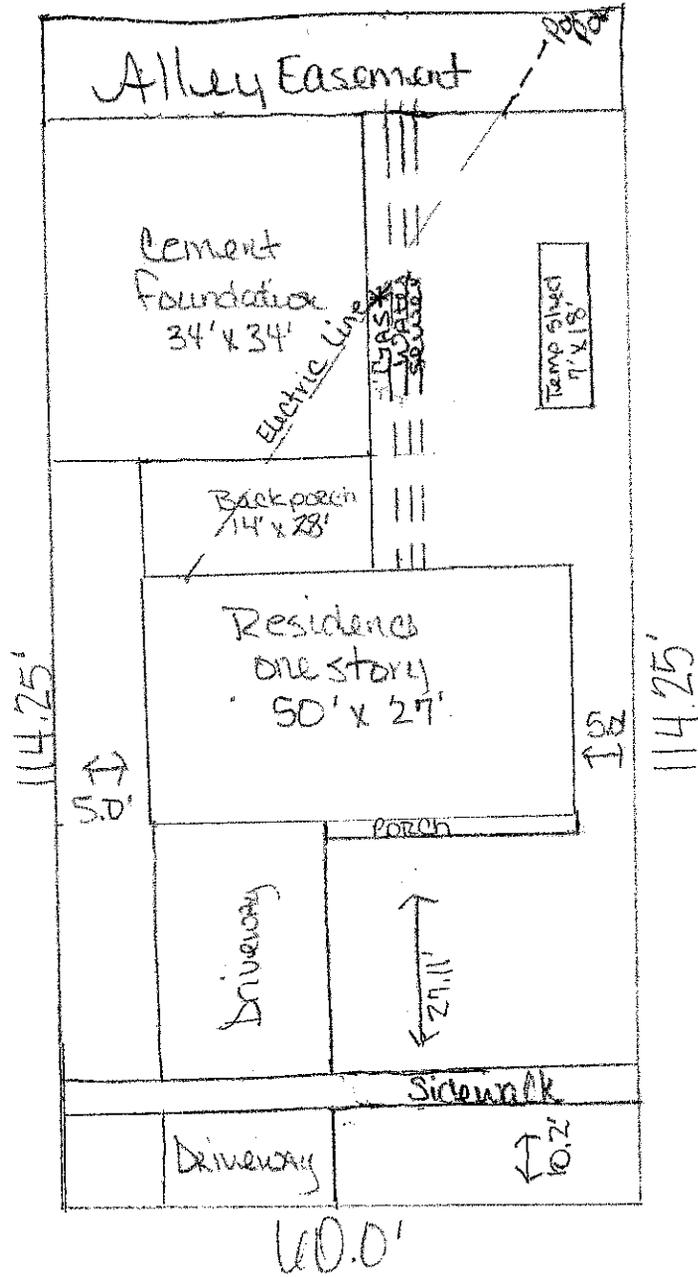
Larry Jenkins
Tr 2 1501 N 2nd St
Lovington NM

Jorge Lozoya
1018 W Tyler
Lovington NM

Gregory Miller
1102 W Tyler
Lovington NM

Jergio + Misty Ancauz
High School Addition
lot 19, Blk. 2
1106 w. Tyler Ave.

NORTH ↑



Tyler Ave.

Scale
1" = 20'

July 17, 2014

Planning and Zoning Commission

213 S. Love

Lovington, NM 88260

To Whom It May Concern:

We, Sergio and Misty Andaluz, the property owner of 1106 W. Tyler Avenue, Lovington, New Mexico, request a variance of size for a rear building to be constructed on our property. The proposed structure will be used as a personal garage/storage building, which would allow us to shelter and maintain our vehicles and store personal belongings.

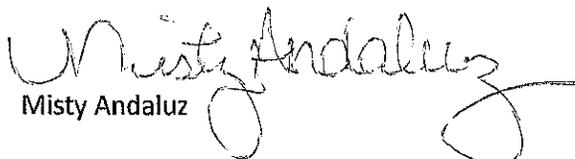
Two members of our family, Sergio and our son Gavin, are vehicle enthusiasts. The proposed structure would allow us ample room, to not only house our vehicles and protect them from damage, theft and/or bad weather, but allow for better enjoyment of their restoration hobby. At the present time, we have a 7 foot by 18 foot metal structure that is used for storage of things such as lawn equipment, Christmas decorations and vehicle parts. It is not a very wide structure, which causes us to have to store some things in the den of the residence as well, such as bicycles and toolboxes. The proposed structure would allow for the removal of storage items from the home, freeing up space in the family area.

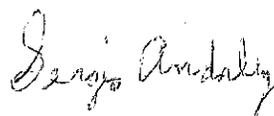
The structure would be constructed in a solid manner that would meet all applicable building laws, codes and requirements of the City of Lovington and the State of New Mexico Construction Division to ensure the safety and protection of ourselves, adjacent and abutting properties.

Thank you for your time and consideration of this matter.

Sincerely,

Sergio Andaluz


Misty Andaluz



CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: July 21, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Discussion of Carport Ordinance
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams
DATE SUBMITTED: July 15, 2014

STAFF SUMMARY:

Staff are will be presenting the options presented at the May 2014 work session regarding the carport ordinance that were discussed at the May 2014 work session. Discussion will be held to determine the direction or steps that need to be taken by staff.

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

Existing Carport Ordinances
Options presented at work session

RECOMMENDATION:

Discussion only.

Department Head

James R. Williams

City Manager

Options to Reduce Nonconforming Carports

1. Grandfather existing nonconforming carports

- Property owner complete permit for preliminary approval and would be provided with limited period of time to have carport inspected and approved by state building inspector. Final approval provided after follow-up city inspection and proof of building permit provided. Carport could remain until which time became structurally unsound, destroyed or required more than 50% improvement.

2. Change the existing carport ordinance

- Carports would still have to meet the state building code, however, the City Commission could amend the ordinance to further relax other restrictions, such as allowing detached carports, conforming materials and designs, setbacks, and removing the driveway requirement

3. Issue variances on a case-by-case basis

- Using the variance criteria discussed earlier, review each nonconforming carport and determine if a variance is appropriate. Carports would still have to meet the state building code.



[Print](#)

Lovington, NM Code of Ordinances

Chapter 17.20 "A" SINGLE-FAMILY DWELLINGS DISTRICT

Sections:

- 17.20.010 Regulations-In general.
- 17.20.020 Permitted uses.
- 17.20.030 Height restrictions.
- 17.20.040 Front yard requirements-Carport.
- 17.20.050 Side yard requirements-Carport.
- 17.20.060 Rear yard requirements-Carport.
- 17.20.070 Intensity of use.
- 17.20.080 Carports-Additional requirements.

17.20.010 Regulations-In general.

The regulations set forth in this chapter or set forth elsewhere in this title when referred to in this chapter are the "A" single-family dwelling district regulations. (Prior code § 11-3-1 (part))

17.20.020 Permitted uses.

A building or premises shall be used only for the following purposes:

- A. Single-family dwellings of not less than eight hundred square feet of floor space of a permanent nature. Specifically excluding trailer houses and mobile homes, notwithstanding the fact, the mobile home is set on a permanent foundation and the wheels and mobile characteristics removed;
- B. Municipality owned or operated parks and playgrounds;
- C. Churches;
- D. Public schools, elementary and high, and educational institutions having a curriculum the same as ordinarily given in public schools;
- E. Golf courses, except miniature courses and driving tees operated for commercial purposes;

F. Nurseries and truck gardening, but not the raising of poultry, pets or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor to surrounding residences;

G. Home occupations;

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 a part of the main structure shall be located not less than sixty feet from the front lot line;

I. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;

J. Church or public building bulletin board not exceeding ten square feet in area and temporary signs not exceeding six square feet in area appertaining to the lease, hire or sale of a building or premises; provided, however, that there shall be no more than one such sign on any one lot. (Prior code § 11-3-1 (a))

17.20.030 Height restrictions.

No building shall exceed two and one-half stories or thirty-five feet in height, except as provided in Section 17.16.030 of this title. (Prior code § 11-3-1 (b))

17.20.040 Front yard requirements-Carport.

A. There shall be a front yard having a depth of not less than twenty-five feet, unless forty percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than thirty-five feet. Where lots have double frontage, the required front yard shall be provided on both streets.

B. A carport no larger than four hundred eighty square feet or twenty feet long and twenty-four feet wide may be added and attached to the structure, but only if it meets the following:

1. It must attach to a permanent building.
2. It must match or conform to the permanent building in materials, character and design.
3. It must not have walls or doors interfering with vision.
4. It must have its roof supported in conformance with the state building code as modified from time to time. "
5. It must be constructed of metal or wood of such design and size as to adequately and safely support the structure and shall conform to the design and materials of which it is attached.
6. Ingress and egress must be assured by a concrete driveway the width of the carport.

7. The front yard must be a depth of at least five feet before reaching the area immediately below the roof of the carport. (Ord. 344 (part), 1987: prior code § 11-3-1 (c) (1))

17.20.050 Side yard requirements-Carport.

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 and a side yard on each side of the two story portions of buildings having a width of not less than seven and one half feet. The side yard on the street side of a corner lot shall not be less than fifteen feet, except as to lots of record as of August 9, 1960. The side yard line in regard to such lots of record shall be that which has been established by usage, but in no case less than five feet.

B. A carport shall be allowed if it meets the following:

1. It must attach to a permanent building.
2. It must match or conform to the permanent building in materials, character and design but in no event shall it contain plastic materials.
3. It must not have walls or doors interfering with vision.
4. It must have its roof supported in conformance with the state building code as modified from time to time.
5. Ingress and egress must be assured by a concrete driveway the width of the car port.
6. The side yard must be a width of at least five feet before reaching the point immediately below the roof line of the carport. (Ord. 344 (part), 1987: prior code § 11-3-1(c) (2))

17.20.060 Rear yard requirements-Carport.

A. There shall be a rear yard having a depth of not less than thirty feet or twenty percent of the depth of the lots, whichever amount is smaller.

B. A carport shall be allowed if it meets the following:

1. It must attach to a permanent building.
2. It must match or conform to the permanent building in materials, character and design.
3. It must not have walls or doors interfering with vision.
4. It must have its roof supported in conformance with the state building code as modified from time to time.
5. Ingress and egress must be assured by a concrete driveway the width of the car port. (Ord. 344 (part), 1987: prior code § 11-3-1 (c) (3))

17.20.070 Intensity of use.

Every lot shall have an area of not less than seven thousand square feet per family; except that, if a lot has less area than required in this chapter and was a lot of record prior to February 12, 1971, the effective date of the ordinance codified in this section, such lot may be used for one single-family dwelling, provided that all other district regulations are observed. The single-family dwelling may have a carport provided it has no garage and provided that all requirements provided in this chapter are strictly complied with. (Ord. 344 (part), 1987: prior code § 11-3-1 (c) (4))

17.20.080 Carports-Additional requirements.

A. The city manager and/or his approved personnel shall inspect and approve, if all requirements are properly met:

1. The location and design of all carports;
2. The carport after it is finally completed;
3. All city and state regulations and rules must be complied with.

B. A city permit must be obtained and all city requirements complied with. Current lists of city requirements shall be provided to each applicant after issuance of a building permit. Such list may be changed from time to time as deemed necessary by the city manager.

C. A state building permit must be secured and all state rules complied with.

D. In an area where the construction of carports violates local private restrictive covenants, the city shall not approve or allow the construction or modification of carports unless and until all city requirements have been met and the approval has been obtained of all the homeowners on petitioner's block.

E. This chapter shall in no way limit or compromise the rights of any past, present or future land owner who has standing to enforce any existing or future private restrictive covenants dealing with the subject matter of this section.

F. Any carport constructed without obtaining prior approval by virtue of this contract shall be in violation of this chapter and subject to penalties of ninety days in jail and/or a three hundred dollar fine.

G. If a structure, including a carport, is built (1) without prior approval, (2) with prior approval, but does not conform to the petition, the city shall notify the landowner by certified mail:

1. That the structure does not conform to this chapter;
2. That demand is made that the structure be modified to conform to this chapter;
3. That if the structure is not made to conform within the time allotted, the structure will be torn down within fifteen days from the mailing of such notice;
4. That the city will tear the structure down and bill the landowner for the cost of tearing the structure down;
5. That if payment is not made within thirty days after demand for payment, the city will file a lien against the landowner's property for the amount plus interest that is allowed by law. (Ord. 344 (part),

1987: prior code § 11-3-1 (c) (5-12))

Chapter 17.24

"B" MULTIPLE DWELLING DISTRICT

Sections:

17.24.010 Regulations- In general.

17.24.020 Permitted uses.

17.24.030 Parking regulations.

17.24.040 Height regulations.

17.24.050 Yard regulations.

17.24.060 Intensity of use.

17.24.010 Regulations-In general.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the "B" multiple dwelling district regulations. (Prior code § 11-3-2 (a))

17.24.020 Permitted uses.

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the "A" single-family dwelling district;
- B. Two-family dwellings, containing a floor space of not less than six hundred square *feet per family;
- C. Multiple dwelling, containing a floor space of not less than three hundred square feet per family;
- D. Professional offices, or studios of doctors, dentists, artists, musicians, lawyers and authors, beauty parlors limited to one operator who is the owner of the premises; provided, that such uses as set forth in this chapter does not violate protective and restrictive covenants concerning subject land;
- E. Boardinghouses and lodgishouses;
- F. Nonprofit religious, educational and philanthropic institutions, but not penal or mental treatment institutions;
- G. Hospitals and clinics, but not animal hospitals, animal clinics or mental hospitals;
- H. Private clubs and lodges, excepting those the chief activity of which is customarily carried on as a

business;

I. 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 a part of the main structure shall be located not less than sixty feet from the front lot line. (Prior code § 11-3-2 (b))

17.24.030 Parking regulations.

Whenever a structure is erected, converted or structurally altered for multiple dwelling or two-family dwelling purposes, one parking space shall be provided on the lot for each dwelling unit in the structure. (Prior code § 11-3-2 (c))

17.24.040 Height regulations.

The height regulations are the same as those in the "A" single-family dwelling district. (Prior code § 11-3-2 (d))

17.24.050 Yard regulations.

- A. The yard regulations shall be the same as in the "A" single-family dwelling district.
- B. All interior courts shall have a width equal to at least the height of the highest part of the building forming the court. (Prior code § 11-3-2 (e) (1, 2))

17.24.060 Intensity of use.

Every lot shall contain an area of not less than twenty-five hundred square feet per family. (Prior code § 11-3-2 (e) (3))

Chapter 17.28 "C" COMMERCIAL DISTRICT

17.28.010 Regulations-In general.

The regulations set forth in this chapter, or set forth elsewhere in this title and referred to in this chapter are the regulations in the "C" commercial district. (Prior code § 11-3-3 (a))

17.28.020 Permitted uses.

A building or premises shall be used for the following purposes:

- A. Any use permitted in the "A" or "B" districts;
- B. Advertising signs and billboards not exceeding forty square feet in area when attached to a building and not extending more than one foot from the surface of the building pertaining to the character, type, ownership or occupancy of the building or its contents;
- C. Amusement place or theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every five seats in the theater;
- D. Trailer and tourist camps or courts; provided, however, that all yard and interior court regulations of the "B" multiple dwelling district are complied with; and provided further, that there shall be no more than one trailer or one tourist camp unit for each one thousand square feet of lot area. Any building used primarily for any of the above enumerated purposes may have not more than forty percent of the floor area devoted to industry or storage purposes incidental to such primary use; provided, that not more than ten employees shall be engaged at any time on the premises in any such incidental use. (Prior code § 11-3-3 (b)(1-4))

17.28.030 Prohibited uses.

A building or premises may be used for any other purpose except the following:

- 1. Acetylene gas manufacture or storage;
- 2. Acid manufacture;
- 3. Alcohol manufacture;
- 4. Ammonia, bleaching powder or chlorine manufacture;
- 5. Arsenal;
- 6. Asphalt manufacture or refining;
- 7. Auto wrecking and wrecked auto storage;
- 8. Blast furnace;
- 9. Bag cleanings;
- 10. Boiler works;
- 11. Brick, tile, pottery or terra cotta manufacture, other than the manufacture of handicraft products only;
- 12. Cement, lime, gypsum or plaster of paris manufacture;
- 13. Central mining plant for cement mortar, plaster or paving materials;

14. Coke ovens;
15. Creosote manufacture or treatment;
16. Disinfectants manufacture;
17. Distillation of bones, coal or wood;
18. Dyestuff manufacture;
19. Explosives or fireworks manufacture or storage;
20. Fat rendering;
21. Fertilizer manufacture;
22. Forge plant;
23. Garbage, offal or dead animal reduction or dumping;
24. Gas manufacture or storage;
25. Glue, size or gelatine manufacture;
26. Iron, steel, brass or copper foundry or fabrication plant;
27. Junk, iron or rags storage or bailing;
28. Oil cloth or linoleum manufacture;
29. Oiled rubber goods manufacture;
30. Ore reduction;
31. Paint, oil, shellac, turpentine or varnish manufacture;
32. Paper and pulp manufacture;
33. Petroleum or its products, refining or wholesale storage of;
34. Planing mills;
35. Rock crusher;
36. Rolling mills;
37. Rubber or gutta-percha manufacture or treatment;
38. Shoe polish manufacture;
39. Smelting of tin, copper, zinc or iron ores;
40. Soap manufacture other than liquid soap;
41. Stockyard or slaughter of animals or fowl;

42. Stone mill or quarry;
43. Tallow, grease or lard manufacture or refining from, or of, animal fat;
44. Tanning, curing or storage of raw hides or skins;
45. Tar distillation or manufacture;
46. Tar roofing or waterproofing manufacture;
47. Vinegar manufacture;
48. Wool pulling or scouring;
49. Yeast plant;
50. Cotton gin or storage;
51. And, in general, those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, vibration or noise. (Prior code § 11-3-3 (b) (5))

17.28.040 Parking regulations.

- A. The parking regulations for dwellings are the same as those in the "B" multiple dwelling district.
- B. New commercial buildings shall provide permanent space on the lot in the ratio of one parking space for each eight hundred square feet of floor space in the building; provided, however, that two or more establishments may provide necessary parking space upon a single parcel of land within three hundred feet of the establishment. (Prior code § 11-3-3 (c))

17.28.050 Height restrictions.

No building shall exceed two and one-half stories or thirty-five feet in height except as otherwise provided in Section 17.16.030 of this title. (Prior code § 11-3-3 (d))

17.28.060 Front yard.

Where all the frontage on one side of a street between two intersecting streets is located in the "C" commercial district, no front yard shall be required. Where the frontage on one side of the street between two intersecting streets is located partly in the "C" commercial district and partly in a dwelling district, the front yard requirements of the dwelling district shall apply to the "C" commercial district. (Prior code § 11-3-3 (e) (1))

17.28.070 Side yard.

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

all other cases, a side yard is not required except:

A. On the side of a lot adjoining a dwelling district, in which case there shall be a side yard of not less than five feet; provided, however that if a side yard is provided where not required, it shall not be less than two and one-half feet in width;

B. On the street side of a corner lot that rears upon a dwelling district, in which case, there shall be a side yard of not less than five feet. (Prior code § 11-3-3 (e) (2))

17.28.080 Rear yard.

A. Where the lot abuts an alley, no rear yard shall be required for one story buildings.

B. Where the lot abuts an alley, a rear yard of ten feet shall be provided for the two story parts of buildings.

C. Where the lot does not abut an alley, there shall be a rear yard having a depth of not less than twenty feet, unless the lot is a lot of record on or before February 12, 1971 and is less than one hundred feet in depth, in which case, the rear yard need not exceed twenty per cent of the depth of the lot. (Prior code § 11-3-3 (e) (3))

17.28.090 Interior court

All interior courts shall have a width equal to at least the height of the highest part of the building forming the court. (Prior code § 11-3-3 (e) (4))

17.28.100 Intensity of use.

The intensity of use regulations shall apply to living facilities above stores or other commercial uses as well as to residential buildings, and every lot shall provide an area of not less than one thousand square feet per family. (Prior code § 11-3-3 (e) (5))

ORDINANCE NO. 520

An ordinance of the City of Lovington, New Mexico, amending Title 17, Chapter 17.20 – “A” Single-Family Dwelling District, of the Lovington Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 17, CHAPTER 17.20 BE AND HEREBY IS AMENDED AS FOLLOWS:

17.20.040 Front yard requirements – Carport.

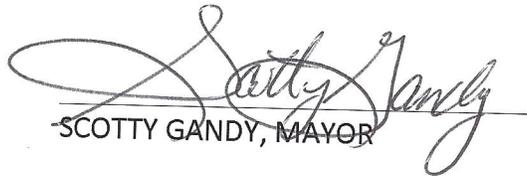
B. A carport no larger than seven hundred twenty (720) square feet may be added and attached to the structure, but only if it meets the following:

17.20.070 Intensity of use.

Every lot shall have an area of not less than seven thousand square feet per family; except that, if a lot has less area than required in this chapter and was a lot of record prior to February 12, 1971, the effective date of the ordinance codified in this section, such lot may be used for one single-family dwelling, provided that all other district regulations are observed.

APPROVED, PASSED, AND ADOPTED this 10th day of March, 2014.

CITY OF LOVINGTON


SCOTTY GANDY, MAYOR

ATTEST:


CAROL ANN HOGUE, CITY CLERK



ORDINANCE NO. 521

An ordinance of the City of Lovington, New Mexico, amending Title 17, Chapter 17.24 – “B” Multiple Dwelling District, of the Lovington Municipal Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOVINGTON THAT TITLE 17, CHAPTER 17.24 BE AND HEREBY IS AMENDED AS FOLLOWS:

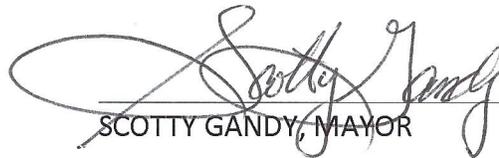
17.24.050 Yard regulations

- A. Yard size regulations shall be the same as in the “A” single family dwelling district.
- B. Carport regulations shall be the same as in the “A” single family dwelling district, except:
 - i. Carports are not required to be attached to a permanent building; and
 - ii. Carports are not required to match or conform to the permanent building in materials, character, and design.
- C. All interior courts shall have a width equal to at least the height of the highest part of the building forming the court.

APPROVED, PASSED, AND ADOPTED this 10th day of March, 2014.



CITY OF LOVINGTON


SCOTTY GANDY, MAYOR

ATTEST:


CAROL ANN HOGUE, CITY CLERK

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: August 5, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Zoning Change - College Addition
DEPARTMENT:
SUBMITTED BY: Luis Andujo Teran
DATE SUBMITTED: July 10, 2014

STAFF SUMMARY:

The property owner of the previously vacated portion of east Monroe (between Eddy and Chaves) has requested that the entire property be zoned Commercial. At the present time, the southern half of the property is zoned Single Family. The northern half of the property, as well as the remaining area is zoned Commercial. (Please note that on the attached diagram, with the exception of the red area, the rest of the area is zoned entirely Commercial)

FISCAL IMPACT:

REVIEWED BY: _____
(Finance Director)

ATTACHMENTS:

P&Z Application
Request letter
Diagram of request

RECOMMENDATION:

Motion to approve zoning change.

Department Head

James R. Williams
City Manager

PLANNING AND ZONING APPLICATION

- Type(s):
- | | | |
|---|--|--|
| <input type="checkbox"/> VARIANCE | <input type="checkbox"/> SPECIAL USE | <input type="checkbox"/> CONDITIONAL USE |
| <input checked="" type="checkbox"/> ZONE CHANGE | <input type="checkbox"/> VACATION | <input type="checkbox"/> ANNEXATION |
| <input type="checkbox"/> CARPORT | <input type="checkbox"/> RV PARK | <input type="checkbox"/> MOBILE HOME PARK |
| <input type="checkbox"/> PLAT | <input type="checkbox"/> REPLAT | <input type="checkbox"/> ALTERNATE SUMMARY |
| <input type="checkbox"/> BUILDING | <input type="checkbox"/> MOBILE/MANUFACTURED | <input type="checkbox"/> WATER CONNECTION |
| <input type="checkbox"/> SEWER CONNECTION | <input type="checkbox"/> CURB CUT | <input type="checkbox"/> SIGN |

Applicant Name: Luis Andujio Teran
Mailing Address: 1300 W Brian Vlachar Apt. 48
Levington NM
Phone Number: _____
Property Address (Site Location): Surface area subject lot was E MONROE AVE
Property Owner(s): _____

Brief Description of Request: Change bottom half property to Zone C to conform to top half.

Subdivision: College Add Zone: A B C D
Block: ce
Lot: _____
Owner Number: 22913 Parcel Number: 4000229130001
Book: 1864 Page: 267

Present Use of Property: vacant

Applicant Signature: _____ Date: _____

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

Date Received by Code Enforcement:	<u>7-10-14</u>
Code Enforcement Officer Name:	<u>Laura Brock</u>
Code Enforcement Officer Signature:	<u>Laura Brock</u>

07-31-14

I' Luis Andres TERAN, I WANT
THE SURFACE TO A 80 FEET LET
WAS MONROE AV. BETWEEN BLACS
ONE AND SIX. TO BE THE ALL
80 FEET A COMECIA ZONE
PLEASE.

Luis Andres TERAN.

Commercial Single Family Zoning Change Area

