

**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION  
MONDAY, AUGUST 5, 2014 @ 4:00 P.M.  
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

**PURPOSE OF MEETING:**

- Consider Approval of Alternate Summary Plat for James Garner, Jr. Property
- Consider Approval of Zoning Variance for a portion of land located on the East side of South 17<sup>th</sup> 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 St – Accessory Building in Rear Yard to Exceed Maximum Allowable Size
- Consider Approval of Zoning Variance at 1106 W. Tyler Ave – 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
- Discussion of Carport Ordinance

**PRESENT:** Members: Chairman Kallie Windsor, Vice Chairman Randy Pettigrew, Betty Price, David Lynch, Lynda Kreybig, and Bobby Kimbro.

**NOT PRESENT:** Member Abel Cabello

**ALSO PRESENT:** City Manager James Williams, Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, Code Enforcer Laura Brock, Fire Chief Terrance Lizardo, Fire Inspector Skip Moorhead, City Clerk Carol Ann Hogue, and Administrative Assistant Anna Juarez

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

**APPROVAL OF AGENDA:** Chairman Windsor called for a motion to approve the agenda as submitted. Member Kreybig so moved. Member Kimbro seconded. Motion was approved.

**APPROVAL OF REGULAR MINUTES OF JUNE 16, 2014:** Chairman Windsor called for a motion to approve the regular minutes of June 16, 2014. Member Pettigrew asked to have the minutes corrected on action item: Consideration of Approval of Recommendation for Annexation & Zoning Change of an 8.28 Acre Tract of Land Located on the East side of South 17<sup>th</sup> Street between the 900 & 1200 blocks. Member Pettigrew so moved to amend the minutes with the correction of removal of the wording “Motion was approved,” after the sentence motion died for lack of a second. Member Lynch seconded. Motion was approved.

**ACTION ITEMS:**

**CONSIDER APPROVAL OF ALTERNATE SUMMARY PLAT FOR JAMES GARNER, JR. PROPERTY:** Chairman Windsor called for a motion to approve alternate summary plat for James Garner, Jr. property. City Manager Williams addressed the members explaining concern of access to the property located in Tract 1B and 1C for fire,

police, and utilities personnel. Discussion of a private road on Tract 1A, Tract 1B, and Tract 1C 20 foot long to allow access for emergency and utilities personnel was presented to members for approval of summary plat. Tract 1B and Tract 1C was sold to Maria Palomino; James Garner did not issue a title or survey for property. Chairman Windsor suggested to Maria Palomino to ask Mr. Garner to either deed 20 foot easement or grant access to easement to Tract 1B and Tract 1C. Vice Chairman Pettigrew had concerns with long term maintenance to private road, selling of more property in the future without proper documentation, and requested for emergency and utilities personnel to sit down before addressing board with future situations. Robert Fierro suggested a disclosure statement filing an exemption similar to County's disclosures for long term maintenance of road to be transferred to property owner. Assistant City Manager Cobb stated plat would resolve issue of access to property; afterwards accommodate property by subdividing into two properties to meet setback municipality's codes. Discussion of water utilities placed in private property without an alley and access road was a concern from members; years ago the old process of receiving addresses from County and adding a water meter for service has been addressed. City Attorney McMahan stated City is not in a position for damage or fraud, water lines already existed; suggested the first option is to grant access, than subdivide property. Member Kreybig motioned to table approval of alternate summary plat for access to the property located in Tract 1B and 1C until land can be deeded with easement or transfer of deed from Garner's to allow for private road access. Betty Price seconded on motion. Mr. Fierro mentioned he represented Garner's project in respect to land, continued to state property cannot be deeded without a surveyed document. Vice Chairman Pettigrew explained Mr. Garner needs to be made aware if he grants for 20 foot easement, it cannot be sold in the future. Mr. Fierro asked if plat needs to be signed by Mr. Garner to be considered by the board. City Manager Williams addressed members that City will make sure private drive will be deeded for access to Tract 1B and Tract 1C and that property will meet City requirements on subdivision for property. Motion was approved.

**CONSIDER APPROVAL OF ZONING VARIANCE FOR A PORTION OF LAND LOCATED ON THE EAST SIDE OF SOUTH 17<sup>TH</sup> STREET BETWEEN THE 900 AND 1200 BLOCKS:** Chairman Windsor called for a motion to approve the recommendation for zoning variance for a portion of land located on the east side of south 17<sup>th</sup> street between the 900 and 1200 blocks. Ryan Burkett submitted a letter to board members requesting variance to allow for a self-storage facility to be constructed in a Zone B property. Mr. Burkett stated the self-storage will be located on the northern half of the property; property will be fully secured with fence and electronic gate and security monitoring system; the variance will not adversely affect public health or safety. Mr. Burkett submitted a signed petition for support of variance from neighbors within 600 yards of proposed facility. City Manager Williams clarified if the variance is approved it will be presented to City Commission for approval to allow only for a self-storage facility to be constructed on legal description area designated for this project and if business owners decide to sell the property or change their minds for any particular reason the variance would not transfer, variance would die with proposal. Member Price so moved. Member Pettigrew seconded and a roll call was taken: Member Lynch – Yes, Member Price – Yes, Chairman Windsor – Yes, Member Kimbro – No, Member Pettigrew – Yes, and Member – Kreybig – No. Motion was approved.

**CONSIDER APPROVAL OF ZONING VARIANCE AT 721 W. TAYLOR ST – ACCESSORY BUILDING IN REAR YARD TO EXCEED MAXIMUM ALLOWABLE SIZE:** Chairman Windsor called for a motion to approve the zoning

variance at 721 W. Taylor St – accessory building in rear yard to exceed maximum allowable size. Eric Gomez stated in 2012 he submitted for a building permit to the State, building permit was approved by the State; has complied with the State rules and regulations working hand in hand with State Inspector Skip Connolly, never received a red flag for building project. Mr. Gomez was in the process of pouring concrete when Code Enforcement Officer Brock asked Mr. Gomez to submit a Planning & Zoning Building Permit before continuing project. Mr. Gomez was notified by Code Enforcement Officer Brock about City zoning ordinances 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. There was further discussion on metal building appearance, safety, and fabrication. Member Kimbro mentioned there were other buildings surrounding this area. Member Pettigrew stated his frustration on following the rules whether State or City rules. Member Pettigrew so moved. Member Price seconded and a roll call was taken: Member Lynch – Yes, Member Price – Yes, Member Pettigrew – Yes, and Member Kreybig – Yes, Chairman Windsor – Yes, and Member Kimbro – Yes. Motion was approved. Member Pettigrew stated if variance would have been caught early on, his vote would have been a “No.” Assistant City Manager Cobb stated City has a policy in affect to sign off any State building permit before submitted to the State for approval.

**CONSIDER APPROVAL OF ZONING VARIANCE AT 1106 W. TYLER AVE – ACCESSORY BUILDING IN REAR YARD TO EXCEED MAXIMUM ALLOWABLE SIZE:** Chairman Windsor called for a motion to approve zoning variance at 1106 W Tyler Avenue – accessory building in rear yard to exceed maximum allowable size. Sergio and Misty Andaluz asked for a variance to allow floor plan to have 200 more sq. ft. than ordinance allows; project was started 10 years ago, but due to unforeseen health issues and financial setbacks the project was prolonged. Member Lynch asked about anchors for foundation and possibly decreasing size of project; but it would mean breaking the concrete already poured. Member Kimbro noticed: project was well underway, project seemed to be of high quality work, and several other buildings in comparable size around neighborhood. Code Enforcement Laura Brock stated there was not a State permit issued before Mr. & Mrs. Andaluz started construction, guidelines were not followed, project was called in by neighbors. Mr. & Mrs. Andaluz stated project has not been completed but is able to be inspected. Member Kimbro so moved. Member Pettigrew seconded and a roll call was taken: Member Lynch – Yes, Member Price – Yes, Member Pettigrew – Yes, Chairman Windsor – Yes, and Member Kimbro – Yes. Motion was approved.

**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:** Chairman Windsor called for a motion to approve zoning change in College addition, block 6 – change the south half of block 6 from zone A – residential to zone C - commercial. City Manager Williams addressed members concerning zoning to change bottom half property to zone C to conform to top half measuring about 10 feet; only property zoned single family was Mrs. Estella property which is only half a block. Member Pettigrew asked how this property will fit in with the comprehensive plan City is working on and would like to see a summary plat process. Code Enforcement Laura Brock needs clarification of zoning before land owners are granted to use land for certain uses and stated land is plotted as its own lot; but plat does not clarify zoning. Luis Andujo Teran would like to use the property for business

purposes. Chairman Windsor clarified what property needed to be zoned C to members. Member Pettigrew so moved. Member Kreybig seconded and a roll call was taken: Member Lynch – Yes, Member Price – Yes, Member Pettigrew – Yes, Chairman Windsor – Yes, and Member Kimbro – Yes. Motion was approved.

**NON ACTION ITEMS:**

**DISCUSSION OF CARPORT ORDINANCE:** City Manager Williams have three options:

1. Grandfather existing nonconforming carports
2. Change the existing carport ordinance
3. Issue variances on a case-by-case basis

City Manager Williams continued to state something needs to be done, but what direction should City take to correct issue. Members agreed existing carports need to be safe, need to meet setbacks; homeowners need to fill out permit requirements and homeowners need to be held responsible for meeting carport ordinance. Code Enforcement Laura Brock recommended carport should be at least State approved. Clint Laughlin spoke to members in reference to the already built sheds; with conversation with Skip Connolly, Mr. Connolly stated if Mr. Laughlin purchased one, it would be red flagged because they are not licensed to build sheds. Mr. Laughlin mentioned if he hadn't had concerns with power line clearing shed; he wouldn't have known that the City required permit for already built sheds. Chairman Windsor advised board members to review the three options presented and decide which option to consider for next board meeting. City Attorney McMahon explained to members the issues involved as far as; does the City have the personnel power to take on the task, the cost it will take to enforce carport ordinance compliances, and to consider the risk of public safety involved; with the possibility of City negligence for not enforcing regulations.

**PUBLIC COMMENT:** None

**OTHER COMMENT:** Chairman Windsor mentioned appraisers are requesting a letter from the City stating houses can be built in a Commercial zoned property. Chairman Windsor stressed we need to address zoning on the following streets: 1<sup>st</sup> Street north and south of D, 2<sup>nd</sup> Street north and south of D on the east side, Avenue C from Main to 9<sup>th</sup> on the south side, Avenue E on the north side from Main to 9<sup>th</sup>. City Manager Williams mentioned waiting until comprehensive plan is complete to change zoning all at once.

**ADJOURNMENT:**

Member Kimbro made the motion for adjournment at 6:10 p.m. Member Lynch seconded.

**APPROVED:** \_\_\_\_\_  
**CHAIRMAN, KALLIE WINDSOR**

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

**CITY OF LOVINGTON**  
STAFF SUMMARY FORM



MEETING DATE: September 24, 2014

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** 9th and Avenue K Traffic Control  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** James R. Williams, City Manager  
**DATE SUBMITTED:** September 15, 2014

**STAFF SUMMARY:**

Lovington Municipal Schools has requested that the City implement right turn only traffic measures at two entrances/exits at the High School. The District is planning on placing a fourth entrance/exit on the Avenue K side of the parking lot (noted in green on attached aerial). They have requested that this be signed as right turn only with traffic pylons placed by the City. In addition, they are requesting right turn only and pylons be placed at the northern 9th street exit as well.

They have made this request to the City in order to reduce congestion during lunch and at the end of school. The District is also examining changes on their privately owned lot to slow traffic and create a more orderly flow.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

**ATTACHMENTS:**

Aerial of area

**RECOMMENDATION:**

Staff do not recommend a right turn only area on the Avenue K side as this will push traffic deeper into a residential area as well as in the direction of Head Start and potentially Ben Alexander. It is recommended that a temporary barriers be erected at the ninth street exit to determine if this will positively impact flow.

\_\_\_\_\_  
Department Head

*James R. Williams*  
\_\_\_\_\_  
City Manager



W-Ave K

S-7th-St

S-116th-St

Proposed entrance/exit

Existing entrance/exit

**CITY OF LOVINGTON**  
STAFF SUMMARY FORM



MEETING DATE: September 24, 2014

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Variance Request  
**DEPARTMENT:** Code Enforcement  
**SUBMITTED BY:** Jose Vega  
**DATE SUBMITTED:** 7-11-2014

**STAFF SUMMARY:**

1209 W Polk, Zone A

Owner Jose Vega asking for variance request be granted for a carport exceeding maximum size of carports allowed 720 square feet. His carport is 1540 Square feet.

In March 2014 Jose Vega applied with state for a building permit. State signed off without the City of Lovington approval.

In July 2014 Code Enforcement Officers noticed carport almost finished and appeared to be larger in size than city allows, Officer asked for permit along with asking resident to come fill out city application, after reviewing site plan it was found carport exceeds city regulations.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

**ATTACHMENTS:**

planning and zoning application, proof of ownership, overview map, site plan, copy of state permit, letter for variance request, mail list

**RECOMMENDATION:**

It is my recommendation to approve the variance, variance will not adversely affect public health and safety, variance will not alter character of the zoning district, carport does meet required set backs.

*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 checked="" 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: Jose Vega  
Mailing Address: \_\_\_\_\_

Phone Number: 575 602 8712 (575-399-9125) BRENICE  
Property Address (Site Location): 1209 W POLK a LOVINGTON NM 88260 <sup>English</sup>

Property Owner(s): \_\_\_\_\_

Brief Description of Request: Building Carport, curb cut for driveway.

Subdivision: High School Addition Zone:  A  B  C  D  
Block: 2  
Lot: 9, 10  
Owner Number: \_\_\_\_\_ Parcel Number: 4000216920001  
Book: 1775 Page: 727

Present Use of Property: Residential

Applicant Signature: Jose Vega Date: 7-11-14

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

Date Received by Code Enforcement: 7-11-14  
Code Enforcement Officer Name: Laura Brock  
Code Enforcement Officer Signature: Laura Brock

JOINT TENANT  
WARRANTY DEED

JOSE VEGA, a married person dealing in his sole and separate property

JOSE VEGA and MaLETICIA JIMENEZ VEGA, husband and wife, for consideration paid grant S to

AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP.  
whose address is 1209 W POLK AVE, LOVINGTON, NM 88260  
the following described real estate in LEA County, New Mexico:

FOR SURFACE TITLE ONLY:

Lots Nine (9) and Ten (10), 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 24th day of April, 20 12.

*Jose Vega*  
JOSE VEGA

Signature(s) of person(s) selling property

STATE OF NEW MEXICO )  
COUNTY OF LEA )  
This instrument was acknowledged before me this 24th day of April, 20 12, by JOSE VEGA, a married person (Name(s) of Person(s) signing document)

My Commission Expires 11-24, 20 12.

*Salma P Rodriguez*  
Notary Public

STATE OF NEW MEXICO )  
County of Lea )

Record of Deeds of said County  
*Pat Chappelle*  
County Clerk  
By *CS* Deputy

I hereby certify that this instrument was filed for record on the 1st day of May, A.D. 20 12 at 10:57 o'clock A M., and duly recorded in Book 1775 Page 727 of

Return to Jose Vega  
1209 W Polk Ave.  
Lovington, NM 88260

42891



Poik Ave

North

North 120 F.

Entrance Cut the cement

20. F.

30 yarda de frente

West 28

house

yarda de atras

carport + 5.5

15.5

28 F.

5.3m

5.3m

53 east

SUR South

Callejon 021

# Multi-Purpose State Building Application

State of New Mexico  
 Albuquerque Office 5200 Oakland Ave., NE  
 Las Cruces Office 505 S. Main St., Ste 150  
 Santa Fe Office 2550 Cerrillos Road

Regulation and Licensing Department  
 I-25 @Alameda Albuquerque, New Mexico 87113  
 P.O. Box 939 Las Cruces, New Mexico 88004-0939  
 Santa Fe, New Mexico 87504

Construction Industries Division  
 Phone: (505) 222-9800 Fax: (505) 765-5670  
 Phone: (505) 524-6320 Fax: (505) 524-6319  
 Phone: (505) 476-4700 Fax: (505) 476-4685

**Date Issued:** \_\_\_\_\_ **Processed By:** \_\_\_\_\_ **TRACKING/Permit Number:** 2014005630

Received By: Mail (A / R) \_\_\_\_\_ Paid By: Cash Receipt #: \_\_\_\_\_ Check #: \_\_\_\_\_ Total Fees \$ 76.80

Walk - In (A / R) \_\_\_\_\_ Cash Receipt #: \_\_\_\_\_ Check #: \_\_\_\_\_ Balance Due \$ 0.00

CID

Please check the appropriate type for which you are applying:

Building Permit     Residential     Commercial     Pre-Bid     Electrical Review Only     Mechanical/Plumbing Review Only

Type of Construction: 

I	II	III	IV	V	A	B
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 Total Sq Ft. 1850 ~~2875~~

Occupancy Group: 

A	B	E	F	H	I	M	R	S	U
---	---	---	---	---	---	---	---	---	---

 Valuation / Sign Contract \$ \_\_\_\_\_

Division: 

1	2	3	4	5
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**Description of Work:**

New Construction     Addition     Alterations/Repairs     Re-Roof     Foundation Only     Demolition     Renew Permit # \_\_\_\_\_

Wood     Masonry     Adobe     Rammed Earth     Alternative Material

Metal / Steel (required Engineer STAMPED foundation & structure drawings)     Baled Straw (required Architectural STAMPED)     Other: (required Architectural STAMPED)

PLEASE PROVIDE THE FOLLOWING INFORMATION (Refer to the BUILDING PERMIT GUIDE or call for addition information):

1209 W Polk    Lovington    88260    Lee

Parcel No. and/or Project Address: (must provide physical address)    Nearest City/Town/Village to project    Zip Code    County

Subdivision Name \_\_\_\_\_ Lot Number \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_

Provide Written Directions to the project site:

2 car garages are on left side of house and are on right side of house facing south. Main left on Polk.

**Contractor Information:** Self

Company Name: \_\_\_\_\_ NM State License Number \_\_\_\_\_

Address-No. & Street/PO Box/Rural Route \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

**Property Owner or Homeowner Information:**

Name: Jose Vega

1209 W Polk    Lovington    NM    88260    (575) 602-8712

Address-No. & Street/PO Box/Rural Route \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

**Design Professional Information:** Self

Professional Name or Firm: \_\_\_\_\_ NM State License Number \_\_\_\_\_

Address-No. & Street/PO Box/Rural Route \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

PLEASE READ AND SIGN THE FOLLOWING: (Contractors or Homeowner)

I hereby acknowledge by my signature below that I have read this application and state that the above is correct. I agree to comply with the requirements of the New Mexico Building Code. I waive my right to require any inspector to possess a search warrant before they enter the premises to inspect the building covered by this permit. However, I waive this right only on the following conditions: The inspector must be approved by the Construction Industries Division and this inspection must be made at reasonable times for purpose of determining whether the work of building or structure on the premises complies with the New Mexico Building Code. I understand that the issuance of this permit shall not prevent the Construction Industries Division from requiring compliance with the provisions of the New Mexico Building Code.

X Jose Vega    Date: 3/17/14

**OFFICIAL USE ONLY**

PLANNING/ZONING APPROVED BY: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

FLOOD PLAIN APPROVED BY: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

PERMIT APPROVED BY: \_\_\_\_\_ Signature F.M. Date 3-18-14

UPC APPROVED BY: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

NEC APPROVED BY: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_



## City of Lovington

214 South Love Street  
PO Box 1268  
Lovington, NM 88260

Bus: 575-396-2884  
Fax: 575-396-6328  
[lbrock@lovington.org](mailto:lbrock@lovington.org)

September 4, 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 1209 W Polk, Lovington, New Mexico. The property owner has requested a variance be granted to allow for a 1540 square foot carport. Lovington Municipal Code requires a carport to be a maximum of 720 square foot. This request will be considered at their next regularly scheduled meeting on September 24, 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 October 3, 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](mailto:lbrock@lovington.org).

Sincerely,

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

Mailing List 1209 W Polk

Dorothy Demory  
1205 W Polk  
Lovington NM 88260

Joel Cobos  
1201 W Polk  
Lovington NM 88260

Benito Gutierrez  
1301 W Polk  
Lovington NM 88260

Jeffrey Willard  
1305 W Polk  
Lovington NM 88260

Celia Arreola  
2101 E Elm  
Lovington NM 88260

Betty Willard  
1214 W Tyler  
Lovington NM 88260

Ray Ann Wright  
1308 W Tyler  
Lovington Nm 88260

Rhonda Copeland  
1312 W Tyler  
Lovington Nm 88260

Cruz Navarro  
1206 W Tyler  
Lovington NM 88260

DeMarcus Thompson  
1214 W Polk  
Lovington NM 88260

Kenneth Smith  
PO Box 14  
Lovington NM 88260

Josue Rodriquez  
1308 W Polk  
Lovington NM 88260

**CITY OF LOVINGTON**  
STAFF SUMMARY FORM



MEETING DATE: September 24, 2014

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** Variance Request  
**DEPARTMENT:** Code Enforcement  
**SUBMITTED BY:** Justin Davis  
**DATE SUBMITTED:** 7-22-2014

**STAFF SUMMARY:**

JLReed Addition, lot 1, block 9, zone A (south west corner of Ave K and 13th)  
Property owner Justin Davis is requesting a variance be granted on the front yard set back due to odd shape of lot.  
Front yard set back is 25 feet from property line; the request is for a set back of 15-6 1/2 on the northeast side of the house and 20-7 7/8 on the north west side of the house.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

(Finance Director)

**ATTACHMENTS:**

Planning and Zoning application, proof of ownership, site plan, written statement for variance, petition support, over view map, variance request letter, mail list

**RECOMMENDATION:**

It is my recommendation to approve variance of the front yard set back due to odd shape of property, variance will not adversely affect public health or safety, variance will not alter essential character of the zoning district

*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 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: Justin Davis  
Mailing Address: 1302 W AVE L  
Lovington NM 88260  
Phone Number: 575-631-5745  
Property Address (Site Location): \_\_\_\_\_

Property Owner(s): Justin Davis

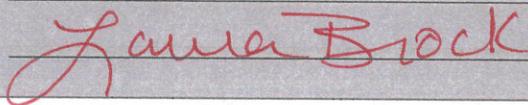
Brief Description of Request: Variance on setback along front side of property. Due to shape of lot.

Subdivision: JL Reed Addition Zone:  A  B  C  D  
Block: 9  
Lot: 1  
Owner Number: \_\_\_\_\_ Parcel Number: \_\_\_\_\_  
Book: \_\_\_\_\_ Page: \_\_\_\_\_

Present Use of Property: Vacant

Applicant Signature:  Date: 7-21-14

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

Date Received by Code Enforcement: 7-22-14  
Code Enforcement Officer Name: Laura Brock  
Code Enforcement Officer Signature: 

WARRANTY DEED  
21347

John S. A. Hasbrook and Erin M. Hasbrook, Trustees of the Hasbrook Living Trust AND Donald E. Murphy and Susan C. Murphy, Trustees of the Safford Beeson Trust dated January 21, 2008

for consideration paid grants to

Justin Davis, a single person.

whose address is 1302 W. AVE L LOVINGTON, NM 88260

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

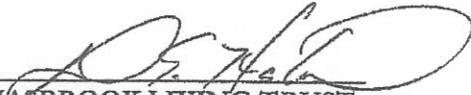
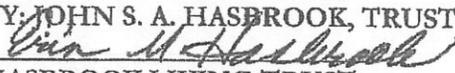
FOR SURFACE TITLE ONLY

Lot One (1), Block Nine (9), Third Unit of the J.L. 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 6/19/14

  
HASBROOK LIVING TRUST  
BY: JOHN S. A. HASBROOK, TRUSTEE  
  
HASBROOK LIVING TRUST  
BY: ERIN M. HASBROOK, TRUSTEE

STATE OF

COUNTY OF

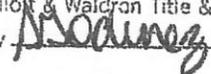
)  
)<sup>ss</sup> Please See Attachments  
)

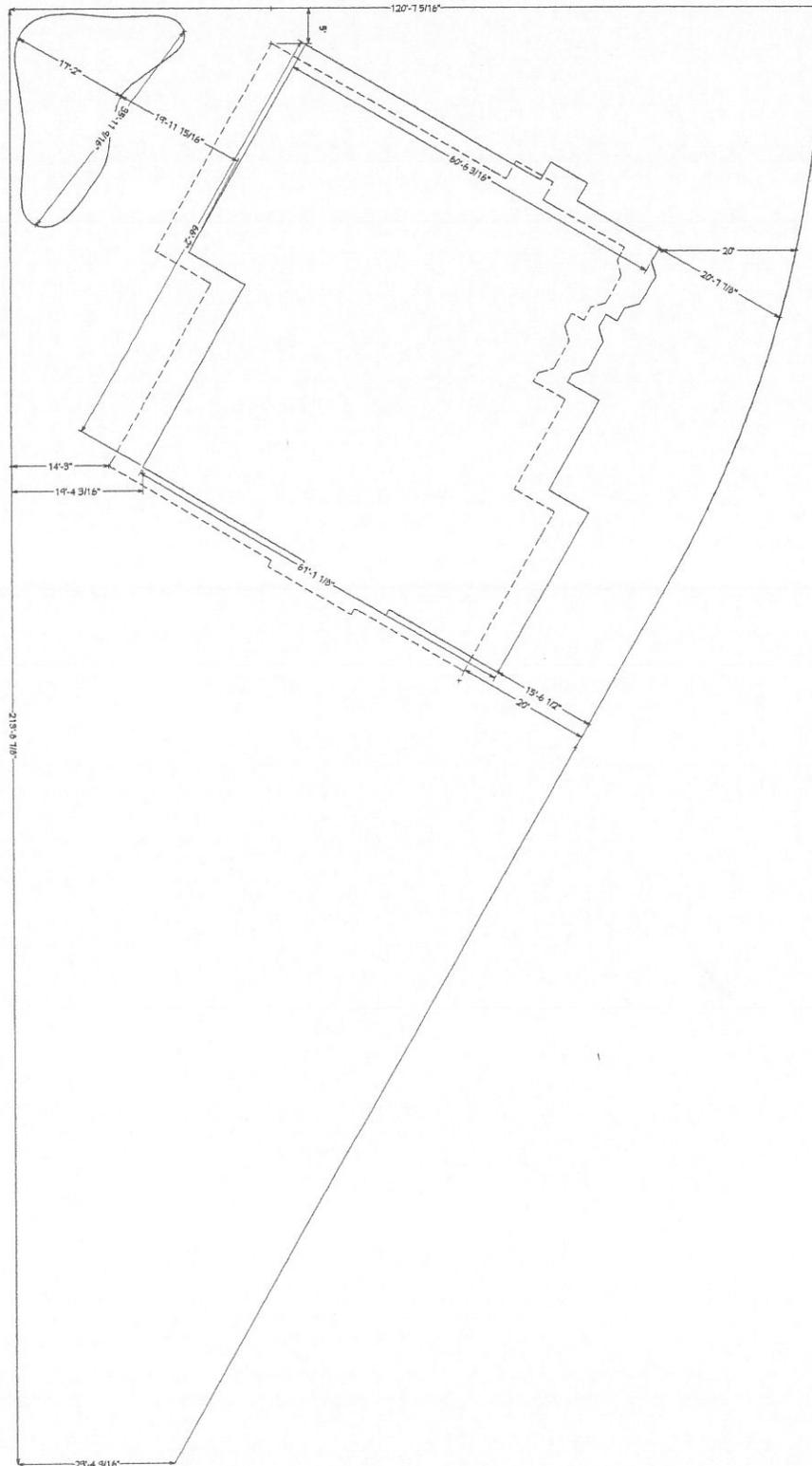
This instrument was acknowledged before me on 6/ /14, by John S. A. Hasbrook and Erin M. Hasbrook, Trustees of the Hasbrook Living Trust

\_\_\_\_\_  
Notary Public

My commission expires : \_\_\_\_\_

This is a true and correct copy of the original  
filed in the office of the County Clerk  
Elliot & Waldron Title & Abstract Co., Inc.

By 



<b>4</b> OF <b>4</b>	SHEET:	SCALE: <b>1/8" = 1'</b>	DATE: 7/22/2014	DRAWINGS PROVIDED BY: <b>GRANADO DESIGN</b> 7322 N BUTLER DR HOBBS, NM 88242 575-640-5174	<b>RESIDENCE OF          JUSTIN &amp;          HEATHER</b>	<b>KEN BERRY          CONSTRUCTION</b> LICENSE NO. 365002 LOVINGTON, NM 575-740-0949	<small>THIS DOCUMENT WAS PREPARED TO MEET THE MINIMUM CODE REQUIREMENTS AND ARE A GENERAL GUIDELINE FOR CONSTRUCTION. GRANADO DESIGNS SHALL NOT BE HELD RESPONSIBLE FOR MEANS AND METHODS OF CONSTRUCTION AND THE CONTRACTOR/OWNER SHALL HAVE AN UNDERSTANDING OF GENERAL CONSTRUCTION. IF DEFICIENCIES ARE FOUND IN THESE DOCUMENTS THE CONTRACTOR/OWNER IS TO INFORM THE DESIGNER IMMEDIATELY FOR CORRECTIVE ACTION AND/OR INTERPRETATIONS. THE CONTRACTOR IS EXPECTED TO PROVIDE A COMPLETE PROJECT. GRANADO DESIGNS ASSUME NO RESPONSIBILITY FOR DAMAGES OR FAILURES DUE TO ANY DEFICIENCIES, OMISSIONS, OR ERRORS IN THE DESIGN OR REPRODUCTION OF THIS PRODUCT.</small>

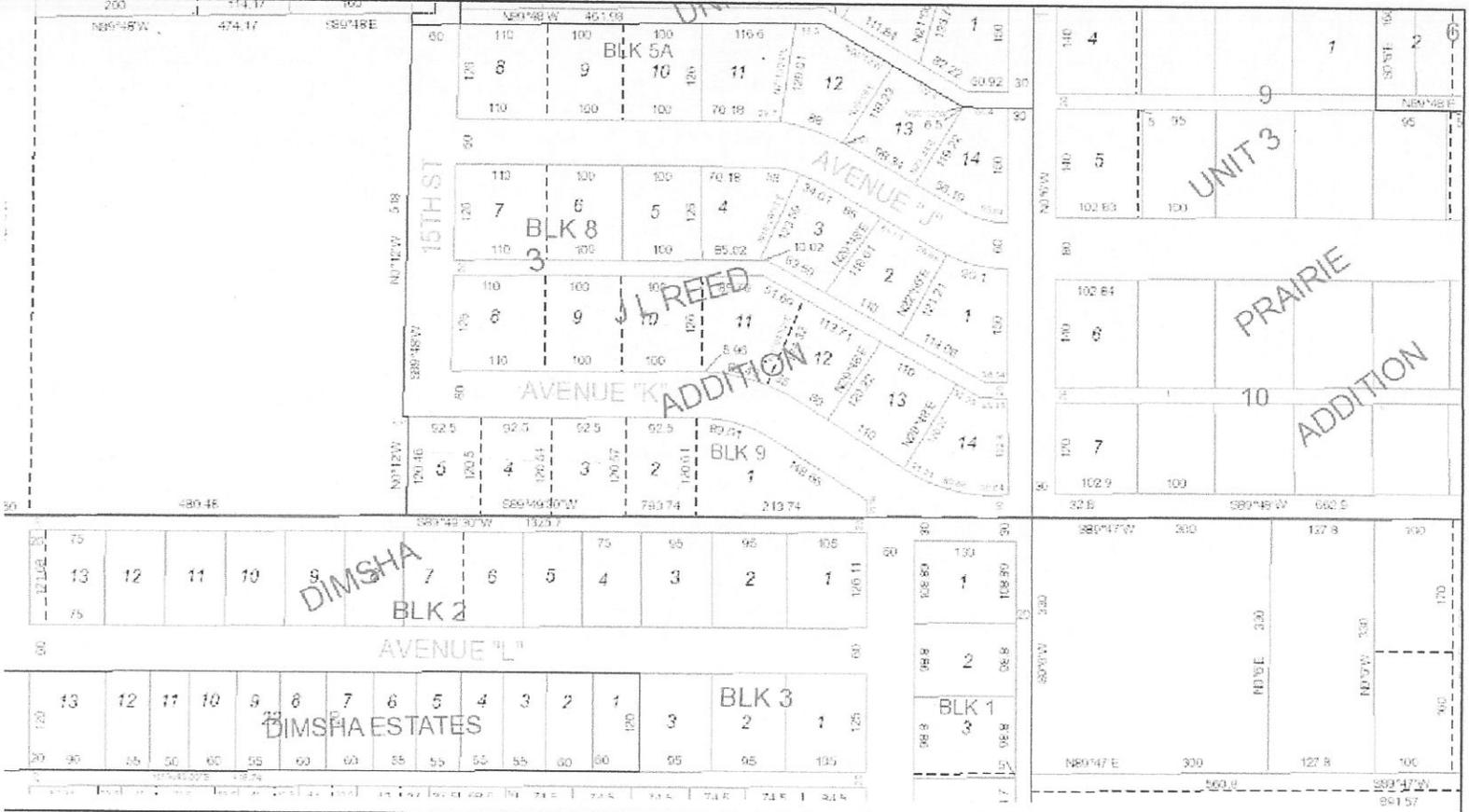
**Proposed Use:** Single Family Residence

**Reason for request:** The shape of the lot does not allow for the proper positioning of the home. With the current setbacks, we are unable to fit the proposed pool in the back yard. We have tried multiple floor plans and multiple positions of the home and have found it hard to get everything to fit.

**Potential Impacts:** I believe there will not be any negative impacts of this variance. The lot allows for the house to be positioned far enough away from the intersection to allow for any traffic viewing problems.

The positive impacts: First we will be able to have the pool and enough backyard space to enjoy our home. Secondly, the front yard would be smaller to allow us to spend more money on landscaping for better curb appeal. In addition, we have rearranged the garage to be side entry so there will be no vehicles in front of the house. Lastly, by providing this variance, we will be allowed to build our dream house and add value to our neighborhood. We will be building a larger home than neighboring homes which should add value to the neighborhood.





# Lea County New Mexico



## City of Lovington

214 South Love Street  
PO Box 1268  
Lovington, NM 88260

Bus: 575-396-2884  
Fax: 575-396-6328  
[lbrock@lovington.org](mailto:lbrock@lovington.org)

September 4, 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 block 9 lot 1 unit 3 JL Reed addition (South west corner of Ave K and 13<sup>th</sup>), Lovington, New Mexico. The property owner has requested a variance be granted on the front yard setback due to the odd shape of the lot. This request will be considered at their next regularly scheduled meeting on September 24, 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 October 13, 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](mailto:lbrock@lovington.org).

Sincerely,

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

Mailing List Davis Ave K

Andy Haarmeyer  
1300 W Ave L  
Lovington Nm 88260

Gloria Elliott  
1304 W Ave L  
Lovington NM 88260

Safford Beeson Trust  
PO Box 237  
Durham CA 95938

Blas Velasquez Jr.  
409 W Harrison  
Lovington NM 88260

Erika Velasquez Jr.  
409 W Harrison  
Lovington NM 88260

Hal Roueche  
PO Box 323  
Lovington Nm 88260

Robert Adair  
1221 S 13<sup>th</sup> St.  
Lovington NM 88260

**CITY OF LOVINGTON**  
STAFF SUMMARY FORM



MEETING DATE: September 24, 2014

TYPE:  RESOLUTION  ORDINANCE  PROCLAMATION  INFORMATION  OTHER ACTION

**SUBJECT:** RV/MH Parks  
**DEPARTMENT:** Executive  
**SUBMITTED BY:** Jared Cobb, Assistant City Manager  
**DATE SUBMITTED:** September 23, 2014

**STAFF SUMMARY:**

The City has received an influx of RV Park applications over the past month, which has highlighted several potential health and safety issues:

- 1) The code requires a plan and plat, however, does not specify what must be included on the plans, or how the plans should be prepared. This has made it difficult to enforce the regulations contained in the chapter.
- 2) The code does not address internal streets or drainage. Staff has relied on the fire safety code to provide and enforce a minimum standard. We require a paved road within 150 feet of each RV/MH site, however, this may not provide sufficient access for the fire or police departments during a large rain event or protracted fire.

**FISCAL IMPACT:**

REVIEWED BY: \_\_\_\_\_

*(Finance Director)*

N/A

**ATTACHMENTS:**

Draft Ordinance

**RECOMMENDATION:**

For discussion only.

*Jared Cobb*

Department Head

*James R. Williams*

City Manager

### **5.52.010 Definitions.**

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Recreational Vehicle (RV)” means a vehicle which is built on a single chassis; measures 400 square feet or less when measured at the largest horizontal projections; is self-propelled or permanently towable by a light duty truck; and is designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling. The term shall include any travel trailer, camp trailer, pop-up or tent campers, house trailer, motor home or house car, and any pickup camper, on or off the pickup, except a simple shell, on the pickup, having no cooking or bath facilities. As used in this code, the term recreational vehicle is synonymous with vacation travel trailer.

"Manufactured Home (MH)" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD); built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, measures at least eight body feet in width or at least 40 body feet in length or, when erected on site, includes at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term manufactured home does not include a recreational vehicle.

"Recreational Vehicle or Manufactured Home Park (RV/MH Park)" means and includes any tract or parcel of land maintained, offered or used or intended for the use and occupancy of any RV or manufactured home or trailers except it shall not include the parking of trailers by the owner thereof on his own land when the same is not used or occupied and shall not include trailers not parked for the purpose of occupancy but for the purpose of display and sale.

"Recreational Vehicle or Manufactured Home Site (RV/MH Site)" means a tract of level, adequately drained ground of definite size, clearly indicated by corner markers, for the placing of a single RV or manufactured home.

### **5.52.020 RV/MH Parks-License to operate required.**

It is unlawful for any person to construct or operate a RV/MH Park within the city without first obtaining a license and payment of the license fee provided by this chapter. Licenses granted under this chapter shall be valid only for the term for which issued, which term shall be recited on the face of the license issued pursuant to this chapter.

### **5.52.030 RV/MH Parks-Application and issuance of license-Fees.**

A. Any person desiring to construct or operate a RV/MH Park within the city shall make

application to the city for a license. Such application shall be accompanied by a complete plan of the proposed park, which shall be drawn to scale and stamped by a licensed engineer. At minimum, the plans must show the following:

1. Existing site conditions, including the property boundary, grade elevations, drainage, streets, permanent structures, and utilities
2. Proposed improvements, including the property boundary, grade elevations, drainage, streets, permanent structures, and utilities

B. Upon the filing of such application, such applicant shall pay to the city the license fee for such RV/MH Park on an annual basis, to be computed as follows:

1. Ten dollars for the first three spaces or less;
2. Twenty-five dollars for four to ten spaces or major fraction thereof;
3. Two dollars and fifty cents for each additional space in excess of ten.

C. All licenses so issued shall expire on December 31<sup>st</sup> the year in which issued. If issued for less than one year, the amount of the license fee to accompany such application shall be reduced and prorated on a monthly basis.

D. Upon the filing of such application, the city shall make a thorough inspection of the proposed location and the plans and specifications for such RV/MH Park. If the park and plans are found to comply with all requirements of this chapter, the city shall issue a license to the applicant for the remainder of the calendar year. The license so issued shall be displayed by the applicant in the office of the RV/MH Park or at some other prominent place in the park.

#### **5.52.040 Manufactured Homes- Applicable HUD code.**

All manufactured homes moved into the city shall meet the 1985 HUD Code. If the manufactured home is older than 1985, the owner of the home must submit a report from a certified HUD inspector that such home meets or exceeds the 1985 HUD Code. This requirement is prospective and does not apply to any previously permitted manufactured home.

#### **5.52.041 RV/MH Parks-Water and sewer regulations.**

Every RV/MH Park shall furnish and have available an adequate supply of municipal water, and all wastewater shall be discharged into the municipal sewer system.

#### **5.52.042 RV/MH Parks-Sanitary facilities.**

A. Every RV/MH Park, where RVs not equipped with complete sanitary facilities are permitted, shall be equipped with not less than one full restroom for each sex. Parks having more than twelve (12) total sites shall provide one additional restroom for each sex for each additional twelve sites or fraction thereof.

B. All restrooms shall be located so as to be within one hundred feet of RV/MH sites. The floors in all restrooms shall be of concrete or tile construction and shall be disinfected daily by the use of chlorine compounds.

C. All plumbing and electrical installations, alterations or repairs in RV/MH Parks shall be done in full conformity with the ordinances of the city and the laws and regulations of the state.

**5.52.050 RV/MH Parks-Minimum size and setbacks.**

Every RV/MH Park shall require a minimum of forty thousand (40,000) square feet. In addition, there shall be a setback of ten (10) feet from the property line to any permanent structure, RV, or manufactured home, with the exception alleys, which shall not require a setback.

**5.52.060 RV/MH Site-Regulations.**

	<b>RV</b>	<b>MH Less 18 Ft</b>	<b>MH Greater 18 Ft</b>
<b>Minimum Site Requirement</b>	30 feet wide by 60 feet deep	40 feet wide by 100 feet deep	50 feet wide by 100 feet deep
<b>Corner markers</b>	Permanent material required and clearly visible	Permanent material required and clearly visible	Permanent material required and clearly visible
<b>Setbacks</b>	Conformance with model layout or 7.5 feet on all sides	Conformance with model layout or 7.5 feet on all sides	Conformance with model layout or 7.5 feet on all sides
<b>RV/MH Pad</b>	Caliche, gravel, or paving with delineated edge 12 feet wide by 40 feet long	Caliche, gravel, or paving with delineated edge 18 feet wide by 80 feet long	Caliche, gravel, or paving with delineated edge 36 feet wide by 60 feet long

**5.52.050 RV/MH Parks-Internal streets.**

Every RV/MH Park shall provide for a system of internal streets to access each RV/MH site. The street plan shall be designed and stamped by a licensed engineer. At minimum, streets must have a width of twenty (20) feet, be constructed of concrete or asphalt, and meet the minimum weight load requirement of a residential street.

**5.52.050 RV/MH Parks-Stormwater retention.**

Every RV/MH Park shall provide a stormwater management plan that shows drainage and retention areas, as approved and amended by the city. The stormwater management plan shall be designed and stamped by a licensed engineer.

#### **5.52.070 Caretaker-Registration.**

A. Every RV/MH Park shall have at least one competent attendant or caretaker on duty at least twelve hours per day, whose duty it shall be to maintain the park and its facilities and equipment in a clean, orderly and sanitary condition. Every RV/MH Park shall keep a register and written record of all trailers parked in the court, the name and address of the owner, RV or manufactured homes and the number of occupants of each unit.

B. The owner or operator of any RV/MH Park shall cause the owner of each RV or manufactured home to register with the RV/MH Park, setting forth the names of each person residing in such trailer, the automobile and RV or manufactured home license state and number, the make and model of such RV or manufactured home, the owner's permanent address (if any), and such other information as may be required by the city. Such registration shall be a public record and be open to inspection at reasonable times by any person having a proper reason for examining the same.

#### **5.52.080 Inspection by city-Revocation of license.**

It shall be the duty of the city to make periodic inspections of all RV or manufactured homes and RV/MH Parks in the city, to ascertain whether or not the provisions of this chapter are being complied with. If at any time it is found that the owner or operator of a RV/MH Park has violated or permitted the violation upon his premises of any provisions of this chapter or other applicable ordinances of the city or laws of the state, the city commission shall have the power, after notice and upon proper hearing, to suspend or revoke any license issued under this chapter, and in such event, to order such RV/MH Park closed and RV or manufactured homes situated therein removed.

#### **5.52.090 Occupancy of RV or manufactured home not in RV/MH Park.**

No person shall occupy an RV, except in a RV/MH Park, for more than twelve hours.

#### **5.52.130 Permit issuance-Sanitary facilities required.**

Unless complete sanitary facilities properly connected with the sewer system of the city are available in a RV or manufactured home, no permit shall be issued to any person for the use or occupancy of a RV or manufactured home upon any RV or manufactured home lot, except in a RV/MH Park, unless, by the written consent of the owner, there shall be available for the use of occupants of such RV or manufactured home at all hours a toilet and other approved sanitary facilities located not more than one hundred feet from the location at which such RV or manufactured home will be parked.

#### **5.52.140 RV or manufactured home-Plumbing and sewer regulations.**

The use of RV or manufactured home plumbing fixtures of any character is prohibited unless such fixtures are connected to the sewer system of the city in conformity with the ordinances and laws of the city and the state relating to plumbing and sewer connection.

In no case shall any plumbing fixture be permitted to discharge waste of any sort upon the surface of the ground or below ground.

**5.52.150 RV or manufactured home-Natural gas connections.**

Each occupied trailer, if supplied with natural gas, shall be supplied with gas by means of a branch line of approved black or galvanized pipe buried at least one foot underground to a point not more than one foot from the outside wall of the occupied trailer nearest the gas service line. The riser to each branch line shall be equipped with an approved gas stop. In no case shall a connection from service branch be made with copper tubing or rubber hose.

**5.52.160 Prohibited parking of an RV or manufactured home.**

It is unlawful for any person to park an RV or manufactured home on any street, alley, highway or public place within the city for a period longer than twelve hours.

**5.52.180 Violation of chapter-Impoundment.**

The occupancy by any person of an RV or manufactured home in violation of any provisions of this chapter constitutes a nuisance and may be summarily abated by the city by padlocking such RV or manufactured home or taking such RV or manufactured home into custody and removing it to a convenient place of storage. Any RV or manufactured home so padlocked or taken into custody shall be released to the owner upon satisfactory assurance that the situations creating such nuisances are or will be rectified and payment of the fee so imposed to impound the unit.