

CITY OF LOVINGTON
REGULAR SESSION OF THE PLANNING AND ZONING BOARD

Tuesday, August 12, 2025 4:00 PM
CITY HALL COMMISSION CHAMBER
CITY HALL
214 S. LOVE, LOVINGTON N.M. 88260

AGENDA

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

OPEN MEETING

Call To Order
Roll Call
Invocation & Pledge of Allegiance
Approval of Agenda
Consideration of Minutes
COMMISSIONERS AND STAFF REPORT

PUBLIC COMMENT

NON-ACTION ITEMS

ACTION ITEMS

- Variance for carport front and side yard setbacks at 913 W Tyler
- Amend Special Use Permit for Daycare at 1305 W Carter Ave

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-396-2884 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-396-2884 if a summary or other type of accessible format is needed 72 HOURS PRIOR TO THE MEETING.

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: 08/12/2025



Item Type: Other

SUBJECT: Variance for carport front and side yard setbacks at 913 W Tyler
DEPARTMENT: Planning & Zoning
SUBMITTED BY: Crystal Ball
DATE SUBMITTED: 07/31/2025

COMPREHENSIVE PLAN IMPLEMENTATION:

Land use

STAFF SUMMARY:

The owner is requesting no front yard set back and a side yard setback of 3'7" the carport was constructed for the protection of the family vehicles, it is not outside of the property boundaries but it does not have the City required 5' setbacks. The Carport roof line is 1' from the existing sidewalk and 3'7" from the neighboring property line on the west side. The assumed property line in the area is 1' off the back of the sidewalk which is 12' off the back of the curb.

Owner is getting the engineering completed on the carport as soon as possible and plans to file for the State building permit and have the inspections completed.

FISCAL IMPACT:

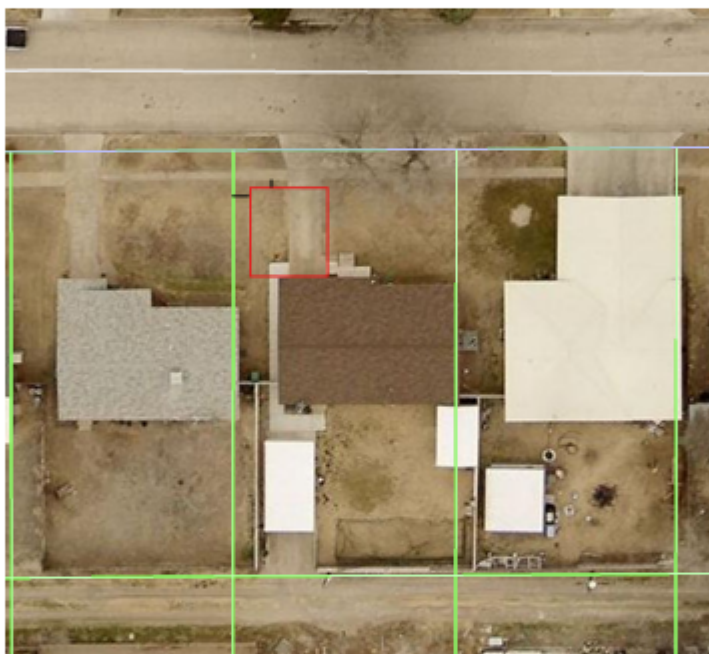
None

RECOMMENDATION:

Need a approval or denial to take to City Commission on August 25th

ATTACHMENTS:

[DUtajara2329_913WTyler_aerialsiteplan.png](#)
[variance app with petition signed.pdf](#)
[request letter from owner.pdf](#)





Project Property Address: 913 W Tyler Ave.

City Planning & Zoning Coordinator: Crystal R. Ball, CFM

Email- cball@lovington.org

Phone: (575) 396-9301

City Variance Request

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. This document provides the basic information required for all permitting applications. ☒
- 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) Submit the completed Variance Support Petition. ☒
- 6) Pay the City Variance processing fee. \$ 150.00 Date paid 7.29.2025 ☒

What is a Variance?

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

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

Continued form on next page

PROPERTY

Address or General Location: 913 W. Tyler Ave., Lovington, NM 88260

Legal Description (if platted):

Zoning Classification:



A



B



C



D

Existing use of land and/or buildings:

Carport is being used to house resident's cars. Home is primary residence.

REQUESTED ZONING VARIANCE

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

17.20.050 B.5. ; 17.20.040 Front yard requirements - Carports B.5.

Current Ordinance Requirements:

The front yard must be a depth of at least 5 ft. from the property line, to include dedicated public right-of-ways and easements, before reaching the area, immediately below the roof of the carport.

The side yard must have a width of at least 5 ft. from the property line, to include dedicated public right-of-ways and easements, before reaching the point immediately below the roof line of the carport.

Requested Variance(s) Ø/No front setbacks

Setback of 3'7" on sideyard instead of 5'.

Approx. 22' x 24' inside carport

Continued form on next page

City of Lovington Variance Support

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

(DO NOT SIGN PETITION IF SECTION IS BLANK)

Carport. variance on West side of 913 W Tyler

[illegible]

Continued form on next page

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:

Daniel Wlajara

Date:

7-29-25

Applicant Signature:

Daniel Wlajara

Notes or recommendations to applicant from Planning & Zoning, Code Enforcement, or City Staff.

CITY USE ONLY

Planning, Zoning, Code, or Staff Name: Kathleen V. Avery

Signature:

Kathleen V. Avery

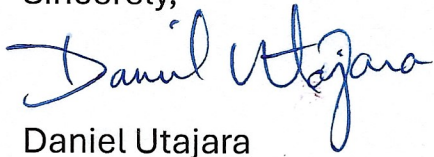
Received:

7/29/25

To whom it may concern,

I, Daniel Utajara, have applied for a variance on a carport on the west side of my home at 913 W. Tyler Ave., in Lovington, NM. (Which is still within my property line) As you may know, we have been hit by several storms that have included large hail within the past 5-10 years. This variance would allow our vehicles to be protected under this carport. The carport does not infringe on or is of any danger to my property or to anyone adjacent to me. Nor will any person's health or safety be affected by this carport. I strive to make my home welcoming and aesthetically pleasing as well as functional for our vehicles and for the ever-changing weather and environment we have experienced in the past years. Thank you for your time.

Sincerely,



Daniel Utajara

CITY OF LOVINGTON
COMMISSION STAFF SUMMARY FORM

MEETING DATE: 08/12/2025



Item Type: Other

SUBJECT: Amend Special Use Permit for Daycare at 1305 W Carter Ave
DEPARTMENT: Planning & Zoning
SUBMITTED BY: Crystal Ball
DATE SUBMITTED:

COMPREHENSIVE PLAN IMPLEMENTATION:

Land use

STAFF SUMMARY:

Owner is requesting to amend the special use permit approved last year by resolution 2024-114 for the daycare facility to be located in her home and have one employee. She is requesting to add one more additional employee to increase the children from 6 to 12, which means there must be 2 adults there at all times. Adding an additional employee will allow vacation and sick days for her and the other employees, so there is always a minimum of 2 adults in the facility.

FISCAL IMPACT:

RECOMMENDATION:

approval

ATTACHMENTS:

[Res 2024-114 Special Use approved.pdf](#)
[request and floor plan.pdf](#)
[business plan and NM license.pdf](#)
[neighbors support letters.pdf](#)

**RESOLUTION OF THE CITY OF LOVINGTON
LEA COUNTY, NEW MEXICO**

RESOLUTION NO. 2024-114

**RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A
RESIDENTIAL CHILD CARE BUSINESS AT 1305 W CARTER**

WHEREAS, owners of 1305 W Carter Ave, have requested a special use permit to allow the operation of a Child Care business in the existing home, with the option to hire one employee who does not reside in the home; and

WHEREAS, this property is legally described as Faye Heights Addition, block 5, lot 5-B, in Lovington NM; and

WHEREAS, the current owners are Roberto Ruiz and Tania Osorio, husband and wife, with Tania Osorio as the business owner and child care provider; and

WHEREAS, the Child Care business is in a "B Zone" - multi-family residential zone and requires the approval the City Commission for the Special Use Permit; and

WHEREAS, they will not have more than 6 children attending the Child Care at any given time in the home, besides the children residing in the home; and

WHEREAS, the Lovington Planning and Zoning Commission recommended approval with conditions for the special use permit for Tania Osorio at 1305 W Carter Ave, at their December 3, 2024 scheduled meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Lovington City Commission approves the request for a special use permit to operate a Child Care Business located in the home at 1305 W Carter Ave;

1. Owner receives and maintains a valid business registration.
2. Owner is allowed one employee who does not reside in the home.
3. Owner will not have more than 6 registered children in the home, besides the children living in the home.
4. Current owner Tania Osorio is the only allowed participant of this special use permit.


PASSED, APPROVED, AND ADOPTED by the governing body at this meeting the 9th day of December 2024.

City of Lovington New Mexico



Howard Roberts, Mayor

ATTEST:



Shannon Lester, City Clerk

Tania Osorio
Owner/Director
Casa Montessori Lovington, NM.
1305 W. Carter ave.
casamontessori.lovington@gmail.com
575-318-4639
July 30 2025

Special Use Permit Letter


Casa Montessori Lovington is a licensed childcare service that commenced operations in March 2025, initially with one employee and myself as the owner. Currently, we have enrolled six children, five of whom reside in our neighborhood, while one comes from outside the area. We also maintain a waiting list for local families seeking reliable childcare.

To meet the growing demand for quality childcare services in our community, I am applying for a Special Use Permit. This request aims to modify our current ratio from 1:6 to 2:12 and to hire an additional employee to address staff absences due to illness or other reasons.

I have been actively searching for a suitable building to relocate and expand our childcare services; however, there are limited options that meet our specific requirements. I will continue to explore potential locations for the transfer of our childcare facility.

I hope for your kind consideration to permit this request.

Sincerely,


Tania Osorio
Owner/ Director

Tania Osorio
Owner/Director
CasaMontessori Lovington, NM.
1305 W. Carter ave.
Lovington, NM. 88260
casamontessori.lovinton@gmail.com
575-318-4639
July 30 2025

Business Proposal Letter

I am pleased to present to you a proposal for the establishment of Casa Montessori Lovington, NM, a home child care dedicated to providing quality early childhood education and care to families in our community. As the demand for reliable and enriching child care services continues to grow, our home child care aims to be a trusted partner for parents, ensuring that children receive the support they need to thrive.

Our Vision and Mission:

- Vision: To create a nurturing environment where children can explore, learn, and develop essential life skills.
- Mission: To support the holistic development of each child through a Montessori method that focuses on nurturing the development of the whole child, fostering self-directed learners with intellectual, emotional, and physical rigor who will become successful global citizens.

Services Offered:

- Full-time and Part- Time Child Care: Flexible enrollment options to accommodate the varied schedule of working families.
- Our Hours: Monday - Friday (8am - 3:30pm).
- Healthy Meals and Snacks: Nutritious food options that adhere to dietary guidelines to promote healthy eating habits.

Operation Plan:

- Child-Staff Ratio: We adhere to a strict child-staff ratio to ensure each child receives individual attention and care. For the age group 6 months to 5 years old, the ratio is 2:12 (2 children may be under age 2), aligning with best practices and regulatory standards.
- Maintain Safe Facilities: We are dedicated to ensure the building is safe and meets fire safety codes. Yearly inspection of the building structures, outdoor play space, and

playgrounds for hazards. Also our home childcare adhere to strict safety and cleanliness standards, ensuring a secure environment for children.

- Staff: Our staff goes through background checks and are CPR/first aid certificated. We invest in ongoing professional development for our team. This includes AMI orientation and certificate courses. Also regular staff meetings and performance reviews are part of our commitment to professional growth and quality improvement.

Market Opportunity:

Our market analysis highlights a significant need for quality childcare services in Lovington, NM. With the rising number of dual-income households and single-parent families, the demand for reliable child care is at an all-time high. We aim to cater to these families by providing a safe and enriching environment for their children.

Conclusion:

We believe that Casa Montessori Lovington, NM. not only meet the needs of families but also contribute positively to the community by supporting early childhood education and development. We would greatly appreciate the opportunity to discuss this proposal further.

Thank you for considering our proposal.



Tania Osorio

Owner/Director

Casa Montessori Lovington, NM.



Early Childhood Education & Care Department
OPERATOR'S LICENSE

This is to certify that

OSORIO MORALES, TANIA

is hereby awarded a licensure under the above name and in the location of

OSORIO MORALES, TANIA

ECECD Cabinet Secretary

05/30/2025

Date



License Number: HP25746800
Capacity: 6 Over 2/ 2 Under 2
Playground Capacity:
Issue Date: 05/13/2025
Expiration Date: 02/11/2026
Director:
Co-Director:
Administrator:

OSORIO MORALES, TANIA
1305 W CARTER AVE
LOVINGTON, New Mexico 88260
(575) 318-4639

• NON-TRANSFERRABLE •

The authority to operate a health facility
granted hereunder shall not be transferred

Affidavit of neighbor Awareness for Home Childcare.

State of New Mexico

County of Lea

I, Nickolas Nevarez, residing at 1321 Carter Ave
_____, do hereby declare and affirm the following:

- 1) I am over the age of 18 and am competent to make this affidavit.
- 2) I am a neighbor of **Tania Osorio**, who resides at **1305 W. Carter ave. Lovington, NM.**, where a home-base childcare facility is being operated.
- 3) I have been informed that **Tania Osorio** is operating a childcare service known as **Casa Montessori Lovington** at their home, which provides care for children.
- 4) I understand that this childcare operation may involve children being present at the residence during specified hours.
- 5) I acknowledge that vehicles will be parked along the sidewalk during the drop-off and pick-up times for children.
- 6) I have no objection to the operation of this childcare facility and understand that it is being conducted in compliance with local regulations and licensing requirements.

Date: 7/30/25

Signature: 

Printed name: Nickolas Nevarez

Affidavit of neighbor Awareness for Home Childcare.

State of New Mexico

County of Lea

I, L Desiree Garcia, residing at 1309 Carter ave, Lovington
nm, 88260, do hereby declare and affirm the following:

- 1) I am over the age of 18 and am competent to make this affidavit.
- 2) I am a neighbor of **Tania Osorio**, who resides at **1305 W. Carter ave. Lovington, NM.**, where a home-base childcare facility is being operated.
- 3) I have been informed that **Tania Osorio** is operating a childcare service known as **Casa Montessori Lovington** at their home, which provides care for children.
- 4) I understand that this childcare operation may involve children being present at the residence during specified hours.
- 5) I acknowledge that vehicles will be parked along the sidewalk during the drop-off and pick-up times for children.
- 6) I have no objection to the operation of this childcare facility and understand that it is being conducted in compliance with local regulations and licensing requirements.

Date: 7/30/2025

Signature: [Signature]

Printed name: Desiree Garcia

Affidavit of neighbor Awareness for Home Childcare.

State of New Mexico

County of Lea

I, Veronica Uranga, residing at 1317 Carter Ave
Lovington, do hereby declare and affirm the following:

- 1) I am over the age of 18 and am competent to make this affidavit.
- 2) I am a neighbor of **Tania Osorio**, who resides at **1305 W. Carter ave. Lovington, NM.**, where a home-base childcare facility is being operated.
- 3) I have been informed that **Tania Osorio** is operating a childcare service known as **Casa Montessori Lovington** at their home, which provides care for children.
- 4) I understand that this childcare operation may involve children being present at the residence during specified hours.
- 5) I acknowledge that vehicles will be parked along the sidewalk during the drop-off and pick-up times for children.
- 6) I have no objection to the operation of this childcare facility and understand that it is being conducted in compliance with local regulations and licensing requirements.

Date: 07/30/25

Signature: 

Printed name: Veronica Uranga

Affidavit of neighbor Awareness for Home Childcare.

State of New Mexico

County of Lea

I Lisa Brininstool, residing at 1313 Carter Ave
do hereby declare and affirm the following:

- 1) I am over the age of 18 and am competent to make this affidavit.
- 2) I am a neighbor of **Tania Osorio**, who resides at **1305 W. Carter ave. Lovington, NM.**, where a home-base childcare facility is being operated.
- 3) I have been informed that **Tania Osorio** is operating a childcare service known as **Casa Montessori Lovington** at their home, which provides care for children.
- 4) I understand that this childcare operation may involve children being present at the residence during specified hours.
- 5) I acknowledge that vehicles will be parked along the sidewalk during the drop-off and pick-up times for children.
- 6) I have no objection to the operation of this childcare facility and understand that it is being conducted in compliance with local regulations and licensing requirements.

Date: 08/03/25

Signature: Lisa Brininstool

Printed name: Lisa Brininstool

Affidavit of neighbor Awareness for Home Childcare.

State of New Mexico

County of Lea

I, Jose A. Delgado, residing at 1217 Carter Ave
Lovington Nm., do hereby declare and affirm the following:

- 1) I am over the age of 18 and am competent to make this affidavit.
- 2) I am a neighbor of **Tania Osorio**, who resides at **1305 W. Carter ave. Lovington, NM.**, where a home-base childcare facility is being operated.
- 3) I have been informed that **Tania Osorio** is operating a childcare service known as **Casa Montessori Lovington** at their home, which provides care for children.
- 4) I understand that this childcare operation may involve children being present at the residence during specified hours.
- 5) I acknowledge that vehicles will be parked along the sidewalk during the drop-off and pick-up times for children.
- 6) I have no objection to the operation of this childcare facility and understand that it is being conducted in compliance with local regulations and licensing requirements.

Date: 08-3-25

Signature: 

Printed name: Jose A. Delgado

November 17, 2024

Authorization Letter Regarding the use of parallel park.

To whom it may concern,

I, Rosalba Urbina owner of house 1216 W Carter Ave
Lovington, NM 88260. Allowed Casa Montessori Lovington, NM. the use of
parallel parking from our side walk for drop off and pick up hours.

Rosalba Urbina