CASE #V08-003

EXTRA TERRITORIAL ZONING AUTHORITY
CASE ANALYSIS

APPLICANT: Tommy Sowards
CASE NUMBER: V08-003
REQUEST: For an 18 ft. Variance from the minimum ER7 Zoning District rear setback of 20 ft. for a protective screen enclosure.
LOCATION: 6755 Cordova Rd., Las Cruces, NM 88007

V08-003 / SOWARDS
The applicants, Tommy and Barbara Sowards, are requesting a Variance of eighteen feet (18') from the rear yard setback of twenty feet (20') for a two foot (2') rear yard setback to accommodate a protective screening enclosure. The 0.37-acre parcel is zoned ER7 (Residential, 5,000 sq. ft. minimum new lot, single family, duplex or apartments allowed), is located west of the City of Las Cruces, and is described as Lot 5, Block 3 of the Via Emma Subdivision in the Picacho Hills area. The subject property is addressed at 6755 Cordova Rd., and is located within Section 8, Township 23 South, Range 1 East, and can be further identified by Map Code # 4-002-134-195-453.

STAFF RECOMMENDATION:
Based on the analysis, and findings of fact staff recommends DENIAL of Case # V08-003. The applicant could have erected a different structure to achieve the desired result.

However, if the Extra-territorial Zoning Authority wishes to approve this Variance Request staff recommends the following conditions:

1. The screen structure shall be reconfigured to conform to the height of the enclosure around the pool area.
2. A valid permit shall be acquired by the applicant from DAC Building Services.
STAFF ANALYSIS:
This Variance Request was originally scheduled for the June 19, 2008, regularly scheduled meeting of the Extra-territorial Zoning Authority. The case was postponed to a date certain, July 23, 2008, due to a request by the applicant.

The applicants, Tommy and Barbara Sowards, are requesting a Variance of eighteen feet (18') from the rear yard setback of twenty feet (20' feet) for a two foot (2') rear yard setback to accommodate a protective screening enclosure. In late 2007 the applicant telephoned DAC Building Services and inquired if a permit was necessary to screen in his existing patio and porch. He was advised that a permit would not be required for that purpose. Due to the miscommunication, the applicant constructed the screened enclosure around the pool and patio area before obtaining a building permit. On January 3, 2008, a complaint (pgs. 22-23) was received by DAC staff concerning the screened pool area and no apparent building permit. Staff investigated the complaint and noted that the screened area did not meet the required setbacks (20 feet rear-yard setback). Staff spoke with the applicant and the applicant agreed to submit an application for a variance. On March 24, 2008 a First Notice of Violation (pg. 24) was sent to the applicant. On March 31, 2008, the applicant spoke with staff and submitted a site plan. Staff asked Mr. Sowards to correct the site plan and resubmit with Variance Request Application. On May 5, 2008 the applicant submitted an application for a variance to the setback standards. The applicant has provided documentation, of a confidential nature attesting to the medical need for therapeutic exercise. The applicant constructed a pool (June 2005) to facilitate the therapy, and the pool screen enclosure was constructed in 2007.

FINDINGS:
The Extra-territorial Authority shall receive, hear and make final determination on said Variance Case #V08-003 to consider a Variance to the ER7 zoning requirements for side setbacks based on the following findings:

1. The request of this application is consistent with the requirements of the Las Cruces Extra-territorial Zoning Ordinance Article II, Section 2.1.C/Application Procedures and Section 2.1.G/Public Hearing and Notice Requirements.

2. The Extra-territorial Zoning Ordinance Article II, Section 2.3.B states, “A variance may be granted by the Extra-territorial Authority if it concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary physical hardships for the applicant resulting from the size, shape or existing structures thereon, or from topographic or physical conditions on the site or in the immediate vicinity, and that by granting the variance, the spirit of this Code will be observed, public safety and welfare secured and substantial justice done. Cost and inconvenience to the applicant of strict or literal compliance with the regulation may be given consideration, but shall not be the sole reason for granting a variance.

3. The subject property is located outside the corporate limits of the City of Las Cruces, but within the five-mile Extra-territorial Zone (ETZ) as set forth by 3-
19-5(1), NMSA 1978 and the Joint Powers Agreement between Doña Ana County and the City of Las Cruces. Therefore, the Las Cruces ETZ Commission (ETZ) has jurisdiction to review this case.

4. The Las Cruces Extra-territorial Zoning Ordinance 88-02 Amended, Article III, Section 3.1.H.1.b Development Requirements requires a 20 foot (20’) rear yard setback within the ER7 Zoning District.

5. Complaint #08-0002 was received on January 3, 2008, objecting to a non-permitted pool shade that does not meet setbacks.

6. A First Notice of Violation was sent to applicant by DAC Codes staff on March 24, 2008, citing the applicants’ failure to meet setback and permit requirements.

7. On May 5, 2008, Variance Request Application #V08-003 was submitted to DAC Planning Staff.

8. Article II, Section 2.3.C Required Findings, states “Before recommending or granting variance request, the ETZ Authority shall make the following findings:

   a. Granting the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties within three hundred fifty (350) feet and also within the same land use district.
   b. Granting of the Variance will not be detrimental to the public health, safety, welfare, or be materially injurious to properties or improvements in the vicinity.
   c. Strict or literal interpretation and enforcement of the specified performance standard or regulation would result in unnecessary physical hardship inconsistent with the purposes of this code.

The applicant has supplied his answers to Section 2.3.C above. (Pg. 10 of this packet.)

ZONING DESIGNATION: ER7  PARCEL AREA: 0.37-acre

ADJACENT ZONING:

North: ER4  Residential, 1/2-acre new lot minimum, single-family site-built homes
South: ER4  Residential, ½-acre new lot minimum, single-family site-built homes
West: ER4  Residential, ½-acre new lot minimum, single-family site-built homes
East: ER3  Residential, 1-acre new lot minimum, single-family site-built homes
Physical Characteristics of the Site: The subject property is a 0.37 acre fully
developed residential lot, containing a 3,765 sq. ft. residence and an in ground pool in the
southeast portion of the property. The Picacho Hills Country Club Hole #7 is adjacent to
the south property line of the subject parcel.

Agency Comments:

County Fire Marshal: Approved. No comments

County Building Inspection: Approved. A Building permit is required and must meet
all County, State and local code requirements. A permit has not been applied for.

County Engineering Department: Approved. No comments

County Flood Commission: Approved.
1. The subject property is not located in a FEMA Special Flood Zone Area per FIRM
   35013C0627E, effective date 9/27/91
2. It appears the screen enclosure will not significantly increase runoff from the
   property. Any increase in runoff must remain on-site.

County Environmental Codes: Approved. No codes violations were present at the
location.

County Rural Addressing Coordinator: Approved. No comments

New Mexico Department of Transportation: Approved. No significant impact to state
highway system.

City of Las Cruces Planning Department: Approved. Backs up to golf course; does
not affect rear property privacy. No further comments.

Community Notification: Letters of notification were sent to thirty-eight (38) property
owners. Three (3) letters were returned undeliverable. Twenty-two (22) emails and
signed petitions were submitted by the applicant. Twelve (12) were from within the area
of notification. One hundred four (104) emails and letters were submitted by a Picacho
Hills Property Owners Association representative. Eight (8) were from within the area of
notification. One phone call received from Eve Hollingshead, on June 5, was in support
of the Variance. Ms. Hollingshead lives within the area of notification.
# Las Cruces Extra-territorial Zoning Authority

## Las Cruces Extra-territorial Zoning Commission

**City Offices**
City Planning Department  
575 S. Alameda St.  
P.O. Box CLC  
Las Cruces, NM 88005  
(575) 528-3222

**County Offices**
County Planning Department  
845 N Motel Blvd  
Las Cruces, NM 88007  
http://www.donaanacounty.org/  
(575) 647-7350

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## APPLICATION FOR VARIANCE

**APPROVAL OF THIS PERMIT DOES NOT CANCEL OR REPEAL ANY DEED RESTRICTIONS OR COVENANTS THAT MAY APPLY TO THIS PROPERTY.** It is your responsibility to check for deed restrictions and covenants that may be filed with the County Clerk. If you do not follow deed restrictions or covenants, affected property owners may sue you in Court.

**INSTRUCTIONS:**

**TYPE OR PRINT CLEARLY IN BLACK INK ONLY.** Use additional sheets if necessary. The completed application is to be submitted to the Planning office by the applicant or agent. Each application must be accompanied by the appropriate filing fee. (Make checks payable to Dona Ana County). All attachments and required information must be submitted with the application and shall not exceed 8 1/2" x 11" after folding. Additional information may be obtained from the County Planning office. All sections MUST be completed. Incomplete applications will not be accepted.

**Case File #V08-003**

**APPLICATION FEES:**
(Effective 12-04-2007)
- Non-Commercial: $150.00 + postage
- Commercial: $250.00 + postage

### Section 1: Applicant Information:

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Telephone Number:</th>
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<tr>
<td>Jimmy + Barbara Sowards</td>
<td>534-1446</td>
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<tr>
<th>Mailing Address:</th>
<th>Applicant's Interest in Property (owner, buyer):</th>
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<tr>
<td>6155 Cordova Circle</td>
<td>Owner</td>
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<th>Agent of Applicant (if any):</th>
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<th>Signature of Agent:</th>
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### Section 2: Property Information:

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<th>Street Address:</th>
<th>Location of Property by Streets (directions):</th>
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<tr>
<td>6155 Cordova Circle</td>
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<table>
<thead>
<tr>
<th>Section, Township, Range:</th>
<th>Land / Lot Size (acreage):</th>
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<tr>
<td>Section 8, R1E, T3S</td>
<td>0.37 Acres</td>
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<tr>
<td>4-002-134-195-453</td>
<td>EA 7</td>
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<table>
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<th>Name of Neighborhood:</th>
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<tbody>
<tr>
<td>Picacho Hills</td>
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</table>
Section 3: Details of Project / Request:

Current Landuse (what is on the property now):
Residential Home.

Proposed Landuse / Reason for Variance Request:
For the health & safety of family members and visitors. See all attached safety documentation regarding risks and injury.

Description of Existing Structures on Property:
Approx. 4400 sq. ft.

Types of Material to be Stored on Property:

Source of Water Supply (include well permit or letter from provider):

Method of Liquid Waste Disposal: (include NMED permit or letter from provider):

Section 4: SITE PLAN (MUST include the following information to scale):

✓ Check here:

Location of existing and proposed structures, including dimensions, distances from other structures and property lines.

Existing and proposed vehicular circulation systems, including parking, storage, service and loading areas, as well as access points, street pavement composition and widths of all ROW’s that will be affected by the proposed use.

Location and treatment of open spaces, including landscaping plan and schedule, if applicable.

Location and types of external lighting fixtures.

Location of all signs.

Section 5: Required Legal Documents:
Supply a written legal description and current survey of the property WITH one of the following:

✓ Check here:

Owner of Record Document (Warranty Deed or Real Estate Contract)

Documentation of Applicant’s Legal Interest in Subject Property (Contract of Sale, Rent or Lease Agreement with Written Consent of Property Owner or similar legal instrument establishing legal interest)

Authorized Signatory Certification if the owner is a corporation, partnership, association or other legal entity, a Board Resolution, affidavit or other similar legal instrument certifying the person signing this application is authorized to do so.

Other (please describe):

Under penalty of perjury, I certify the information provided in this application is correct to the best of my knowledge:

Signature of Applicant: [Signature] Date: 5-1-08

DO NOT WRITE BELOW THIS LINE

Application received by: [Signature] Date: 5/5/08

Fee Paid: $150 DAC Receipt #: 2207 ETZ Hearing Date: ETA Hearing Date: Signs Issued:

Final Disposition (Approved, Denied, Appealed):

Conditions / Comments:

ETZ DECISION: ETA DECISION:

Page 2 of 3
VARIANCE APPLICATION SUPPLEMENT

A Variance is 'permission to break the law'. Should the ETA approve your application, your elected officials are granting permission for you to proceed with your development in lieu of the development requirements placed on your neighbors. As such, receiving approval for a Variance is very difficult, but the landuse ordinance recognizes that some circumstances dictate a Variance be given. To make this determination, your application must meet the conditions placed within a 3 part test for granting Variances.

Please review the following 3 statements and enter your answer to each on the lines provided. There is no 'right' answer to these statements, but if you cannot answer to ALL 3 of these tests, it is likely that your variance will be denied. Your answers will be analyzed by the ETZ Planner for consistency with the ordinance and the site of your request itself.

1. **Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties within three hundred fifty (350) feet and also in the same landuse district:** (Others within 350' should have the same conditions as your request)

2. **Granting of the variance will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity:** (What you want to do should not pose a threat to the safety of your neighbors, i.e. fire safety)

   "The enclosure safeguards people in the pool & patio. Protects them from injury and serious head damage."

3. **Strict or literal interpretation and enforcement of the specified performance standard or regulation would result in unnecessary physical hardship inconsistent with the purposes of this Code:** (Self-imposed or financial hardships are not valid)

   "For medical reasons, I need to swim, all I can is to try to stay mobile. (See attached medical documentation) However, doing this without screen protection puts me and family at every higher risk. Puts no physical harm to neighbors. Safety bars installed also."

Page 3 of 3
EXTRA TERRITORIAL ZONING AUTHORITY
V08-003/SOWARDS
July 23, 2008
March 2008
Tommy & Barbara Sowards
6755 Cordova Circle
Las Cruces, NM 88007

To Whom It May Concern,

I am writing this letter together with my wife (Barbara) to address any questions raised regarding our screen enclosure at 6755 Cordova Circle (Picacho Hills). The primary reason for the screen is safety due to:

1) Our residence is located on the seventh fairway of the Picacho Hills Golf Course. Golfers utilize our yard as a potential shortcut to the putting green making the entire yard (both front and back) a dangerous firing range. During the construction of our pool, a laborer was over six foot down in the hole being dug for the pool. He was struck in the head by a golf ball requiring medical attention. The woman who hit the ball inquired if they had killed anyone and laughed. I went onto the course to gather necessary information but the woman was more concerned about holding up the golfers behind her than the condition of the injured man. He did have a concussion and a large knot on his head. (see letter from construction company)

2) One day we were sitting on the couch when a golf ball came crashing through a 10 foot window shattering it everywhere. The glass was double pane and the ball went through it like paper. If the couch had been against the window, eye injury or more serious injury would have occurred. My mother-in-law is 94 years old and has already undergone enough medical issues. We thought sitting inside the house was safe for her.

3) One afternoon a golf ball came through a bathroom window and through the shade on the window. If anyone had been sitting on the toilet, they would have been hit. The window was repaired but before the repairman had left the house another ball came crashing through.

4) While friends were visiting, there have been several instances where golf balls have whizzed by their heads. Our patio table was shattered when our neighbor was cleaning the pool while we were out of town. He told us the
ball narrowly missed him but not the table. Louis also experienced this himself when he came to see the enclosure. He heard a ball go by his head.

5) We have 4 children and 7 grandchildren who like to swim. They should not have to wear hard hats in the pool. Actually, a hard hat would only protect their head-not their face, back, torso, or any other body part.

6) My mother-in-law has had balls come onto the recessed patio area where she sits. Both rear patios sit back at least 10 feet the exterior walls of the house. Golf balls bounce off the rock wall or the trees and still come flying in.

7) Our tile roof had to be replaced recently due to the high number of broken tiles from golf balls. Pieces of roofing tiles were sliding off the roof and breaking on the patio. Another potential for injury if struck by one of these tiles. (see receipts for roof repair)

8) My wife is handicapped (see confidential physician statements) with severe arthritis and osteo arthritis. We moved from Michigan to Las Cruces upon physician recommendation. The climate here allows her to swim often which is part of her ongoing therapy.

9) I suffered head trauma during my recent heart surgery in the form of pituitary gland damage so I know firsthand how important protection to the head is. I have been recuperating for 1 year now and may never make a full recovery. I certainly would not want this to happen to anyone else.

It was at this point we decided some protection was necessary. We contacted the Picacho Hills Country Club to inquire about some netting and/or screen being installed to prevent balls from entering the pool area. They stated that we were welcome to put one up. We researched all over town and couldn't find anyone that does that. We found some netting but nothing that would stop a golf ball at over 90 MPH.

We contacted several patio enclosure companies next. None of them could guarantee protection from fast flying balls except one company located in Houston. I called the present permit board to inquire about any necessary permits. The gentleman told me that as long as the screen was attached to pre-existing patio concrete no permit was required. We then contacted our
neighbors to see if they had any concerns if we were to have a screen enclosure installed. None of the neighbors had any concerns but wanted us to let them know if it worked. I then went in person to the permit board to inquire again about any needed permits. Again the same gentleman (Frankie) told me that no permit was required.

The screen enclosure was installed by experts who do this for a living not only in this state but all over the country keeping safety in mind. All doors were equipped with locks. All door handles are elevated to keep children from being able to access them. The screen was tested to check for durability against rapid fire balls. Maybe now we can go into the back yard feeling a little safer.

Respectfully,

\[Signature\]
Tommy Sowards

\[Signature\]
Barbara Sowards
Receipt for Roof Repairs
Total $13,000

Receipts for Roof Repair
IRONWORK
LUJAN, S.
FREE ESTIMATES
P.O. Box 402
Dona Ana, NM 88002
(505) 382-0074
Mobile: 644-2291

Proposal

4. Window Bars 1" frame and 1/2" Bars
   1 Double Swing Security Door
   3 Gate w/Gravity locks and Springs
   Painted and Installed Includes Designs

   Per $00.00 on 5-5-05 Bal 700.00

WE PROPOSE hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Half for materials and Half when finished dollars is 1200

Payment to be made at auction.

All material is guaranteed to be as specified. All work to be completed in a substantial workmanship manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to pay fire, health and other necessary insurance. Our workers are fully covered by workers compensation insurance.

Acceptance of Proposal. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as shown above.

Date of Acceptance

Authorized

Signature

Note: This proposal may be withdrawn by us if not accepted within.

Days

EXTRA TERRITORIAL ZONING AUTHORITY
V08-003/SOWARDS
July 23, 2008
March 2008  
Margarette Veling  
200 Clements  
Paducah, Kentucky  

To Whom It may Concern, 

I had the opportunity to visit my mother and sister in Las Cruces, New Mexico approximately one year after they moved there. Although it is far from the rest of the family and we tried to talk them into not moving there, for health reasons it was necessary. While the weather was nice and the house is handicap accessible, the swimming pool area, backyard and patios are hazardous to your health! Not from rattle snakes, scorpions or coyotes but from golf balls. I observed multiple golf balls flying into the yard and pool on a daily basis. There was no way I would swim in the pool and risk a golf ball hitting me. It was bad enough sitting on the patio with several balls coming into where we were. My mother is now 94 years old and has enough health issues without deliberately adding one more risk. 

I spoke to some of the golfers who had hit their ball either into the pool, roof or back yard. Some were courteous and apologized, some ignored me and others were just rude. One male golfer went as far as to tell me if I didn’t like it I should get my “you know what” back in the house! Another golfer climbed over the wall into the Yard looking for their ball. This is blatant trespassing on private property. 

Something needed to be put in place for everyone’s safety, especially my mother and sister. 

Respectfully,  

[Signature] 

Margarette Veling
April 2008

To Whom It May Concern:

I stayed at my brother-in-law’s house (Tommy Sowards) with my wife while my house in Florida was being built. We stayed for a period of over 6 months. During this time I helped my brother-in-law with a lot of yard work while he was recuperating from prostate cancer surgery and open heart surgery. Their swimming pool and yard is a very dangerous place due to absolutely no protection from golf balls.

Every morning I enjoy sitting outside while I read the paper and some scriptures. I usually had their little dog accompany me and sit on my lap. One morning a golfer came up to the wall and instructed me to move. I told him that I was on the owner’s property. The golfer aimed his swing toward me and the ball bounced off the wall. I couldn’t believe it! It’s bad enough to dodge mis-directed balls in your own yard but when they sake of the game-that is ridiculous. I no longer sat in the backyard. It is a shame when you can’t feel safe in your own backyard.

Respectfully,

Charles Ramsey
March 28, 2008

To Whom It May Concern:

This is a letter in reference to the issue of a screened in porch surrounding a swimming pool that Mr. Tommy Swords had constructed. I have helped Mr. Swords doing several odd jobs in his back yard. I have been present when several times a loose golf ball has come whizzing by and I have seen dents in his plastered exterior wall where balls have hit. I firmly believe that the screening would help keep it safer in his back yard protecting residents or guests from flying golf balls. Please feel free to call me at 571-7097.

Sincerely,

David E. Duran

Handyman's Letter
Feb 2008
To Whom It May Concern,

During construction of an inground swimming pool located at 6755 Cordova Circle, one of my employees was struck in the head by a golf ball. He was installing the rebar to the pool and was down in the pool approximately 6 feet. The ball struck him in the temple area and a large knot immediately grew. Medical attention had to be obtained.

Elisa D’Ruby
D’Ruby Construction

Transmitted via e-mail
**Doña Ana County**
Community Development Dept.
Codes Enforcement
845 N. Motel Blvd.
Las Cruces, NM 88007
575-647-7430

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**ZONING VIOLATION COMPLAINT FORM**

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<th>COMPLAINTANT INFORMATION</th>
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<tr>
<td><strong>DATE</strong></td>
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</tr>
<tr>
<td><strong>SOURCE</strong></td>
<td>LUIS M.</td>
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<tr>
<td><strong>ADDRESS</strong></td>
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<td><strong>LOCATION INFORMATION</strong></td>
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<td><strong>LOCATION OF VIOLATION</strong>: 6755 CORDOVA CIRCLE</td>
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<tr>
<td><strong>MAPCODE</strong></td>
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<tr>
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<td><strong>ZONING</strong></td>
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<td><strong>ACTION/NOTES</strong></td>
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**Page 1 of 2**
ASKED HIM TO GET IT CORRECTED TO PROCEED WITH APPLICATION.

5/27/08 MR. SOWARDS HAS APPLIED FOR A VARIANCE. HIS CASE WILL BE HEARD ON 6/18/08.

<table>
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<th>CASE TYPE</th>
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March 24, 2008

Tommy Sowards
6755 Cordova Circle
Las Cruces, NM 88007

Re: Zoning Violations at 6755 Cordova Circle, Zoned ER-7
Further identified by Parcel Map Code No. 4-002-134-195-453

Dear Mr. Sowards:

This letter is notification of a zoning violation. According to the Doña Ana County Assessor’s records you have been identified as the property owner of the following zoning violation.

Ordinance #88-02, Las Cruces Extra-Territorial Zoning Ordinance, Article III Section 3.1.1.1 ER-7 Residential District

Ordinance #88-02, Las Cruces Extra-Territorial Zoning Ordinance, Article II Section 2.2.C Building Permits and Plans

Staff observed the zoning violation during a recent site visit to your property in response to a complaint filed with this department.

Any structure or mobile home on the property has to meet the required setbacks as described.

Any structure or fence built on the property requires a Building Permit as.

Please note, Per Ordinance No. 88-02, Article II Section 2.2.A. Violation of the Zoning Code. It shall be a violation of this Code for any persons, firm or corporation to neglect, refuse to comply with or resist the enforcement of any provision of this Code or any requirement pursuant thereto, or in any way use, change or construct a building or structure in non-conformance with zoning approval.

Code violations not pardoned by the Court constitute misdemeanors and are punishable by a fine not exceeding three hundred (300) dollars, imprisonment in the County jail for a period not exceeding ninety (90) days or both.

At this time you need to come into compliance with the code violation. It is your responsibility to correct and/or abate the aforementioned violation within a period not to exceed thirty (30) days from the date of this notice. Failure to do so within 30 days to correct the zoning violation will constitute a criminal complaint to be filed against you by this department. Such violation shall be brought into compliance, abated, removed or taken to Magistrate Court for judgment as outlined in Ordinance No. 88-02, Article III Section 2.2.a.

It is highly recommended that you make arrangements with this department to address these matters. Please call me to schedule an appointment to help you come into compliance with the violation. If you have any further questions or comments feel free to contact me at (575) 525-6116.

Thank you,

Edward Ybarra
Zoning Enforcement
cc: Case file 08-002
Supporting Letters, Emails and Signed Petitions From Within the Area of Notification

April 2008

To Whom It May Concern:

I am aware of the screen enclosure that the Sowards (6755 Cordova Circle, Picacho Hills) installed to protect them and their visitors from injury in the pool and patio area from golf balls. I do not have any issues with it.

Signed,

[Signature]

Address:

6745 Via Emma
April 2008

To Whom It May Concern:

I am aware of the screen enclosure that the Sowards (6755 Cordova Circle, Picacho Hills) installed to protect them and their visitors from injury in the pool and patio area from golf balls. I do not have any issues with it.

Signed,

[Signature]

Address:

[Address]
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Signed,

[Signature]

Address: 6755 Cordova Circle, L C, WA 88888
April 2008

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Signed,

Satish Kamat

Address:

6735 Cordova Circle
Las Cruces, NM 88007
April 2008

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Signed,

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6745 Cordova Circle
April 2008

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Signed,

[Signature]

Address:

6755 Cordova Circle
April 2008

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Signed,

[Signature]

Address:

6755 Cordova Circle
Las Cruces, New Mexico 88007
April 2008

To Whom It May Concern:

I am aware of the screen enclosure that the Sowards (6755 Cordova Circle, Picacho Hills) installed to protect them and their visitors from injury in the pool and patio area from golf balls. I do not have any issues with it.

Only as long as it meets the requirements of the covenant.

Signed,

Raymond White 4/26/2008

Elizabeth Bie 4/26/2008

Address:

6755 Cordova Circle
Las Cruces, NM 88007
Steve Meadows

From: Pat & Sharon Carr [patsharoncarr@comcast.net]
Sent: Thursday, June 05, 2008 2:48 PM
To: Steve Meadows
Subject: V08-003 / Sowards

I received your letter today concerning the variance request for lot 5, block 3, of the via Emma Subdivision in the Picacho Hills area, better known as 6755 Cordova Cir. I live at 6815 Via Emma, and while I do not see the structure from my home, I have seen it form the golf course. Picacho Hills is know for it’s views, and this structure blocks and/or interferes with the view of some of the neighbors. It is so large that it is notice by all who golf by the house. To put this up without permission or consultation with the neighbors or county is at least poor planning.

Pat Carr

6/9/2008
Variance Request of Tommy & Barbara Sowards
6755 Cordova Circle
Las Cruces, N.M. 88007

☐ I (We) **agree** that a variance should be allowed.

☐ I (We) **agree** that a variance should be allowed and were not given enough information prior to this.

☐ I (We) **disagree** that a variance should be allowed.

Signed

Print name: A. S.

Address: 6890 Cordova Cir. LC, NM 88007

Date: 6/25/08
April 2008

To Whom It May Concern:

I am aware of the screen enclosure that the Sowards (6755 Cordova Circle, Picacho Hills) installed to protect them and their visitors from injury in the pool and patio area from golf balls. I do not have any issues with it.

Signed,

[Signature]

Address:

6750 CORDOVA CIR.
Las Cruces, NM 88007
Dear Property Owner:

This letter is in regard to complaints received from several or your neighbors about the property located at 6755 Cordova Circle.

You should have received a letter from the Las Cruces Extra-territorial Zoning Commission notifying you of a public hearing on Wednesday, June 25, 2008 at 5:00 pm in the Commissioner’s Chambers of the Dona Ana County Government complex, 845 North Main Blvd., Las Cruces, NM 88007.

The applicants, Tommy and Barbara Sowards, are asking for a variance to a structure that has already been built without a building permit, and built by a company without a license in New Mexico.

The structure is also in violation of the covenants for your area.

I feel you may not be aware of the concerns the neighbors have for this eyesore and covenant violation. From my point of view I would like for this to be a neighbor-to-neighbor issue. We in Picacho Hills do value the appearance of our homes which protect property values for all of us. Our goal is to have and maintain a high quality subdivision. All of us working together can accomplish that. As we say “good neighbors make good neighborhoods”.

Would you please respond to this letter with a answer that we as a group can take to the meeting, if you are not attending in person.

Please feel free to call me to discuss the concerns you may have.

Sincerely,

Franklin McKay

Franklin M. McKay
Covenants Committee
527-4750

Please detach and return to Franklin M. McKay, 1380 Via Norte, Las Cruces, NM 88007

I agree that a variance should be granted

I disagree that a variance should be granted

Signed

Address
Dear Property Owner:

This letter is in regard to complaints received from several or your neighbors about the property located at 6755 Cordova Circle.

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Covenants Committee
527-4750

Please detach and return to Franklin M. McKay, 1380 Via Norte, Las Cruces, NM 88007

I agree that a variance should be granted
I disagree that a variance should be granted

Signed
Address: 6795 Via Emir
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Covenants Committee
527-4750

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[Signature]

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I disagree that a variance should be granted
Signed
Address

---
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I disagree that a variance should be granted
Signed
Address
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<td>2025 E. GRISER</td>
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