



PUBLIC HEARING and MEETING
of the
BOARD OF ADJUSTMENT
AGENDA

BOA PUBLIC HEARING

THE TOWN OF MESILLA BOARD OF ADJUSTMENT, WILL HOLD A PUBLIC HEARING ON TUESDAY, MARCH 26, 2019 AT 9:00 A.M. IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA TO OBTAIN PUBLIC INPUT ON THE FOLLOWING:

V19-001: Submitted by Christina DeMatteo, a request for a Variance to lot size to allow a lot line adjustment to combine a 0.18 acre property at 3066 Snow Road with a 0.30 acre property immediately to the south, and to adjust the western lot line of the two properties to create a single 0.69 acre property that will allow a domestic well to be on the same property as the dwelling it serves. (The Rural-Agricultural (RA) zoning of the property requires a 3 acre minimum for new properties.)

ADJOURNMENT OF THE PUBLIC HEARING

BOA MEETING

THE TOWN OF MESILLA BOARD OF ADJUSTMENT, WILL HOLD A PUBLIC HEARING ON TUESDAY, MARCH 26, 2019 IMMEDIATELY AFTER THE PUBLIC HEARING IN THE BOARD ROOM OF THE MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.

PLEDGE OF ALLEGIANCE

ROLL CALL AND DETERMINATION OF A QUORUM

BOARD OF ADJUSTMENT BUSINESS

Variance Decision:

V19-001: Submitted by Christina DeMatteo, a request for a Variance to lot size to allow a lot line adjustment to combine a 0.18 acre property at 3066 Snow Road with a 0.30 acre property immediately to the south, and to adjust the western lot line of the two properties to create a single 0.69 acre property that will allow a domestic well to be on the same property as the dwelling it serves. (The Rural-Agricultural (RA) zoning of the property requires a 3 acre minimum for new properties.)

ADJOURNMENT OF THE MEETING

BOA PUBLIC HEARING

MARCH 26, 2019

**BOARD OF ADJUSTMENT
PUBLIC HEARING
MARCH 26, 2019
CASE V19-001**

V19-001: Submitted by Christina DeMatteo, a request for a Variance to lot size to allow a lot line adjustment to combine a 0.30 acre property at 3066 Snow Road with a 0.18 acre property immediately to the south, and to adjust the western lot line of the two properties to create a single 0.69 acre property that will allow a domestic well to be on the same property as the dwelling it serves. (The Rural-Agricultural (RA) zoning of the property requires a 3 acre minimum for new properties.)

Summary of Request:

The applicant currently resides in a dwelling on the 0.30 acre parcel. According to Dona Ana County records, this dwelling, which partially straddles the property line with the 0.18 acre parcel immediately to the south, was originally built in the 1890's and was subsequently added onto to create the current dwelling. Leach lines from the septic system for the dwelling currently extend onto the smaller parcel to the south. The two small parcels, which are both owned by the applicant, appear to date back to at least 1980. The applicant would like to combine these two parcels to form one parcel so that the septic system for the dwelling is on the same parcel as the dwelling.

Additionally, the dwelling is supplied with domestic water from a domestic water well that is located on another larger property to the west that is owned by the applicant. The applicant would also like to relocate the western property lines of the two parcels about 35 to 40 feet to the west to include an existing domestic water well on the same property as the dwelling, rather than to have the water line cross property lines. The resulting parcel will be about 0.69 acres in size and will result in the dwelling, the septic system for the dwelling, and the domestic well for the dwelling all being on the same parcel.

Consistency with the Code:

The following sections of the Code apply specifically to this request:

18.25.010 Purpose.

This zone is intended to encourage a suitable environment for single-family residential use on large parcels of land on the periphery of the built-up portions of the town and to provide for a low density of population. [Ord. 94-06 § 1; prior code § 11-2-11.2.A]

The current use of the property for a dwelling and agricultural storage will not change as a result of this variance or the subsequent lot line adjustment. The variance will not result in any new uses being added to the property.

18.25.050 Development standards.

A. Lot Area. Each lot shall have a minimum of three acres for each dwelling unit except cluster development.

Even though the 0.69 acre lot is smaller than the required three acres, it is a result of combining two much smaller lots to create one substantially larger lot, thereby eliminating one lot. The net result of combing the two lots and moving the western lot lines is to create a lot in which the existing water and septic lines are now located on the same property as the dwelling they serve.

Also, the location of the zoning boundary across the lot to the west does not provide enough area on the lot to allow a three acre lot to be created by combing the subject lots with the larger lot to the west.

18.85.040 Required showing for variance.

Before any variance may be granted, it shall be shown:

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property.

The domestic well that provides water to the dwelling and the septic system for the dwelling are on properties that are separate from the dwelling. To avoid potential future legal issues, they need to be on the same property.

B. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, and denied to the property in question.

Currently, most small properties that contain dwellings systems and domestic wells that are on the same property as the dwelling. (EBID now does not allow septic leach lines to cross property lines.)

C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

Allowing the two lots to be combined and the lot line to be adjusted will not have any affects that are detrimental or injurious to the public welfare. Actually, the results would be would be a benefit by eliminating a small lot, and enabling the septic system and the water well to be on the same lot. (This variance will not result in the locations of the two systems being changed in any way, it will merely allow the lot line to be eliminated or changed to expand the lot size to include the dwelling and the systems on the same lot.)

D. A nonconforming use of neighboring lands or structures shall not be considered grounds for the issuance of a variance. [Ord. 94-06 § 1; prior code § 11-2-7.4]

This variance is not being requested because of any precedents set by any other lots, nor is it being requested to allow any special privileges to the applicant.

18.85.150 Setting hearings.

All applications for variances, or special use permits as provided in this title, shall be set for public hearing by the planning commission or board of adjustment. The date of the first hearing shall be not less than 30 days nor more than 45 days from the time of filing the application. [Ord. 94-06 § 1; prior code § 11-2-9.5]

The application was accepted by Staff as complete on February 19, 2019 (35 days prior to this hearing).

18.85.160 Notices.

Notice of time and place of public hearings for variance or special use permit may be given by posting one sign in front of the property and posting additional signs at 300-foot intervals for large properties with 600 feet or more frontage. The posted notice shall contain the heading “Notice of Proposed Variance,” “Special Permit” or “Notice of Proposed Special Permit,” in letters at least one inch in height. The notice shall also contain information about the location of the property, the proposed use and the time and place at which the public hearing will be held. All owners of property located within 100 feet radius of the external boundaries of the property shall be notified by registered mail. [Ord. 94-06 § 1; prior code § 11-2-9.6]

A sign meeting the requirements listed above was posted at the front of the property on March 11, 2018. Additionally, there were seven property owners within 100 feet of the subject property (see attached notification map and letter) that were notified by Certified Mail of the variance request. (There have been no negative responses from any of the notified property owners.)

Impacts on the Surrounding Area:

It does not appear that the requested variance will result in any changes to the use of the property, nor will it result in any negative impacts to the surrounding area.

Of the seven different property owners notified because they own property within one hundred feet of the properties involved in this variance (as required by Code Section 18.85.160 – Notices), there have been no negative responses to the request.

Required Findings (in addition to other possible Findings resulting from the Public Hearing):

- **The Board of Adjustments (BOA) has jurisdiction to hear this request.**
- **Notification requirements of the MTC have been met.**
- **The requested variance to lot size is allowed by the MTC.**
- **Approval of the requested variance will not be detrimental to the Town of Mesilla.**
- **The requirements of the MTC have been met with respect to granting variances.**
- **Granting the variance will be consistent with the MTC.**
- **Approval of the requested variance will not be detrimental to the Town of Mesilla.**

Attached is a resolution that may be used by the BOA if it is determined that the requested variance meets the requirements for approval. If the request does not meet the requirements listed, or there are issues or negative Findings brought up during the Public Hearing that negatively affect approval, then the request may be denied and a new resolution addressing any such new findings will be drafted.

The applicant and her surveyor will be present to provide any further details needed, and to answer any questions that might arise.

BOARD OF ADJUSTMENTS RESOLUTION NO. 2019-01

A RESOLUTION RECOMMENDING TO THE BOARD OF TRUSTEES APPROVAL OF A VARIANCE PER ORDINANCE REGULATIONS OF THE MESILLA TOWN CODE.

WHEREAS, the BOARD OF ADJUSTMENTS held a Public Hearing on March 26, 2019, to receive public input on a proposed Variance for a 0.69 acre parcel to be created at 2066 Snow Road; and

WHEREAS, staff sent certified notifications of the Variance request to the property owners within 100 feet of the property; and

WHEREAS, staff posted an orange public notice sign for the Variance request on the property as required per MTC Section 18.85.160; and

WHEREAS, the BOARD OF ADJUSTMENTS took input from the public about the proposed Variance at a Public Hearing held March 2, 2019; and

WHEREAS, the applicant, Christina DeMatteo, would like to combine a 0.18 acre property at 2066 Snow Road with a 0.30 acre property immediately to the south, and to adjust the western lot line of the two properties to create a single 0.69 acre property that will allow a domestic well and a septic system to be on the same property as the dwelling they serve; and

WHEREAS, the Rural-Agricultural (RA) zoning of the property requires a 3 acre minimum for new properties; and

WHEREAS, the BOARD OF ADJUSTMENTS found that the proposed Variance would eliminate one very small lot and result in the creation of a larger lot than currently exists; and

WHEREAS, the creation of the new lot by combining two smaller lots will result in a lot in which existing water and septic lines will be located on the same property as the dwelling they serve; and

WHEREAS, the residential use of the property, which is allowed by the RA zoning of the property, will not be changed; and

WHEREAS, the BOARD OF ADJUSTMENTS found that the proposed Variance is not detrimental to the Town of Mesilla;

NOW THEREFORE, BE IT RESOLVED by the BOARD OF ADJUSTMENTS for the Town of Mesilla that the recommendation is made to the Board of Trustees for approval of the proposed Variance for a 0.69 acre lot to be created at 2066 Snow Road.

PASSED, ADOPTED AND APPROVED on this 26th day of March, 2019.

Carlos Arzabal, Chairman
TOWN OF MESILLA
BOARD OF ADJUSTMENTS

ATTEST:

Larry Shannon
Community Development Coordinator

Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type:

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

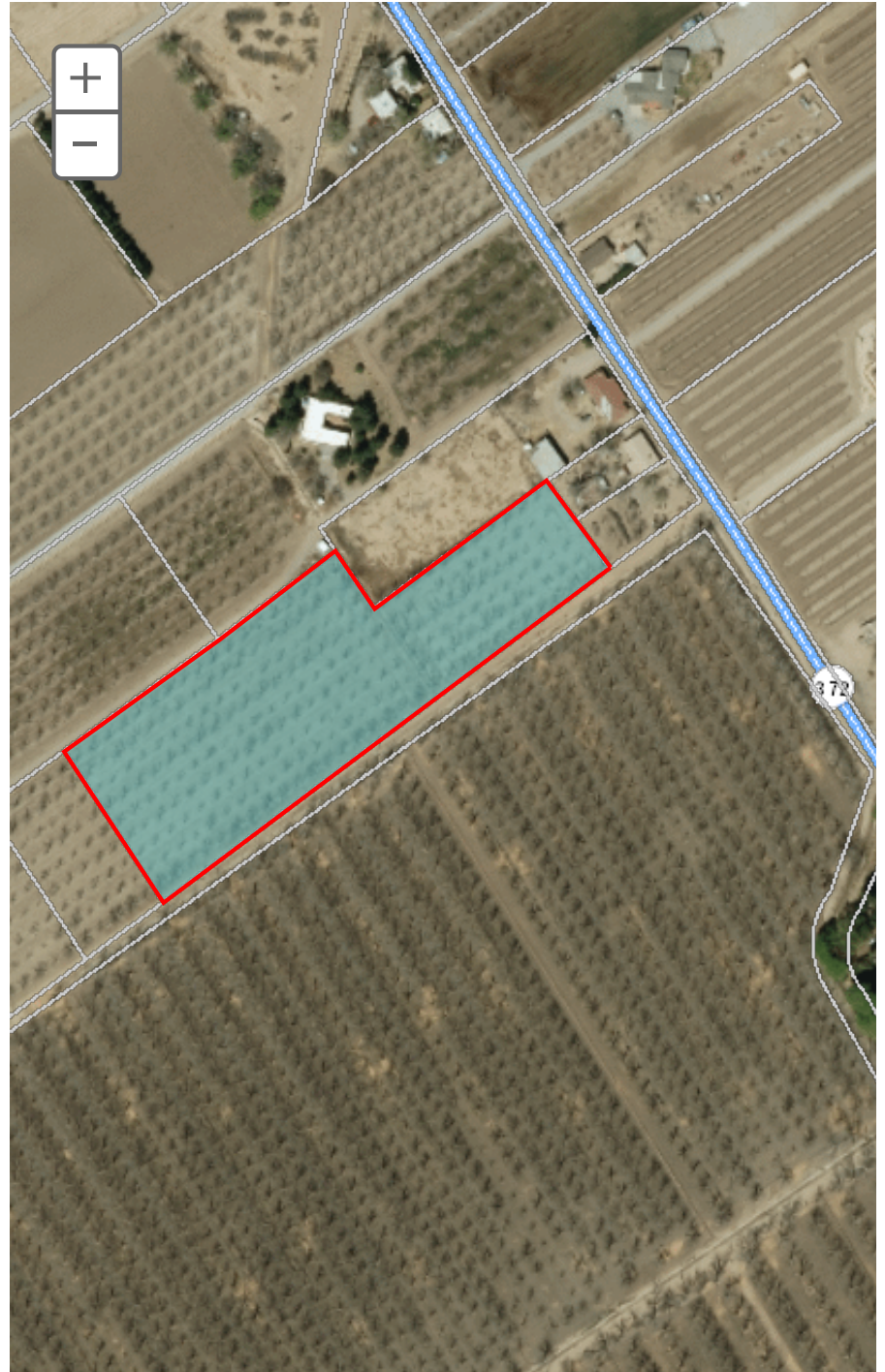
County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400122](#)
Parcel Number: 4005138423518
Owner: GARCIA CHRISTINA &
CHRISTINA DIMATTEO FKA C GARCIA
Mail Address: 3066 SNOW RD
Subdivision:
Property Address: SNOW RD
Acres: 5



Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type:

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400138](#)

Parcel Number: 4005138526458

Owner: GARCIA CHRISTINA

Mail Address: 3066 SNOW RD

Subdivision:

Property Address: 3066 SNOW RD

Acres: 0.18000001



Doña Ana County, NM

General Reference Maps

2014 Aerial

Addresses

County Address Points

Select Search Type:

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0400137](#)

Parcel Number: 4005138522450

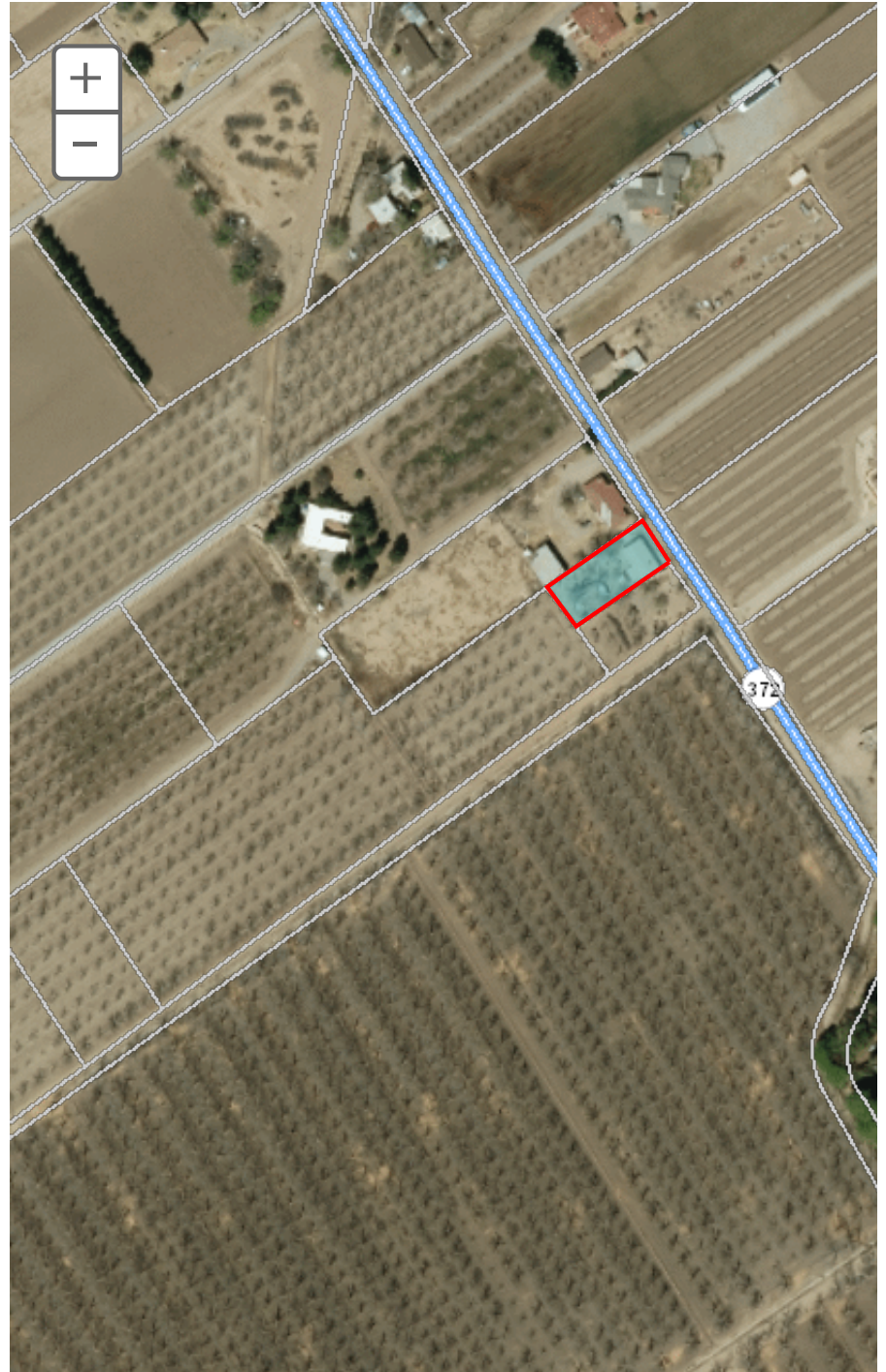
Owner: GARCIA CHRISTINA

Mail Address: 3066 SNOW RD

Subdivision:

Property Address: 3066 SNOW RD

Acres: 0



DiMatteo Summary Subdivision
a Replat of U.S.R.S. Tract 6-A1, 6-A2, -B, 6-C, 6-D, and 6-E
within the Town of Mesilla, Doña Ana County, New Mexico,
in Section 35, T.23S. R.1E., and Section 2, T.24S., R.1E. of the U.S.R.S. Surveys
November, 2018

Scale: 1" = 200'

UTILITY APPROVALS
 THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY.
 THE SIGNING OF THIS PLAT DOES NOT IN ANY WAY GUARANTEE
 UTILITY SERVICE BY THE UNDERSIGNED UTILITY COMPANY.

El Paso Electric Company.

Easements shown hereon, copies of which have been presented to El Paso Electric Company, are satisfactory to meet the needs for the installation and maintenance of overhead and designated overhead feeder electrical utilities.

By: _____ Date: _____

Overseas Communications

Easements shown hereon, copies of which have been presented to Overseas Communications, D.B.A. CenturyLink, are satisfactory to meet the needs for the installation and maintenance of underground, overhead, underground and/or overhead feeder, underground and designated overhead feeder telephone company utilities.

By: _____ Date: _____

Comcast Cable Communications, Inc.

Easements shown hereon, copies of which have been presented to Comcast Cable Communications, Inc. are satisfactory to meet the needs for the installation and maintenance of underground, overhead, underground and/or overhead feeder cable television/internet communication utilities.

By: _____ Date: _____

City of Las Cruces Approval

This Plat has been approved by the City of Las Cruces, and all the requirements for approval of this plat have been completed to the satisfaction of the City of Las Cruces, subject to any and all conditions required by the Planning Authority for the approval of this plat.

Director of Community Development _____ Date _____

Director of Utilities _____ Date _____

Director of Public Works _____ Date _____

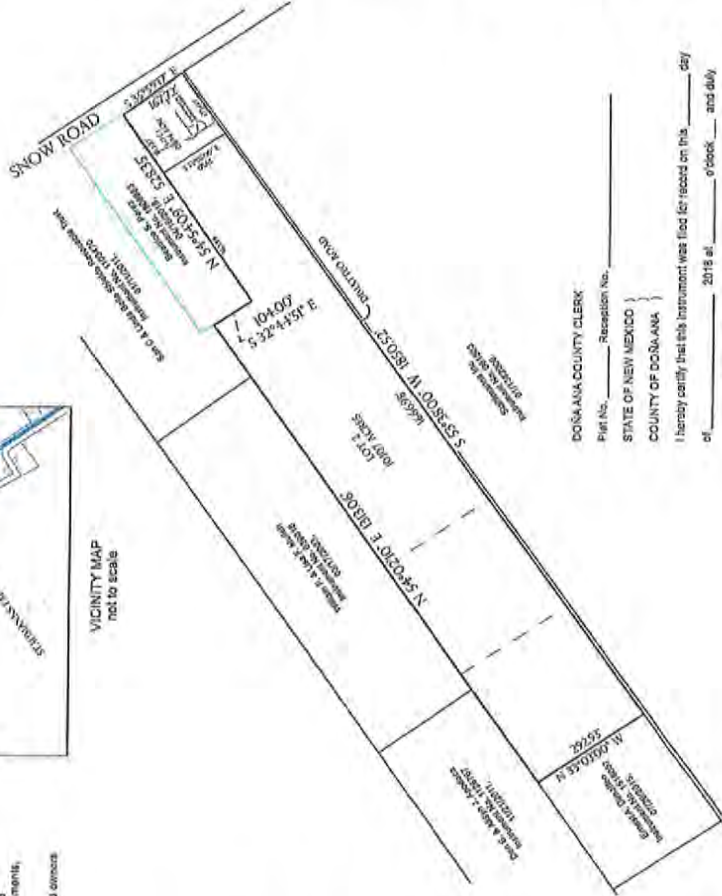
Chairman _____ Date _____

Secretary _____ Date _____

Gilbert Chavez
 Professional Surveyor
Visita Grande Surveys
 P.O. Box 832
 Mesilla, NM 88048-0832
 Phone (505) 527-6388
 Email: gilbert@visita.com
 VG 15-070



VICINITY MAP
 not to scale



DEDICATION

KNOW ALL MEN BY THESE PRESENTS: A set of land situated within the Doña Ana County, New Mexico in Section 35 T.23S., R.1E., and Section 2, T.24S., R.1E., is being subdivided into Tracts 6-A1, 6-A2, 6-C and 6-E and being more particularly as follows, to wit:

BEGINNING at an iron rod found at the intersection of the west right-of-way of Snow Road (NM State Road 300) and the north line of DiMatteo Road for the southeast corner of U.S.R.S. Tract 15-S and for the southeast corner of the tract herein described;

THENCE FROM THE POINT OF BEGINNING along the north side of DiMatteo Road 5.57' 02\"/>

THENCE bearing DiMatteo Road N. 39°00'00\"/>

THENCE N. 54°02'10\"/>

THENCE S. 22°44'51\"/>

THENCE N. 54°54'00\"/>

THENCE along Snow Road S 32°52'17\"/>

All rights of way and public easements shown hereon are dedicated to the Town of Mesilla. Utility easements are granted for the use of the town of Mesilla. This plat and the Town of Mesilla, All rules and regulations of the Town of Mesilla and said utilities will apply to these easements. All other easements shown hereon are granted for the use intended. No encroachment that will interfere with the use of easements, as shown on this plat, is allowed.

The subdivision has been dedicated in accordance with the wishes of the undersigned owner of the land shown hereon.

This Replat shall be known as "DiMatteo Summary Subdivision".

Owner of Record:

Cristina DiMatteo
 Special Warranty Deed
 Instrument # 8001788
 February 24, 1993
 Las Cruces, NM, 88002

Special Warranty Deed
 Instrument # 8001784
 February 25, 1993

Personal Representative's Deed
 Instrument # 151038
 July 25, 2015

We, the undersigned owner, hereby set our hands and seals this _____ day of _____, 2018.

Cristina DiMatteo

STATE OF NEW MEXICO
 COUNTY OF DOÑA ANA

The foregoing instrument was acknowledged before me this _____ day of _____, 2012 by _____

My Commission expires: _____

Notary Public

Surveyor's Certification:

This is to certify that I am a Licensed Professional Surveyor, that this plat was prepared from field notes of an actual survey conducted in accordance with the correct, meeting the Minimum Standards for Land Surveying in New Mexico, and approved by the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors, to the best of my knowledge and belief.

Date of Survey: _____

Gilbert Chavez, NMPS 8932
 P.O. Box 832
 Mesilla, NM 88048

DOÑA ANA COUNTY CLERK

Plat No. _____ Reception No. _____

STATE OF NEW MEXICO

COUNTY OF DOÑA ANA

I hereby certify that this instrument was filed for record on this _____ day of _____, 2018 at _____ o'clock _____ and duly recorded in Plat Record _____, Page _____ in the records of

Doña Ana County Clerk

Doña Ana County Clerk

Doña Ana County Deputy Clerk

DiMatteo Summary Subdivision
a Replat of U.S.R.S. Tract 6-A1, 6-A2, -B, 6-C, 6-D, and 6-E
within the Town of Mesilla, Doña Ana County, New Mexico,
in Section 35, T.23S. R.1E., and Section 2, T.24S., R.1E. of the U.S.R.S. Surveys
Scale: 1" = 200'
November, 2018

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: A strip of land situated within the Town Limits of Mesilla, in Section 35, T.23S. R.1E., and Section 2, T.24S., R.1E. of the U.S.R.S. Surveys, and within U.S.R.S. Tracts 6-A1, 6-A2, 6-C and 6-E and being more particularly as follows, to wit:

BEGINNING at an iron rod found at the intersection of the west right-of-way of Snow Road (New Mexico State Road 300) and the north line of DiMatteo Road for the southeast corner of U.S.R.S. Tract 12-4 and for the southeast corner of the tract herein described;

THENCE FROM THE POINT OF BEGINNING along the north side of DiMatteo Road 3.52°32'00" W., 1859.52 feet to the southeast corner of the tract herein described;

THENCE leaving DiMatteo Road N. 39°00'00" W., 292.59 Feet to the northwest corner of the tract herein described;

THENCE N. 54°02'10" E., 1313.05 feet to an angle point;

THENCE S. 32°44'51" E., 104.00 feet to an angle point;

THENCE N. 54°54'00" E., 528.35' to a point on the west right-of-way of Snow Road for the northeast corner of the tract herein described;

THENCE along Snow Road S. 33°59'17" E., 167.72 feet to the point of beginning enclosing 10.801 acres of more or less.

All rights of way and public easements shown hereon are dedicated to the Town of Mesilla. Utility easements are granted for the use of the utility companies that are shown on this plat and to the Town of Mesilla. All rules and regulations of the Town of Mesilla and said utilities will apply to these easements. All other easements shown hereon are shown on this plat, as indicated. No encroachment that will interfere with the use of easements, as shown on this plat, is allowed.

The subdivision has been delineated in accordance with the wishes of the underground owners of the land shown hereon.

This Replat shall be known as "DiMatteo Summary Subdivision".

Director of Records:
 Christina DiMatteo
 Special Warranty Deed
 2008 Snow Road
 Las Cruces, NM, 88005
 February 28, 1985
 Special Warranty Deed
 Return # 8001794
 February 26, 1980
 Personal Representative's Deed
 Instrument # 151033
 July 25, 2015

We, the undersigned owner, hereby set out our habits and seals this _____ day of _____, 2018.

Cristina DiMatteo
 STATE OF NEW MEXICO
 COUNTY OF DOÑA ANA

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by _____
 My Commission expires: _____
 Nancy Public

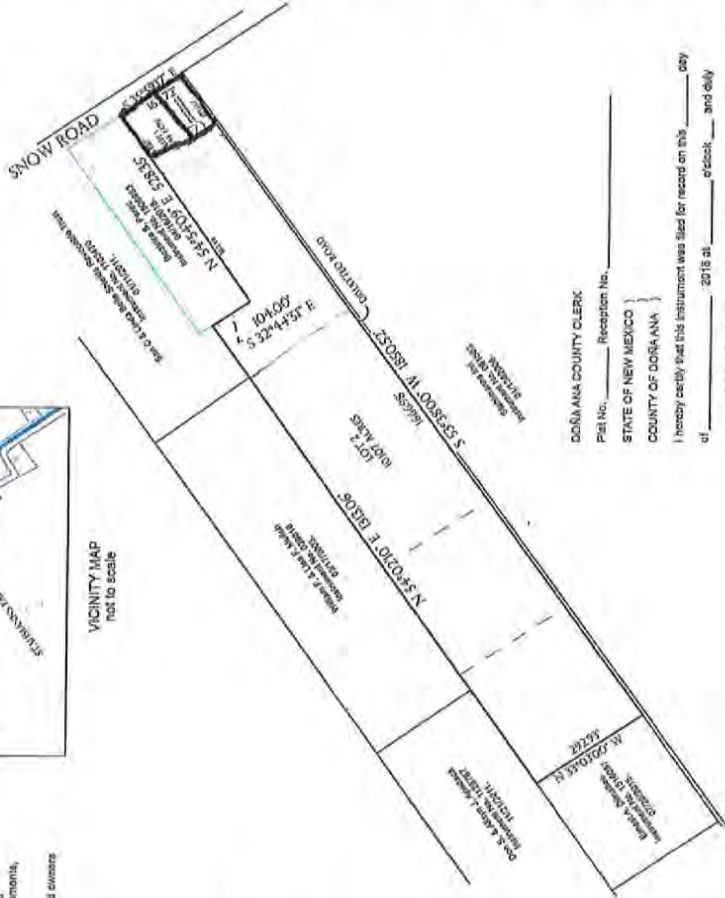
Surveyor's Certification
 I, the undersigned, am a Licensed Professional Surveyor. This plat was prepared from field notes of an actual survey made by me, and that I am in full compliance with the Minimum Standards for Land Surveying in New Mexico as adopted by the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors, to the best of my knowledge and belief.

Date of Survey: _____
 Gilbert Chavez, NMPS 6332
 P.O. Box 882
 Mesilla, NM 88046



VICINITY MAP
 not to scale

EXISTING



UTILITY APPROVALS
 THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS PLAT DOES NOT IN ANY WAY GUARANTEE UTILITY SERVICE BY THE UNDERSIGNED UTILITY COMPANIES.

El Paso Electric Company:
 Easements shown hereon, copies of which have been presented to El Paso Electric Company, are satisfactory to meet the needs for the installation and maintenance of overhead and designated overhead feeder electrical utilities.
 By: _____ Date: _____

Qwest Communications
 Easements shown hereon, copies of which have been presented to Qwest Communications, DDBA CenturyLink, LLC, are satisfactory to meet the needs for the installation and maintenance of underground, overhead, underground and/or overhead feeder, underground and designated overhead feeder telephone company utilities.
 By: _____ Date: _____

Comcast Cable Communications, Inc.
 Easements shown hereon, copies of which have been presented to Comcast Cable Communications, Inc. are satisfactory to meet the needs for the installation and maintenance of underground, overhead, underground and/or overhead feeder cable television/internet communication utilities.
 By: _____ Date: _____

City of Las Cruces Approvals
 This Plat has been approved by the City of Las Cruces, and all the requirements for approval of the plat have been complied to the satisfaction of the City of Las Cruces, subject to any and all conditions required by the Planning Authority for the approval of this plat.

Director of Community Development _____ Date _____
 Director of Utilities _____ Date _____
 Director of Public Works _____ Date _____
 Chairman _____ Date _____
 Secretary _____ Date _____

DOÑA ANA COUNTY CLERK
 Plat No. _____ Reception No. _____
 STATE OF NEW MEXICO }
 COUNTY OF DOÑA ANA }
 I hereby certify that this instrument was filed for record on this _____ day of _____, 2018 at _____ o'clock _____ and duly recorded in Plat Record _____, Page _____ in the records of Doña Ana County Clerk
 Doña Ana County Clerk _____
 Doña Ana County Deputy Clerk _____

Gilbert Chavez
 Professional Surveyor
Vista Grande Surveys
 10000 N. I-17
 Mesilla, NM 88046-2822
 Phone (505) 537-6092
 Email: gilbert@vgsurveys.com
 VS 18-070

DiMatteo Summary Subdivision a Replat of U.S.R.S. Tract 6-A1, 6-A2, 6-B, 6-C, 6-D, and 6-E within the Town of Mesilla, Doña Ana County, New Mexico, in Section 35, T.23S. R.1E., and Section 2, T.24S., R.1E. of the U.S.R.S. Surveys November, 2018

Scale: 1" = 200'

UTILITY APPROVALS
THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY.
THE SIGNING OF THIS PLAT DOES NOT IN ANY WAY GUARANTEE
UTILITY SERVICE BY THE UNDERSIGNED UTILITY COMPANIES.

El Paso Electric Company.

Easements shown herein, copies of which have been presented to El Paso Electric Company, are satisfactory to meet the needs for the installation and maintenance of overhead and designated overhead feeder electrical utilities.

By: _____ Date: _____

Qwest Communications

Easements shown herein, copies of which have been presented to Qwest Communications, are satisfactory to meet the needs for the installation and maintenance of underground, overhead, underground and/or overhead feeder, underground and designated overhead feeder telephone company utilities.

By: _____ Date: _____

Comcast Cable Communications, Inc.

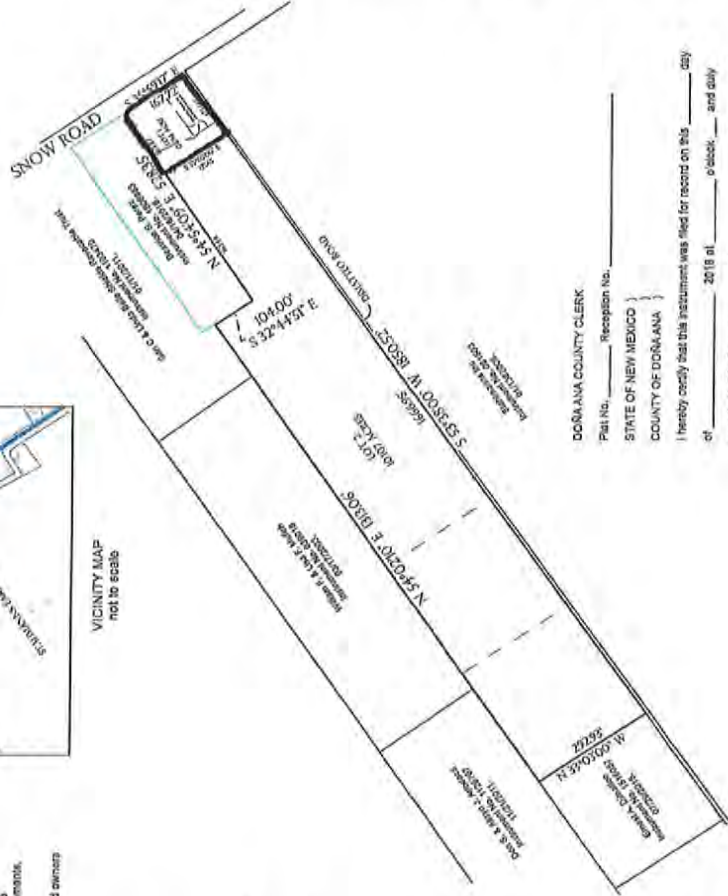
Easements shown herein, copies of which have been presented to Comcast Cable Communications, Inc., are satisfactory to meet the needs for the installation and maintenance of underground, overhead, underground and/or overhead feeder cable/satellite/terrestrial communication utilities.

By: _____ Date: _____



VICINITY MAP
not to scale

PROPOSED



DEDICATION
KNOW ALL MEN BY THESE PRESENTS: A strip of land situated within the City Limits of Mesilla, Doña Ana County, New Mexico in Section 35 T.23S., R.1E., and Section 2, T.24S., R.1E. of the U.S.R.S. Surveys, a replat of U.S.R.S. Tracts 6-A1, 6-A2, 6-B, 6-C, 6-D, and 6-E, and being more particularly as follows, to wit:

BEGINNING at an iron rod found at the intersection of the west right-of-way of Snow Road (NM State Road 200) and the north line of Dilmatteo Road for the southeast corner of U.S.R.S. Tract 16-3 and for the southeast corner of the tract herein described;

THENCE FROM THE POINT OF BEGINNING along the north side of Dilmatteo Road 5.52' 152.00' W., 1850.55' feet to the southeast corner of the tract herein described;

THENCE leaving Dilmatteo Road N. 33°03'00" W., 592.89' Feet to the northwest corner of the tract herein described;

THENCE S. 32°44'31" E., 104.00' feet to an angle point;

THENCE N. 54°54'00" E., 528.35' to a point on the west right-of-way of Snow Road for the northeast corner of the tract herein described;

THENCE along Snow Road S 32°52'17" E., 157.72' feet to the point of beginning containing 10.80' acres of land more or less.

All rights of way and public uses shown herein are dedicated to the Town of Mesilla. Utility easements shown herein are shown for the use of electric, gas, water, sewer, telephone and said utilities will apply to these easements. All other easements shown herein are granted for the use indicated. No encroachment that will interfere with the use of easements, as shown on this plat, is allowed.

The subdivision has been dedicated in accordance with the wishes of the underground owner of the land shown hereon.
This Replat shall be known as "Dilmatteo Summary Subdivision".

Owner of Record:
Christina Dilmatteo
3300 Snow Road
Las Cruces, NM, 88005

Instrument of Conveyance:
Special Warranty Deed
Instrument # 8001778
February 25, 1980
Special Warranty Deed
Instrument # 8001754
February 25, 1980
Personal Reconveyance Deed
Instrument # 151058
July 25, 2015

We, the undersigned owner, hereby set out our hands and seals this _____ day of _____, 2018.

Christina Dilmatteo

STATE OF NEW MEXICO }
COUNTY OF DOÑA ANA }

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by _____

My Commission expires: _____

Notary Public

Surveyor's Certification

This is to certify that I am a Licensed Professional Surveyor; that this plat was prepared by me and that I am duly qualified by me and that I, this and the other signers of this instrument, are duly Licensed Professional Surveyors and are duly Licensed Professional Surveyors, to the best of my knowledge and belief.

Date of Survey: _____
Gilbert Chavez, NMPS 6532
P.O. Box 892
Mesilla, NM 88046

City of Las Cruces, Approver

This Plat has been approved by the City of Las Cruces, and all the requirements for approval of this plat have been complied to the satisfaction of the City of Las Cruces, subject to any and all conditions required by the Planning Authority for the approval of this plat.

Director of Community Development _____ Date _____

Director of Utilities _____ Date _____

Director of Public Works _____ Date _____

Chairman _____ Date _____

Secretary _____ Date _____

DOÑA ANA COUNTY CLERK

Plat No. _____ Reception No. _____

STATE OF NEW MEXICO }

COUNTY OF DOÑA ANA }

I hereby certify that this instrument was filed for record on this _____ day of _____, 2018 at _____ o'clock _____ and duly recorded in Plat Record _____, Folio _____ in the records of

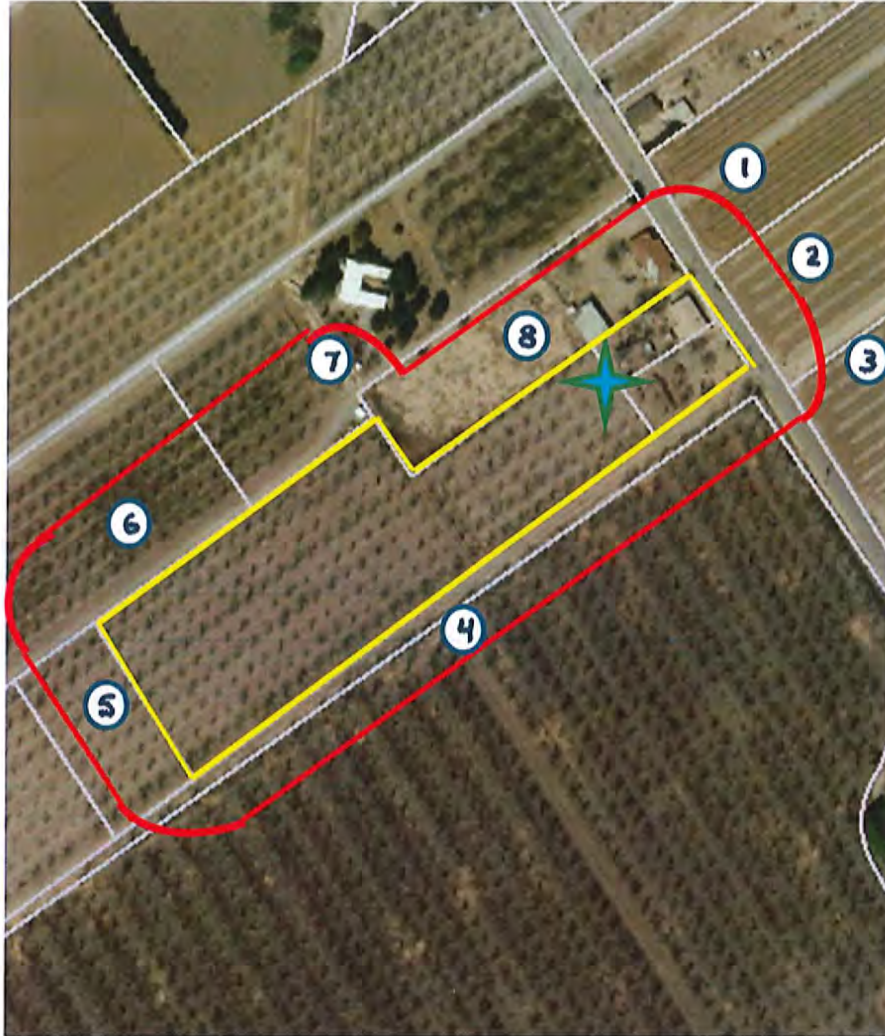
Doña Ana County Clerk

Doña Ana County Clerk

Doña Ana County Deputy Clerk

Gilbert Chavez
Professional Surveyor
Vista Grande Surveys
P.O. Box 892
Mesilla, NM 88046
Phone (505) 537-8282
Email: gilbert@vgs.com
VG 18-270

V19-001 NOTIFICATION MAP



★ Christina DeMatteo – 2066 Snow Road, Las Cruces, NM 88005
(Applicant)

PROPERTY OWNERS:

1. Van C. and Susan D. Wamel, PO Box 303, Mesilla Park, NM 88047
2. Thomas and Minerva Belczak, PO Box 814, Mesilla, NM 88046
3. Thomas and Minerva Belczak, PO Box 814, Mesilla, NM 88046
4. Stahmanns Inc., PO Box 70, San Miguel, NM 88058-0070
5. Christina DeMatteo, 2066 Snow Road, Las Cruces, NM 88005
6. Willliam F. and Lisa F. Mufich, 7528 Poncha Drive, Larkspur, CO 80118
7. San C. Shields, 3000 Snow Road, Las Cruces, NM 88005
8. Beatrice S. Perez, 250 Clary Court, Buda, TX 78610



DATE: March 11, 2019

Dear Property Owner:

In accordance with the Town of Mesilla regulations regarding variances, I am notifying you as, a neighboring property owner within 100 feet of the subject property, the Town of Mesilla Board of Adjustments will be holding a Public Hearing on:

Tuesday March 26, 2019 at 9:00 AM
at: Town of Mesilla
2231 Avenida de Mesilla
Mesilla, NM 88046

To obtain input on an application for a Variance to lot size to allow a lot line adjustment to combine a 0.18 acre property at 3066 Snow Road with a 0.30 acre property immediately to the south, and to adjust the western lot line of the two properties to create a single 0.69 acre property that will allow a domestic well to be on the same property as the dwelling it serves. (The Rural-Agricultural (RA) zoning of the property requires a 3 acre minimum for new properties.)

Anyone who is concerned with this matter may address the Board of Adjustments at the Public Hearing, or send a written response to:

Town of Mesilla
Community Development Department
PO Box 10
Mesilla, NM 88046.

Letters must be received before the Public Hearing. In addition to mailing the letter, a copy may be faxed to Larry Shannon at 575-541-6327 or e-mailed to larrys@mesillanm.gov to ensure timely receipt.

Sincerely,

Larry Shannon
Community Development Coordinator
Town of Mesilla

PHOTO OF 2066 SNOW ROAD (0.30 ACRES) SHOWING DWELLING



PHOTO OF 0.18 ACRE PROPERTY FROM SNOW ROAD



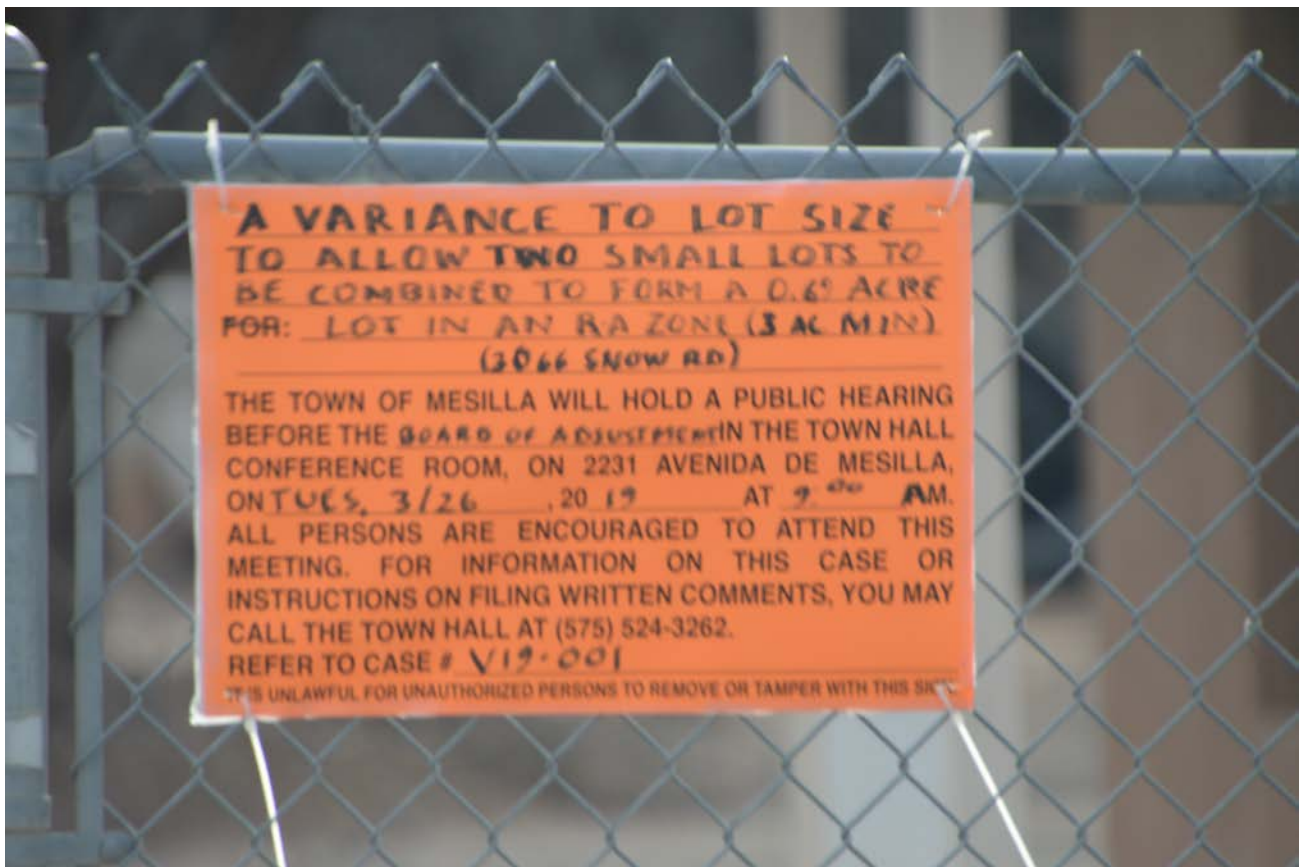
PHOTO OF WELL FROM DEMATTEO ROAD



PHOTO OF DWELLING FROM DEMATTEO ROAD



PHOTOS OF NOTIFICATION SIGN DWELLING FROM SNOW ROAD



060865
\$310.00

Town of Mesilla, New Mexico



Phone (575) 524-3262

P.O. Box 10

2231 Avenida de Mesilla, Mesilla, NM 88046

Variance

Case # Christina DeMatteo Date Submitted FEB. 19, 2019

Discussed by: BOARD OF ADJUSTMENTS Date (s) MAR. 26, 2019
(BOA)

Section 1:

Name (s) of Property Owner (s) Christina DeMatteo

Address 3066 Snow Road Phone 575-652-2062

Name of Applicant (s) (Same as above)

Address (Same as above) Phone (Same as above)

Section 2:

Property Description: Address 3066 Snow Road

Legal Description Lot (s) (See attached survey) Block N/A

Subdivision N/A

If legal description is in metes and bound; is it attached to the application? Yes N/A No _____

Survey Plat attached: Yes X No _____

Area (sq. ft. or acres) 0.69 Present Zone RA Present Land Use Residential

Proposed Land Use: No change

Section 3:

Why is this variance being requested?

To combine a 0.18 acre property at 2066 Snow Road with a 0.30 acre property immediately to the south, and to adjust the western lot line of the two properties to create a single 0.69 acre property that will allow a domestic well to be on the same property as the dwelling it serves. (The Rural-Agricultural (RA) zoning of the property requires a 3 acre minimum for new properties.)

Signatures: Property Owner _____

Applicant _____

NOTICE: NO APPLICATION WILL BE ACCEPTED WITHOUT THE SIGNATURE OF THE OWNER (S) OF RECORD OF THE ABOVE DESCRIBED PROPERTY. IF MORE THAN ONE, ALL OWNERS OF OR THEIR AGENTS MUST SIGN.

Fee Paid: Yes No

Received by:  Receipt #: 148903 Amount: \$310.00

BOA MEETING
MARCH 26, 2019

BOA DECISION
VARIANCE V19-001

**BOARD OF ADJUSTMENT
ACTION FORM
MARCH 26, 2019
CASE V19-001**

(Decision to be based on information presented by Staff and input from the Public Hearing)

V19-001: Submitted by Christina DeMatteo, a request for a Variance to lot size to allow a lot line adjustment to combine a 0.30 acre property at 2066 Snow Road with a 0.18 acre property immediately to the south, and to adjust the western lot line of the two properties to create a single 0.69 acre property that will allow a domestic well to be on the same property as the dwelling it serves. (The Rural-Agricultural (RA) zoning of the property requires a 3 acre minimum for new properties.)

Staff Analysis:

The proposed request was presented during the Public Hearing held earlier, as well as discussed during this meeting.

If it is determined that the proposed variance will be acceptable and will not result in negative impacts to the Town or the surrounding properties, the BOA should approve the request based on the Findings stated below.

If, on the other hand, it is determined that the proposed variance will not be acceptable, or will result in negative impacts to the Town or surrounding properties, and no other solution can be reached, then the BOA should either postpone the request further until the applicant can return with a proposal that meets the standards set forth by the BOA; or the BOA should deny the request based on the request not meeting any or all of the Findings as listed.

Consistency with the Code:

The PZHAC will need to determine that the proposed variance will be consistent with the Code for granting variances, as well as meeting the zoning requirements for this property.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The request consists of a variance to lot size to allow to a 0.30 acre property at 2066 Snow Road to be combined with a 0.18 acre property immediately to the south, and to adjust the western lot line of the two properties to create a single 0.69 acre property that will allow a domestic well to be on the same property as the dwelling it serves.
- The BOA has determined that the proposed work meets all applicable Code requirements.

BOA OPTIONS:

1. Approve the variance as requested.
2. Approve the variance with conditions.
3. Reject the variance request.

PZHAC ACTION: