



City of Bayard

FORM 99-8

Clean Up...Fix Up

**Bayard
Pride**

Help Your Neighbor

VARIANCE APPLICATION FORM

The variance process may or may not grant relief to a property owner from certain provisions of the zoning ordinance. Variances may be granted for all purposes except for the use of the land. If physical surroundings, shape of a lot, or topography would result in a particular hardship and not a mere inconvenience, then grounds exist to grant a variance.

Grounds For A Variance

1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property; and
2. Will not significantly change the character of the neighborhood or reduce the value of nearby property.

Variance Process

First: meet with the Zoning Officer to discuss your needs.

Second: prepare your application. Have the application submitted by the \$50.00 fee by the second Thursday of the month. This deadline is enforced.

Third: the Zoning Officer will notify adjacent property owners and give notice of the public hearing in the local newspaper. The Zoning Officer will also prepare a recommendation for the Planning and Zoning Commission.

Fourth: the Planning and Zoning Commission will conduct a public hearing on the request and will make a recommendation on the variance requested to the City Council. Written findings will be forwarded to the City Council. The City Council will make the final decision on the request.

Important Points To Remember

1. A variance has a \$50.00 processing fee. This fee must be paid as part of the application.
2. The Zoning Officer shall transmit the application and supplementary information to the Planning and Zoning Board for consideration at a regularly scheduled meeting.
3. There is one (1) public hearing before the Planning and Zoning Commission. Upon written recommendations of the Zoning Officer, the Planning and Zoning Board shall call for a public hearing in which to make a decision. The person requesting for the variance does not need to be present in order for a decision to be made. It is in the best interest of the person applying to be at the public hearing to answer any questions during the meeting.

800 - PP #

APPLICATION FOR VARIANCE

A VARIANCE MAY BE GRANTED BY THE CITY COUNCIL AT A PUBLIC MEETING AFTER A WRITTEN RECOMMENDATION FROM THE PLANNING AND ZONING BOARD IS COMPLETED. A VARIANCE FROM THE STRICT APPLICATION OF ARE, HEIGHT, DIMENSION, DISTANCE, PARKING OR SETBACK REQUIREMENTS OF THE ZONING ORDINANCE MAY BE APPROVED IN THE CASE OF EXCEPTIONALLY IRREGULAR, NARROW, SHALLOW, OR STEEP LOTS, OR OTHER EXCEPTIONAL PHYSICAL CONDITIONS WHERE THE STRICT APPLICATION OF THE REQUIREMENTS OF THE ZONING ORDINANCE WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP THAT WOULD DEPRIVE THE OWNER OF THE REASONABLE USE OF HIS LAND OR BUILDING.

APPLICANT'S NAME AND SITE ADDRESS:

N Cordell Jones 803 Waggoner St., Bayard, NM 88023

PRESENT ZONING DESIGNATION OF THE LAND: R1

PRESENT ZONING ORDINANCE REQUIREMENT FROM WHICH A VARIANCE IS SOUGHT:

Sec. 42-132 (1) Minimum lot size shall be 5,000 square feet

AMOUNT OF VARIANCE SOUGHT: Divided Tract B Lot size will be 4,959.6 sq ft and the Remainder Tract B with an existing residence will have a lot size of 4,689.6 sq ft.

SPECIAL HARDSHIP OF APPLICANT NOT GENERALLY SHARED BY OTHER PROPERTY OWNERS SHOULD BE EXPRESSED IN DETAIL:

ATTACH COPY OF SITE PLAN AND LEGAL DESCRIPTION

[Handwritten Signature]
APPLICANT'S SIGNATURE

January 17, 2024
DATE

800 Watson St., Bayard, NM 88023
APPLICANT'S MAILING ADDRESS

330-819-2147 (Mobile)
TELEPHONE #

APPROVED BY

DATE APPROVED

OFFICE USE ONLY

Check # _____ Cash _____ Receipt # _____ Date ____/____/____

Total Fee Collected: \$ _____ Received By _____

900 - PPH

APPLICATION FOR VARIANCE

A VARIANCE MAY BE GRANTED BY THE CITY COUNCIL AT A PUBLIC MEETING AFTER A WRITTEN RECOMMENDATION FROM THE PLANNING AND ZONING BOARD IS COMPLETED. A VARIANCE FROM THE STRICT APPLICATION OF ARE, HEIGHT, DIMENSION, DISTANCE, PARKING OR SETBACK REQUIREMENTS OF THE ZONING ORDINANCE MAY BE APPROVED IN THE CASE OF EXCEPTIONALLY IRREGULAR, NARROW, SHALLOW, OR STEEP LOTS, OR OTHER EXCEPTIONAL PHYSICAL CONDITIONS WHERE THE STRICT APPLICATION OF THE REQUIREMENTS OF THE ZONING ORDINANCE WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP THAT WOULD DEPRIVE THE OWNER OF THE REASONABLE USE OF HIS LAND OR BUILDING.

APPLICANT'S NAME AND SITE ADDRESS:

N Cordell Jones 802 Watson St., Bayard, NM 88023

PRESENT ZONING DESIGNATION OF THE LAND: R1

PRESENT ZONING ORDINANCE REQUIREMENT FROM WHICH A VARIANCE IS SOUGHT:

Sec. 42-132 (1) Minimum lot size shall be 5,000 square feet

AMOUNT OF VARIANCE SOUGHT: Divided Tract A Lot size will be 4,370.0 sq ft to allow the Remainder Tract A to comply with Sec. 42-132 (3) (two parking spaces) and Sec. 42-130 (1) one single-family dwelling unit per lot. SPECIAL HARDSHIP OF APPLICANT NOT GENERALLY SHARED BY OTHER PROPERTY OWNERS SHOULD BE EXPRESSED IN DETAIL:

Residents of 802 Watson are not able to receive mail, FedEx deliveries, UPS deliveries, Amazon deliveries, etc as the address for 802 Watson is not officially recognized. Requires registration with the County Assessor.

ATTACH COPY OF SITE PLAN AND LEGAL DESCRIPTION

[Handwritten Signature]
APPLICANT'S SIGNATURE

January 17, 2024
DATE

800 Watson St., Bayard, NM 88023
APPLICANT'S MAILING ADDRESS

330-819-2147 (Mobile)
TELEPHONE #

APPROVED BY

DATE APPROVED

OFFICE USE ONLY

Check # _____ Cash _____ Receipt # _____ Date ____/____/____

Total Fee Collected: \$ _____ Received By _____

RE: MINOR SUBDIVISION – 804/802 WATSON, 803 WAGGONER

On Nov. 28, 2022 we purchased the residence that was designated as 802 Watson St, Bayard, NM from Mr. Dougan Hales. Due to the fact that it was part of a lot that included 804 Watson Street the agreement was that I would arrange for a survey to be conducted that would define the portion of the Lot 1 Block 4 of the Waggoner-Watson Townsite Addition that 802 Watson occupies so that a warranty deed and legal description could be registered. Now more than a year later we still to not have a legal description that would allow us to get the property registered with the Grant County Assessor's Office.

Subsequent to the purchase of 802 Watson we responded to a real estate offer and have entered into an agreement to purchase the remainder of the 804 Watson property, but have not been able to complete that purchase because there is no legal description for the "remainder" lot. The title company is not able to proceed with completing that purchase without a legal description for both 802 Watson and 804 Watson.

The real estate offer also included 803 Waggoner which was purchased on the basis that the sale would be included with the sale of 804 Watson. Therefore that part of the agreement also remains on hold.

Meanwhile, due to ongoing interior damage from rain and snow we have invested in making repairs on 803 Waggoner, in hopes of reducing further damage, and have also paid for inspections, permits, and service startup for natural gas, electricity, and City of Bayard water/trash/sewer/landfill.

We are in the process of getting 804 Watson ready for our extended family to occupy, but without having completed the purchase are not able to have them move in.

802 Watson, purchased in Nov 2022, is currently occupied by a friend of the family, though we have no warranty deed, and the occupant is not able to receive mail or other deliveries as the address is not officially recognized.

In spite of the large investment that we've made in these properties we are concerned that the current purchase agreement is in jeopardy of falling through as we've not been able to meet any of the dates that have been set for closing. Originally the issue was that Z3 failed repeatedly to meet their promises for providing a survey for review by the City. At present the matter seems to be hinging on the City's approval of lot sizes that are less than the required 5,000 sq ft minimum. I've identified a number of lots in the general Waggoner-Watson area which are also smaller than the required minimum, which illustrates that the proposed lot sizes are not out of character for this area of the City. Note that this is not an extensive list, but just represents a sampling. (Please see attached).

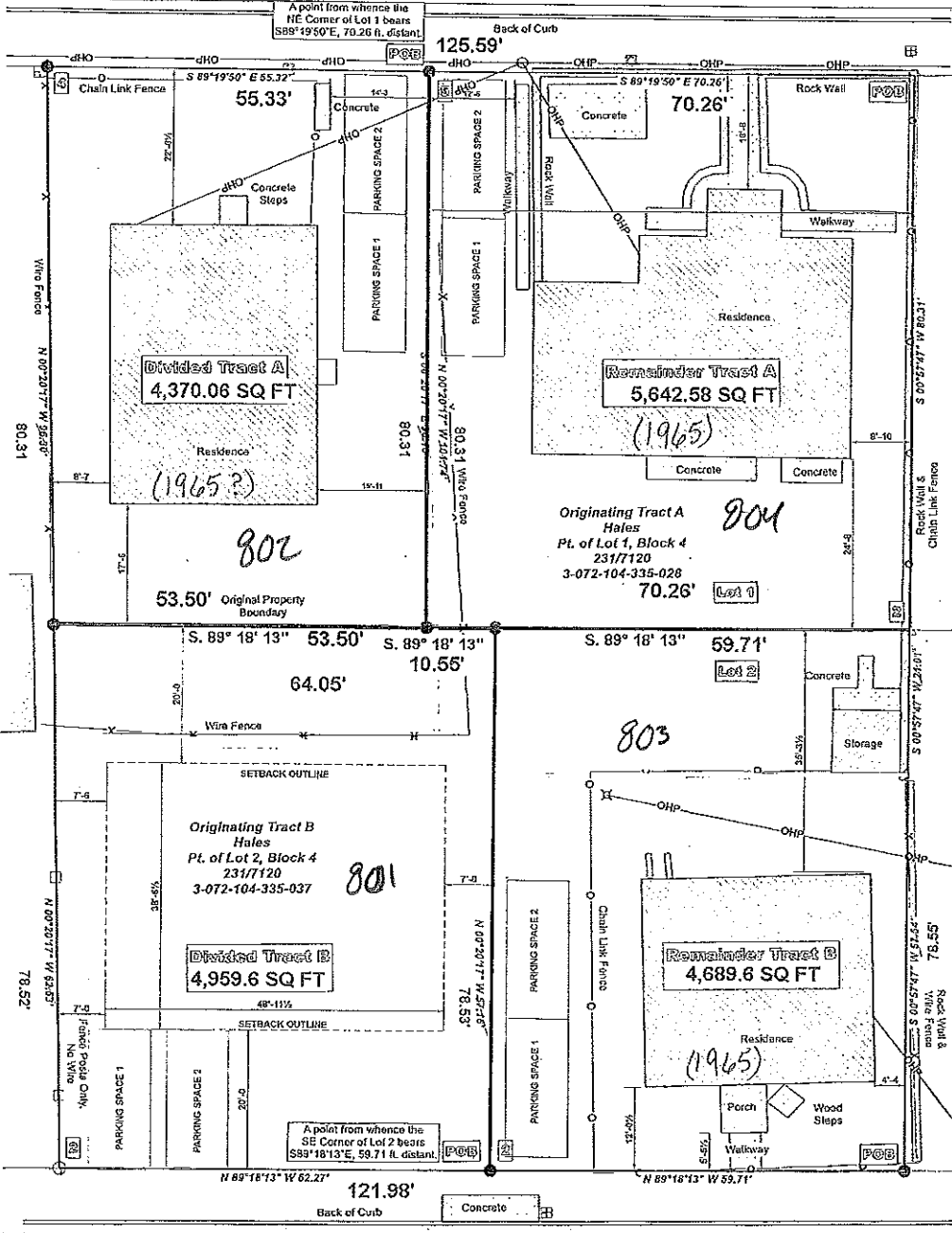
We urge the City to approve the proposed minor subdivisions related to 804/802 Watson and 803 Waggoner so that we can complete these purchases and allay any concerns about jeopardizing our investments and future prospects for these properties.

Submitted Jan 1, 2024

Cordell Jones

Watson Street
50.00 ft ROW

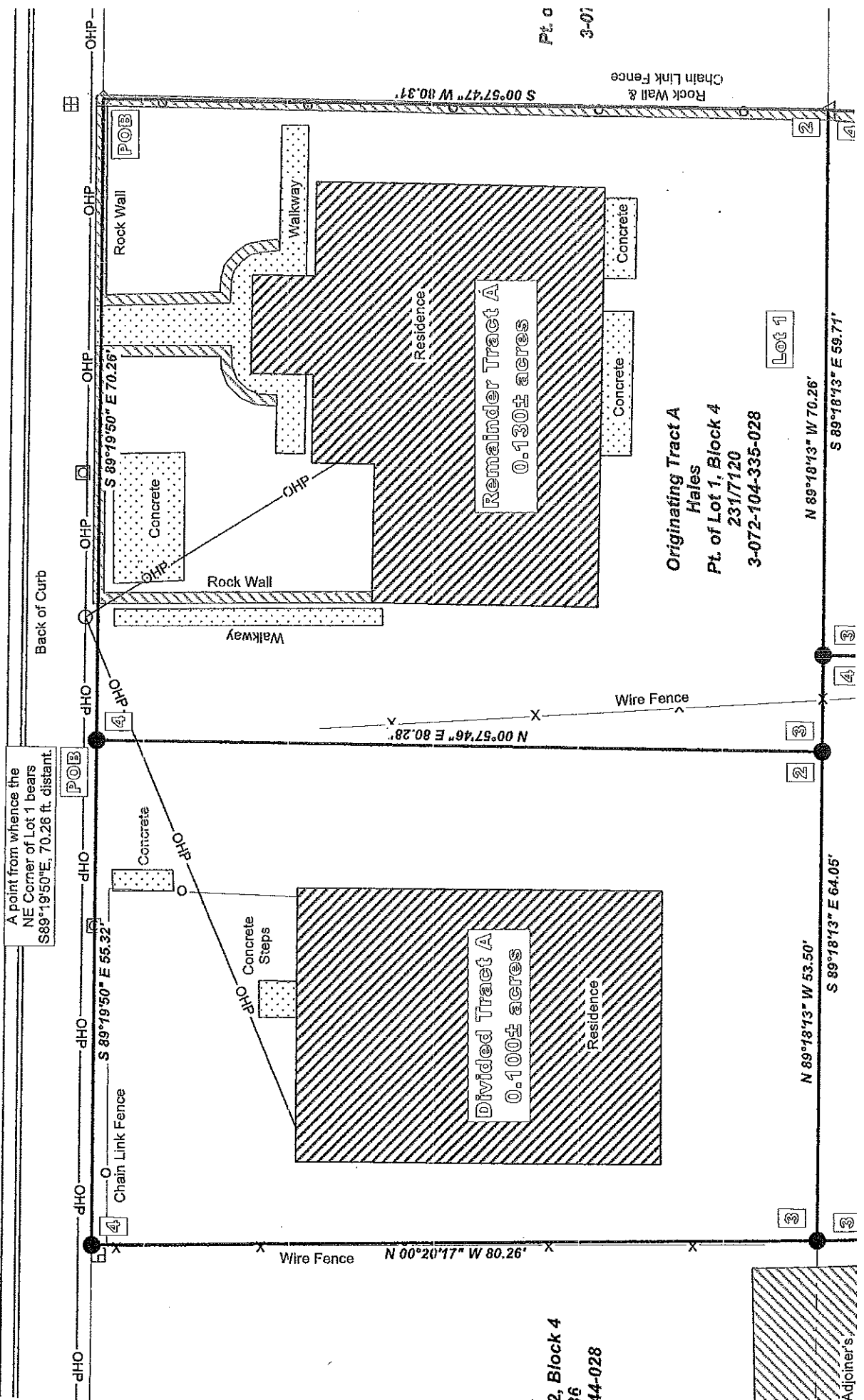
Variance Request
- Notifications
- Z-7anna



Waggoner Street
50.00 ft ROW

JAN. 16, 2024
 LOT SIZE VARIANCES REQUIRED

Watson Street
50.00 ft. ROW



A point from whence the NE Corner of Lot 1 bears $S 89^{\circ}19'50'' E, 70.26$ ft. distant.

Jones
of Lots 1 & 2, Block 4
284/3336
-072-104-344-028

Originating Tract A
Hales
Pt. of Lot 1, Block 4
231/7120
3-072-104-335-028

Pl. 0
3-01

Adjoiner's



Originating Tract B
 Hales
 Pt. of Lot 2, Block 4
 23177120
 3-072-104-335-037

Divided Tract B
 0.114± acres

N 00°20'17" W 78.57'
 Fence Posts Only,
 No Wire

A point from whence the
 SE Corner of Lot 2 bears
 S89°18'13"E, 59.71 ft. distant.

N 89°18'13" W 62.27'

Back of Curb

POB

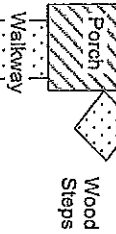
2

N 00°57'47" E 78.55'

Chain Link Fence

Remainder Tract B
 0.108± acres

Residence



N 89°18'13" W 59.71'

POB

Rock Wall &
 Wire Fence

Storage

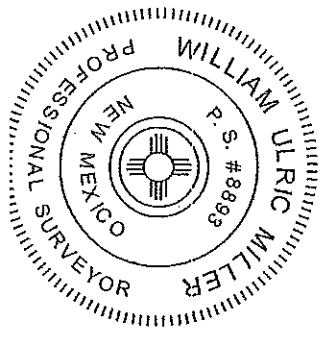
Waggoner Street
 50.00 ft. ROW

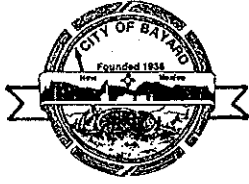
PROF'S CERTIFICATE:

William Miller, New Mexico Registered Professional Surveyor License No. 8893, do hereby certify that I am responsible for this survey; that this survey meets the standards for surveying in New Mexico in effect at the time which it was performed; and the same is true to the best of my knowledge and belief.

William Miller
 L.S. 8893

Date
 3/7/2024





City of Bayard

FORM 99-6

Clean Up...Fix Up

Bayard Pride

Help Your Neighbor

DEVELOPMENT PERMIT APPLICATION FORM

All uses allowed in the basic underlying zone of the Flood Plain Overlay Zone shall be considered conditional uses and shall be subject to a development permit based on the general considerations for Conditional Use Permits plus the following additional considerations.
(Development Permit and Conditional Use Permit will be considered together.)

Application Process

1. Conditional Use Permit completed and returned to the Zoning Officer by the second Friday.
2. A Development application must be completed and returned to the Zoning Officer.

Considerations:

1. All new buildings are designed with the first floor elevation above the base flood level designated by the most current FEMA.
2. Buildings and structures are designed (or modified) and anchored to prevent flotation, collapse, or lateral movement caused by floodwaters.
3. Provisions are made to lessen the danger that materials may be swept onto other lands to the injury of others.
4. Water supply and waste treatment systems are constructed to restrict the entrance of floodwaters.
5. Electrical equipment, circuits, and installed electrical appliances are located in a manner to provide protection from inundation by floodwaters.
6. Structures containing toxic or other dangerous materials are adequately protected to prevent escape of such materials into flood waters; and
7. Provisions are made to provide emergency access in times of flooding.

[Signature]
APPLICANT'S SIGNATURE

2/26/2024
DATE

P.O. Box 996 Bayard NM 88023
APPLICANT'S MAILING ADDRESS

575-590-7730
TELEPHONE #

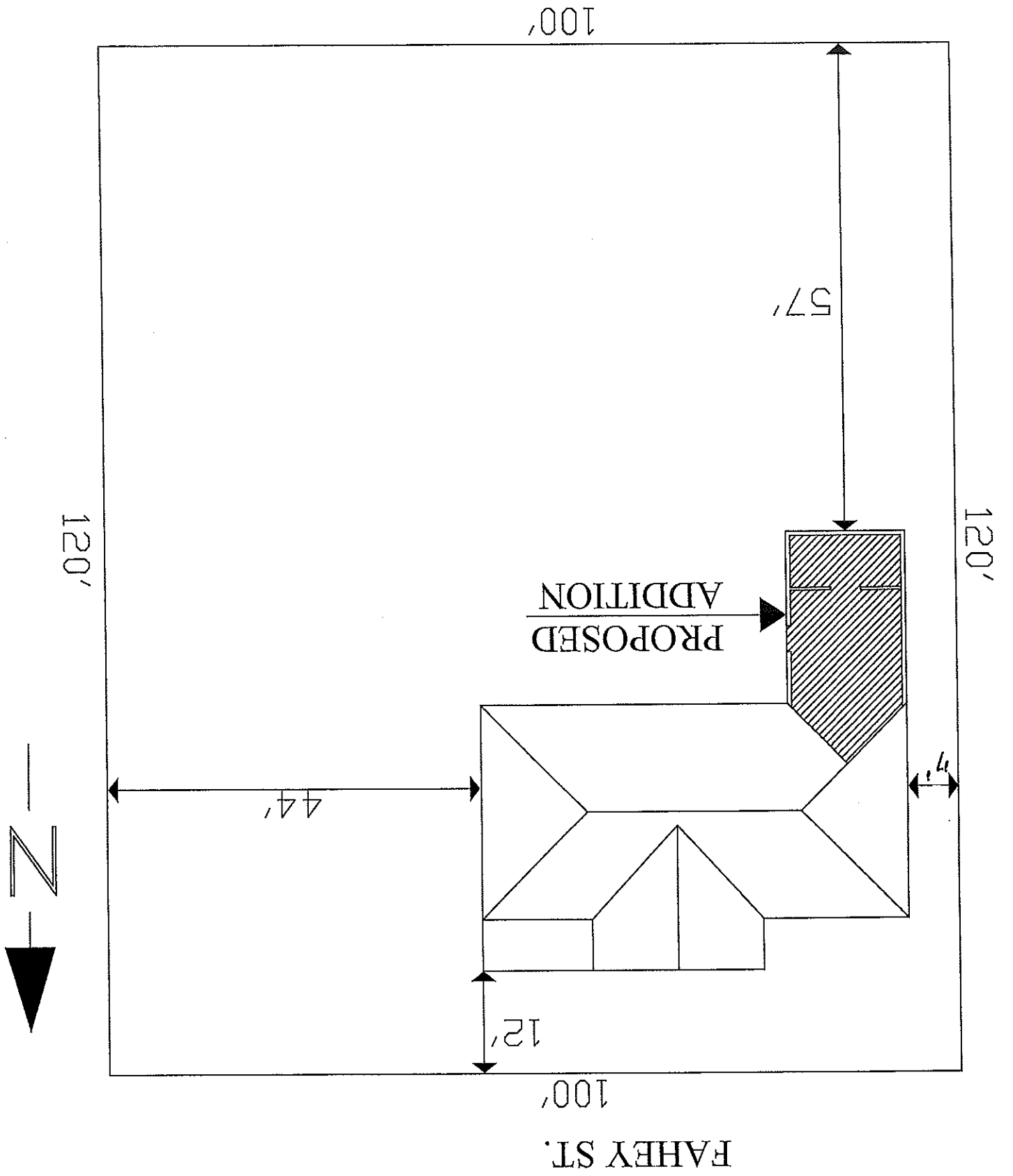
Conditional application completed Y/N _____ Approval _____ Date _____

OFFICE USE ONLY DEVELOPMENT PERMIT FEE IS \$5.00

Check # _____ Cash _____ Receipt # _____ Date ____/____/____

Total Fee Collected: \$ _____ Received By _____

SITE PLAN 126 FAHEY ST. BAYARD NM.





City of Bayard

FORM 99-6

Clean Up...Fix Up

Bayard Pride

Help Your Neighbor

DEVELOPMENT PERMIT APPLICATION FORM

All uses allowed in the basic underlying zone of the Flood Plain Overlay Zone shall be considered conditional uses and shall be subject to a development permit based on the general considerations for Conditional Use Permits plus the following additional considerations.
(Development Permit and Conditional Use Permit will be considered together.)

Application Process

1. Conditional Use Permit completed and returned to the Zoning Officer by the second Friday.
2. A Development application must be completed and returned to the Zoning Officer.

Considerations:

1. All new buildings are designed with the first floor elevation above the base flood level designated by the most current FEMA.
2. Buildings and structures are designed (or modified) and anchored to prevent flotation, collapse, or lateral movement caused by floodwaters.
3. Provisions are made to lessen the danger that materials may be swept onto other lands to the injury of others.
4. Water supply and waste treatment systems are constructed to restrict the entrance of floodwaters.
5. Electrical equipment, circuits, and installed electrical appliances are located in a manner to provide protection from inundation by floodwaters.
6. Structures containing toxic or other dangerous materials are adequately protected to prevent escape of such materials into flood waters; and
7. Provisions are made to provide emergency access in times of flooding.

David Flores
APPLICANT'S SIGNATURE

2-28-2024
DATE

PO Box 220 BAYARD NM 88023
APPLICANT'S MAILING ADDRESS

480 406-7033
TELEPHONE #

Conditional application completed Y/N Approval [Signature] Date 2/17/24

OFFICE USE ONLY DEVELOPMENT PERMIT FEE IS \$5.00

Check # _____ Cash 5.00 Receipt # _____ Date 2/28/24

Total Fee Collected: \$ 5.00 Received By [Signature]

[Signature]

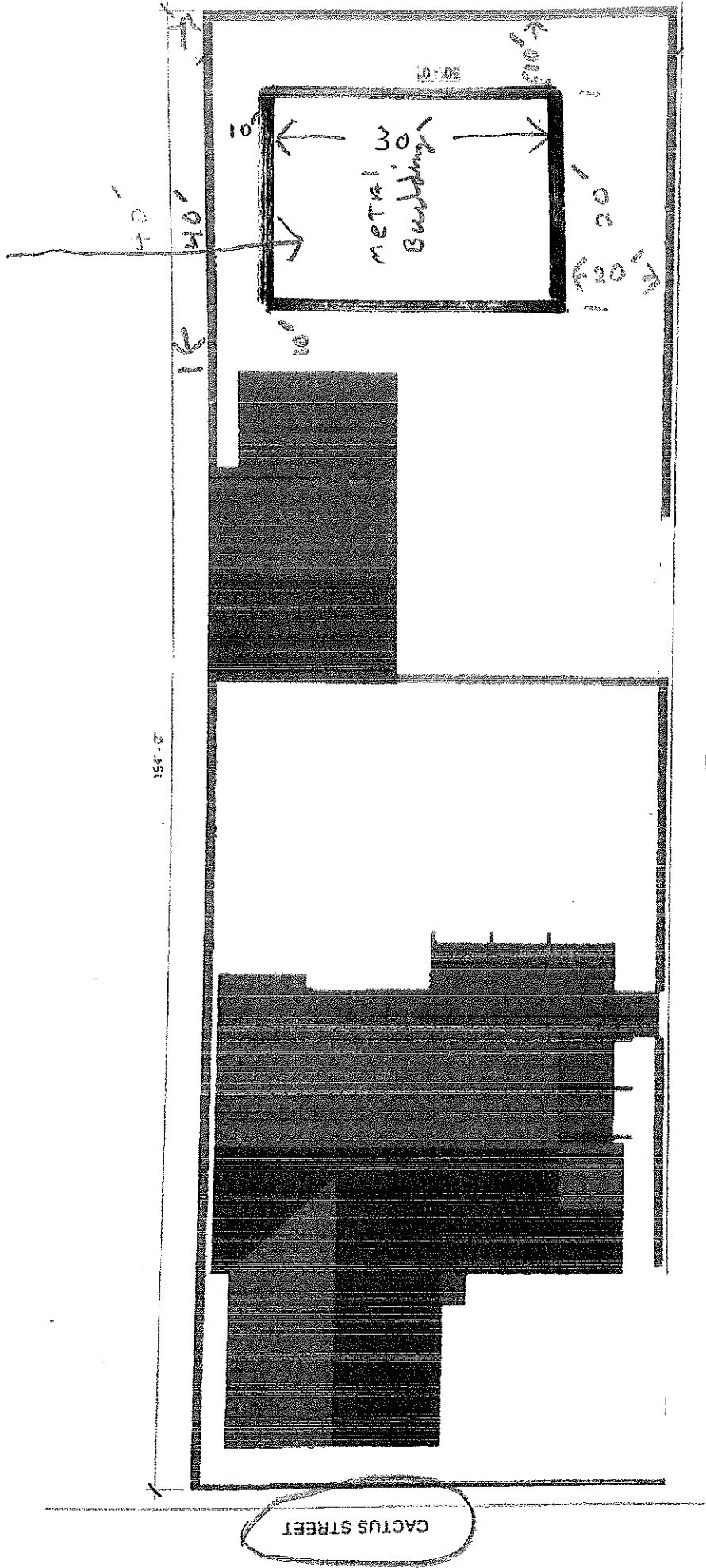
480-406-7033

DAVID FLORES & SOFIA VESA

200 MAYO STREET

BAYARD NM 88023

CONSTRUCT
NEW METAL GARAGE



CACTUS STREET

MAYO STREET