



CITY OF LAS CRUCES

TO: Historic Preservation Committee

FROM: Caitlin Beesley, MHP, Historic Preservation Specialist

DATE: October 12, 2026

SUBJECT: Case 26VO0500067—1009 E. Court Ave

Case 26VO0500067: A request for a Certificate of Appropriateness for the construction of a metal carport located at 1009 E. Court Avenue. The subject carport, constructed to the south of the property's garage, is roughly 175 square feet; the property is zoned R-2. The property at 1009 E. Court is in the South Mesquite Overlay (SMO), however it is outside the National Register and State Register listings of the Mesquite Street-Original Townsite Historic District. An application for a retroactive permit for the carport's construction has been submitted by Teresa Renn, the property owner, who employed Lopez Welding to complete the carport.

The carport was constructed outside the City's permitting process and is presented for retroactive design approval to the Historic Preservation Committee by way of acquiring a construction permit, and for recommendation to the Planning and Zoning (PNZ) Commission for a zoning variance as the carport was built within the setback requirements of the SMO. Ms. Renn has stated that the contractor informed her a permit was not needed as the carport would be under 100 square feet in size; as Ms. Renn's property is within the SMO, it must receive approval for projects regardless of size; the carport also requires a variance from PNZ as the carport does not follow setback requirements for the Overlay.

BACKGROUND

The property at 1009 E. Court Avenue in the SMO was undeveloped until 1980, when the extant residence was constructed. As far as can be established, there was no building on the property prior to 1980¹; the site was likely part of a larger lot or farmland during the historic period. The property is on the far east side of the SMO, one block north of St. Joseph Cemetery. The properties at 1009 and 1011 were constructed at the same time by the same developer, as identified by their similarities in design, their mirrored roof plans, and the footprint of either lot.

The 1000th block of East Court Avenue was outside the Mesquite Street-Original Townsite Historic District when the district was designated in the State Register of Cultural Properties in 1980 and the National Register of Historic Places in 1985. The property is just below the eastern arm of the State Register-listed district; the creation of

¹ R.L. Polk and Company Publishers, "Polk's Bicentennial Edition: Greater Las Cruces City Directory, 1976," Street Directory of Households and Businesses, 74.

the SMO in the early 2000s incorporated undesignated areas of the Mesquite neighborhood including the 1000th block. The property was briefly owned by Tierra del Sol between 2002 and 2004 when it was sold to the current occupant.²

The provenance of the carport is as follows, that it was constructed for use by the property owner in the summer of 2026. According to the property owner's "Justification Letter," submitted alongside other documents and attached to this report, Lopez Welding was hired on May 5, 2026, to undertake the carport project. The owner's discussion with the contractor encompassed carport dimensions, materials, and costs of completion. Per the letter,

The contractor Mr. Luiz Lopez informed me that, based on the size of the carport, a permit was not required and quoted me \$1,500 to complete the project. Based on the contractor's years of experience and knowledge in his life of work, I proceeded with the project.

*In retrospect, I recognize that I should have conducted my own due diligence by contacting the City's permit section to verify whether a permit was required before proceeding with the project.*³

Aerial imaging shows that the carport was completed before July 24, 2026.⁴ At the initial submittal of the retroactive permit application, the property owner intimated that she was unhappy with several holes in the roof and may need to patch the holes or replace the roofing panel in the future—see staff recommendations for more information.

The carport consists of four metal posts, supporting a simple roof frame covered with a sheet of standing seam. Contractor notes describe construction as four 4"x4" square tubing for posts; seven 6" purlins for the roof construction; and 26 gauge sheet R panel metal for the roof. Visually, it is a white metal carport that extends from the garage of the residence at 1009 E. Court. The carport is roughly 175 square feet in plan and is directly attached to the residence; it is approximately 10' in height, placing it just under the parapet of the house.

Other design considerations include the carport's placement on the lot. From the carport's position in front of the garage, it becomes a dominant part of house and the most visible part of the construction from the sidewalk and the streetway. The carport also extends past the required 20' setback in the SMO, ending within 8' of the property line; this requires a variance from the PNZ Commission if the carport is to be retained.

The carport was constructed outside the proper permitting process for building construction, as identified in the City's development code. Regarding the design and

² Doña Ana County Assessor's Office, "1009 Court," Eagle Web, online resource, retrieved October 12, 2026. <https://assessor.donaana.gov/assessor/taxweb/account.jsp?accountNum=R0206845>

³ Teresa Renn, "Memorandum," labeled Justification Letter, submitted September 10, 2026.

⁴ Nearmap, 1009 E. Court Avenue, Friday, July 24, 2026, retrieved October 12, 2026.



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construction of attached carports, which fall under garage or additions under the SMO Zone requirements: The design of attached carports “should be consistent with the main building.”⁵ The carport would theoretically have gone through the design review process in order to receive a Certificate of Appropriateness from HPC because of its prominent placement—this did not occur prior to the construction of the carport. The property owner has submitted the carport for proper permitting through the Community Development Department, which led to this retroactive petition for a Certificate of Appropriateness.

The construction of the carport and the need to retroactively review it presents several unusual issues. If the objective is to find a rationale to approve the constructed carport, the carport will have to be altered to accommodate design requirements of the SMO—see staff recommendations for more on this. If the HPC chooses to not approve the carport nor recommend it for a variance to the PNZ Commission, the carport will not be permitted and will likely have to be removed.

Following code standards, the carport as constructed does not meet the requirements of garages in the South Mesquite Overlay; as carports are not referenced in the Permitted Use Chart, garages are the nearest appropriate conforming use. Front setbacks for garages are 5’ elsewhere in Las Cruces, but garages in the SMO must be 20’ to conform to the district, as the Mesquite neighborhood was established prior to the automobile and doesn’t feature overtly automobile-influenced design in commercial or residential architecture.⁶ Design-wise, the carport is also explicitly prohibited from being constructed inside the front setback of the subject property within the SMO.⁷ The carport, therefore, when presented as a garage, does not conform to the setback requirements of a garage. It also does not conform to the code requirements of an addition to an existing building, which requires that additions be subject to the original construction and must be setback from the street-facing façade.⁸

The HPC is required to adjudicate the carport in terms of design. As established, the construction of garages in the SMO are permitted provided that they meet setback requirements, are secondary to the front façade of the associated building, and reference the design of the main house – this carport does not meet any of those requirements. The carport also does not directly reflect the materials of neighboring buildings or the building it’s attached to; the question of feasibility regarding a carport constructed out of alternative materials that are in keeping with the district’s character is not an option at this time. The carport may be brought into compliance through altering

⁵ City of Las Cruces “Accessory Structure Requirements,” 2025 Development Code Sec. 36-4(B)(3), February 18, 2025, 266.

⁶ City of Las Cruces “SMO Development Standards,” 2025 Development Code Sec. 35-2-28 (7), February 18, 2025, 151. Using this justification, a carport is even more prominent than the garage because it is not enclosed.

⁷ City of Las Cruces “SMO Permitted Use Chart,” 2025 Development Code Sec. 36-2-30 (g) (iii), February 18, 2025, 159.

⁸ City of Las Cruces “Criteria for Requesting and Granting Building Height Exceptions,” 2025 Development Code Sec. 36-2-28 (v) (b), February 18, 2025, 163.



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the existing materials to appear as though they are wood or introducing new materials into the construction such as stucco or coreten—see staff recommendations below. Should the property owner agree to bring the carport into compliance with material requirements, the HPC may decide to approve or deny based on the carport’s physical location on the site and where it has been placed on the building.

DECISION CRITERIA

To ensure quality property development and renovation and to protect the historic character of the South Mesquite neighborhood, HPC shall evaluate and determine the exterior design appropriateness of proposals for new construction, additions, exterior alterations, and rehabilitation of properties within the historic district.

Applicable development must ultimately utilize architectural styles, methods, and materials that are visually compatible with surrounding structures (especially where new construction is proposed), and the overall character of the historic district. This should not be interpreted as a requirement to mimic existing styles or construction materials, but as a means for these types of projects to result in a visually compatible transition between old and new structures within the general neighborhood and/or on a single parcel of land. In addition to the standards stated in the 2025 Realize Las Cruces Development Code, as amended, and the Historic Preservation Ordinance projects shall be reviewed based upon *The Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings*, and *The New Mexico Historic Building Inventory Manual, 1980*.⁹

Violations of the City’s Building Code are subject to a penalty for violation as outlined in Section 30-141 and Section 1-10 of the City’s Municipal Code; a violation refers to the failure “to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.” Individuals who violate code are guilty of a petty misdemeanor and may be subject to a fine not exceeding \$500.00 and/or imprisonment for a term not exceeding 90 days. For violations of the Building Code that are continuous with respect to time, each day the violation continues is a separate offense.¹⁰ Violations of the City’s Development Code are subject to the penalties and enforcement outlined in Sec. 34-1.H. Violations and Enforcement. Individuals who violate the Development Code may be subject to the revocation of permits or the issuance of a stop-work order; other penalties are provided for dependent on a case-by-case basis.¹¹

⁹ National Park Service, “The Secretary of the Interior’s Standards for Rehabilitation,” <https://www.nps.gov/subjects/taxincentives/secretarys-standards-rehabilitation.htm>

¹⁰ City of Las Cruces, “General penalty for violations; injunctive relief authorized,” Las Cruces Municipal Code Sec. 1-10 (Code 1988 § 1-10), April 27, 2026.

¹¹ City of Las Cruces, “Violations and Enforcement,” 2025 Development Code Sec. 34-1 (H), February 18, 2025, 3.

STAFF RECOMMENDATION

Staff has reviewed this request and recommends **APPROVAL WITH CONTINGENCIES** for the project based on the following finding:

1. The carport was constructed using pre-formed metal materials that are powder-coated white. These exact materials were not historically present in the Mesquite Street Historic District. The neighborhood has established via City Ordinance that this carport is not their preferred interpretation for modern construction, however, it may be excused, allowed, and limited to this instance. While the design of the carport maintains a compatible roofline and massing with the residence and is not out of scale with the surrounding streetscape, it also blocks views from the street of the building and—most particular for the South Mesquite neighborhood—the parapet of the front facade.
 - a. Staff recommends that HPC require the property owner to either stucco the carport posts and paint them to match the house or else paint the carport brown to lessen the stark visuals created by the white metal and create a facsimile of wood, which is more in keeping with the materials of the neighborhood; while the color white was present in and around the neighborhood historically, it was generally reserved for lime plaster or wash applications—historical examples of metal were not painted or powder-coated. Staff also recommends, should the property owner need to replace the standing seam metal roofing material as has been intimated due to an issue with installation, that she use a corrugated or standing seam metal that is either unpainted coreten or weathered metal; these changes will accommodate design requirements.
2. The carport's construction does not impinge on the existing building and could be removed in the future without inflicting significant damage to the building.
3. The carport has already been constructed. This retroactive Certificate of Appropriateness process is an opportunity to publicly reiterate the need for construction projects in the South Mesquite Overlay to properly permit, in addition to participating in the Design Review process.

NOTE: Recommendations by the Committee must be based on “findings.” Findings for *DENIAL* of the nomination should be articulated by the Committee and may be based on policies found in the City of Las Cruces Development Code, and/or other City plans and policies. Findings may also be based on information presented at the public hearing or information obtained through a site inspection.



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Figure 1: The carport at 1009 E. Court Avenue with the property boundary outlined in red.



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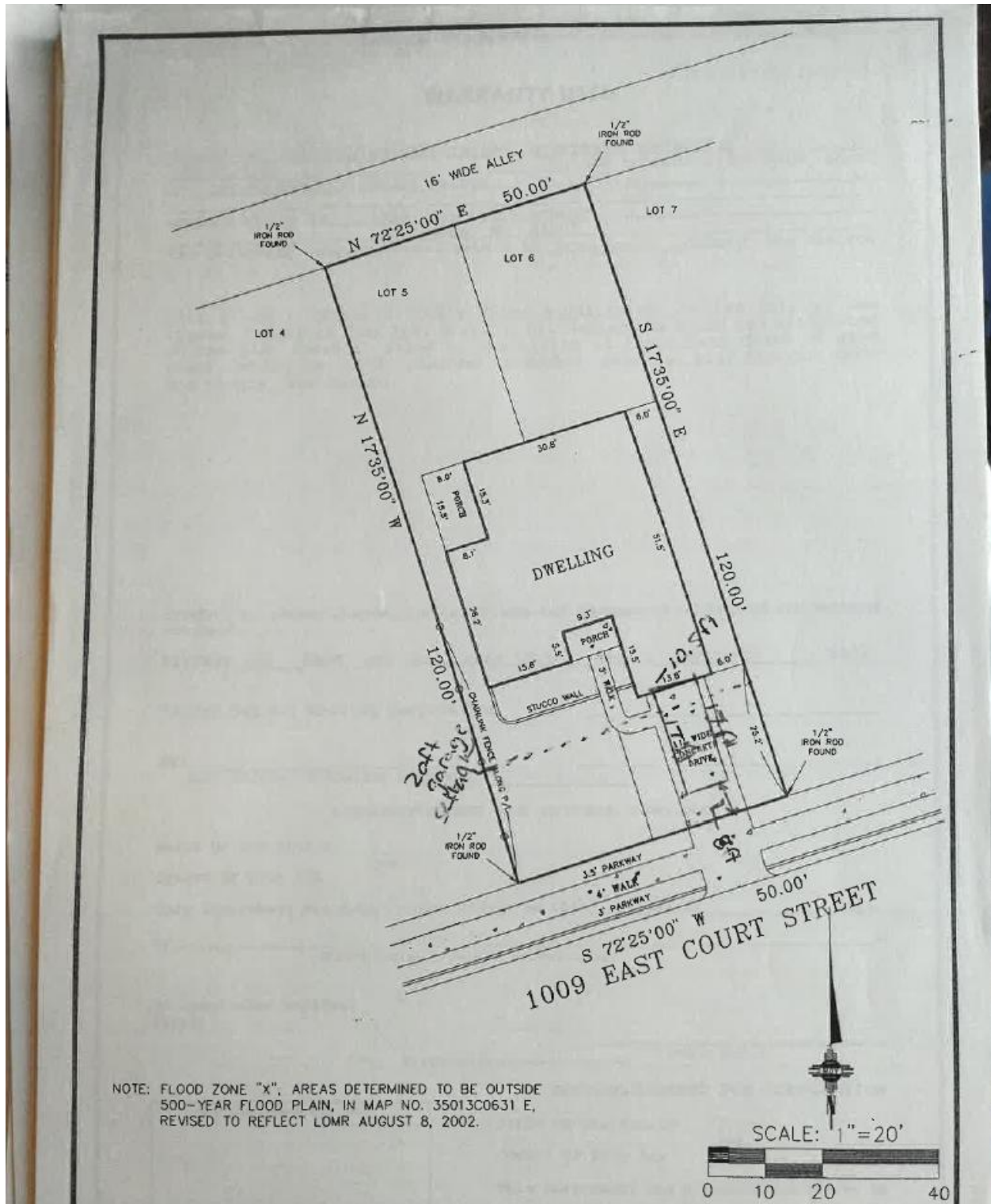


Figure 2: Site Plan of the property at 1009 E. Court Avenue with the carport drawn in by John Castillo, planner with the City's Community Development Department.



Figure 3: The carport at 1009 E. Court Avenue.



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Figure 4: The carport at 1009 E. Court Avenue from the neighboring driveway of 1011 E. Court.



Figure 5: Photograph of the carport, courtesy of the property owner.



Figure 6: Photograph of the front detail of the carport, showing its attachment to the residence, courtesy of the property owner.



Figure 7: Google screenshot of the carport at 1060 E. Court Avenue. While this carport was likely constructed at the same time as the house, it references the materials and color scheme of the main building to which it is attached.



Figure 8: Carport at 320 N. Espina Street. Like the property at 1060 E. Court, this carport references design elements of the main house in its construction.



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Figure 9: This property on the 1000th block of East Court Avenue has a pergola attached to the house that functions as a historically informed ramada.

MEMORANDUM

To: City of Las Cruces – Southwest Mesquite Historic Area

From: Teresa Renn

Date: September 10, 2026

Subject: Request for Approval of Carport at 1009 East Court Avenue

I am submitting this memorandum to respectfully request approval of the existing carport located at **1009 East Court Avenue, Las Cruces, New Mexico**, within the Southwest Mesquite Historic Area.

The carport dimensions are approximately **10 feet high, 17 1/2 feet long, and 10 1/4 feet wide**. The structure is set back approximately **13 1/8 inches from the property line**.

Materials used for the carport include:

- 4x4 tubing posts
- 6-inch C-purlins
- 4x4 beams and rafters
- 26-gauge R-Panel metal roofing

On May 5, 2026, I hired **Lopez Welding** to complete the carport project. We discussed the project plans, including the dimensions, materials needed, and cost to complete the structure. The contractor Mr. Luiz Lopez informed me that, based on the size of the carport, a permit was not required and quoted me **\$1,500** to complete the project. Based on the contractor's years of experience and knowledge in his line of work, I proceeded with the project.

In retrospect, I recognize that I should have conducted my own due diligence by contacting the City's permit section to verify whether a permit was required before proceeding with the project.

I respectfully request that the **City of Las Cruces and the Southwest Mesquite Historic Area Review Board** consider approving the existing structure. The requested attachments are included with this memorandum for review, including the **project plans, variance application, photographs, and notarized affidavit**.

I am willing to provide any additional information or documentation needed to assist with and complete the review process.

Thank you for your time and consideration of this request.

Respectfully,



Teresa Renn

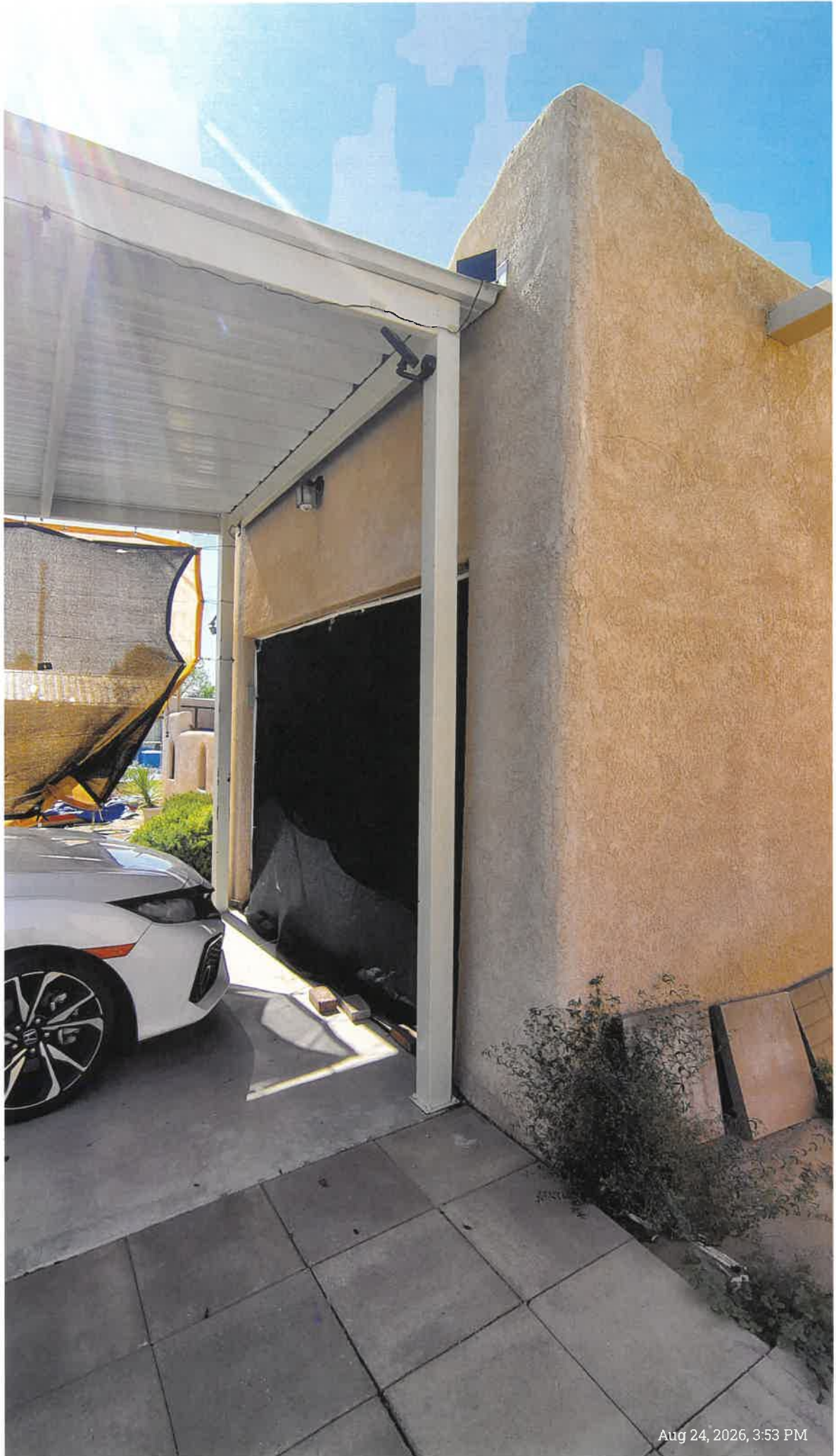


Material

4x4
sq. tubing

6" per line

26 gauge
Sheet R
Panel Metal



[illegible][illegible]

1/4" = 1'-0" SCALE

DATE _____

DRAWN BY

SHEET 8Y

1011

AFFIDAVIT
PLANNING AND ZONING COMMISSION

COMES NOW the undersigned and states under oath as follows:

1. That the undersigned an applicant for a zone change, initial zoning, Zoning Code amendment, Special Use Permit, Planned Unit Development, Subdivision or site plan approval.
2. That in connection with said application, the undersigned has submitted various information, including but not limited to, a legal description of the property.
3. That information submitted is true and accurate as of the date of signing of this Affidavit.

Teresa Renn
Name (Print)
Teresa Renn
Signature

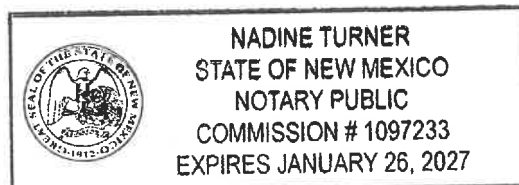
STATE OF NEW MEXICO)
)
COUNTY OF DONA ANA) ss

The foregoing instrument was acknowledged before me this 10th day of September, 2026, by Teresa Renn

Nadine Turner
NOTARY PUBLIC

My Commission Expires:

1.26.27





VARIANCE PRE-APPLICATION AND SUBMITTAL CHECKLIST

A pre-application meeting is required prior to the submittal of a variance application. The required information and documents are listed below. Staff will not accept incomplete applications.

Pre-application Meeting Date: Sept 2 2026 Staff: John Castillo

Community Development Recommendation
Planning and Zoning Commission Final Action

Required	Submitted	Documents
☒	☐	Complete online application - https://aca-prod.accela.com/LASCRUCES/Default.aspx
☒	☐	Signatures of all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney)
☒	☐	Justification Letter (use of the property, improvements to be made, deviations to the code, and justification for variances)
☒	☐	An accurate and complete boundary survey shall be made of the land to be developed
☒	☐	Architectural renderings or artistic drawings.
☒	☐	A Site Plan in accordance with B.12. Site Plan Submittal Requirements .
☒	☐	Submittal Fee
☐	☐	A drainage facilities plan or environmental impact statement (if applicable)
☐	☐	Copy of early notification letter to the defined noticed area and copy of minutes (if applicable)

I, Teresa Benn, hereby acknowledge the required items have been submitted.
(Applicant's name)

Failure to provide the required submittal items may result in unnecessary delays in processing or rejection of the submittal. A review of the submitted documents and analysis of the site may trigger the need for additional items not listed and/or required at the time of pre-application.

Application Complete Date: 9/10/26

Application Incomplete Date: _____

Resubmittal Due on or before Date: _____

SIGNATURE(S): By signing the application, you hereby acknowledge that **ALL** the information submitted on and with this application is true and correct to the best of your knowledge. No application will be accepted without the original signature of the owner(s) of record of the described property. If more than one owner, **ALL** owners must sign the application.

Owner(s):

Would the property owner like to receive a copy of all correspondence sent to the applicant?

Property Owner Please Initial: Yes ☒ No ☐

Deese R Date 9/10/26

Property Owner 1

Date _____

Property Owner 2

Date _____

Applicant/Representatives(s), if different from owner:

NOTE: The Owner, Applicant or legal representative must attend all public hearings.

ADDITIONAL APPLICANTS / CONTACT PERSONS, if different from owner:

Property Owner 1:

Name: _____ Title/Company: _____
Address: _____ City _____ State _____ Zip _____
Phone-Home (____) _____ Work(____) _____ Mobile(____) _____ Fax(____) _____

Property Owner 2:

Name: _____ Title/Company: _____
Address: _____ City _____ State _____ Zip _____
Phone-Home (____) _____ Work(____) _____ Mobile(____) _____ Fax(____) _____

Applicant/Representative:

Name: _____ Title/Company: _____
Address: _____ City _____ State _____ Zip _____
Phone-Home (____) _____ Work(____) _____ Mobile(____) _____ Fax(____) _____

*****STAFF USE ONLY*****

Accepted by:		Fee Paid:	\$	Date Fee Paid	
Receipt No.	#	Check Number	#	Case Number	
Submittal Date		Submittal Complete		Assigned to:	