



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Agenda - Final Board of Adjustment

Monday, August 1, 2016

5:30 PM

1000 Central Avenue, Suite 110 (B&C Room)

1. CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENT

This section of the agenda is reserved for comments from the public on items that are not otherwise included in this agenda.

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

[8462-16](#)

Minutes from the Board of Adjustment Meeting(s) on March 14, 2016

Presenters: Community & Economic Development

Attachments: [A - Draft Minutes for March 14, 2016](#)

5. PUBLIC HEARING(S) - QUASI JUDICIAL

[8461-16](#)

A request for a Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-271 (Fences, hedges and gates), (a) Height, to allow an eight-foot (8') solid fence to be erected along a portion of the rear property line. The property is located at 2299 North Road, Los Alamos, New Mexico, in Subdivision: NORTH COMMUNITY 1, Lot 276A, and is zoned R-M-NC (North Community District, which is a single-family residential zoned district).

Presenters: Community & Economic Development and Anders Millmann, Senior Planner

Attachments: [Exhibit I Vicinity mapAerial photo](#)
[Exhibit II Application, site survey, and photos \(4\)](#)
[Exhibit III Map and list of property owners of record within 300 feet](#)
[Exhibit IV Interdepartmental Review Committee \(IDRC\) Meeting Draft Minutes](#)

6. PUBLIC COMMENT

7. ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 662-8040 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department at 505-662-8006 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

August 01, 2016

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters: Community & Economic Development

Legislative File: 8462-16

Title

Minutes from the Board of Adjustment Meeting(s) on March 14, 2016

Recommended Action

I move that the Board approve the Minutes for March 14, 2016.

Attachments

A - Draft Minutes for March 14, 2016

MINUTES

Board of Adjustment

March 15, 2016 – 5:30 P.M.

1000 Central Avenue, Boards and Commission Room
Los Alamos, NM 87544

Members Present: Michael Redondo, Chair
Jaret McDonald, Commissioner
Cathy Mockler, Commissioner

Members Absent: None

Staff Present: Anders Millmann, Senior Planner
Kevin Powers, Assistant County Attorney
James Naranjo, Assistant Planner

I. CALL TO ORDER / ROLL CALL

Chair Redondo called the meeting to order at 5:33 PM and asked James Naranjo to call the roll. A quorum was present.

II. PUBLIC COMMENTS

III. APPROVAL OF AGENDA

Commissioner Redondo moved to approve the agenda as presented. Commissioner McDonald seconded the motion. Motion passed unanimously.

IV. APPROVAL OF MINUTES

Commissioner Redondo moved to approve the minutes as presented. Commissioner McDonald seconded the motion. Motion passed unanimously.

V. PUBLIC HEARINGS

a. Case No. 16-BOA-001

A request for a Waiver to Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article VII, §16-272 (a) for the construction of an attached carport measuring twelve (12) feet by twenty two (22) feet. The proposed carport will encroach ten (10) feet into the fifteen (15) foot side yard setback. The property is located at 364 Aragon Avenue, Subd: RIDGECREST 3 Lot: 076, in an R-1-10 (Single-family residential district) zone.

Timothy Benjamin, owner 364 Aragon Avenue presented the request. Commissioners, applicant, and staff were given the opportunity to comment.

MOTION:

Commissioner McDonald made the motion that the Board of Adjustment Approve Case No. 16-BOA-001, a request for approval of a waiver to encroach ten feet (10') into the required fifteen (15') foot side-yard setback to construct a 12X22' carport for the reasons stated in the staff report and determined during the public hearing, subject to the following conditions:

1. Compliance with all conditions identified in the IDRC meeting, to wit: Ensure roof drainage does not adversely impact adjacent properties or public right-of-way.

2. The applicant shall apply for a Building Permit prior to construction of the new carport.
 3. The applicant shall ensure that the existing six-foot (6') high privacy fence remains aesthetically pleasing and in good condition.
- Commissioner Mockler seconded the motion. Motion passed 3-0.

VI. ADJOURNMENT

5:58 pm

Michael Redondo, Chair

Paul Andrus, CDD Director



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Staff Report

August 01, 2016

Agenda No.:

Index (Council Goals):

Presenters: Community & Economic Development and Anders Millmann, Senior Planner

Legislative File: 8461-16

Title

A request for a Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-271 (Fences, hedges and gates), (a) Height, to allow an eight-foot (8') solid fence to be erected along a portion of the rear property line. The property is located at 2299 North Road, Los Alamos, New Mexico, in Subdivision: NORTH COMMUNITY 1, Lot 276A, and is zoned R-M-NC (North Community District, which is a single-family residential zoned district).

Property Owners

Michael Jensen, Owner/Applicant

Applicant

Michael Jensen, Owner/Applicant

Case Manager

Anders Millmann, Senior Planner

Recommended Actions

I move that the Board of Adjustment approve Case No. 16-BOA-003/WVR-2016-0019, a request for approval of an eight-foot (8') solid wall to be erected along a portion of the rear property line, for the reasons stated in the staff report and reasons determined during the public hearing, with the following conditions:

- 1. Compliance with all conditions identified in the IDRC meeting.**
- 2. The applicant shall submit an engineered foundation plan concurrent with an application for a "Building Permit" prior to construction of the proposed fence.**

Motion Option 2:

I move that the Board of Adjustment deny Case No. 16-BOA-003/WVR-2016-0019 with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

- 1.**

CASE SUMMARY

The applicant is requesting a waiver to allow for the construction of an eight-foot solid fence along the rear property line. The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-271 (a) establishes a maximum height for solid or open fences or hedges at six (6') feet.

The subject property is the front lot of a 2-lot flag lot, and is located on the west side of North Road. A driveway running along the southern property boundary provides access to a residence situated west of the subject property. There is an existing chain link fence running along the entire length of the rear property line of the subject residence, separating the

subject property from the adjacent lot to the west. This fence is approximately 36-inches in height. This property line measures approximately 78-feet in length.

The overall topography of the subject property is predominantly flat; however there is an abrupt escarpment which runs east to west, running across the northern portion of both the subject property and the adjacent parcel to the west. At this escarpment, the elevation rises abruptly, approximately 7-9 feet, and continues a moderate upward slope until it terminates in a solid wood wall separating both the subject property and the property to the west from a larger single family residential property located to the north. The existing chain link fence follows the approximate contour of the land, and terminates into the solid wood fence at the northern property line.

At the point where the topographic escarpment rises, the existing chain link fence becomes elevated to maintain its average height (36-inches) above the terrain, and continues up to and terminates at the solid wooden fence. This distance is approximately 15 feet in length. The petitioner is requesting to erect a solid fence from the point where the existing chain link fence becomes elevated, southward along the rear property boundary a distance of eight (8') feet. The purpose of erecting an 8-foot high fence at this location is to provide protection in the form of a solid barrier between his property and the adjoining property to the west, to protect the two properties from both domestic and wild animals. The petitioner owns a dog; the adjacent property owners have chickens, and there have been sightings of coyotes and cougars in the area. The petitioner wishes to keep his dog out of the adjoining property owner's yard (chickens), while simultaneously protecting his rear yard from coyotes and cougars jumping over the existing low fence at this point into his rear yard and potentially harming his dog.

The petitioner further proposes to erect a solid six (6') foot high fence alongside the existing chain link fence, southward almost to the existing driveway, thence eastward to a termination point with the existing residential structure, to entirely enclose his rear yard. This portion of the fence is permitted under the Development Code, and is therefore not subject to the waiver request.

II. Waiver Review Criteria

Sec. 16-157: During the course of review of any waiver request, the board of adjustment shall base its decision on all the following criteria. The board of adjustment shall approve, approve with conditions and limitations, or deny the request depending on the extent to which the request meets or fails to meet these criteria:

(a) Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement, and

Applicant Response:

It will not.

Staff Response:

The proposed 8-foot high fence in this area of the rear yard will not be sited over or near any utility or drainage easements.

(b) The waiver request is caused by a practical difficulty or hardship inherent in the lot or lot improvements and the difficulty or hardship has not been self-imposed, and

Applicant Response:

Is necessary to prevent animals from jumping from the upper escarpment level down into my yard, and to prevent my dog from jumping down into my neighbor's yard (she's an escape artist) (and is in love with their chickens) and is for one section (8') of fence only.

Staff Response:

The proposed 8-foot high fence in this area of the rear yard is the result of an abrupt change

in the natural physical topography of the lot. As such, the difficulty or hardship is not self-imposed.

(c) Granting of the waiver will not create a health or safety hazard or violate building code requirements, and

Applicant Response:

It will not.

Staff Response:

No health or safety hazard or building code violation would be created by granting the requested waiver.

(d) Granting of the waiver will not create any significant negative physical impacts on property within 100 yards of the subject property such as reduced sight lines, loss of privacy, decreased security, increased noise, objectionable odors, intrusion of artificial light, the casting of unwanted shadows, or similar negative impacts.

Applicant Response:

It will not.

Staff Response:

The placement of the 8' high fence over a small portion of the rear property line (8-feet in length total) will not create any significant negative physical impacts on property within 100 yards of the subject property. The only property that may be affected by the placement of this fence will be the adjacent property to the west.

Staff further finds that the fence proposed will not obstruct the public right-of-way; nor will it obstruct the view of vehicular or pedestrian traffic.

Staff further finds that the provisions of §16-271 (d) do not apply to this situation.

Staff further finds that a Building Permit shall be required prior to construction of the fence.

The Building Permit shall be accompanied by footing calculations prepared by an engineer licensed in the State of New Mexico.

The requested waiver was properly and sufficiently noticed, and no comments or objections were received by the Community Development Department staff as of Tuesday July 26, 2016.

FINDINGS OF FACT

1. This and adjacent properties are residential and Zoned R-M-NC (North Community District, which is a single family residential zoned district).
2. The subject property is identified as being Lot 276A within the NORTH COMMUNITY 1 subdivision, and contains 0.256 acres, or 11,167 square feet of area, and is permitted to erect a solid or open fence or hedge along the rear property line at a height not to exceed six (6') feet, under §16-271 of the Development Code.
3. The length of the rear property line is approximately 78-feet; with approximately 15-feet of this distance being located above the topographic escarpment.
4. The waiver requested is to erect an eight (8')-foot tall fence for a linear distance of eight (8')-feet, located along the rear property line, beginning at the point of the escarpment and running south along the rear property line.

EXHIBITS

Exhibit I Vicinity map/Aerial photo

Exhibit II Application, site survey, and photos (4)

Exhibit IV Map and list of property owners of record within 300 feet

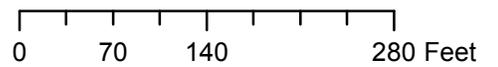
Exhibit V Interdepartmental Review Committee (IDRC) Meeting Draft Minutes

2299 North Road Vicinity - Aerial View



Subject Property

Exhibit I Vicinity map/Aerial photo



All mapping information is for reference only.
Users are solely responsible to confirm data accuracy.
Los Alamos County assumes no liability for errors
associated with these data.

1 inch = 143 feet

WVR-2016-0019



WAIVER APPLICATION

Los Alamos County Community Development Department
1000 Central Ave, Suite 150, Los Alamos NM 87544
(505) 662-8120

Note: The Board of Adjustment considers Applications for Waivers at a public hearing. Waiver means an adjustment of dimensional requirements, parking regulations, or design standards contained in the Land Development Code. Waivers shall not apply to regulations controlling density or land use.

Describe the Waiver request: one section of fence to be 8' high as there is an escarpment about 6' above ground level. a 6' fence is inadequate to prevent an animal (dog) from jumping down into adjacent yard (2299 North Rd)

Address of Property to which the Waiver Request applies:
2299 North Road

Zoning District: _____ Acreage: _____ Lot Coverage: _____ Related Applications (if any): _____

APPLICANT (Unless otherwise specified, all communication regarding this application shall be to Applicant):

Name: Michael Jensen Phone: 662-4379 Cell #: N/A
Please Print
Address: 2299 North Rd Email: mjensen@earthlink.net

Michael Jensen 6/29/16
SIGNATURE DATE

PROPERTY OWNER (If different from Applicant) Check here if same as above

Name: _____ Phone: _____ Cell #: _____
Please Print

Address: _____ Email: _____
Owner's Address

My signature below indicates that I authorize the Applicant to make this Waiver application on my behalf.

SIGNATURE DATE

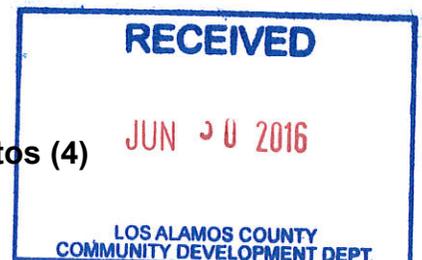
THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT
For County Use:

Date of Submittal: _____ Staff Initial: _____

CDD Application Number: _____ Fees Paid: _____

Revised: 12/30/15

Exhibit II Application, site survey, and photos (4)



WAIVER REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-157 establishes four (4) criteria upon which the Board of Adjustment shall base its decision to approve, approve with conditions and limitations, or deny the waiver request. The Board's decision shall depend upon the extent to which the request meets or fails to meet these criteria. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. (Attach additional sheets if needed.)

- (a) Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement; and

IT WILL NOT

- (b) The waiver request is caused by a practical difficulty or hardship inherent in the lot or lot improvements and the difficulty or hardship has not been self-imposed; and

IS NECESSARY TO prevent animals from jumping from the upper escarpment level down into my yard, and to prevent my dog from jumping down into my neighbors yard (she's an escape artist) (and is in love with their chickens) and is for one section (8') of fence only

- (c) Granting of the waiver will not create a health or safety hazard or violate building code requirements; and

IT WILL NOT

- (d) Granting of the waiver will not create any significant negative physical impacts on property within 100 yards of the subject property such as reduced sight lines, loss of privacy, decreased security, increased noise, objectionable odors, intrusion of artificial light, the casting of unwanted shadows, or similar negative impacts.

IT WILL NOT

SUBMITTALS:

Provide all information necessary for a complete review of the Waiver request. Check each of the boxes to indicate which information you have provided, and, if possible, also provide one complete copy of all materials on disk:

- Proof of property ownership. utility bill
- A scaleable drawing including all information pertinent to the waiver request:
- Existing and proposed lot coverage.
 - Show and label the footprint of all existing buildings and structures on the site.
 - Show, dimension and label all existing and proposed easements.
 - Show, dimension and label all existing and proposed setbacks.
 - Show, dimension and label building/structure elevations.
- Other. Describe: overhead picture of area of fence
variance requested for

Revised: 12/30/15

Michael Jensen

2299 N Rd.

AN escapment, a 6' difference in level, exists along orange line.



6'
8'
6'

Subject Property

2299

0 5 10 20 Feet

Exhibit II Application, site survey, and photos (4)

Michael Jensen

All mapping information is for reference only.
Users are solely responsible to confirm data accuracy.



COUNTY OF LOS ALAMOS

Customer Care (505) 662-8333
311 Customer Care Center 311@lacnm.us
Pay your bill online: www.losalamosnm.us/utilities

Cycle 20

Account Summary

Bill Date 6/13/16
Due Date 7/8/16
Account Number 2001898

Customer Name: MICHAEL JENSEN
Service Address: Multiple Locations

Gas Variable Heat Content Factor = 1.0421

Current Service Period's Meter Detail

25 VERDE RIDGE UNIT B

Table with columns: Service, Meter #, Reading Type, Previous Read, Current Read, Demand, Demand Rate, Meter Multiplier, Total Consumption, Commodity Rate. Rows for ELECTRIC and GAS.

Current Service Period's Meter Detail

2299 NORTH ROAD

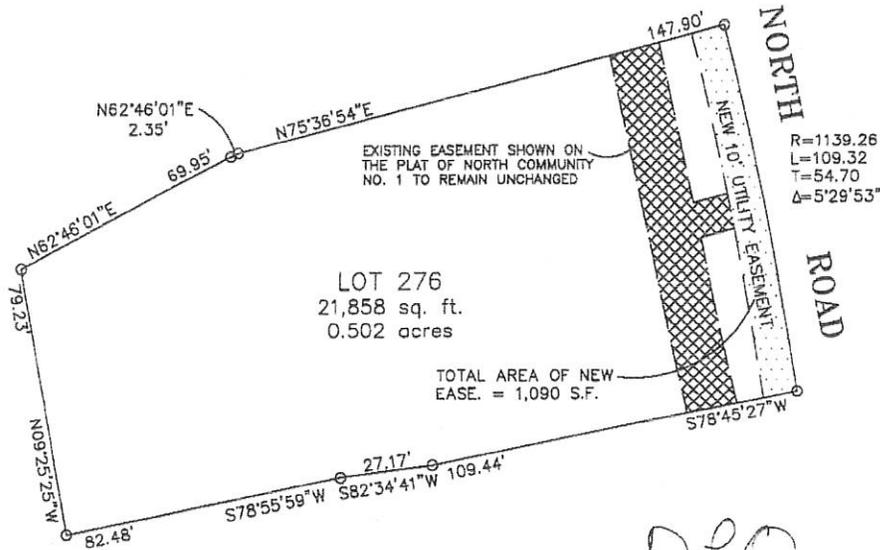
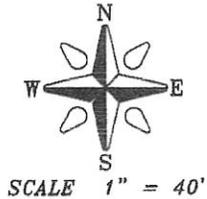
Table with columns: Service, Meter #, Reading Type, Previous Read, Current Read, Demand, Demand Rate, Meter Multiplier, Total Consumption, Commodity Rate. Rows for ELECTRIC, GAS, WATER, SEWER.

Current Charges

Main charges table with columns: Description, Amount, Description, Amount. Includes sub-sections for ELECTRIC, GAS, WATER, SEWER, and REFUSE for both locations. Total charges of \$329.20 are boxed at the bottom right.

Handwritten signature of Michael Jensen

PLOT PLAN
SHOWING
GRANT OF EASEMENTS
WITHIN
LOT 276
NORTH COMMUNITY NO. 1
LOS ALAMOS, NEW MEXICO



D.P.O
9-13-02
R.A.O
9-16-02 K.D.

AUTHORITY:
The foregoing description was prepared by me from information shown on the plat of North Community No. 1 Subdivision as filed in the Office of the County Clerk, Los Alamos, New Mexico in Plat Book 1, Page 64, on September 10, 1965.



Cipriano Martinez
CIPRIANO MARTINEZ, N.M.P.L.S. NO. 3995

PREPARED BY MARTINEZ SURVEYING SERVICES
REVISED R.A. 08/24/2002

PERMIT FOR ENCROACHMENT ON EASEMENT OR RIGHT-OF-WAY

Owner: Don L. OSCHWALD
Project Address: 2299 NORTH ROAD
Subd.: NC#1 R/M NC ZONE Lot No.: A-276
County Bldg. Permit No.: BRES 20040159

Permission is hereby granted to encroach upon the easement or right-of-way as set forth on the attached sheet which is made a part hereof by this reference.

Any changes in the construction because of change in design, errors, field conditions other than shown on the application, or any other factors requiring construction other than shown on the drawings will require re-approval of this permit. Any changes as mentioned above, or otherwise, will require immediate cessation of the construction, pending such approval. Field conditions other than shown on the drawings, as well as failure to inform the County of Los Alamos of any changes, may be cause for cancellation of this permit.

This permit shall in no way limit or diminish any rights that the County of Los Alamos has in this or any other easement or right-of-way. In the event it is necessary or desirable for the County, its contractors or agents to perform any maintenance, repair, alteration, or construction work in any easement that results in damage to property or construction installed under this permit, the County shall require the owner or permittee to be financially responsible for replacement.

While it is contemplated that the owner or permittee is being granted this permit for the purposes of construction within the easement or right-of-way, the County reserves the right to require such construction to be removed at the owner's or permittee's expense when, in the opinion of the County, such removal is necessary or desirable for the purposes for which the easement or right-of-way is owned by the County, and the right to terminate the privilege granted by this permit.

The owner or permittee shall be responsible for any damage to County facilities if the damage results from any installation under this permit.

No provisions expressed or implied in the permit shall be construed to allow or sanction violations of any laws or ordinances covering buildings or other construction.

APPROVED ON THIS 8 DAY OF

Sept, 20 04
BY Bob S. Swartz
(COUNTY ENGINEER OR DESIGNEE)



ATTEST: Nita K Taylor
CLERK OF LOS ALAMOS COUNTY

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS
DOC 180238
DATE September 15 2004
TIME 12:31 P M.
BOOK 126 PAGE 24
COUNTY CLERK
Nita K Taylor
DEPUTY Gloria Gonzalez



APPLICATION FOR PERMISSION TO ENCROACH ON UTILITIES AND/OR DRAINAGE EASEMENT, OR RIGHT-OF-WAY

Owner: Don L. OSCHWALD

Project Address: 2299 NORTH ROAD

Subdivision: NC#1 Lot No.: 276A Bldg. Permit #: BRES 20040159

I hereby apply for permission to encroach on the following, as shown on the attached copy of survey:

Utilities Easement (*Note: If Utilities is the only easement checked, utility department is only required signature.)

Drainage Easement

Right-of-Way

The purpose of the encroachment(s) is: UTILITY TIE-IN

I have read the attached "Permit for Encroachment on Easement or Right-of-Way" and if it is granted, I will abide by it.

Don L. Oschwald
APPLICANT SIGN

DON L. OSCHWALD
APPLICANT PRINT

STATE OF NEW MEXICO)
COUNTY OF LOS ALAMOS) s.s.

The foregoing instrument was acknowledged before me this 2nd day of Sept. 2004, by Don L. Oschwald

Edmond Vogel
Notary Public

My commission expires: 11/5/06

THE OWNER IS RESPONSIBLE FOR THE COSTS OF ALL UTILITY RELOCATIONS, EXTENSIONS AND NEW SERVICE EQUIPMENT.

CONSTRUCTION SHALL NOT COVER OR ENCLOSE ANY UTILITY METERS.

ALL CONSTRUCTION SHALL MEET L.A.C. UTILITIES SPECIFICATIONS

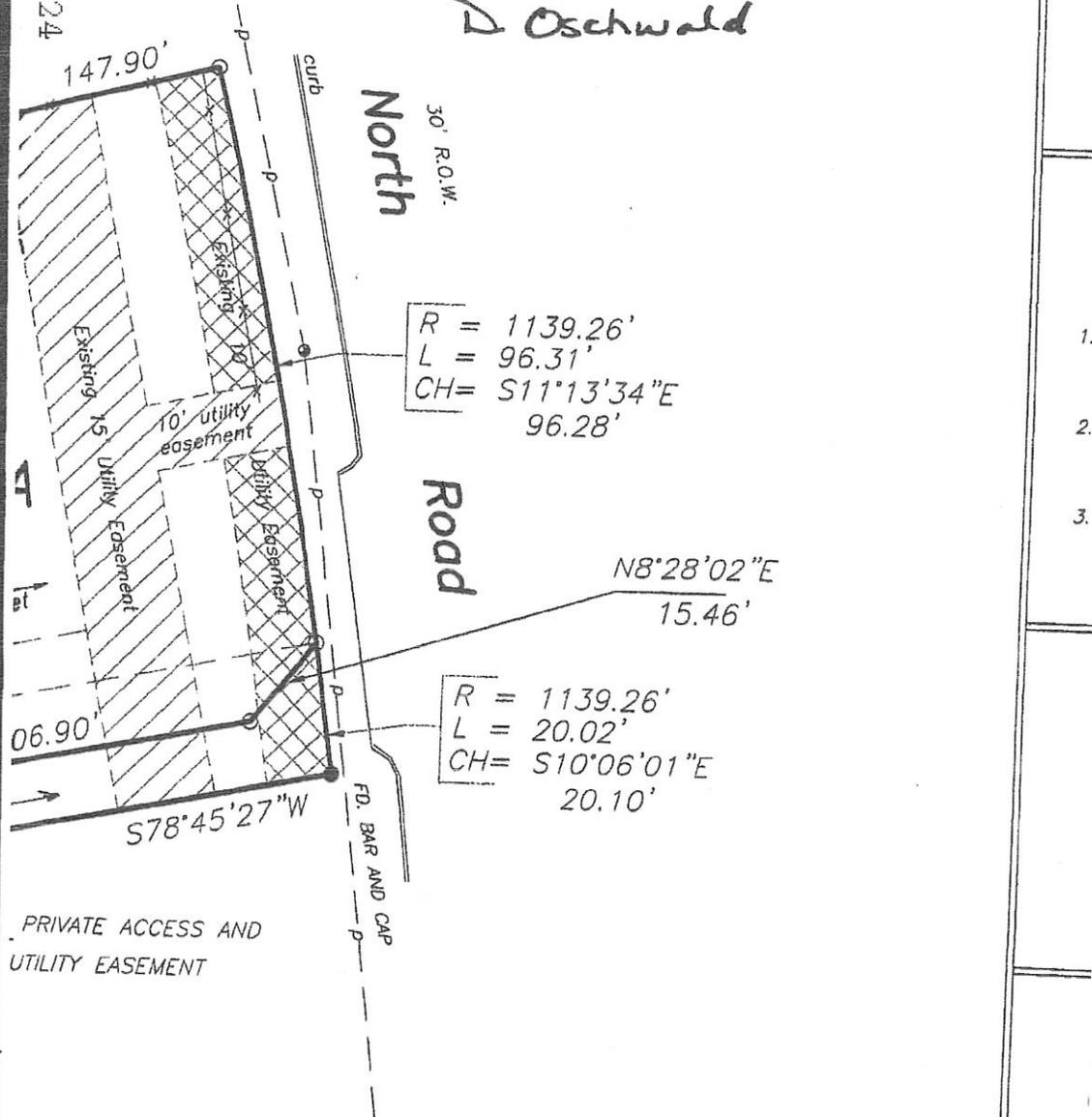
s/ Andrew Blair

County Engineer's Recommendations: _____

s/ Betsy Lucida

Exhibit II Application, site survey, and photos (4)

2299 North Road D Oswald





1_Fenceline on rear PL



2_Escarpment

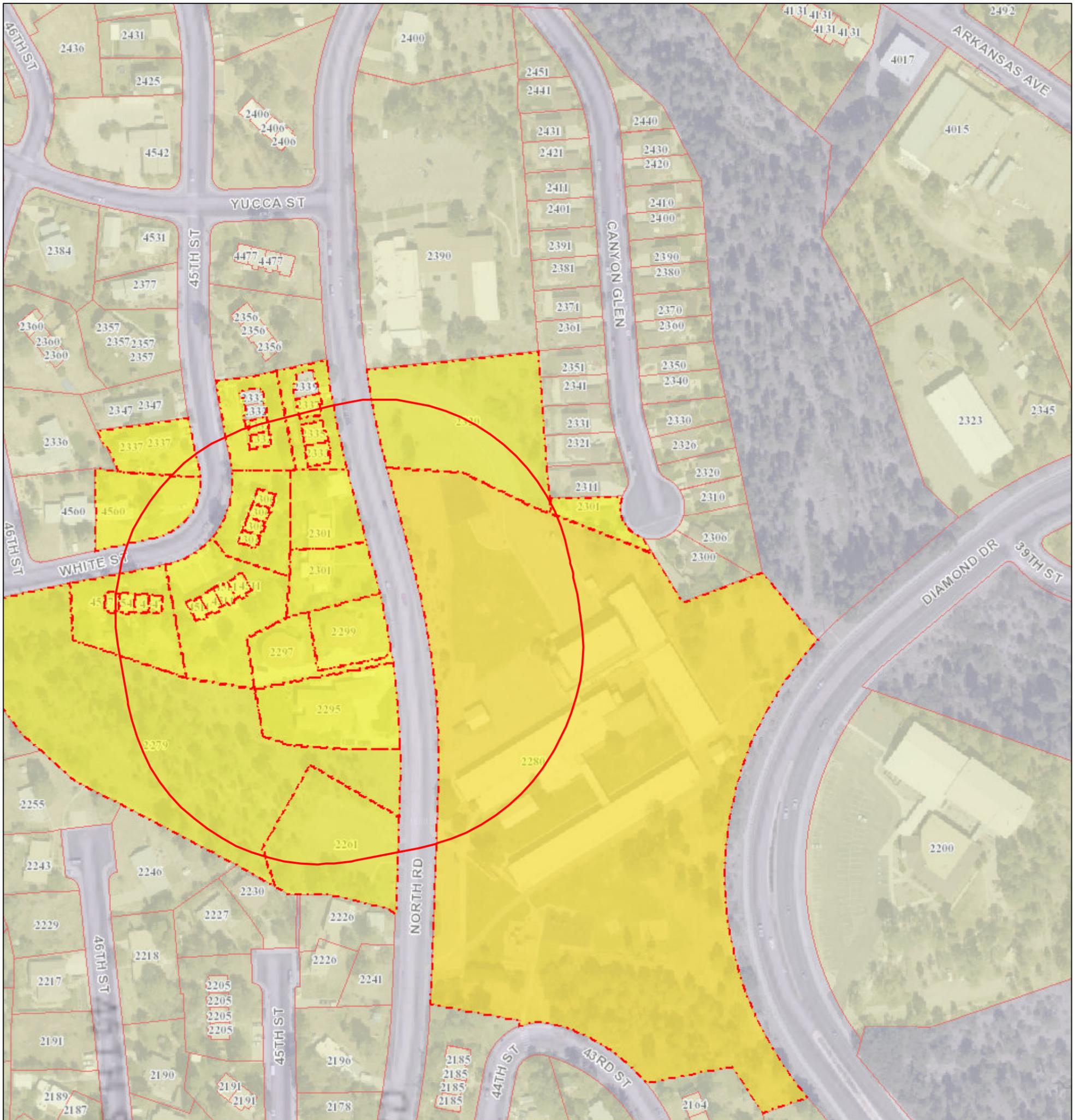


3_Location of waiver for 8-foot high fence



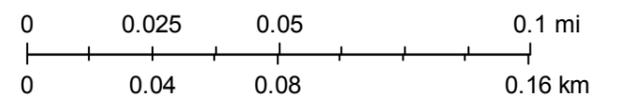
4_Neighbor's Chickens

2299 N. Road



July 19, 2016

1:2,257



Los Alamos County
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors,
and the GIS user community

Exhibit III Map and list of property owners of record within 300 feet

Created by: Los Alamos County
Copyright Los Alamos County 2016, all rights reserved

LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544

CONNER LAUREL A
4547 WHITE ST B
LOS ALAMOS NM 87544

CHRISTMAN BRENT L & XIA REVOC TRUST
1725 CAMINO REDONDO
LOS ALAMOS NM 87544

COBURN MICHAEL D
2402 SAN PATRICIO PLAZA
SANTA FE NM 87505

VARELA JEREMY & CRISTINA D
4547 WHITE ST A
LOS ALAMOS NM 87544

MORRISON BENNETT GEMMA M
PO BOX 160
LOS ALAMOS NM 87544

LOS ALAMOS SCHOOL BOARD
751 TRINITY DR
LOS ALAMOS NM 87544

VAN BUREN DALE & DIANE TRUST
2148 47TH ST
LOS ALAMOS NM 87544

BARELA ANITA C & ROACH BRADFORD
2306 45TH ST C
LOS ALAMOS NM 87544

MCINROY DEBRE DEE DEE DERE
2301 CANYON GLEN
LOS ALAMOS NM 87544

4547 WHITE STREET CONDOMINIUM
4547 WHITE ST
LOS ALAMOS NM 87544

MOUNTAIN RIDGE OF LOS ALAMOS, A CONDO
2333 NORTH ROAD
LOS ALAMOS NM 87544

CLEVELAND KENNETH & SPIVEY WHITNEY
2297 NORTH RD
LOS ALAMOS NM 87544

4511 WHITE ST CONDOS
4511 WHITE ST
LOS ALAMOS NM 87544

GALLE DEANNA
2337 NORTH ROAD
LOS ALAMOS NM 87544

CROOK ROBERT C REVOC TRUST
2295 NORTH ROAD
LOS ALAMOS NM 87544-1725

2332 45TH STREET CONDOMINIUM
2332 45TH ST
LOS ALAMOS NM 87544

EASTON BRIAN
2335 B NORTH RD
LOS ALAMOS NM 87544

LANDIN STEVE P
4560 WHITE ST A
LOS ALAMOS NM 87544

CLELAND TIMOTHY J & CATHERINE A REV TRHANSEN BENJAMIN L & KATHARINE B
81 ENSENADA DR
LOS ALAMOS NM 87544

1670 WESTWIND WAY
MC LEAN VA 22102

CASADOS EDWARD
2301 NORTH ROAD A
LOS ALAMOS NM 87544

MOXLEY THOMAS E
2332 45TH ST A
LOS ALAMOS NM 87544

BUECHLER MILES A
4820 QUEMAZON
LOS ALAMOS NM 87544

2306 45TH ST CONDOS
2306 45TH ST
LOS ALAMOS NM 87544

FULLMAN MEREDITH R
4547 C WHITE ST
LOS ALAMOS NM 87544

BENNETT GEMMA MAZELLE MORRI
P O BOX 160
LOS ALAMOS NM 87544

Exhibit III Map and list of property owners of record within 300 feet



MINUTES

INTERDEPARTMENTAL REVIEW COMMITTEE

July 8, 2016 – 9:00 AM

Community Development Department

1000 Central Ave, Suite 150

Staff Present: Anders Millmann, Senior Planner, Case Manager
Anita Barela, Assistant Planner
Tamara Baer, Acting Principal Planner
Joe Dudziak, Building Official
Angelica Gurule, Environmental Services
Jeff Wetteland, Fire Marshal
Chris Williams, Building Official (arrived at 9:20 AM)
Jason Romero, LAC Surveyor (arrived at 9:22 AM)

Staff Absent: Kristi Beguin, LANL-EP
James Naranjo, Assistant Planner
Eric Martinez, County Engineer
Lucas Fresquez, Assessor's Office
Patricio Guerrerortiz, Utilities
Jason Herrera, Police
Kevin Powers, Assistant County Attorney
Dan Erickson, Capital Projects
Clay Moseley, Utilities Department

Public Present: N/A

Anders Millmann called the meeting to order at 9:07 AM. The meeting began with introducing staff and a description of the case by Mr. Millmann.

1. Case No. WVR-2016-0019

A request for approval of a Waiver for the construction of an eight (8) foot vinyl fence adjacent to a portion of a lot line, on property located at 2299 North Road, Subdivision: North Community 1, Lot 276A, in an R-M-NC Zone.

Owners/Applicant: Michael Jensen

Case Manager: Anders Millmann, Senior Planner

- Anders Millmann, Senior Planner, gave the committee members an overview of the case for a Waiver to allow the placement of a vinyl fence to be eight (8') feet above grade, where six (6') feet is the maximum permitted by the Development Code. He noted that there is different and somewhat confusing information contained within the case file, and stated he spoke with the petitioner to assess exactly what he wanted. He passed around photographs he took of the property, illustrating the location where the petitioner wanted to erect the eight-foot (8') high fence. He stated that the fence would be at that height for a distance of approximately eight (8') feet in length. The area of the petitioner's yard subject to the Waiver petition experiences a sharp gradient increase, akin to a small escarpment, that, according to the petitioner, does not provide protection for the neighbor's chickens from his dog jumping over the fence; nor does it provide protection from cougars or coyotes which may enter into his

yard to cause harm to his dog. Mr. Millmann also stated that the parcel was the front half of a flag lot, and was not convinced that the legal announcement, as is currently written, accurately identifies the Code section for which the Waiver is being requested. He stated that it was his opinion that the fenceline was the petitioner's rear yard, but added that it could be considered as the adjacent property owner's front yard.

- Joe Dudziak stated that a building permit will be required for the fence, and that the footings need to be shown on the construction plans.
- Tamara Baer stated that if the petitioner elected to build a seven (7') foot fence instead of an eight (8') foot fence, that there would be no need for a Waiver.

Mr. Millmann asked if there were any other questions or comments. Hearing no additional comments or concerns, he called the question.

Motion: Joe Dudziak moved to recommend approval to the Board of Adjustment for a Waiver to allow the placement of an eight (8') foot fence at the location identified by the petitioner at this address, subject to the petitioner submitting engineered drawings and obtaining a building permit. Chris Williams seconded the motion. The motion passed unanimously (8-0).

IDRC Chair

Date