County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

LOS ALAMOS

Agenda - Final

Board of Adjustment

Monday, October 17, 2016 | **5:30 PM** | **1000 Central Avenue BCC Room 110**

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

A. 8713-16 Minutes from the Board of Adjustment Meeting(s) on August 01, 2016

Attachments: Minutes_1-Aug-2016-.pdf

5. PUBLIC HEARING(S) - QUASI JUDICIAL

A. 8712-16 Case No. 16-BOA-002: Willard (Bill) Hemsing, the property owner and Hans Leitner, the designer and applicant, is requesting a Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sections 16-537 and 16-272 (d) (7) to allow an encroachment into the required front yard setback in order to construct a carport. The property is located at 626 - 47th Street, Los Alamos, New Mexico, Subdivision: WESTERN AREA 1, Lot 112, and is zoned R-M (Residential Mixed District).

Attachments: Exhibit I_Vicinity mapAerial photo of the subject property.compressed.pdf
Exhibit II_Map and list of property owners of record within 100 yards of subject property.compressed.pdf
Exhibit III_App_Site Survey.compressed.pdf
Exhibit IV_Elevations.compressed.pdf
Exhibit V_Interdepartmental Review Committee (IDRC) comments.compressed.pdf
Exhibit VI_Photographs of subject property, Staff (6).compressed.pdf

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

October 17, 2016

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:	A.
Index (Council Goals):	
Presenters:	Community & Economic Development and Anne Laurent
Legislative File:	**8713-16**

Title

Minutes from the Board of Adjustment Meeting(s) on August 01, 2016

Recommended Action

I move that the Board approve the Minutes for August 01, 2016

Attachments

A - Draft Minutes for August 01, 2016

County of Los Alamos

Minutes

Board of Adjustment

Los Alamos, NM 87544
www.losalamosnm.us

Monday, August 1, 2016 | **5:30 PM** | **1000 Central Avenue, Suite 110 (B&C Room)**

1. CALL TO ORDER/ROLL CALL

Present 3 - Board Member McDonald, Board Member Redondo, and Board Member Mockler

2. PUBLIC COMMENT

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

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

Attachments: A - Draft Minutes for March 14, 2016

I move that the Board approve the Minutes for March 15, 2016.

5. PUBLIC HEARING(S) - QUASI JUDICIAL

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).

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

Michael Jensen, owner and applicant 2299 North Road, and Michael Cleveland, owner 2297 North Road were sworn in to give testimony in the case.

Michael Jensen presented the request. Commissioners, applicant, staff and interested parties were given the opportunity to comment.

Commissioner McDonald moved 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 was seconded by Commissioner Mockler.
Motion passed unanimously.

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

October 17, 2016

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: **8712-16**

Title

Case No. 16-BOA-002: Willard (Bill) Hemsing, the property owner and Hans Leitner, the designer and applicant, is requesting a Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sections 16-537 and 16-272 (d) (7) to allow an encroachment into the required front yard setback in order to construct a carport. The property is located at 626 - 47th Street, Los Alamos, New Mexico, Subdivision: WESTERN AREA 1, Lot 112, and is zoned R-M (Residential Mixed District).

Property Owners

Willard Hemsing, Owner;

Applicant

Hans Leitner, Designer & Applicant

Case Manager

Anders Millmann, Senior Planner

Recommended Action

I move that the Board of Adjustment **approve** Case No. 16-BOA-002, a request for approval of a waiver from a required front yard setback requirement for the construction of a proposed 19' x 32' 4" carport, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions*:*

1. Compliance with all conditions identified in the IDRC meeting.
2. The carport shall be designed to shed snow which falls onto its roof entirely onto the subject's property, and not onto any adjacent right-of-way, including the sidewalk.
3. An easement for the existing water meter shall be delineated and recorded with Los Alamos County. Support columns for the proposed carport shall not encroach within this proposed easement.
4. The applicant shall apply for a "Building Permit" prior to construction of the new carport.

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. 16-BOA-002 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 a carport in a required front yard. The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-537 (Site Development Requirements, Single-Family Residential) establishes a minimum front yard setback in this district of twenty (20') feet, as measured from the front

property line. Additionally, the Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-272 (Yards), (d) "Projections into required yards; (7), permits a "carport, consisting of a roof that has no walls, or wholly or partially enclosed walls, except those that are part of the main structure, shall project no more than 40 percent of the distance into the required front yard setback."

Section 16-533 (4) of the Los Alamos Development Code, states that the Residential Mixed District (R-M) is intended to accommodate single-family and two-family dwellings and accessory structures and accessory structures and uses, and is further intended to maintain and protect a residential character of development.

The subject property is located on an interior curve radius of 47th Street. The parcel is irregularly shaped, with the street frontage being significantly longer than the length of the rear lot boundary. The parcel is occupied by a single family residence and an existing 2-car garage.

The existing residential dwelling unit is set back a distance of fifteen (15) feet two (2) inches from the front property line. This represents an encroachment of four (4) feet ten (10) inches into a required front yard setback area, or by approximately 24.2% of the specified setback. The residence was constructed prior to 1965. A Waiver for a six (6) foot encroachment into the required front yard setback area was approved in 1985 permitting the construction of a six (6) foot enclosed entryway at the front of the current residence by Mr. Hemsing (Case No. 85-V-38). The actual encroachment as measured by the applicant (Leitner) for this petition, was four (4) feet ten (10) inches.

The petitioner proposes to construct the carport up to (abutting) the front yard property line. Forty (40%) percent of twenty (20') feet is eight (8') feet. Since the proposed carport would be located eleven feet one and three-quarters inch (11' 1¾") in front of the front building line, and since a portion of the existing residence was constructed observing a fifteen (15) foot two (2) inch front yard setback, the proposed waiver, if approved, would permit a full 100% encroachment into a required front yard setback area to accommodate the construction of the proposed carport.

The proposed carport will measure approximately 19 feet in length, by 32 feet 4 inches in width, and contain approximately 614 Ft² under roof.

The carport is proposed to be constructed of wooden beams and a metal roof that will complement the materials present on the existing residence.

There is a water utility (meter) box and an external water spigot located in the front yard which may be impacted by the placement of a carport support column. There are no records of any easement containing this utility line or meter.

In addition to a two-car garage, there is an existing hard-surfaced parking area which can accommodate two standard-sized vehicles located in front of the residence. The proposed carport would be constructed directly over this paved parking area.

I. 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:

The proposed construction of the proposed carport will not intrude into any known or recorded easement.

The utility easement on the north property boundary is shown on my site plan.
The support columns are set back 4-feet from the sidewalk to provide sufficient clearance for County snow removal.
The County will, at a later date, determine the location of an easement for the existing Water Meter.

Staff Response:

The proposed accessory structure appears to not be sited over any utility or drainage easements. The existing water meter does not currently have an associated easement recorded with it. A Condition of Approval will be for an easement to be sited and recorded for this water meter.

(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:

The irregular shape of my lot coupled with existing improvements (residence) dictates the location of the carport.
A carport must have street frontage for access by motor vehicles. There is no other location on the subject property suitable for the placement of a carport, to wit:

To the north, there is insufficient area to construct a carport. A large swath of land is encumbered by a utility easement, further precluding the construction of a carport in this area.
To the east is the rear yard. It is infeasible to construct a carport in the rear yard as it is inaccessible from the street.
To the south, there is insufficient area to construct a carport.
To the west is the only feasible area to construct a carport; however, the existing garage is set back only 8-feet behind the front yard setback line. Eight feet is insufficient space in which to construct a carport.

Staff Response:

The placement of the proposed carport is located entirely within the confines of the subject property, in an area currently covered by an impervious surface (driveway). To construct a carport in any other area on the property would both encroach onto utility easements and require a waiver for encroaching onto other required yard setbacks. Additionally, placement of the carport in a different location would require the excavation and unwanted removal of landscaping and mature vegetation.

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

Applicant Response:

The construction of the proposed carport will be accomplished in accordance with all building code requirements.
The design of the roof of the proposed carport will direct snow sliding off onto my property and not onto the sidewalk or any other County right-of-way. All snowfall will be 100% retained on my property.

Staff Response:

No health or safety hazard or building code violation would be created by granting the requested waiver. As a Condition of Approval, the proposed carport shall be designed so as to shed snow in a manner where it will not fall onto the sidewalk (especially snow that falls onto the north-facing roof of the proposed carport).

(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:

The design of the proposed carport will not interfere with or reduce any sight visibility lines. Additionally, my property is not a corner lot.

A carport, by its inherent design, will not be occupied as a residence. Therefore, no loss of privacy will occur.

The proposed carport will not negatively impact security concerns for my residence or for other residences in the immediate vicinity.

The proposed carport will not increase noise or other levels in the neighborhood.

The proposed carport will be designed and built without exterior lighting; therefore no objectionable glare or shadows will fall onto adjacent properties.

Staff Response:

The placement of the carport should not create any significant negative physical impacts on property within 100 yards of the subject property. The request of waiver was properly and sufficiently noticed, and no comments or objections were received by Monday October 10, 2016.

FINDINGS OF FACT

1. This public hearing was announced by publication in the Los Alamos Daily Post, and property owner notices were mailed via first class mail to all owners of real property located within 100 yards of the subject property.
2. This and adjacent properties are residential and are Zoned R-M (Residential-Mixed District).
3. The subject property is located in the WESTERN AREA 1 Subdivision, Lot: 112, which contains 0.1898 acres, or 8,269 square feet of area. The existing residential structure and garage contain approximately 2,260 Ft² of area, yielding a lot coverage factor of 27.3%. The maximum lot coverage percentage permitted by Section 16-537 of the Los Alamos County Development Code is 40%.
4. The proposed carport will measure 19 feet in length and 32 feet 4 inches in width, thereby adding 614 Ft² of additional lot coverage to the subject property, bringing the lot coverage factor up to 34.8%.
5. Section 16-537 of the Los Alamos County Development Code requires a minimum front yard setback of 20 feet, a minimum rear yard setback of 20, and minimum side yard setbacks totaling 15 feet.
6. The existing residence on the subject property is set back fifteen (15) feet two (2) inches from the front property line; thereby projecting into the required front yard setback area by four (4) feet ten (10) inches, or by 24.2%). This encroachment has been approved by a Waiver previously granted by Los Alamos County.
7. Section 16-272 (d) (7) of the Los Alamos County Development Code permits carports, defined as consisting of a roof that has no walls, or wholly or partially enclosed walls, except those that are part of the main structure, to project no more than forty (40) percent of the distance into the required front yard setback. Within the R-M Zoning District, a carport would therefore be permitted to project eight (8) feet into a required twenty (20) foot front yard setback.
8. Due to the unusual configuration of the lot, coupled with utility easement locations, the only practical location on the subject property for the construction of a carport is in the front yard, which faces west, immediately in front of the existing garage.

9. A significant portion of the proposed carport (296± Ft^2 or 48% of the structure) is to be located within the required front yard setback.
10. The design of the proposed carport will not affect current noise levels or lighting levels within the neighborhood.

REVIEW OF CRITERIA

Exhibit I Vicinity map/Aerial photo of the subject property
Exhibit II Map and list of property owners of record within 100 yards of subject property
Exhibit III Application and site survey
Exhibit IV Elevations for proposed carport structure
Exhibit V Interdepartmental Review Committee (IDRC) comments
Exhibit VI Photographs of subject property, Staff (6)

626 47th Street

N

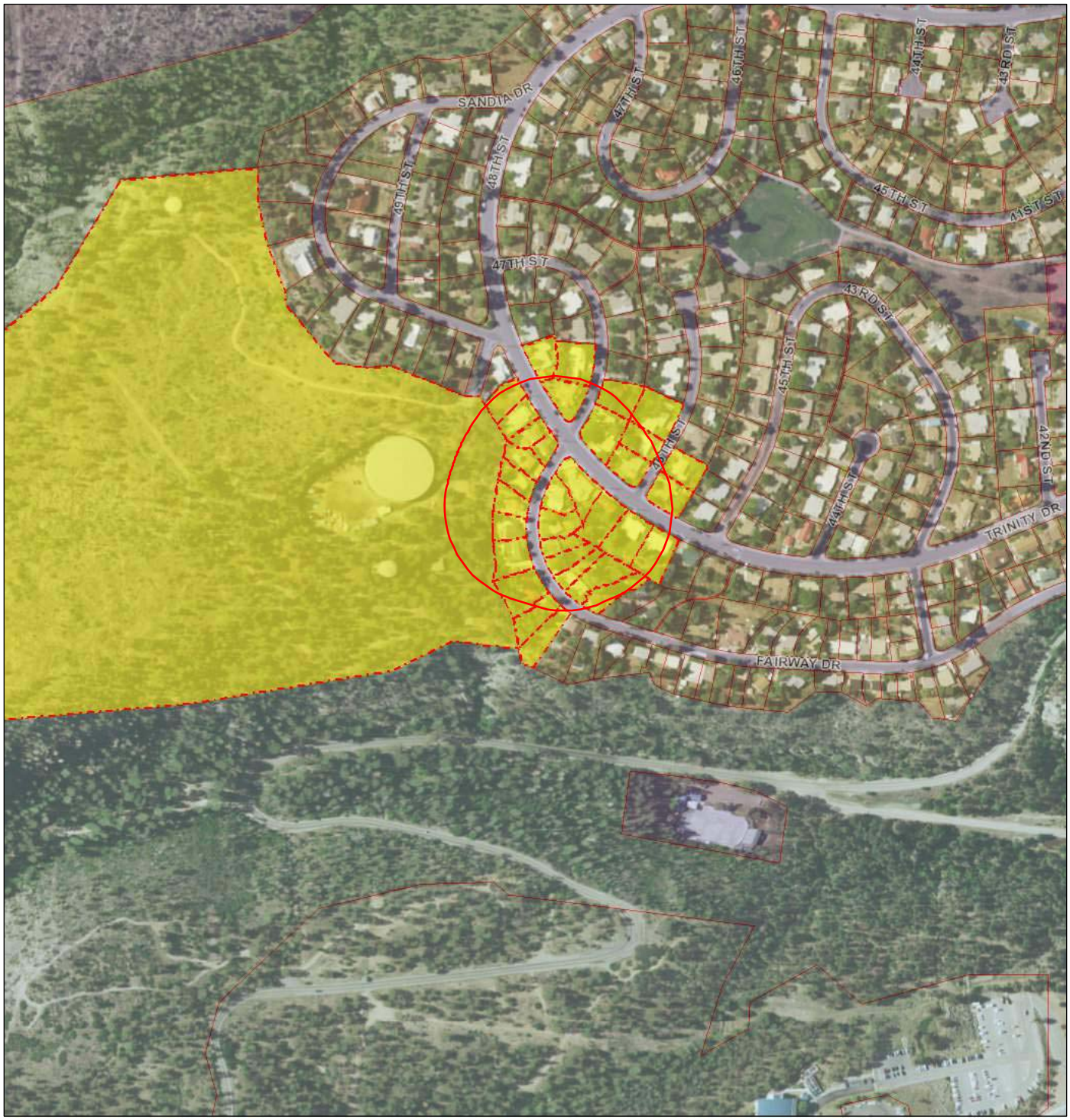
0 55 110 220 Feet

Exhibit I_Vicinity mapAerial photo of the subject property.compressed.pdf

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 = 114 feet

626 47th street



May 2, 2016

1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

LA County GIS
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
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LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544

PARTCH JOSEPH T REVOC TRUST
4709 TRINITY DR A
LOS ALAMOS NM 87544

NEWTON THOMAS W & JANE E REV TR
4589 TRINITY DR
LOS ALAMOS NM 87544

ALEXANDER IAN J & LINDSAY D
4756 TRINITY DR
LOS ALAMOS NM 87544

SHIN LISA & DAVIS HEATH R
637 47TH ST
LOS ALAMOS NM 87544

CRAWFORD MARK T & KAYLINDA S REVOC TR
613 47TH ST
LOS ALAMOS NM 87544

KELLUM MERVYN & JANET
4709 TRINITY DR B
LOS ALAMOS NM 87544

STEWART CAROLYN L
673 46TH ST
LOS ALAMOS NM 87544

STODDARD BARBARA L
4557 TRINITY DR
LOS ALAMOS NM 87544

FARLEY PERRY DWAIN & GAY ANNE
683 47TH ST
LOS ALAMOS NM 87544

SAPIR FAMILY TRUST
698 46TH ST
LOS ALAMOS NM 87544

HOISIE SILVIA & ADOLFY
2831 HAWKSTONE CT
RICHLAND WA 99354

BROOKS JAMES K
700 47TH ST
LOS ALAMOS NM 87544

WATKINS BRIAN L & CAROLINE J REVOC TRUST
625 47TH ST
LOS ALAMOS NM 87544

THURGOOD BRAD L & MELISSA S
605 47TH ST
LOS ALAMOS NM 87544-1884

COSTIGAN STEPHEN A & KEELEY R
713 46TH ST A
LOS ALAMOS NM 87544

LEMONS LUCILLE B
4653 TRINITY DR
LOS ALAMOS NM 87544

PETERSON ROBYN A REVOC TRUST
602 47TH ST A
LOS ALAMOS NM 87544

RICHINS MICHAEL W & M JOYCE
4727 TRINITY DR
LOS ALAMOS NM 87544

HARPER RONNIE W & MCKEE RUTH
672 46TH ST
LOS ALAMOS NM 87544

MOTTERSHEAD CHARLES T & MARY
2465 SE CLOVER CT.
HILLSBORO OR 97123-8321

WILSON FAMILY TRUST
676 47TH ST
LOS ALAMOS NM 87544

CLAYTON STEVEN & ROBLES ZOE
621 47TH ST
LOS ALAMOS NM 87544

MOTTERSHEAD CHARLES T
2465 SE CLOVER CT
HILLSBORO OR 97123-8321

KELLUM MERVYN J & JANET SUE
4709 TRINITY DR B
LOS ALAMOS NM 87544

STETTLER MATTHEW W & ANNE M
4621 TRINITY DR
LOS ALAMOS NM 87544

DAVIS BENJAMIN L & DALE TARAKA T REVOC
4679 FAIRWAY DR
LOS ALAMOS NM 87544

DAVIS WILLIAM C
693 46TH ST
LOS ALAMOS NM 87544

ROSS INEZ A & ROSS LYNETTE
614 47TH ST
LOS ALAMOS NM 87544

KING GRAHAM M & GARDUNO KATHARINE J
4596 FAIRWAY DR
LOS ALAMOS NM 87544

GIGER AUDREY L TRUST
4643 FAIRWAY DR
LOS ALAMOS NM 87544

C. D Application Number: 16-BOA-002

In order to process your application we'll need to know certain information about your proposed waiver Please consult with a Planning Division staff member who will help you fill out the application form and advise you on any required attachments. We cannot accept or process incomplete applications.

1. ADDRESS
List the address at which this application applies. If no address has been assigned to the location, please indicate by other means such as subdivision name and lot number.
Address: 626 47th St.

3. TYPE OF PROPERTY
Please check only one box: ☒Residential ☐Commercial ☐Mixed Use

4. TYPE OF APPLICANT
Who is applying for this permit? ☒Property owner ☐Agent for the owner ☐Renter or lessee
(If "Agent" explain relationship to Owner or Renter/lessee.)

5. OWNERSHIP INFORMATION
Name: Willard Hemsing **Phone:** 662 2024 **Cell #:** 412 2250 **Fax:**
Address: 626 47th St **E-Mail:** hemsing@cybermesa.com
Please attach proof of ownership such as a deed, purchase agreement, or tax bill.

6. AGENT/RENTER OR LESSEE OR ☐Not applicable
Name: **Phone:** **Cell #:** **Fax:**
Address:

7. DESCRIPTION OF THE PERMIT REQUEST
Does the request relate to an existing condition for which you seek approval, or to new work which you wish to perform? ☐Existing condition ☒Proposed work

If the application is for an existing condition, how long has it existed and who was responsible for creating the condition? Please further describe the nature of the request and the specific sections of the Development Code from which you seek relief.

looking for a waiver for 12 foot to encroachment in to the front yard set Back
House was Built in 2003 with the set back and a ~~already~~ variance for a portion of the House.

8. PROPERTY RELATIONSHIP TO OTHER PLANS OR COVENANTS
Is your property part of a larger site plan or master-planned development or subject to special covenants such as those imposed by a homeowners association? ☐Yes ☒No
(If "Yes" please explain.)

RECEIVED
MAY 02 2016
Community & Economic Development Department

Exhibit III_App_Site Survey.compressed.pdf

9. LOCATION PLAN

Attach a scaled plot plan or survey of your property showing boundaries, any existing and proposed structures, and adjacent streets. Clearly show the area of the proposed waiver or administrative deviation with dimensions clearly marked.

10. CRITERIA QUESTIONAIRE

To approve your application for a waiver, the Board of Adjustment must find that your application meets all the following criteria as listed in code Section 16-157. Please explain how your request meets each of the following requirements:

A. Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement.

No

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.

The small lot size and irregular shape make snow removal difficult. Snow that slides off the house roof down to the garage roof has piled more than 6ft deep. Six or more feet deep heavy snow impose a tremendous load on the garage roof structure. In past years, I have shoveled snow off from the garage roof to reduce the excessive weight.

I am 71 years old and am concerned about snow removal and safety: shoveling snow accumulation from the garage roof, sloping driveway, and sidewalk presents a falling hazard.

C. Granting of the waiver will not create a health or safety hazard or violate building code requirements.

No to best of our ability will not create one.

Exhibit III_App_Site Survey.compressed.pdf

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 affect neighbor views, or maneuvering.

12. PROPERTY OWNER'S CERTIFICATION & SIGNATURE

I hereby acknowledge that I have read the contents of this application packet, and that the information supplied in this application is correct. I further agree not to start construction or authorize others to start until the application has been approved.

Sign and Date Here: Willard Henning May 2, 2016

13. APPLICANT'S STATEMENT & SIGNATURE (IF DIFFERENT FROM PROPERTY OWNER)

I hereby acknowledge that I have read this application and accompanying information and obtained the owner's approval to submit this application. I further state that the information in this application is correct and that I agree not to do any work covered by this application until and unless it is approved.

Sign and Date Here: NA

14. **Fee Payment $250**

Check payable to **Los Alamos County**

NOTE: A written request to withdraw an application that is received by the Community Development Department prior to permit issuance shall receive a full refund. No refund will be given for withdrawal of an application after the issuance of the permit.

Exhibit III_App_Site Survey.compressed.pdf

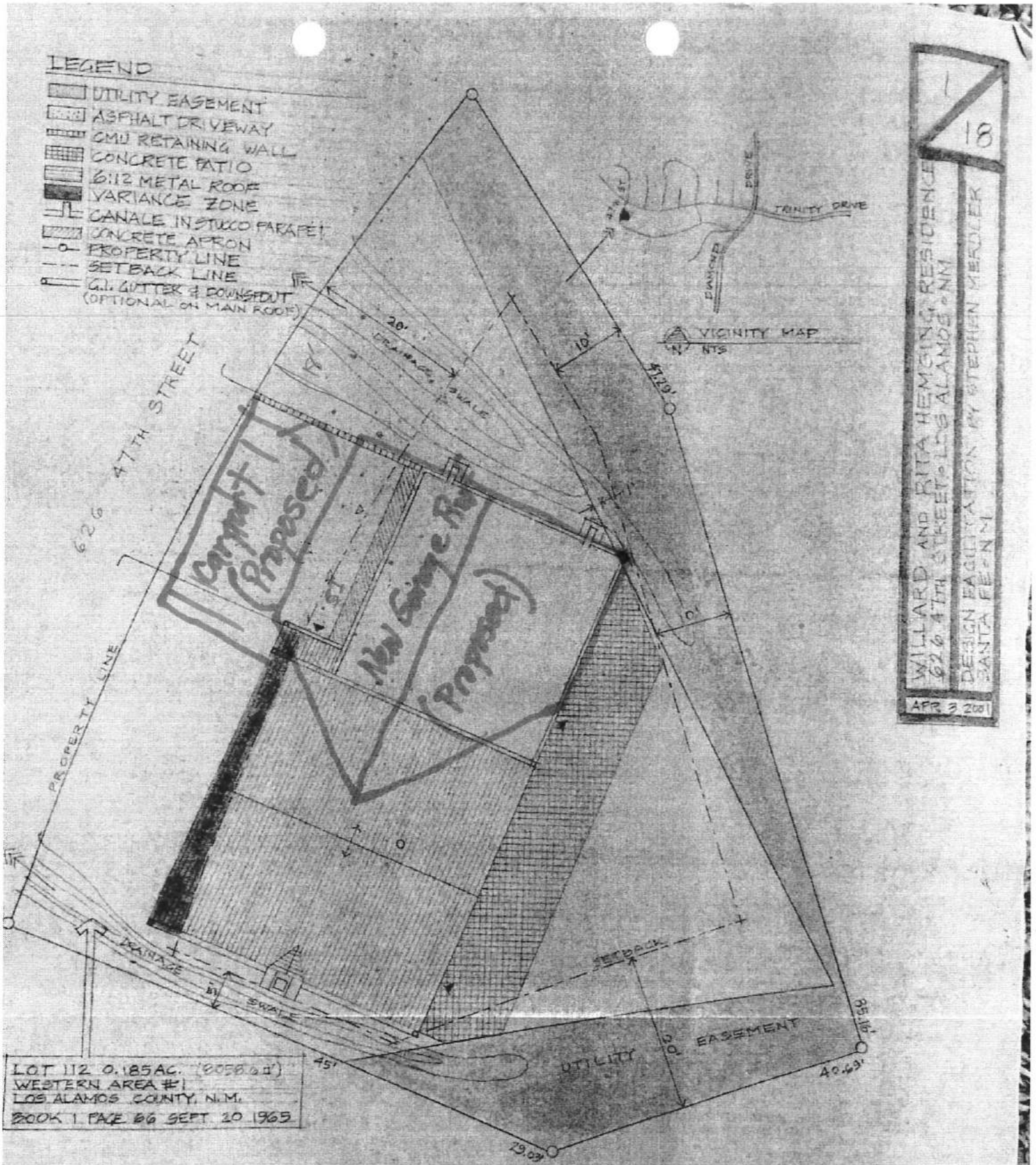


Exhibit III_App_Site Survey.compressed.pdf

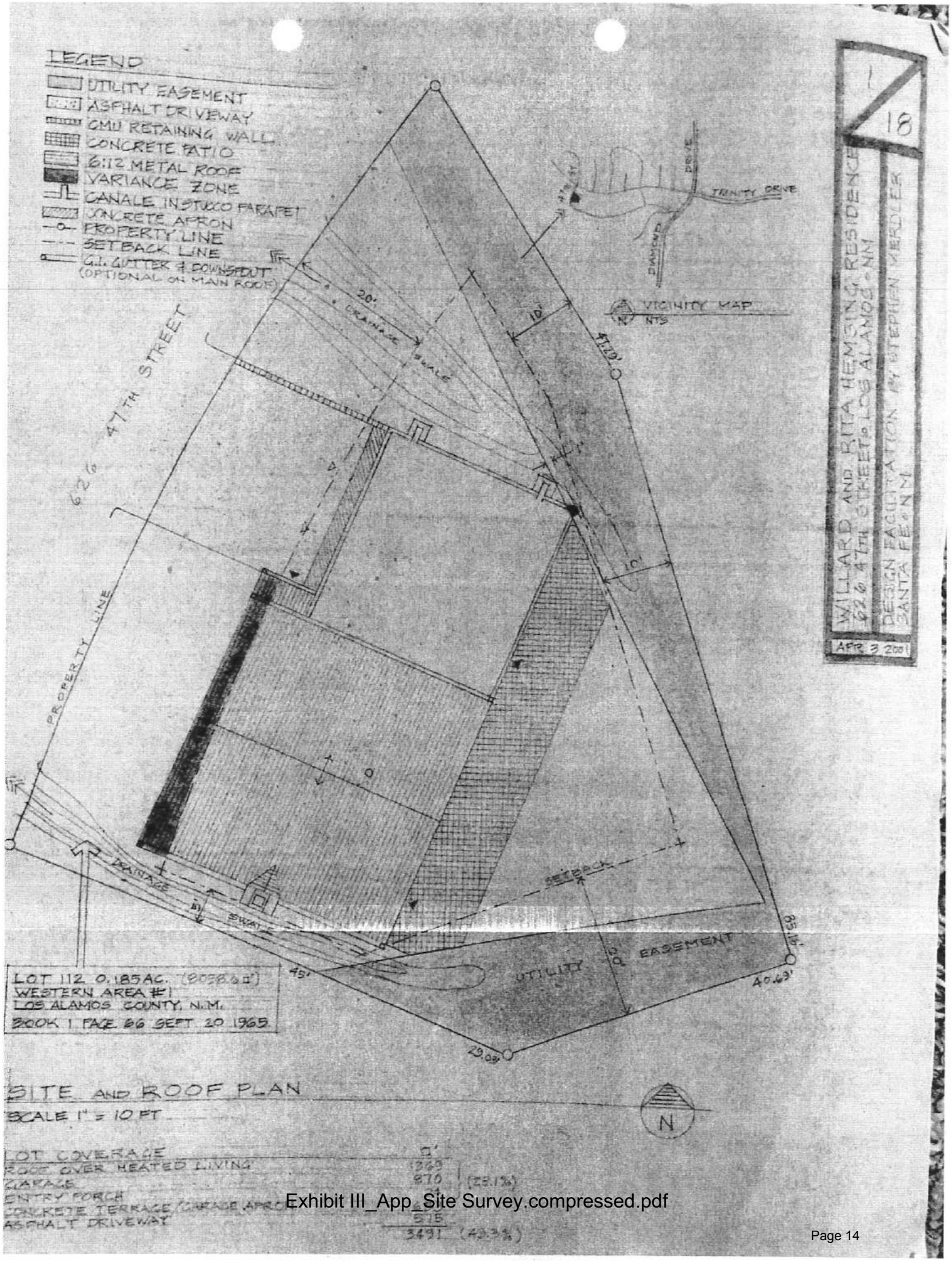


Exhibit III_App_Site Survey.compressed.pdf

5-1-2016

NORTH ELEVATION

OF PROPOSED 2nd STORY ADDITION OVER EXIST. GARAGE W. NEW CARPORT

AT 626 47th STREET, LOS ALAMOS, NM.

SCALE: 1/8" = 1'00"

DESIGN BY
LEITNER CONSTRUCTION LLC

Exhibit III_App_Site Survey.compressed.pdf

Exhibit III_App_Site Survey.compressed.pdf

WEST ELEVATION

OF PROPOSED 2nd STORY ADDITION OVER EXIST. GARAGE W. NEW CARPORT IN FRONT

AT 626 47th STREET, LOS ALAMOS, NM

SCALE: 1/8" = 1'00"

4-30-2016

DESIGN BY:

LEITNER CONSTRUCTION LLC

OWNER'S AFFIDAVIT

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

We/I Willard Hemsing
(Please print Name/Names in Full)

being duly sworn, depose and say that (I am) (we are) the owner (s) of the property located at

626 47th St,
(Address)

County of Los Alamos, for which (I am) (we are) requesting a Building Permit through the County of Los Alamos. Furthermore, (I) (we) hereby appoint Hans Leitner to act as our authorized agent on our behalf on all matters pertaining to the processing and obtaining of said permit with the exception of legal documents for recording purposes.

Signed: Willard Hemsing

Address: 626 47th St

Phone: 662 2024

Subscribed and sworn to before me this

2 day of May, 2016.

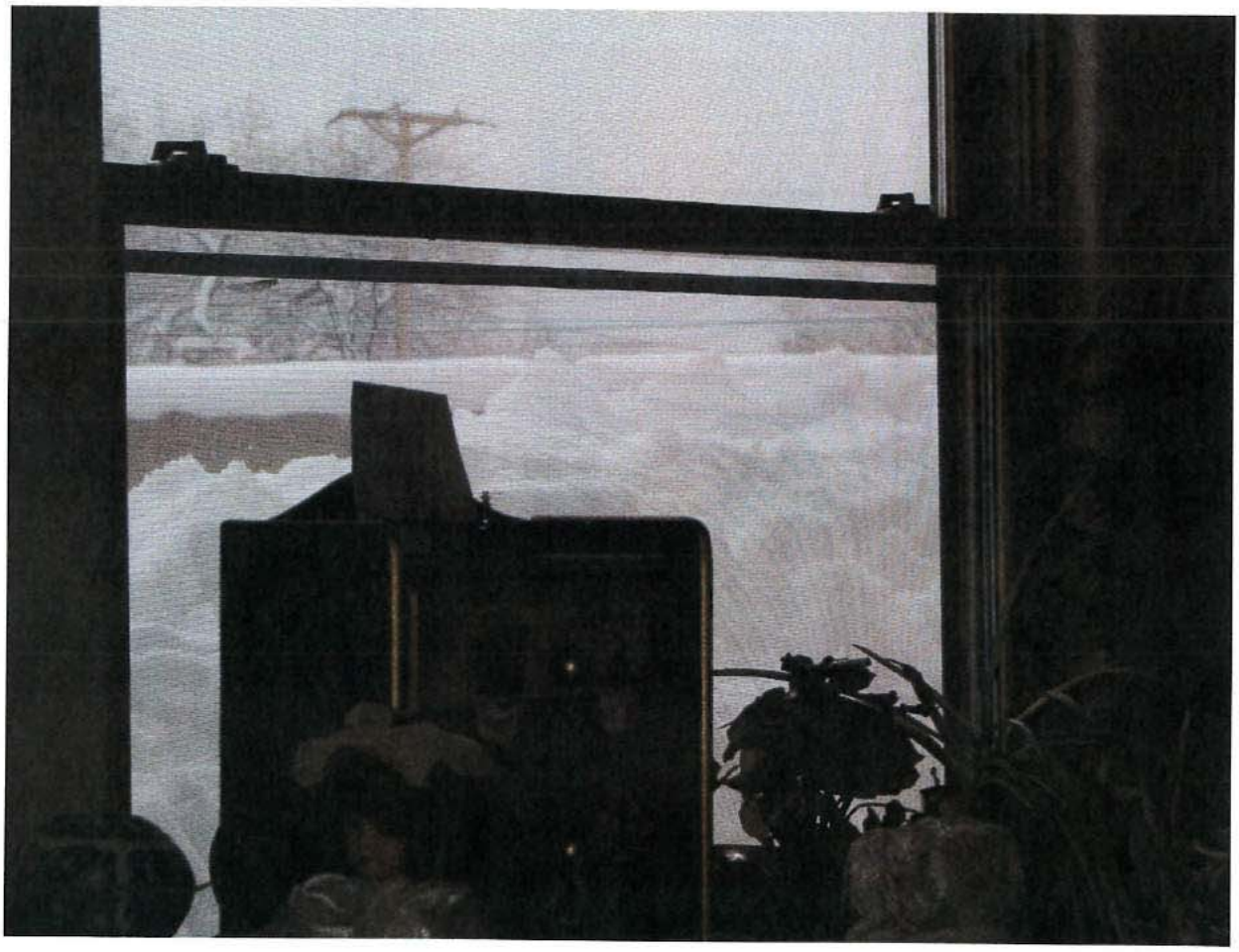
Anita C. Barela
Notary Public

My Commission Expires: 2/28/17

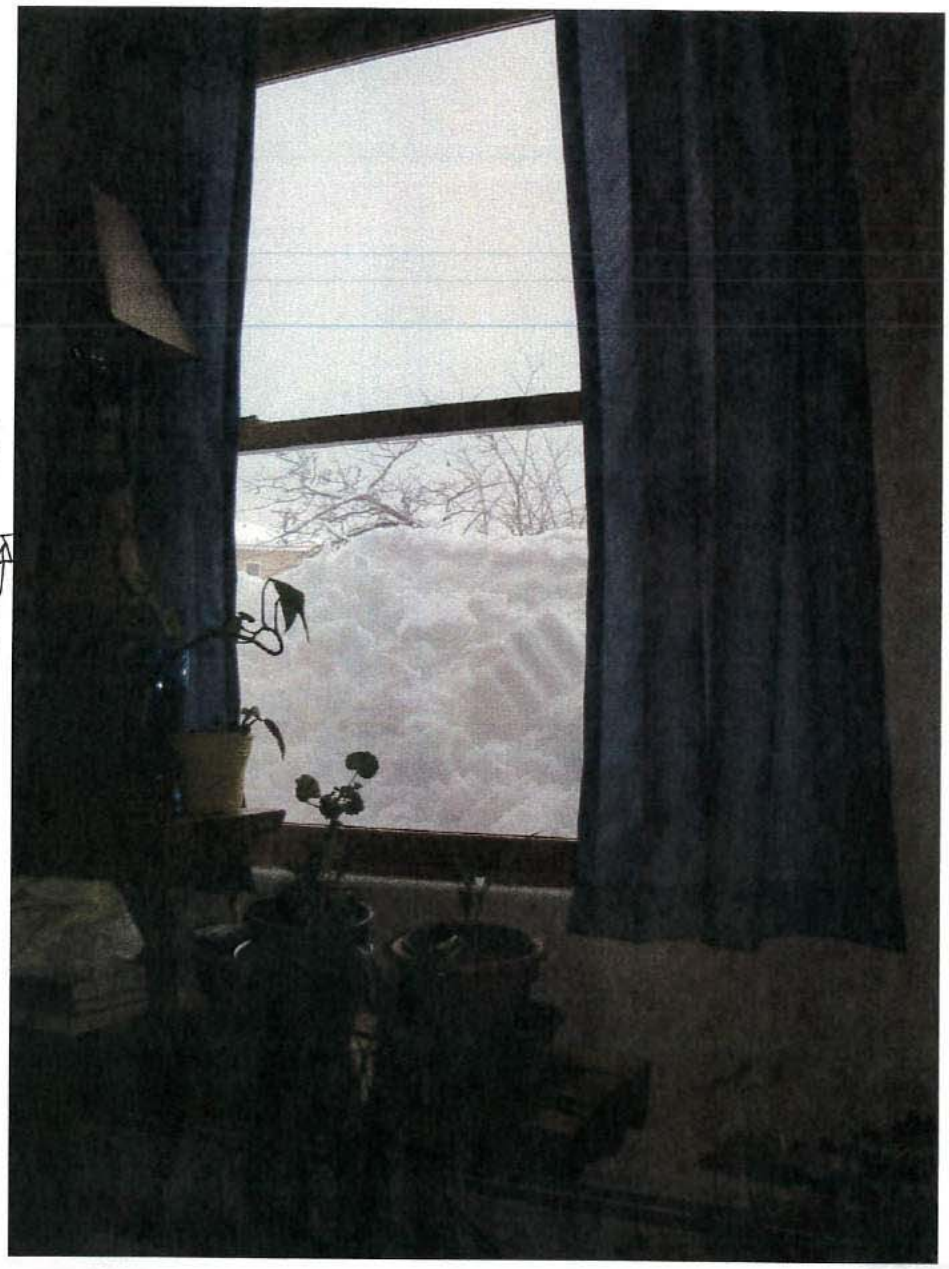
OFFICIAL SEAL
ANITA C. BARELA
Notary Public
State of New Mexico
My Comm. Expires 2/28/17

Exhibit III_App_Site Survey.compressed.pdf

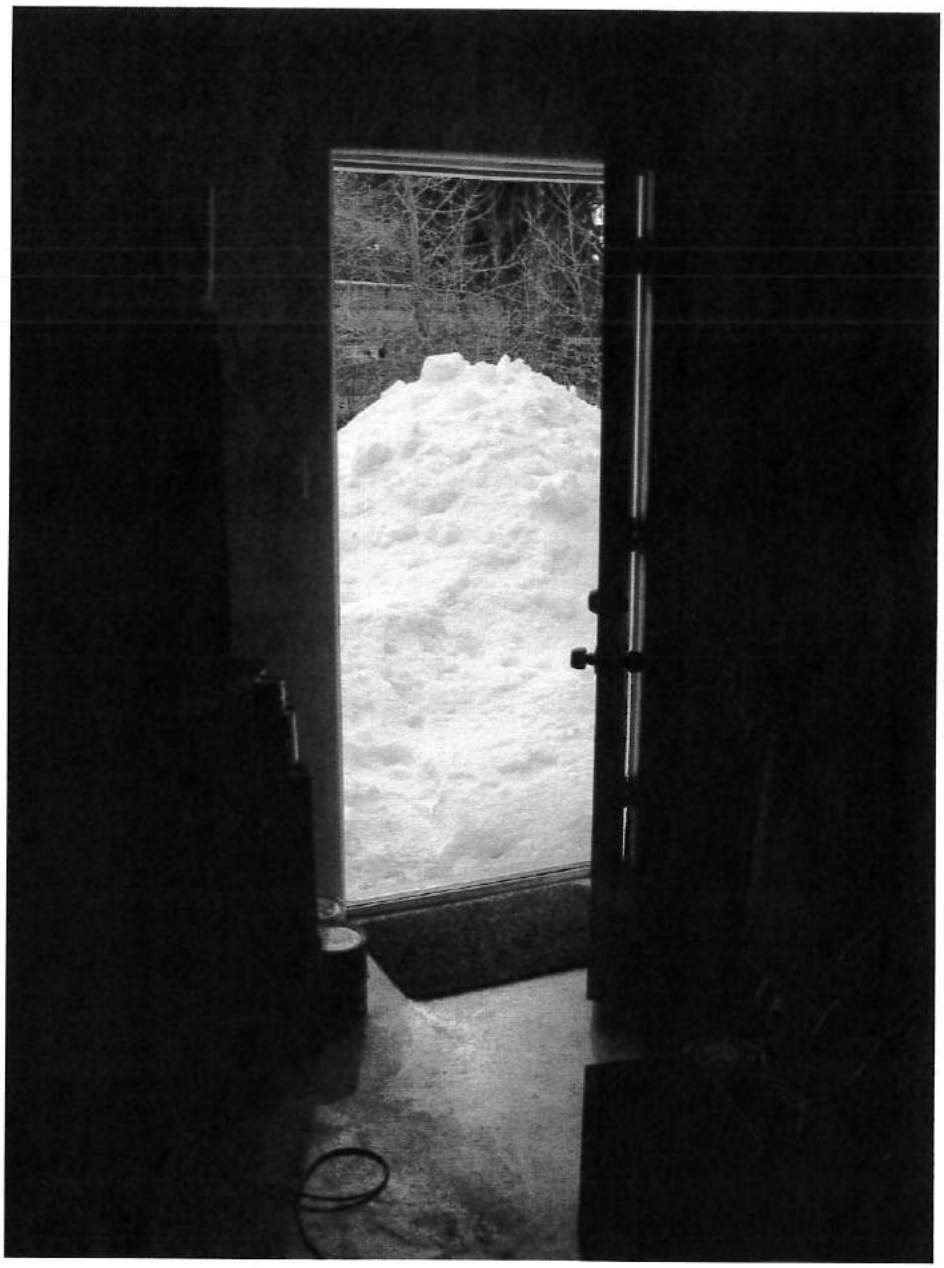
Snow level



2nd story high snow above garage roof


Snow
level
Second
floor
window
Snow on garage
roof

Show falls in front of entrance from roof

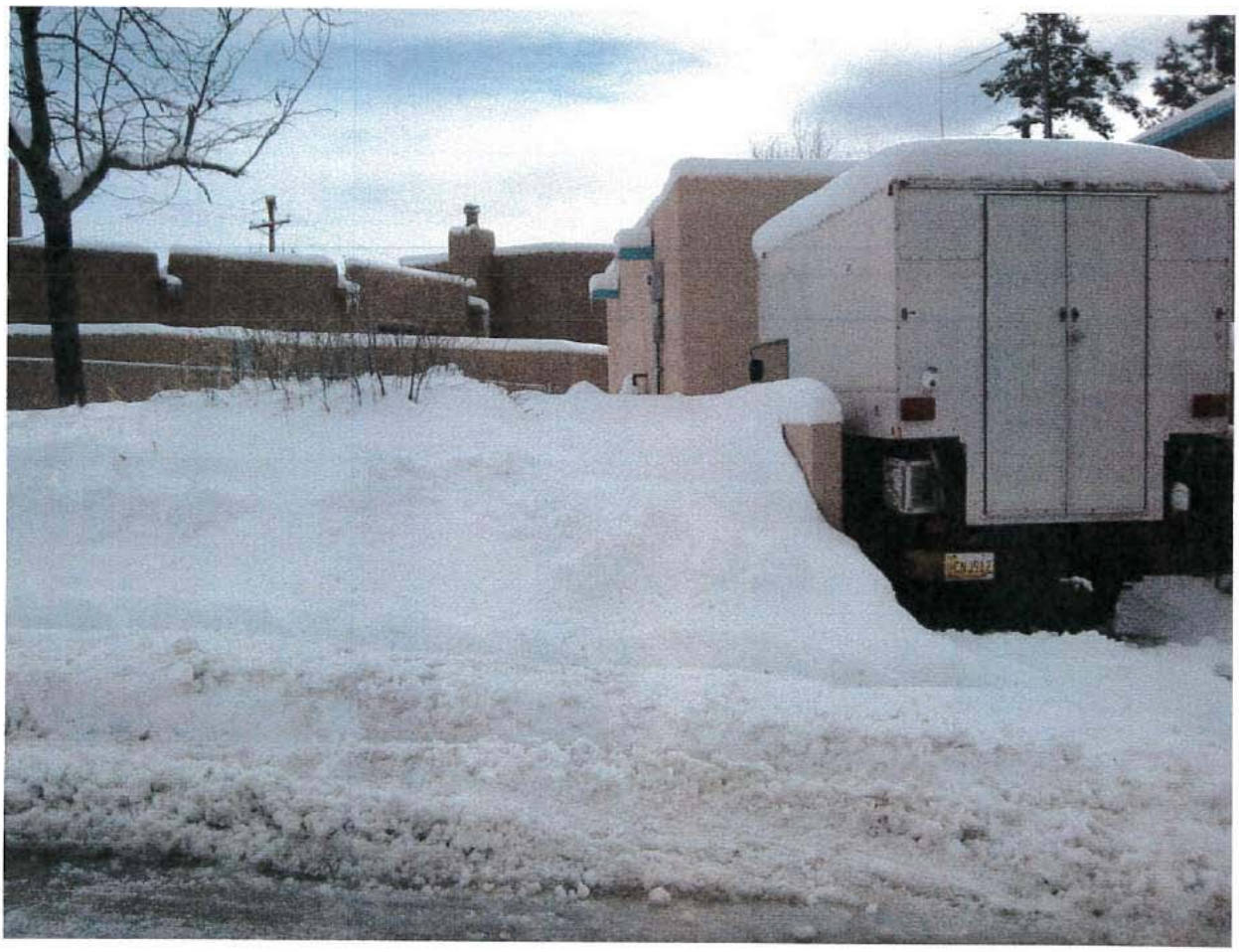


Snow shoveled from garage roof

Snow on garage roof
- shoveling partially complete

Snow shoveled from driveway

Shoveled snow pile from driveway



OWNER'S AFFIDAVIT

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

We/I Willard Hemsing
(Please print Name/Names in Full)

being duly sworn, depose and say that (I am) (we are) the owner (s) of the property located at

626 47th St
(Address)

County of Los Alamos, for which (I am) (we are) requesting a Building Permit through the County of Los Alamos. Furthermore, (I) (we) hereby appoint Hans Leitner to act as our authorized agent on our behalf on all matters pertaining to the processing and obtaining of said permit with the exception of legal documents for recording purposes.

Signed: Willard Hemsing

Address: 626 47th St

Phone: 505 662 2024

Subscribed and sworn to before me this

2 day of May, 2016.

Anita C. Barela
Notary Public

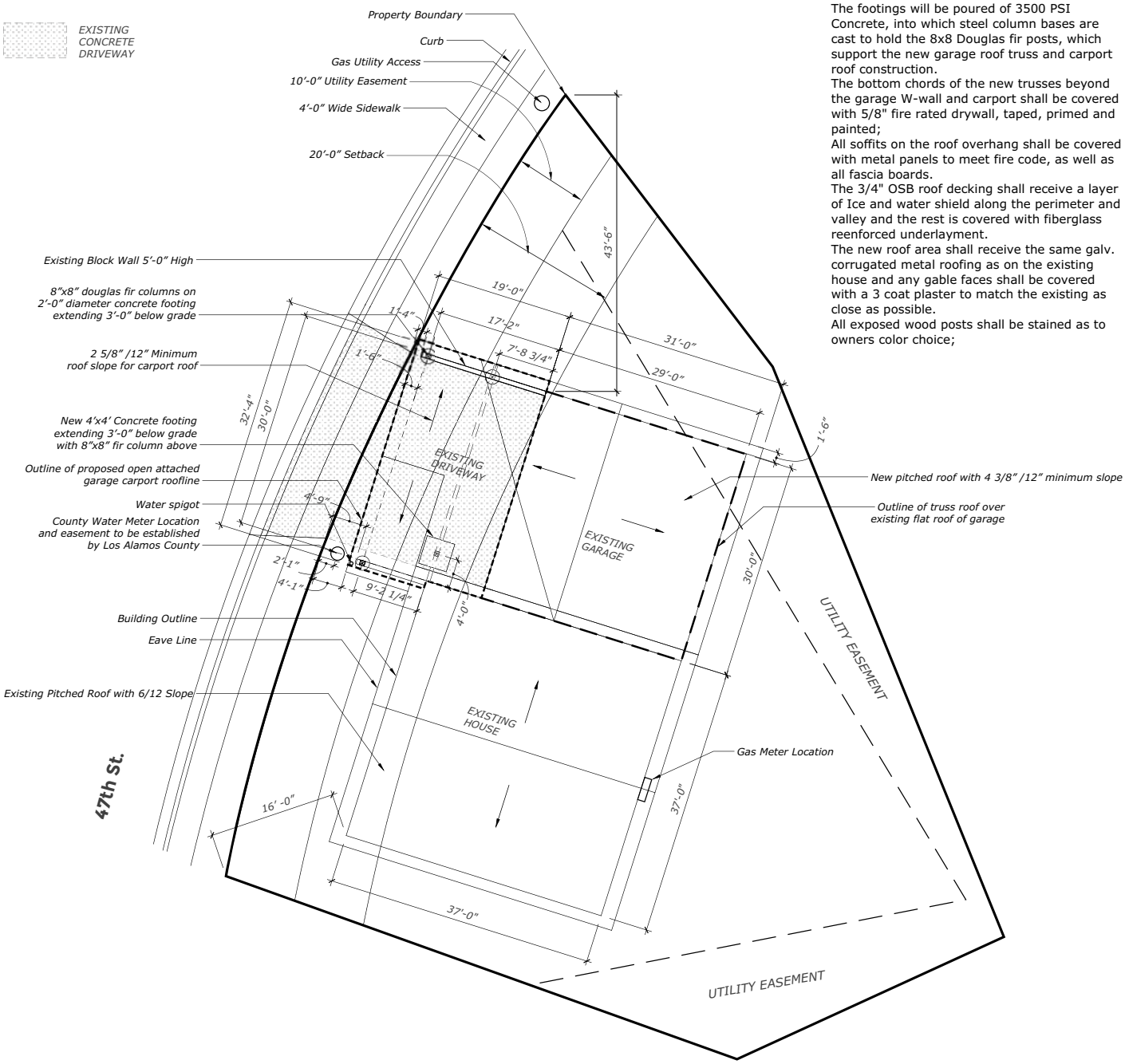
My Commission Expires: 2/28/17

OFFICIAL SEAL
ANITA C. BARELA
Notary Public
State of New Mexico
My Comm. Expires 2/28/17

Exhibit III_App_Site Survey.compressed.pdf

Notes:

The footings will be poured of 3500 PSI Concrete, into which steel column bases are cast to hold the 8x8 Douglas fir posts, which support the new garage roof truss and carport roof construction.
The bottom chords of the new trusses beyond the garage W-wall and carport shall be covered with 5/8" fire rated drywall, taped, primed and painted;
All soffits on the roof overhang shall be covered with metal panels to meet fire code, as well as all fascia boards.
The 3/4" OSB roof decking shall receive a layer of Ice and water shield along the perimeter and valley and the rest is covered with fiberglass reenforced underlayment.
The new roof area shall receive the same galv. corrugated metal roofing as on the existing house and any gable faces shall be covered with a 3 coat plaster to match the existing as close as possible.
All exposed wood posts shall be stained as to owners color choice;



1 Site Plan - 626 47th St. - Hemsing Residence

Scale: 1":10'

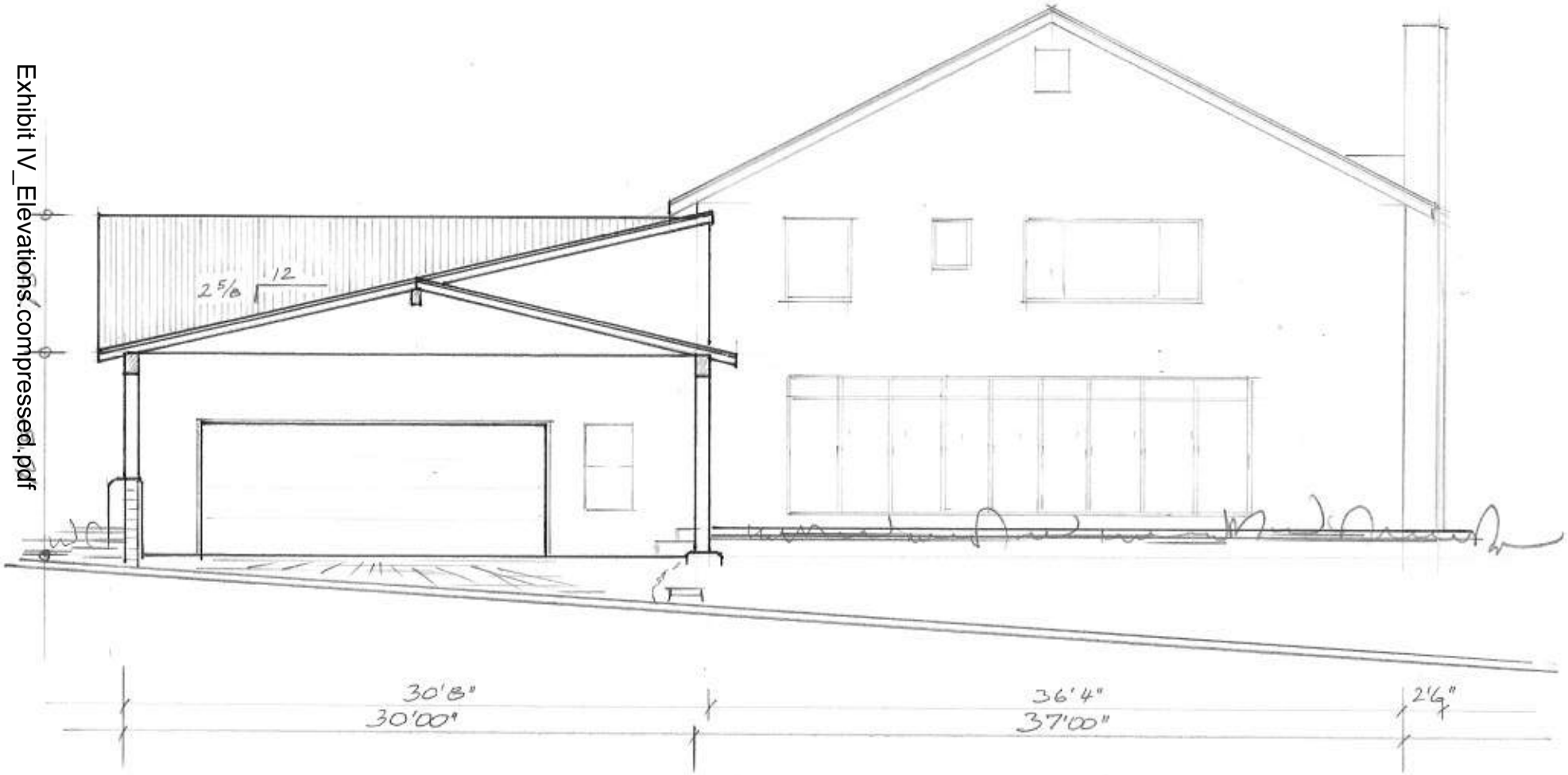
N

Drawn by: FRANZ AMADEUS LEITNER :: Revised: July 14, 2016 ::

Exhibit III_App_Site Survey.compressed.pdf

WEST ELEVATION OF PROPOSED NEW GARAGE ROOF + CARPORT
AT 626 47TH ST., LOS ALAMOS, NM. FOR HEMSING RESIDENCE
SCALE: 1/8" = 1'00"

6-14-2016



DESIGN BY:
LEITNER CONSTRUCTION LLC

NORTH ELEVATION OF PROPOSED NEW GARAGE ROOF AND CARPORT

AT 626 47th ST. LOS ALAMOS, NM.

HEMSING RESIDENCE

SCALE: 1/8 = 1'00"

DESIGN BY: 6-13-2016

LEITNER CONSTRUCTION LLC

IDRC WAIVER ANALYSIS – *REVISED*

Reviewer and Department/Division: _____

Approved: ☐

Approved with conditions: ☐

Denied: ☐

IDRC Meeting Date:	May 13, 2016
Project Name:	Encroachment into Required Front Yard Setback for a Carport
Owner:	Willard Hemsing
Applicant/Agent:	Hans Leitner
Telephone:	505-662-2024
Legal Description:	Subd: Western Area 1, Lot: 112
Case Number(s):	16-BOA-002
CDD Case Manager:	Anders Millmann

Project Description: Case No. 16-BOA-002

A request for approval of a waiver from a required front yard setback for the construction of a carport. Per Sec. 16-272 (d)Projection into required yards (7) A carport, consisting of a roof that has no walls, or wholly or partially enclosed walls, except those that are part of the main structure, shall project no more than 40 percent of the distance into the required front yard setback. Per Section 16-537, the minimum required front yard setback specified in the Residential Site Development Requirements for the R-M District shall not be less than twenty (20') feet. The property is located at 626 - 47th Street and is Zoned R-M (Residential Mixed).

Department Conditions:

Analyze the project in terms of each of the code requirements listed below as found in Section 16-157 of the County Code. If a particular criterion is not applicable to your department, mark it as "N/A". From the perspective of your department, please state how the proposed project does or does not met the criteria listed, or what conditions or additional information would be necessary for the project to be approved. (Attach additional pages if necessary.)

Criterion 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-

Criterion 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-

<u>Criterion C</u> – Granting of the waiver will not create a health or safety hazard or violate building code requirements.

-AND-

<u>Criterion D</u> – 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.

<u>General Observations and Comments</u>:

<u>Planning/Case Manager</u>: The existing garage has a flat roof, and yes, snow will accumulate onto this roof, with perhaps the snow loads being occasionally compromised. However, the solution to this issue is to re-model this portion of the home with the addition of a pitched roof. This will avail the snow accumulation (and snow load) issue.

UPON A SITE INSPECTION CONDUCTED 10 MAY 2016, I NOTED THAT THERE ARE 3 VEHICLES CURRENTLY BEING STORED IN THE EXISTING GARAGE. ADDITIONALLY, THERE IS A PICKUP TRUCK AND A TRUCK CAMPER STORED ON THE DRIVEWAY PROPOSED TO BE COVERED BY THE CARPORT. THE SITE INSPECTION ALSO REVEALED THAT THE PROPOSED CARPORT WILL PROJECT A DISTANCE OF 23' 6" FROM THE EXISTING RESIDENCE, THEREBY PLACING THE NORTHWESTERN-MOST CORNER OF THE CARPORT AT THE EDGE OF THE SIDEWALK. THIS MAY IN FACT CROSS OVER THE PROPERTY LINE, AND BE SITED ONTO THE 47TH STREET RIGHT-OF-WAY. [THE SITE PLAN HAS SUBSEQUENTLY BEEN MODIFIED TO ILLUSTRATE A CARPORT MEASURING 17' 6" IN LENGTH, PLACING IT AT OR SLIGHTLY BEHIND THE PROPERTY LINE]. THE SOUTHWESTERN-MOST CORNER OF THE CARPORT WILL BE PLACED BETWEEN A WATER UTILITY METER AND AN OUTDOOR WATER SPIGOT. I WOULD ENCOURAGE THE PETITIONER TO HAVE THE PROPERTY SURVEYED AND STAKED, SHOULD THERE BE SUFFICIENT FINDINGS TO MOVE THE PETITION FORWARD TO A PUBLIC HEARING. [A CONDITION OF APPROVAL]

The lot configuration presents challenges, as it is quite irregularly-shaped (See Criterion B).

CRITERION C – THE CARPORT WILL PROJECT OUT TO THE FRONT PROPERTY LINE. I CANNOT STATE WITH CERTAINTY THAT THE CARPORT WILL OR WILL NOT CREATE A HAZARD TO PUBLIC SAFETY (SNOW FALLING FROM THE ROOF). THE PETITIONER HAS BEEN ASKED TO SUPPLY A FULLY-DIMENSIONED SITE PLAN SHOWING THE EXACT LOCATION OF THE PROPOSED CARPORT. [SUBMITTED]

<u>Department Comments</u>:

<u>Public Works/Traffic & Streets</u>: I would like to insure that the edge of the structure does not intrude past the property line, in addition I would like to know what roofing material will be used and what the plan will be to mitigate snow and ice (including icicles) falling off the roof onto the sidewalk. See my conditional approval attached. I'm not completely comfortable with the risk of snow and ice coming off the roof and landing in the sidewalk. –Dan

<u>Public Works/Traffic & Streets (First)</u>: It would appear that the structure would extend to the back of sidewalk; if that is indeed the case - this is unacceptable. Conditions of approval from Public Works Traffic & Streets are that the structure does not interfere with maintenance operations of the right of way infrastructure including snow removal or future

replacement of sidewalk. While stated above, the structure should not have walls that obstruct site distance including decorative columns that are large in nature and would potentially obstruct site distance.

Public Works/Engineering: All, I field verified the property corners on 626 47th today. The property line is approximately 4 feet behind back of sidewalk. I believe originally his request was to build to 6" behind sidewalk (believing his property line was in fact back of sidewalk). –Jason Romero

Public Works/Engineering: Looks like the leader line for the 4 ft. sidewalk is pointing to the wrong area. Given Jason's assessment, the space between the back of sidewalk and property line is also 4 ft. As the proposal encroaches into a 10 ft. utility easement, the applicant will be required to submit an application and permit to encroach forms requiring my and DPU approval at time of building permit if this variance is approved. Thanks, – Eric Martinez

Petitioner: Dear Mr Millmann,

Hans Leitner and I have made modified plans for my proposed garage roof and carport. They should simplify the project and improve both its function and appearance. I believe we have responded to the requirements listed in your May 16, 2016 letter.

Attached are the new Site Plan, plan view, west elevation, and north elevation drawings that Hans completed this morning. They show the revised 4 foot setback from the sidewalk, show clearance around the water meter and water spigot, and show complete integration of the carport structure with the garage and new garage roof. The setback provides ample space for the county's Bobcat snow removal and gives generous motorist visibility from the street. There should be no negative impact on existing easements, adjacent properties, or neighboring properties. The safety impact will be positive because it will eliminate falling safety hazards from snow and ice. Please let us know if additional information is needed.

Safety justification: (I believe this duplicates the garage roof and sloping driveway hazards already included in my Waiver Application.)

I had a birthday and am now 72 years old! This project will add a new garage roof and a carport to eliminate two safety hazards.

1. In past winters, snow has accumulated to greater than 6 foot depth below where it slides down from the house roof to the garage roof. The snow accumulates into the shade on the north side of the house. I have shoveled snow to relieve this persistent excess load from the garage roof. Using a ladder for access to- and shoveling snow from the roof is a safety hazard for me. The proposed pitched roof will eliminate the need to shovel snow from the existing flat garage roof.

2. Even in mild winters, ice and snow on the sloping driveway have caused me to fall. The proposed carport will eliminate the winter safety hazard for my sloping driveway.

Thank you again,

Willard Hemsing

Views of the proposed carport site area

Exhibit VI_Photographs of subject property, Staff (6).compressed.pdf

Water meter & spigot

Carport down street