



County of Los Alamos

Los Alamos, NM 87544
www.losalamosnm.us

Agenda - Final Board of Adjustment

*Michael Redondo, Chair;
Catherine Mockler and Jaret McDonald, Members*

Monday, February 6, 2017

5:30 PM

1000 Central Avenue
Suite 110, BCC 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**

- A. [9069-17](#) Minutes from the Board of Adjustment Meeting(s) on January 09, 2017.

Attachments: [BOA Minutes 1-9-17.pdf](#)

5. **PUBLIC HEARING(S) - QUASI JUDICIAL**

- A. [9066-17](#) Staff Report for the Board of Adjustment Case No. WVR-2017-0028_2671

Attachments: [StaffReport_WVR-2017-0027_DRAFT.pdf](#)

- B. [9067-17](#) Staff Report for the Board of Adjustment Meeting Case No. WVR-2017-0027_3114_Orange

Attachments: [StaffReport_WVR-2017-0027_FINAL.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.

MINUTES

Board of Adjustment

January 9, 2017 – 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
Anita Barela, Assistant Planner

I. CALL TO ORDER / ROLL CALL

Chair Gursky called the meeting to order at 5:30 PM and asked Anita Barela to call the roll. A quorum was present.

II. PUBLIC COMMENTS

III. APPROVAL OF AGENDA

Commissioner McDonald made a motion to approve the agenda as presented. Commissioner Mockler seconded the motion. Motion passed unanimously.

IV. APPROVAL OF MINUTES

Commissioner McDonald made a motion to approve the minutes as presented. Commissioner Mockler seconded the motion. Motion passed.

V. PUBLIC HEARINGS

a. Case No. WVR-2016-0025:

Shane French, the property owner and petitioner, is requesting a Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Section 16-273(a)(1)(b), in order to allow an accessory structure (shed), currently existing, to remain within a required side yard. Section 16-273(a)(1)(b) of the Los Alamos County Development Code states that accessory buildings and structures may not be located in required side yards within any district. The property is located at 1419 – 40th Street, Los Alamos, New Mexico.

Scott Lucero, tenant of 1419- 40th Street and Shane French, owner of 1419- 40th were sworn in to give testimony in the case.

Scott Lucero presented the request on behalf of the property owner. Commissioners, applicant, staff and interested parties were given the opportunity to comment.

MOTION:

Commissioner McDonald made the motion that the Board of Adjustment **Deny** Case No. WVR-2016-002,

Motion to **Deny** failed due to lack of a second.

Commissioner Mockler made the motion that the Board of Adjustment **approve** Case No. WVR-2016-0025, a request for approval of a waiver to permit the placement of an accessory structure (shed) within a designated side yard area, 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. Should the Board of Adjustment approve the Waiver requested, the applicant shall obtain a "Placement Permit" in order to clear the Code Enforcement and Municipal Court action.

Chair Redondo seconded the motion. Motion passed 2-1.

b. Case No. WVR-2016-0026:

Jacqueline Shen, the property owner and petitioner, is requesting a **Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Site Development Requirements – Residential**, to exempt the subject property from meeting the off-street parking requirement for a proposed **Bed & Breakfast operation**. There is insufficient vacant space on the subject property to meet/accommodate the minimum number of off-street parking spaces required to serve the proposed land use. The Los Alamos County Code of Ordinances, Chapter 16 (Code), Section 16-370, requires a minimum of one (1) off-street parking space per sleeping unit, plus 2 spaces for the owner/manager, if applicable. By Code, the proposed 4-room Bed and Breakfast operation is required to provide six (6) off-street parking spaces (one parking space for each of the 4 guest rooms, plus two additional parking spaces for the owner). The subject property currently contains a paved parking area measuring approximately 13' in width which will accommodate at least one (1) off-street parking space. The subject property is located at 80 Canyon Road, in the Eastern Area 2 Subdivision, Lot 259, and is zoned: R-1-8 (Residential District).

Jacqueline Shen, Owner and applicant, Judy Machen, Don Machen, Neighbors, George Chandler, 1110 1st Street and Una Smith, 72 Manhattan Loop, were sworn in to give testimony in the case. Jacqueline Shen presented the request. Commissioners, applicant, staff and interested parties were given the opportunity to comment.

MOTION:

Commissioner Mockler made the motion that Board of Adjustment **approve** Case No. WVR-2016-0026, a request for approval of a waiver from the off-street parking requirement, for a proposed **Bed & Breakfast operation**, 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. Parking for the proposed Bed & Breakfast shall be located entirely on Canyon Road, and not be located on First Street. If the Waiver is granted, the applicant shall be responsible for informing all guests of this requirement, and for monitoring compliance.
2. The applicant shall apply for and obtain a Business License prior to operating the proposed Bed & Breakfast.

Chair Redondo seconded the motion. Motion passed unanimously.

VI. ADJOURNMENT

7:30 pm

Michael Redondo, Chair



County of Los Alamos

Staff Report

February 06, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: 9066-17

Title

Staff Report for the Board of Adjustment Case No. WVR-2017-0028_2671

Attachments

A - Staff Report for the Board of Adjustment Case No. WVR-2017-0028_2671



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: February 6, 2017
Subject: Case No. WVR-2017-0028
Owners/Applicants: Todd & Amy Urbatsch, Owners & Applicants
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Principal Planner

Case No. WVR-2016-0028: Todd and Amy Urbatsch, the property owners and petitioners, are requesting a Waiver to the Los Alamos County Code of Ordinances, Development Code, Article XIII, Site Development Requirements, from a minimum rear yard setback requirement of twenty (20') feet, to fourteen (14') feet; in order to remodel a single family residence by constructing an addition to the rear portion of the existing residential dwelling unit. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, requires a minimum 20-foot rear yard setback for Main Structures. The property is located at 2671 Orange Street, Los Alamos, New Mexico, Subdivision: Western Area 2, Lot 55, and is zoned R-M (Residential Mixed District).

Board Action Options

Motion Option 1:

I move that the Board of Adjustment **approve** Case No. WVR-2016-0028, a request for approval of a waiver from a rear yard setback requirement, for the construction of a proposed addition to an existing residential dwelling unit, 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. If the waiver is approved, the applicant shall apply for and receive a Building Permit prior to construction.

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2016-0028 with the finding that it does not meet the Criteria of Section 16-157 of the Los Alamos County Development Code, for the following reason(s):

1. ...

I. Summary

The applicant is requesting a waiver to allow for the construction of an addition to an existing residential dwelling unit which will encroach into a portion of a required rear yard setback area. The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Site Development Requirements (table), Residential

Mixed District, establishes a minimum rear yard setback of twenty (20') feet, as measured from the rear property line.

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 at the end of a cul-de-sac street. The parcel is irregularly shaped, and has seven sides. The parcel is occupied by a single family residence. The subject property abuts Acid Canyon, located to the south, and Los Alamos County open space, located to the east. The proposed addition to the residence will be constructed along the eastern-facing elevation of the residential dwelling unit, which will face the parcel owned by Los Alamos County. This parcel is zoned P-L, Public Lands, and contains a small, partially developed park. Pedestrian access to this park is via a 7.5-foot wide county-owned path running alongside the northern property line of the Urbatsch property.

The proposed addition will project approximately seventeen and a half (17' 6") eastward from the eastern elevation of the residence, and contain approximately 375 Ft² of area under roof. The existing residence contains 2,026± Ft² of area under roof. The subject property contains 10,163.75 Ft² of area. The lot coverage factor is 20%. With the proposed addition, the lot coverage factor increases to 23.6%. The maximum lot coverage allowed by the Site Development Requirements of the Los Alamos County Development Code is 40%.

The proposed addition will encroach six (6') feet into a required rear yard setback of twenty (20') feet.

There are no known easements that would be impacted by the proposed construction.

This application for a waiver was properly and legally advertised, posted and noticed. No complaints or inquiries were received by the Community Development Department as of Thursday, February 2, 2017.

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: Waiver is located on the opposite side of the lot from any easements.

Staff Response: There are no known utilities that proposed construction will impact.

(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: a) Lot is odd-shaped. b) house is not aligned to lot. c) original house quality is better than 1960s-70s addition, therefore we would like to rebuild that portion.

Staff Response: Planning staff notes that the existing residence is set onto the lot at an angle relative to the north and south property lines, which are roughly parallel to each other. The Los Alamos County Open Space

Specialist states that they do not see a hardship for encroachment in the setback. We believe the setback is appropriate from the Park/Open Space Area, and meets the community's vision.

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

Applicant Response: It will not. Plus a shed will be removed.

Staff Response: The Planning staff does not believe the waiver requested will create a health or safety hazard. The Senior Building Inspector has no comments, other than to request all proposed construction be reviewed and approved via a Building Permit.

(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: Remodel will be one-story with pitched roof. The waiver is located at the farthest point away from both neighbors, so no excessive or additional blockage of sun. Waiver is located near a remote, generally unused corner of the playlot.

Staff Response: The Planning staff does not believe the waiver requested will 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. The waiver requested is in the rear yard. There are no adjoining neighbors located behind the subject property.

III. Findings of Fact

1. This public hearing was announced by publication in the Los Alamos Monitor, the Newspaper of Record for Los Alamos County, on Sunday 22 January 2017; 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 2 Subdivision, Lot: 055, which contains 0.233± acres, or 10,163.75 square feet of area. The existing residential structure covers a footprint of approximately 2,026 Ft² of area, yielding a lot coverage factor of 20.0%. The maximum lot coverage percentage permitted by Section 16-537 Site Development Requirements, of the Los Alamos County Development Code, is 40%.
4. The existing residence on the subject property is set back sixty-two (62') feet from the front property line; thereby meeting the minimum required front yard setback requirement of twenty (20') feet.
5. The proposed residential addition will encroach within a required rear yard setback area, will add approximately 375 Ft² of additional lot coverage to the subject property, bringing the lot coverage factor up to 23.6%.
6. Section 16-537, Site Development Requirements, of the Los Alamos County Development Code, requires a minimum front yard setback of twenty (20') feet, a minimum rear yard setback of twenty (20') feet, and minimum side yard setbacks totaling fifteen (15') feet. The existing single family residence occupying the subject property is compliant with this requirement.

7. Per §16-537, the minimum required rear yard setback for structures in an R-M (Residential Mixed) zone is twenty (20') feet. Approval of this waiver will allow the Urbatsch family to construct a residential addition that will encroach six (6') feet into a required rear yard setback area.
8. The lot is unusually-shaped, and the placement of and alignment of the residence on the property render it difficult to construct an addition or to effectuate remodeling activities without the necessity of a waiver to certain setback requirements.
9. ...

IV. Exhibits

Exhibit I	Vicinity map/Aerial photo of the subject property
Exhibit II	Application; Property Survey; Site Plan
Exhibit III	Addendum Letter
Exhibit IV	List of property owners of record within 100 yards of subject property
Exhibit V	Interdepartmental Review Committee (IDRC) comments
Exhibit VI	Photographs of subject property, Staff (8)

2671 Orange Street



Exhibit I Vicinity map/Aerial photo of the subject property



0 37.5 75 150 Feet

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 = 75 feet

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:

Remodel existing house to extend to within 14 ft. of property line.

Address of Property to which the Waiver Request applies:

2671 Orange St, Los Alamos, NM 87544

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

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

Name: Todd Urbatsch Phone: 661-1501 Cell #: 695-5735
Please Print

Address: 2671 Orange St Email: ta-urbatsch@hotmail.com

Todd Urbatsch 29 DEC 2016
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: _____

Exhibit II ☐ Application; Property Survey; Site Plan

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

Waiver is located on the opposite side of the lot from any 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

- a) lot is odd-shaped
- b) house is not aligned to lot
- c) original house quality is better than 1960-70's addition, therefore we would like to rebuild that portion.

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

It will not. Plus, a shed will be removed.

- (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.

Remodel will be one-story with pitched roof. The waiver is located at the farthest point away from both neighbors, so no excessive or additional blockage of sun. Waiver is located near a remote, generally unused corner of the playlot.

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.
- ☐ 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: _____

WARRANTY DEED

(Joint Tenants)

TODD URBATSCH, AN UNMARRIED MAN, for consideration paid, grant(s) to TODD URBATSCH and AMY C. URBATSCH, husband and wife, as joint tenants with rights of survivorship, whose address is 2671 ORANGE, LOS ALAMOS, New Mexico 87544, the following described real estate in Los Alamos County, New Mexico:

LOT NO. 55, WESTERN AREA NO. 2, SHOWN BY MAP OR PLAT THEREOF FILED IN THE OFFICE OF THE CLERK OF LOS ALAMOS, NEW MEXICO, ON THE 10TH DAY OF SEPTEMBER OF 1965, AND OFFICIALLY OF RECORD IN BOOK 1, AT PAGE 65, PLAT RECORDS OF SAID COUNTY.

SUBJECT TO all reservations, restrictions, easements and covenants of record. ALSO SUBJECT TO ad valorem property taxes for 2003 and subsequent years.

with warranty covenants.

WITNESS our hands and seals this 19TH day of MARCH, 2003.

Todd Urbatsch
TODD URBATSCH

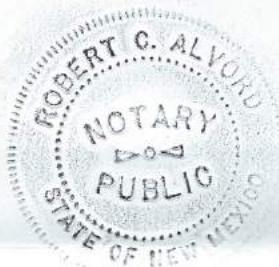
Amy C. Urbatsch
AMY C. URBATSCH

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS

This instrument was acknowledged before me on MARCH 19, 2003, by TODD URBATSCH AND AMY C. URBATSCH, HUSBAND AND WIFE.

[Signature]
Notary Public
My commission expires: 5-4-05



For recorders use only

STATE OF NEW MEXICO	
COUNTY OF LOS ALAMOS	
DOC	<u>166287</u>
DATE	<u>March 19</u> <u>2003</u>
TIME	<u>11:59</u> <u>A</u> .M.
BOOK	<u>112</u> PAGE <u>483</u>
COUNTY CLERK	
<u>[Signature]</u>	
DEPUTY <u>[Signature]</u>	

Exhibit II ☐ Application; Property Survey; Site Plan

LOS ALAMOS COUNTY
P.O. BOX 99
LOS ALAMOS, NEW MEXICO 87544-0099
Payment Inquiries (505) 662-8333
Valuation and Assessment Inquiries (505) 662-8030

2016 TAX BILL

TAXPAYER'S COPY

PLEASE MAKE A SEPARATE CHECK FOR
PROPERTY TAX FROM OTHER PAYMENTS.

Please read reverse side of this bill and
enclose payment coupon in envelope with
your check or money order.

IF YOUR TAX PAYMENTS ARE ESCROWED THROUGH A MORTGAGE COMPANY, IT IS
YOUR RESPONSIBILITY AS PROPERTY OWNER TO FORWARD THIS BILL FOR PAYMENT.

NOTICE: THIS TAX BILL IS THE ONLY NOTICE YOU WILL RECEIVE FOR PAYMENT OF
BOTH INSTALLMENTS OF YOUR 2016 PROPERTY TAX.

PAYMENT VERIFICATION: IF CHECK OR DRAFT IS
GIVEN IN PAYMENT OF TAXES, THE TAX BILL IS
NOT CONSIDERED PAID UNTIL THE CHECK HAS
Cleared THE TAXPAYER'S BANK OR OTHER
FINANCIAL INSTITUTION.

NET TAXABLE VALUES WILL BE ALLOCATED TO
GOVERNMENTAL UNITS IN SCHOOL DISTRICT. ▶ #1

TAXABLE VALUE IS 33 1/3% OF FULL VALUE		
	FULL VALUE	TAXABLE VALUE
LAND RES SINGLE	70,820	23,610
BLDG RES SINGLE	117,760	39,250
HeadOfHousehold	0	-2,000
NET VALUE		60,860



URBATSCH TODD & AMY C
2671 ORANGE ST
LOS ALAMOS NM 87544-2173

T12 P171 RN: 314
AC: R005489

PRINT THIS ACCOUNT
NO. ON YOUR CHECK

ACCOUNT NO.
R005489

PARCEL #
1033113388083

▶ HOW YOUR TAX DOLLAR IS BEING DISTRIBUTED ▶

2671 ORANGE ST

Subd: WESTERN AREA 2 Lot: 055 S: 9 T: 19N R: 6E

PROPERTY DESCRIPTION

TAX RATE EXPRESSED IN DOLLARS PER THOUSAND OF NET TAXABLE VALUE		
COUNTY	5.873	357.43
COUNTY DEBT SERVICE	0.000	0.00
MUNICIPAL	3.950	240.40
MUNI DEBT SERVICE	0.000	0.00
COLLEGE	0.988	60.13
COLLEGE DEBT SERVICE	0.000	0.00
SCHOOL OPERATION	0.336	20.45
SCHOOL DEBT SERVICE	8.621	524.67
SCHOOL CAP IMPRO	0.000	0.00
SCHOOL HB33	3.246	197.55
STATE DEBT SERVICE	1.360	82.77

INTEREST IS 1% PER MONTH ON DELINQUENT TAXES. ALSO, A PENALTY OF UP TO 5% WILL BE CHARGED ON EACH HALF.

DELINQUENT DATES				
YEAR	TAX AMOUNT	INTEREST	PENALTY	TOTAL TAXES

PRIOR TAXES, IF ANY MUST BE PAID BEFORE
ACCEPTING CURRENT YEAR PAYMENT. ▶

TAXPAYER'S COPY - PLEASE RETAIN THIS BILL FOR YOUR RECORDS.

24,374

TOTAL 2016 TAX DUE ▶ **1,483.40**

**2016 TOTAL CURRENT
& PRIOR TAXES** ▶ **1,483.40**

SECOND HALF PAYMENT COUPON

PLEASE MAKE CHECKS PAYABLE TO:
LOS ALAMOS COUNTY
P.O. Box 99 • Los Alamos, NM 87544-0099

PRINT THIS
ACCOUNT NUMBER
ON YOUR CHECK

R005489

YOUR CANCELED CHECK IS YOUR RECEIPT.

THIS BILL IS DUE BY **APRIL 10, 2017**. TO AVOID INTEREST AND PENALTY CHARGES,
DETACH THIS COUPON AND REMIT WITH PAYMENT BY: **MAY 10, 2017**.

URBATSCH TODD & AMY C
2671 ORANGE ST
LOS ALAMOS, NM 87544

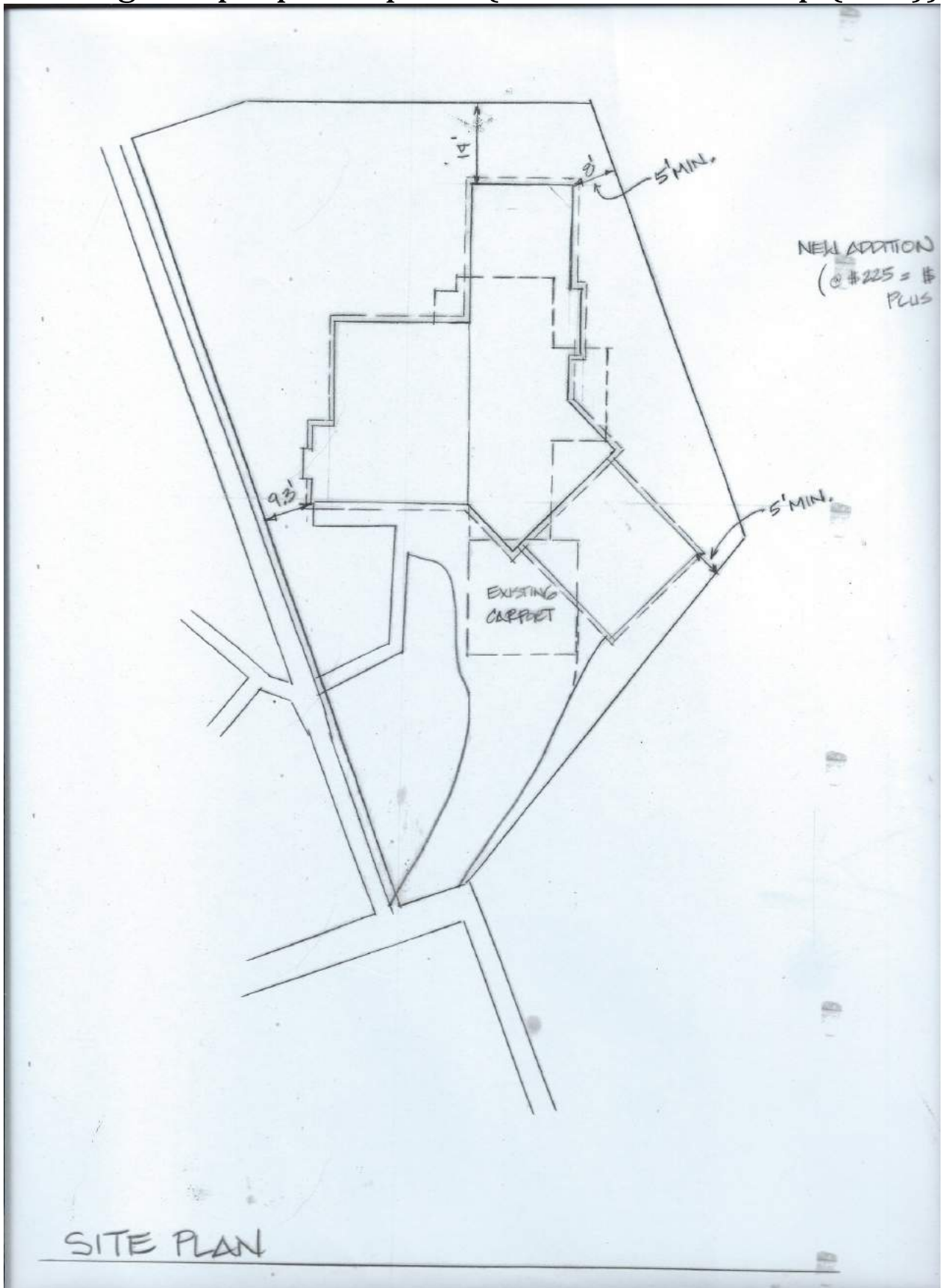
**2016
SECOND HALF**

741.70

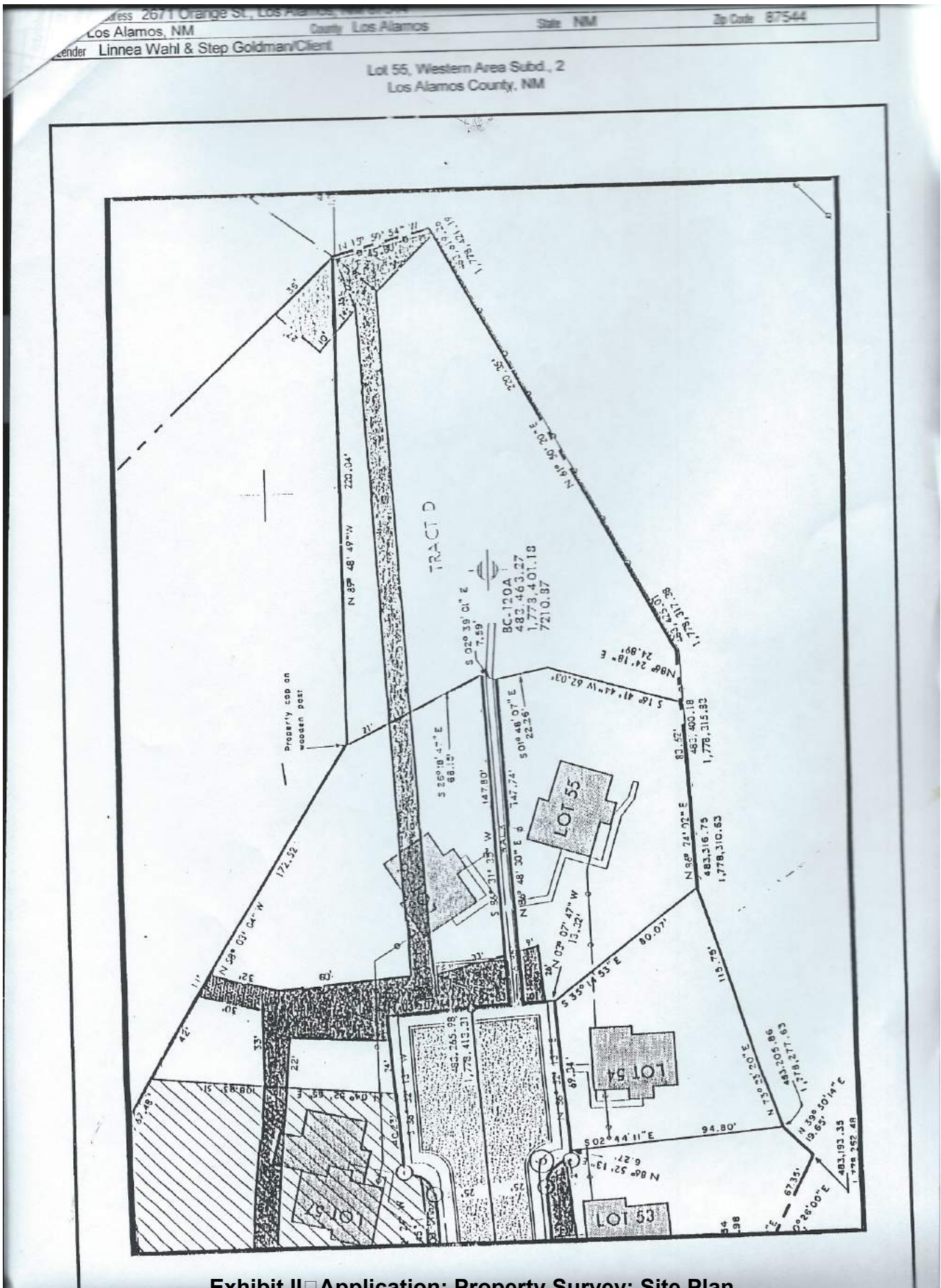
DO NOT FOLD OR STAPLE THIS COUPON.
DO NOT WRITE BELOW THIS LINE

031000005489000007417000001483405

Existing and proposed plans (waiver is at the top (east))



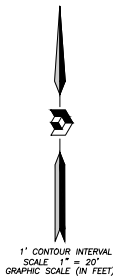
Easements (with original house, prior to 1960-70s additions)



2014 topographical map

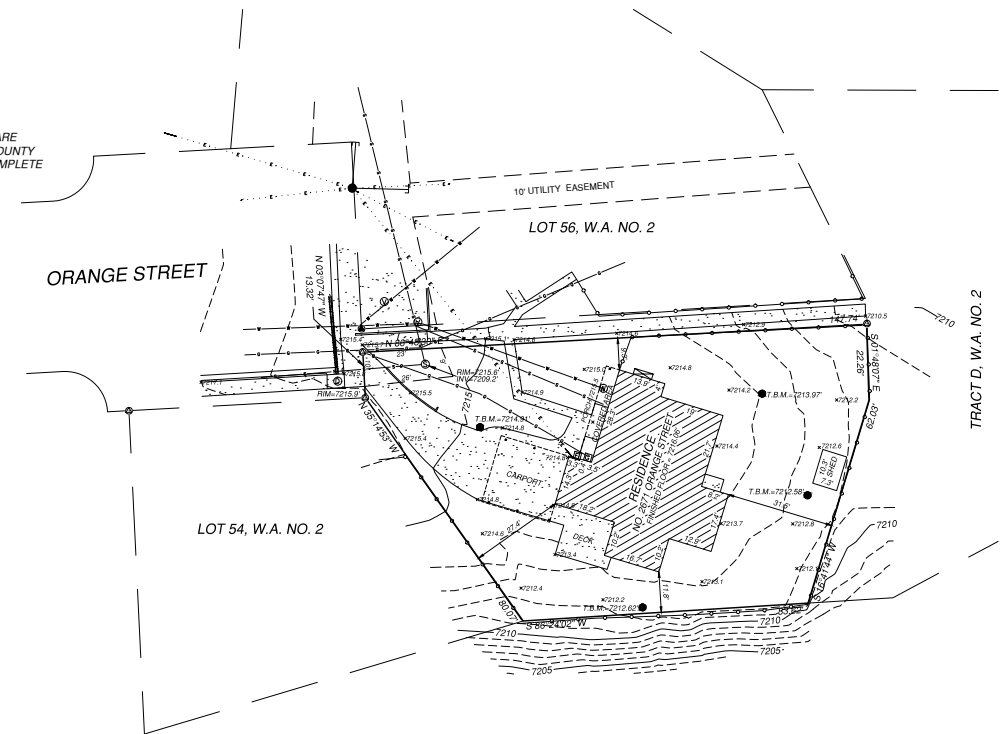
Topographic Survey and Site Plan for Todd and Amy Urbatsch, of Lot 55 Western Area No. 2, Los Alamos, New Mexico January, 2014

LOT LINES AND PROPERTY CORNERS ARE SHOWN FOR ORIENTATION ONLY AND ARE BASED UPON THE PLAT OF WESTERN AREA NO. 2, FILED IN THE OFFICE OF THE COUNTY CLERK OF LOS ALAMOS COUNTY, NEW MEXICO IN PLAT BOOK 1, PAGE 65, FOR COMPLETE BOUNDARY INFORMATION REFER TO THIS PLAT.



Legend

N 14°49'19" W	PLATTED BEARING AND DISTANCE.
●	BATHY T-BAR, FOUND.
●	BATHY T-BAR WITH CAP, FOUND.
●	80D NAIL SET FOR CONTROL.
—○—	CHAIN LINK FENCE.
①	SEWER MANHOLE.
②	STORM DRAIN MANHOLE.
③	WATER METER.
④	GAS METER.
⑤	ELECTRIC METER.
—●—	UTILITY POLE WITH GUY WIRES.
⑥	UTILITY VALVE.
—	CULVERT.
— · — · —	OVERHEAD UTILITY LINES.
— W —	UNDERGROUND WATER LINE.
— G —	UNDERGROUND GAS LINE.
— S —	UNDERGROUND SEWER LINE.
—	CONCRETE.
●	SPOT ELEVATION.
— · — · —	INDEX CONTOUR.
— — — — —	1' CONTOUR.



Notes

- 1.) FIELD SURVEY COMPLETED ON DECEMBER 16, 2013.
- 2.) ALL BEARINGS ARE GROUND BEARINGS.
- 3.) ALL DISTANCES ARE GROUND DISTANCES: U.S. SURVEY FOOT.
- 4.) THIS PROPERTY LIES WITHIN SECTION 8, TOWNSHIP 19 NORTH, RANGE 6 EAST, NEW MEXICO PRINCIPAL MERIDIAN, LOS ALAMOS COUNTY, NEW MEXICO.
- 5.) LOS ALAMOS COUNTY ZONING FOR THIS PROPERTY IS R-1M.
- 6.) UNDERGROUND UTILITY LOCATIONS SHOWN ARE BASED UPON INFORMATION PROVIDED BY OTHERS AND MAY NOT REFLECT WHAT WOULD BE DISCLOSED BY SUBSURFACE EXCAVATIONS. THE DEVELOPER IS FULLY RESPONSIBLE FOR ANY AND ALL DAMAGE CAUSED BY ITS FAILURE TO LOCATE, IDENTIFY AND PRESERVE ANY AND ALL EXISTING UTILITIES, PIPELINES AND UNDERGROUND UTILITY LINES. THE DEVELOPER IS URGED TO COMPLY WITH STATE STATUTES, MUNICIPAL AND LOCAL ORDINANCES, RULES AND REGULATIONS, IF ANY, PERTAINING TO THE LOCATION OF THESE LINES, IN PLANNING AND CONDUCTING EXCAVATIONS. THE DEVELOPER SHOULD MAKE THEMSELVES AWARE OF REGULATIONS STATED IN CHAPTER 42, ARTICLE 14, MASA 1978 RELATING TO EXCAVATION DAMAGE TO PIPELINES AND UNDERGROUND UTILITY LINES.
- 7.) THIS MAP HAS BEEN PRODUCED ACCORDING TO PROCEDURES THAT HAVE BEEN DEMONSTRATED TO PRODUCE DATA THAT MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR A TOPOGRAPHIC MAP COMPILED AT A SCALE OF 1"=20' WITH A CONTOUR INTERVAL OF ONE FOOT.

Surveyor's Certificate

TOPOGRAPHY BY FIELD SURVEY USING ROBOTICS TOTAL STATION. ELEVATIONS BASED ON LOS ALAMOS NATIONAL LABORATORY CONTROL NETWORK DATUM (NGVD 1985). THIS SURVEY MEETS THE MINIMUM STANDARDS FOR TOPOGRAPHIC SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF LICENSING FOR PROFESSIONAL ENGINEERS AND SURVEYORS. THIS IS NOT A BOUNDARY SURVEY.

LARRY W. MEDRANO
N.M.P.L.S. No. 11993

DATE



Sheet 1 of 1

ТДВСТНУИМАС



Todd and Amy Urbatsch

2671 Orange Street • Los Alamos, New Mexico 87544
Phone: 505-661-1501 • E-Mail: ta_urbatsch@hotmail.com

Date: December 29, 2016

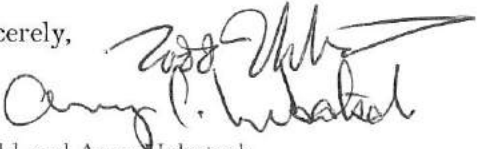
Mr. Anders Millmann
City Planner
Los Alamos County
Los Alamos, NM 87544

Dear Mr. Millmann:

Thank you and Joe Dudziak for meeting with us on December 5, 2016, regarding our remodel plans. You were satisfied with the 5-foot setbacks on the back of the right side and the back, off to the right, and with the existing 9.3-foot setback on the front left of the existing house. However, the currently planned 14-foot setback on the back of the remodeled house needed to be increased to at least 19.5 feet, or we need to request a variance waiver. After further thought, we will proceed with a variance request for the back setback.

Thank you very much for your time and help.

Sincerely,

Handwritten signatures of Todd and Amy Urbatsch. The signature of Todd is above the signature of Amy.

Todd and Amy Urbatsch
2671 Orange Street



Community Development, Planning

January 10, 2017

Re: Case No. WVR-2017-0028

Dear Citizen:

This is to inform you that the Los Alamos County Board of Adjustment has scheduled a special public hearing on **Monday, February 6, 2017**, beginning at **5:30PM** in the Los Alamos County Municipal Building Boards and Commissions Room (#110), located at 1000 Central, Los Alamos, New Mexico. The purpose of this public hearing is to discuss and take action on the following case:

COUNTY COUNCIL

Rick Reiss

Council Chair

Susan O'Leary

Council Vice-Chair

COUNCILORS

James A. Chrobocinski

Steven Girrens

Kristin Henderson

David Izraelevitz

Pete Sheehey

COUNTY MANAGER

Harry Burgess

A request for approval of a **Waiver** to required 20 foot rear yard setback specified in the Los Alamos County Development Code, for the construction of an addition to an existing single-family residence.

The property is located at 2671 Orange Street; in the Western Area 2 Subdivision, Lot: 055. The subject property is zoned: R-M (Residential Mixed District).

Owner/Applicant: Todd and Amy Urbatsch

Case Manager: Anders Millmann, Senior Planner

You were sent this notice because you own property within 100 yards of the property where this proposed action is to take place and you may be impacted by this proposal. If you wish to provide comments on this proposal, please attend the meeting.

If you have any comments or questions regarding this matter, you may contact the Community Development Department office at 505-662-8120, or the Case Manager at 505-662-8116.

Community Development Department

IDRC VARIANCE ANALYSIS FORM

Reviewer and Department/Division: Master Comments from All Departments

Approved: ☐

Approved with conditions: ☒

Denied: ☐

IDRC Meeting Date: 13 January 2017 via E-Mail
Project Name: Urbatsch Remodel
Owner: Todd & Amy Urbatch
Applicant/Agent: Same
Telephone: 505-661-1501
Legal Description: Western Area 2 Lot 055
Case Number(s): WVR-2017-0028
CDD Case Manager: Anders Millmann

Project Description: Remodel existing house to extend to 14-feet of (rear) property line.

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 meet 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

Applicant's Response: Waiver is located on the opposite side of the lot from any easements.

Staff Response: *There are no known utilities that proposed construction will impact.*

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

Applicant's Response: 1-Lot is odd-shaped; 2-House is not aligned to lot; 3-Original house quality is better than 1960s-1970s addition, therefore we would like to rebuild that portion.

Staff Response: *Planning staff notes that the existing residence is set onto the lot at an angle relative to the north and south property lines, which are roughly parallel to each other. The Los Alamos County Open Space Specialist states that they do not see a hardship for encroachment in the setback. We believe the setback is appropriate from the Park/Open Space Area, and meets the community's vision.*

Exhibit V ☐ Interdepartmental Review Committee (IDRC) comments

Criterion C: Granting of the waiver will not create a health or safety hazard or violate building code requirements; and

Applicant's Response: It will not. Plus a shed will be removed.

Staff Response: *The Planning staff does not believe the waiver requested will create a health or safety hazard. The Senior Building Inspector has no comments, other than to request all proposed construction be reviewed and approved via a Building Permit.*

Criterion 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's Response: Remodel will be one-story with pitched roof. The waiver is located at the farthest point away from both neighbors, so no excessive or additional blockage of sun. Waiver is located near a remote, generally unused corner of the playlot.

Staff Response: *The Planning staff does not believe the waiver requested will 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. The waiver requested is in the rear yard. There are no adjoining neighbors located behind the subject property.*

Department Conditions: (attach additional pages if necessary)

- 1.
- 2.
- 3.
- 4.

Reviewed By: _____

Date: _____

Department: _____

Phone No. _____

Exhibit

Exhibit V ☐ Interdepartmental Review Committee (IDRC) comments



1-Street View – Front Yard



2- Rear Property Line

Exhibit VI

Exhibit VI_Site Photos



3-Rear Elevation – Area of Proposed Addition



4-Rear Elevation – Area of Proposed Addition, Looking South



5-Along Rear Property Boundary, Looking North



6-Rear Property Boundary, Looking South



7-Side View of Area for Proposed Addition



8-Side View of Area for Proposed Addition



County of Los Alamos

Staff Report

February 06, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals):

Presenters:

Legislative File: 9067-17

Title

Staff Report for the Board of Adjustment Meeting Case No.WVR-2017-0027_3114_Orange

Attachments

A - Staff Report for the Board of Adjustment Meeting Case
No.WVR-2017-0027_3114_Orange



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: February 6, 2017
Subject: Case No. WVR-2017-0027
Owners/Applicants: Anne C. Hawes, Owner & Applicant
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Principal Planner

Case No. WVR-2016-0027: Anne C. Hawes, the property owner and petitioner, is requesting a Waiver to the Los Alamos County Code of Ordinances, Development Code, Article XIII, Site Development Requirements, from a minimum front yard setback requirement of twenty (20') feet, to zero (0') feet; and to Article VII, §16-272 (d), Projection into required yards; (7), which 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, to project no more than 40 percent of the distance into the required front yard setback. The property is located at 3114 Orange Street, Los Alamos, New Mexico, Subdivision: Western Area 2, Lot 74, and is zoned R-M (Residential Mixed District).

Board Action Options

Motion Option 1:

I move that the Board of Adjustment **approve** Case No. WVR-2016-0027, a request for approval of a waiver from a required front yard setback requirement for the construction/placement of a proposed 10' x 20' 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. If the waiver is approved, the applicant shall apply for and receive a Building Permit prior to construction/placement of the carport.
2. If the waiver is approved, the carport structure to be constructed/placed must be compliant with the IRC 2009 or the IBC 2015 Code, as specified by the Senior Building Inspector.
3. If the waiver is approved, the carport structure shall meet the Los Alamos County fire code (LAC Municipal code), section 22-131 through 22-133, and table R302.1 of the 2009 or 2015 IRC. The exterior material of the carport structure must meet the flame spread index of 75 or less, as specified by the Fire Marshal.
4. If the waiver is approved, any carport structure placed or constructed per the waived setbacks shall be further subject to review by the Traffic Engineer/Public Works Department to ensure that no sight obstruction is created [See §16-271(c) of the Los Alamos County Development Code].

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2016-0027 with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

1. ...

I. Summary

The applicant is requesting a waiver to allow for the construction/placement of a carport in a required front yard. The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Site Development Requirements (table), Residential Mixed District, establishes a minimum front yard setback of twenty (20') feet, as measured from the front property line.

In addition, 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 mid-block on a street that eventually terminates in a cul-de-sac. The parcel is roughly rectangular in shape. The parcel is occupied by a single family residence. The subject property does not contain either a garage or a carport. The subject property slopes significantly downward to the north from the Orange Street right-of-way.

There is a permanent concrete pad located at the southeastern corner of the front yard that measures 21.54' in width by 18.30' in depth. It is shared with and straddles the property line with the adjacent property to the east.

The vast majority of properties in the vicinity do not contain garages or carports. Although properties located along the south side of Orange Street contain traditional driveways (or drive pads), and the residences are at or elevated above these driveway pads, several properties located along the north side of Orange Street contain concrete pads that are utilized for off-street parking, that are higher in elevation than the residential structures. They appear to be designed to straddle property lines and to allow one off-street parking space per residence. One resident has constructed a permanent carport structure over the entire concrete pad (see photos).

The type of carport proposed measures ten (10') feet in width by twenty (20') feet in depth, contain 200 Ft², and will stand approximately eight (8') feet tall at its highest point. The carport proposed is an "off the shelf" product available at a retail home building supply store (Home Depot), and is constructed of a fabric material over a metal frame, which the applicant states will be bolted to the cement pad in five places along each long side. Vehicular access will be via a roll-up door. Visually, the carport proposed has the appearance of a small Quonset hut. The carport is manufactured off-site by the King Canopy Dome Company, and is sold commercially at Home Depot.

The eastern half of the concrete pad currently contains an inflatable-type of car covering (see photos), and is utilized by the adjacent residence. It does not appear to be attached or anchored to the ground by any means, and would therefore not be subject to County provisions governing carports.

The County's Senior Building Inspector reviewed the details of the King Canopy Dome that was submitted with the petition. The Senior Building Inspector informed staff that this product will NOT meet the requirements of the Building Code, and therefore would not be permitted in Los Alamos County. He added that any carport structure must be compliant with the International Residential Code (IRC), 2009 edition, or the International Building Code (IBC), 2015 edition, which are the Codes Los Alamos County has formally adopted. Basically, the Code requires a ground snow load of 30 pounds, and a wind speed load of 90 mph. Technical details contained within the materials submitted by the petitioner for the King Canopy Dome state a snow load of 1 pound and a wind load of 10mph. The Senior Building Inspector informs Planning Staff that these specifications do not meet the requirements of either the IRC, 2009 edition, or the IBC, 2015 edition.

In response to an inquiry made to the manufacturer by the petitioner concerning wind and snow loads, Julie Parker, a representative of King Canopy, states that wind and snow loading is not required for "temporary structures." In response, the Senior Building Inspector stated that any structure exceeding 120 Ft² requires a Building Permit and an inspection.

Therefore, this waiver application is only for consideration of setback requirements. Any future carport structure would require compliance with all Building and Fire regulations, and be subject to review by Traffic Engineering for sight visibility conditions. It is further noted that the structure, as shown and submitted as part of this application, does not meet County requirements, and therefore will not be approved.

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:

The structure is not permanent and does not impede access to the gas service line. The anchors just need to be clear of the actual line alignment.

Staff Response:

There is a gas service line located very near to the existing concrete pad. Although the concrete pad is already in place, the petitioner should contact the Utilities Services Department to ascertain the exact location of the utility easement (if one exists).

(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:

My property slopes significantly toward the rear. The difference in grade on the rear of the already existing pad is 5' 3".

Staff Response:

The existing residence is set back nearly 35' from the front property line and is located several feet below the average grade of the right-of-way. There is insufficient room within either side yard to accommodate a carport structure without the need for a waiver.

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

Applicant Response:

It will be built to code and in a safe manner.

Staff Response:

The Building Code is a minimum standard and there is no waiver of any provision of the building code.

(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 structure would do none of the above.

Staff Response:

Within the neighborhood, there is only one other permanent carport which encroaches into the front yard setback, and which was granted a setback waiver in 1996. One of the conditions of that waiver was that the side walls of the carport be no closer than four feet from the sidewalk and no more than three feet in height. These conditions were to ensure sight visibility. There are also a few, mostly single-car garages which are an integral part of the residential structure, therefore meeting the front yard setback requirement.

The request of waiver was properly and sufficiently noticed, and no comments or objections were received as of February 1, 2017.

III. Findings of Fact

1. This public hearing was announced by publication in the Los Alamos Monitor, the Newspaper of Record for Los Alamos County, on Sunday 22 January 2017; 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 2 Subdivision, Lot: 074, which contains 0.205± acres, or 8,934 square feet of area. The existing residential structure and garage contain approximately 1,380 Ft² of footprint area, yielding a lot coverage factor of 15.45%. The maximum lot coverage percentage permitted by Section 16-537 Site Development Requirements, of the Los Alamos County Development Code, is 40%.
4. The existing residence on the subject property is set back thirty-four (34') feet six (6") inches from the front property line; thereby meeting the minimum required 20-foot front yard setback requirement.
5. The proposed carport that will encroach within a required front yard setback area, will measure 10 feet in width by 20 feet in length, thereby adding 200 Ft² of additional lot coverage to the subject property, bringing the lot coverage factor up to 17.69%.

6. Section 16-537, Site Development Requirements, of the Los Alamos County Development Code, requires a minimum front yard setback of twenty (20') feet, a minimum rear yard setback of twenty (20') feet, and minimum side yard setbacks totaling fifteen (15') feet. The existing single family residence occupying the subject property is compliant with this requirement.
7. Per §16-537, the minimum required front yard setback for structures in an R-M (Residential Mixed) zone is twenty (20') feet. Additionally, per §16-272 (d) (7), a carport is permitted to project up to forty (40%) percent of the setback distance into a required front yard area. Approval of this waiver will allow the petitioner to place a carport that will encroach twenty (20') feet, or 100%, into a required front yard setback area.
8. ...

IV. Exhibits

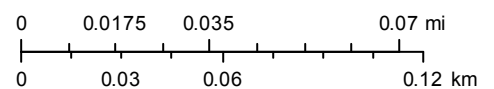
Exhibit I	Vicinity map/Aerial photo of the subject property
Exhibit II	Map and list of property owners of record within 100 yards of subject property
Exhibit III	Application
Exhibit IV	Site Plan
Exhibit V	Specifications for Fabric Canopy
Exhibit VI	Letter from Julie Parker
Exhibit VII	Interdepartmental Review Committee (IDRC) comments
Exhibit VIII	Photographs of subject property, Staff (6)

3114 Orange 300' Vicinity



January 9, 2017

1:2,257



Los Alamos County
Sources: Esri, DeLorme, USGS, NPS
Sources: Esri, USGS, NOAA

Exhibit I □ Vicinity map-Aerial photo of the subject property

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

LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544

LAWTON CINDY M
84 LOMA DEL ESCOLAR
LOS ALAMOS NM 87544

JE RUNYAN FAMILY SURVIVORS TRUST
553 CAMINO TIERRA ALTA
SANTA FE NM 87501

MACROBERTS FAMILY TRUST
2982 ORANGE ST A
LOS ALAMOS NM 87544

DI ROSA MICHAEL
9304 HARVEY ROAD
SILVER SPRING MD 20910

GEOFFRION GREGORY L & ANGELIQUE M
1348 42ND ST A
LOS ALAMOS NM 87544

ULRICH TIMOTHY J II & KAY R
3016 ORANGE ST A
LOS ALAMOS NM 87544

PIAZZA NICHOLAS
5908 N GRANITE REEF RD
SCOTSDALE AZ 85250

GEOFFRION ANGELIQUE & GREG
3125 NICKEL ST
LOS ALAMOS NM 87544

MOJICA MARIA J
3064 ORANGE ST A
LOS ALAMOS NM 87544

DURAN SUSAN M
PO BOX 1003
LOS ALAMOS NM 87544

TRENT BRUCE C & MARIA T B
3227 ORANGE ST A
LOS ALAMOS NM 87544

WHITNEY EARL M & NINFA A
3090 ORANGE ST
LOS ALAMOS NM 87544

RABY ERIC & PARK UMI
3146 NICKEL ST
LOS ALAMOS NM 87544

KRIER DONATHON J
223 MAPLE DR
LOS ALAMOS NM 87544

BENSON FAITH A & HOWARD M
3031 NICKEL ST A
LOS ALAMOS NM 87544

HEINEMAN JENNIFER P REV TRUST
3158 ORANGE ST
LOS ALAMOS NM 87544

GOULD THOMAS E & ABIGAIL R
3131A NICKLE ST
LOS ALAMOS NM 87544

PICKETT NEALE T & AMY V
2995 ORANGE ST
LOS ALAMOS NM 87544

WATKINS WILLIAM A & KIRSTEN D
3177 A NICKLE ST
LOS ALAMOS NM 87544

HOPKINS JOHN G & ANN TRUST
3220 ORANGE ST B
LOS ALAMOS NM 87544

HARTMAN MARK GREGORY
3177 NICKEL ST B
LOS ALAMOS NM 87544

BLAIR MICHAEL & MELISSA E
3034 NICKEL ST
LOS ALAMOS NM 87544

STAPLES WENDY ANN REV TRUST
3071 NICKEL ST
LOS ALAMOS NM 87544

WVR-2017-0027

CEDD Application Number: ~~WVR-2016-0023~~ BOA

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: <u>3114 Orange St., Los Alamos</u>	
3. TYPE OF PROPERTY Please check only one box: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Mixed Use	
4. TYPE OF APPLICANT Who is applying for this permit? <input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Agent for the owner <input type="checkbox"/> Renter or lessee (If "Agent" explain relationship to Owner or Renter/lessee.)	
5. OWNERSHIP INFORMATION Name: <u>Anne Collins Hawes</u> Phone: <u>505-469-2135</u> Cell #: <u>same</u> Fax: _____ Address: <u>P.O. Box 1524, Los Alamos, NM 87544</u> E-Mail: <u>annchawes@msn.com</u> Please attach proof of ownership such as a deed, purchase agreement, or tax bill.	
6. AGENT/RENTER OR LESSEE OR <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Existing condition <input checked="" type="checkbox"/> Proposed work <u>carport, free standing</u> 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. <u>Section 16-272(d)(1) Request to encroach into front yard setback to front property line to install a carport 4ft from edge of sidewalk).</u>	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If "Yes" please explain.)	

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 QUESTIONNAIRE

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.

The structure is not permanent & does not impede access to the gas service line. The anchors just need to be clear of the actual line alignment. We clear this structure as approved.

-TCM

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.

My property slopes significantly toward the rear. The difference in grade on the rear of the already existing pad is 5'3" ft.

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

It will be built to code and in a safe manner.

CEDD Application Number: ____-BOA-____

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.

The structure would do none of the above.

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:

[Signature] *11/29/16*

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:

14. Fee Payment \$250

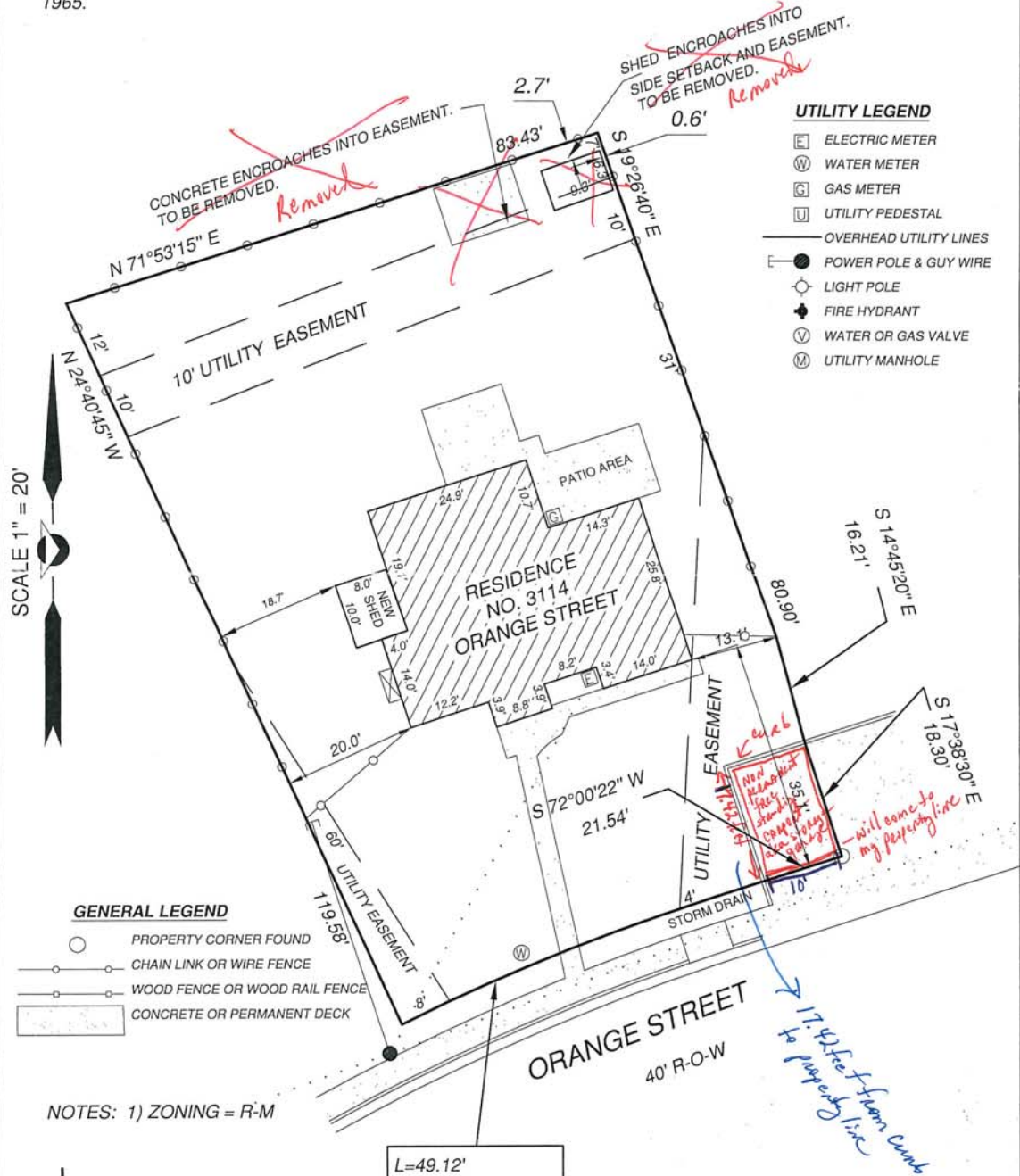
Check payable to Los Alamos County

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.

SITE PLAN

LOT 74,
WESTERN AREA NO. 2
LOS ALAMOS, NEW MEXICO
FOR
ANNE HAWES

PLAT DATA TAKEN FROM THE SUBDIVISION PLAT OF WESTERN AREA NO.2 FILED IN THE OFFICE OF THE COUNTY CLERK OF LOS ALAMOS COUNTY, NEW MEXICO IN PLAT BOOK 1, PAGE 65 ON SEPTEMBER 10, 1965.

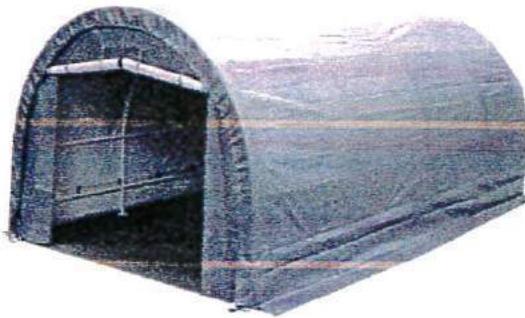


1362 Trinity Drive, Suite A2
Los Alamos, NM 87544

505.661.4262 PHONE
505.661.4263 FAX

L=49.12'
Δ=08°21'40"
R=336.91'

PREPARED BY: M.B.E
DATE: 5/18/2015

[DIY Projects & Ideas](#)[Credit Services](#)[Pro Xtra](#)[Store Finder](#)[Order Status](#)[Local Ad](#)[Products and Services](#)[What can we help you find?](#)[Your Store
Montano](#)[Sign in
or Register](#)**King Canopy** Model # G10208 Internet # 203576434**10 ft. W x 20 ft. D Dome Storage Garage**★★★★★ (6) [Write a Review](#) [Questions & Answers \(21\)](#)**\$599.00** /each

- Provides protection from rain, snow, sun and wind
- 200 square foot of coverage
- Dome shaped frame offers extra roof strength and durability

PRODUCT NOT SOLD IN STORES[Open Expanded View](#)[Click image to Zoom](#)**PRODUCT OVERVIEW** Model # G10208 Internet # 203576434

The 10 ft. x 20 ft. Dome provides complete protection from rain, snow, sun rays and wind. This fully enclosed 1-Piece cover with complete all your outdoor storage needs. The Dome shaped frame provided extra roof strength and durability.

- 10 ft. x 20 ft. dome garage - 8 leg
- 1 1/2 in. powder-coated steel frame
- 1-piece grey cover
- UV inhibitors, fire retardant, water resistant

SPECIFICATIONS**DIMENSIONS**

Approximate Depth (ft.)	20	Coverage Area (sq. ft.)	200
Approximate Width (ft.)	10	Garage Door Height (in.)	91
Assembled Depth (in.)	240 in	Garage Door Width (in.)	89
Assembled Height (in.)	96 in	Highest Clearance (in.)	96
Assembled Width (in.)	120 in	Lowest Clearance (in.)	91

DETAILS

Assembly Required	Yes	Number of Garage Doors	1
Canopy Color Family	Grays	Parking Layout	Single-Wide

Exhibit V_Specs for Canopy_Home Depot

Web site.

SPECIFICATIONS

Dimensions

Approximate Depth (ft.)	20	Coverage Area (sq
Approximate Width (ft.)	10	Garage Door Height
Assembled Depth (in.)	240 in	Garage Door Width
Assembled Height (in.)	96 in	Highest Clearance
Assembled Width (in.)	120 in	Lowest Clearance (

Details

Assembly Required	Yes	Number of Garage
Canopy Color Family	Grays	Parking Layout
Carport Features	No additional features	Product Weight (lb
Frame Color Family	Whites	Returnable
Frame Gauge	20	Roof Color Family
Frame Material	Metal	Side Door
Maximum Roof Load (lb / sq. ft.)	1	Window(s)
Maximum Wind Resistance (mph)	10	

Warranty / Certifications

Manufacturer Warranty 1-Year Limited

How can we improve our product information? [Provide feedback](#)



See if you have pre-qualified for The Home Depot Consumer Credit without impacting your credit score.

CUSTOMERS WHO VIEWED THIS ITEM BOUGHT ...



\$579.00 /each

ShelterLogic Garage-in-a-Box
13 ft. x 20 ft....

(54)

[ADD TO CART](#)



\$411.99 /each

ShelterLogic 10 ft. x 20 ft. x 8
ft....

(19)

[ADD TO CART](#)



\$657.66 /each

ShelterLogic 12 ft. x 20 ft. x 8 ft.
Round...

(22)

[ADD TO CART](#)

Anne Hawes

From: ANNE <annehawes@msn.com>
Sent: Thursday, July 23, 2015 8:24 AM
To: Anne Hawes
Subject: Fwd: King Canopy G10208

Sent from my iPhone

Begin forwarded message:

From: "Julie Parker" <jparker@kingcanopy.com>
Date: July 23, 2015 at 07:57:34 MDT
To: <annehawes@msn.com>
Subject: King Canopy G10208

Good morning.

We spoke yesterday regarding you needing some specs on our G10208 canopy. I spoke with the managers/designers here and was informed that we do not have wind/snow specs for our units. For temporary structures, such as the ones we sell, it is not required. If your city is asking for this information there is nothing we can do to provide it. I do apologize for any inconvenience this may cause.

Thank you and enjoy your afternoon.

Julie Parker | PIC America, LTD | King Canopy Brand Products
1730 Five Points Lane | Fuquay-Varina NC 27526 | Office: 800.800.6296
jparker@kingcanopy.com | <http://www.kingcanopy.com>



IDRC VARIANCE ANALYSIS FORM

Reviewer and Department/Division: Master Comments, All Departments

Approved: ☐

Approved with conditions: ☐

Denied: ☐

IDRC Meeting Date: January 13, 2017 via E-Mail
Project Name: Hawes Front Yard Setback Waiver
Owner: Anne C. Hawes
Applicant/Agent: Same
Telephone: 505-469-2135
Legal Description: Western Area 2, Lot 074
Case Number(s): WVR-2016-0027
CDD Case Manager: Anders Millmann

Project Description: Waiver request to 20-foot front yard setback to place a freestanding carport on the front property line.

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 meet 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

Applicant's Response: The structure is not permanent and does not impede access to the gas service line. The anchors just need to be clear of the actual line alignment.

Staff Response: There is a gas service line located very near to the existing concrete pad. Although the concrete pad is already in place, the petitioner should contact the Utilities Services Department to ascertain the exact location of the utility easement (if one exists).

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

Applicant's Response: My property slopes significantly toward the rear. The difference in grade on the rear of the already existing pad is 5' 3".

Staff Response: The existing residence is set back nearly 35' from the front property line and is located several feet below the grade of the right-of-way. There is insufficient room within either side yard to accommodate a carport structure without the need for a waiver.

Criterion C: Granting of the waiver will not create a health or safety hazard or violate building code requirements; and

Applicant's Response: *It will be built to code and in a safe manner.*

Staff Response: The Building Code is a minimum standard and there is no waiver of any provision of the building code.

Criterion 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's Response: *The structure would do none of the above.*

Staff Response: From a neighborhood perspective, the gray inflatable temporary structure located on the eastern half of the existing cement pad is the only other temporary carport in the Orange/Sandia neighborhood. There is one other permanent carport which encroaches into the front yard setback, and a few, mostly single-car garages which are an integral part of the residential structure, therefore meeting the front yard setback requirement.

Department Conditions: (attach additional pages if necessary)

- 1.
- 2.
- 3.
- 4.

Reviewed By: _____

Date: _____

Department: _____

Phone No. _____



1-3114 Orange Street



2-Residence & Concrete Pad



3-Concrete Pad, Site for Proposed Carport



4-Concrete pad



5-Front Yard Area



6-Permanent Carport Structure a few lots east of Subject Property