



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, March 20, 2017

5:30 PM

1000 Central Avenue
Suite 100, 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**

9231-17 Minutes from the Board of Adjustment Meeting(s) on February 6, 2017.

Attachments: A - Draft Minutes for February 6, 2017

5. **PUBLIC HEARING**

A. [9232-17](#) WVR-2016-0030- 127 Beryl -Staff Report

Attachments: [A-WVR-2016-0021-Staff Report](#)

B. [9233-17](#) WVR-2016-0021-2217 38th Street- Staff Report

Attachments: [A-WVR-2016-0021-2217 38th Street- Staff Report](#)

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

March 20, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Legislative File: 9231-17

Title

Minutes from the Board of Adjustment Meeting(s) on February 6, 2017.

Recommended Action

I move that the Board approve the Minutes for February 6, 2017.

Attachments

A - Draft Minutes for February 6, 2017

MINUTES

Board of Adjustment

February 6, 2017 – 5:30 P.M.

1000 Central Avenue, Council Chambers
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
Tamara Baer, Principal Planner
James Naranjo, Assistant Planner

I. CALL TO ORDER / ROLL CALL

Chair Redondo called the meeting to order at 5:30 PM and asked James Naranjo 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 with an amendment. Commissioner Mockler seconded the motion. Motion passed.

V. PUBLIC HEARINGS

a. Case No. WVR-2017-0028:

A request for approval of a 6-foot waiver from a required 20 foot rear yard setback, for the construction of an addition to an existing single-family residence. 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; Subd: Western Area 2, Lot: 55. Zoned: R-M (Residential Mixed).

Todd and Amy Urbatsch, owners of 2671 Orange Street were sworn in to give testimony in the case.

Todd and Amy Urbatsch presented the request. Commissioners, applicant, staff and interested parties were given the opportunity to comment.

MOTION:

Commissioner McDonald made the motion that the Board of Adjustment **approve** Case No. WVR-2017-0028, 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. The applicant shall apply for and receive a Building Permit prior to construction.

Commissioner Mockler seconded the motion. Motion passed unanimously.

b. Case No. WVR-2017-0027:

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).

Anne Hawes, owner, was sworn in to give testimony in the case.

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

MOTION:

Commissioner McDonald made the motion that Board of Adjustment **approve** Case No. WVR-2017-0027, 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.

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

VI. ADJOURNMENT

7:00 pm

Michael Redondo, Chair



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: March 20, 2017
Subject: Case No. WVR-2017-0030
Owners/Applicants: John Roberts, Owner & Applicant
Property Address: 127 Beryl Street, White Rock
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Principal Planner

Case No. WVR-2017-0030: John Roberts, 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 side yard setback requirement of fifteen (15') feet, to zero (0') feet; and to Article VII, §16-272 (a), Corner lots in residential districts, (2): "The elected or designated front yard shall conform to the site development requirements for the district. The other yard abutting a street is a side yard and shall have a minimum setback of 15 feet"; and §16-273 (a) (1) b, "Accessory buildings and structures may not be located in required side yards in any district". The property is located at 127 Beryl Street; in the WHITE ROCK 1 Subdivision, Lot: 064; and is zoned: R-1-10 (Single-family residential).

Board Action Options

Motion Option 1:

I move that the Board of Adjustment **approve** Case No. WVR-2017-0030, a request for approval of a waiver from a required side yard setback requirement for the construction/placement of a proposed 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].

5. If the waiver is approved, the carport shall be placed so as to shed snow which falls onto its roof entirely onto the subject property, and not onto any adjacent right of way, including the sidewalk.

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2017-0030 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 side yard.

The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-272 (Yards), (a) (2) "Corner lots in residential districts;" states:

"The elected or designated front yard shall conform to the site development requirements for the district. The other yard abutting a street is a side yard and shall have a minimum setback of 15 feet or the setback required by section 16-271, whichever is larger."

The Site Development Requirements table specifies a minimum side yard setback of ten (10') feet for the R-1-10 District. The minimum side yard setback distance specified in §16-272 (a) (2) is fifteen (15') feet, which shall be used for purposes of review of this petition.

Section 16-533 (3) of the Los Alamos Development Code, states that the Single Family Residential Districts are intended to accommodate single-family dwellings and accessory structures and uses, and are further intended to maintain and protect a residential character of development.

The subject property is roughly rectangular in shape, and is located on the corner of Beryl Street and Fort Union Avenue, with the longer side of the lot facing Beryl Street. The parcel is occupied by a single family residence. The subject property has an attached 2-car garage, facing Fort Union Avenue. A carport has been placed on the driveway, immediately in front of the garage, facing Fort Union Avenue.

This petition is a result of Code Enforcement action, as the carport was placed on the subject property without permits.

The vast majority of properties in the vicinity contain garages.

The carport placed on the subject property measures approximately twenty (20') feet in width by twenty (20') feet in length, containing 400 Ft², and stands approximately ten (10') feet tall at its highest point. The carport is manufactured by Eagle Carports, in Mt. Airy North Carolina. Information provided by the applicant on the Residential Building Permit application states that the carport will not be permanently attached to the existing residential dwelling unit, and that it will not have a foundation. It will be attached to the ground with "screwed in anchors."

Detailed structural information submitted with the application (by Moore and Associates Engineering and Consulting, Inc.), state that the carport structure is designed to withstand a wind load factor of 105MPH, and a snow load factor of 35LBS. By Code, all 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 Codes require a ground snow load of 30 pounds, and a wind speed load of 90 mph. These specifications appear to meet the requirements of both the IRC, 2009 edition and the IBC, 2015 edition.

This waiver application is only for consideration of setback requirements. The existing carport structure shall be compliant with all Building and Fire regulations, and be subject to review by Traffic Engineering for sight visibility conditions. All permits shall be obtained by the applicant, in order to remedy the Code Enforcement action.

The request of waiver was properly and sufficiently noticed, and no comments or objections were received as of March 15, 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:

No intrusion, corner lot.

Staff Response: GIS maps illustrate a gas line easement located close to the west side of the carport. The applicant shall verify all utility easement locations with the Los Alamos County Clerk, and ensure that the carport does not obstruct access to this easement.

(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 driveway faces north so ice is a continual problem.

Staff Response: No health or safety hazard 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.

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

Applicant Response:

No, improved safety for the owner.

Staff Response: Staff has verified that there are no issues with sight visibility since the carport is located several feet distant from the intersection. If the waiver is approved, the applicant shall be required to secure a Building permit in compliance with Building Code requirements.

(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 carport is in place and is actually an improvement to the curb appeal. Followed the roofline of the house. Stepped down 2 feet from eaves and follows the existing brick wall. Color matches the house and wall.

Staff Response: The existing carport does not appear to create any negative physical impacts. The question of aesthetics is subjective.

III. Findings of Fact

1. This public hearing was announced by publication in the Los Alamos Daily Post, the Newspaper of Record for Los Alamos County, on Thursday 02 March 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-1-10 (Single Family Residential District).
3. The subject property is located in the WHITE ROCK 1 Subdivision, Lot: 064, which contains 0.254± acres, or 11,044 square feet of area. The existing residential structure and garage contain approximately 2,580 Ft² of footprint area, yielding a lot coverage factor of 23.3%. The maximum lot coverage percentage permitted by Section 16-537, Site Development Requirements, of the Los Alamos County Development Code, is 35%.
4. The proposed carport that will encroach within a required side yard setback area, will measure 20 feet in width by 20 feet in length, thereby adding 400 Ft² of additional lot coverage to the subject property, will increase the lot coverage factor up to 26.9%. This is compliant with §16-537, Site Development Requirements, of the Los Alamos County Development Code.
5. The existing residence on the subject property is set back approximately twenty-three (23') feet from the affected side property line; thereby meeting the minimum required 15-foot side yard setback requirement for corner lots.
6. Section 16-537, Site Development Requirements, of the Los Alamos County Development Code, requires a minimum front yard setback of twenty-five (25') feet, a minimum rear yard setback of twenty (20') feet, and a minimum side yard setback of ten (10') feet; with a further specification of a minimum side yard setback of fifteen (15') feet for corner lots. The existing single family residence occupying the subject property is compliant with this requirement.
7. Per §16-537, the minimum required side yard setback for structures in an R-1-10 (Single Family Residential District) zone is ten (10') feet. Additionally, per §16-272 (d) (2), the other yard abutting a street is considered a side yard and shall have a minimum setback of 15 feet or the setback required by section 16-271, whichever is larger. Approval of this waiver will allow the petitioner to place a carport that will encroach 100%, into a required side yard setback area on a corner lot.
8. The petitioner shall provide sufficient evidence at the public hearing to satisfy the requirements contained within §16-157 of the Los Alamos County Development Code to warrant issuance of the waiver requested.

IV. Exhibits

- Exhibit 1 Vicinity map/Aerial photo of the subject property
- Exhibit 2 List of property owners of record within 100 yards of subject property
- Exhibit 3 Application and Site Plan
- Exhibit 4 Interdepartmental Review Committee (IDRC) Report
- Exhibit 5 Photographs of subject property, Staff (5)

127 Beryl Street



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.

0 70 140 280 Feet

1 inch = 137 feet

BUILTA LEE A
120 GRAND CANYON DR
LOS ALAMOS NM 87544

MAGELSSSEN GLENN R & JUDITH A
127 ROVER BLVD
LOS ALAMOS NM 87544

SCOGGINS WELDON J
121 GRAND CANYON DR
LOS ALAMOS NM 87544

WILLIAMS STEVEN L & THERESA ZHANG- REVOC TRUST
ST
125 GRAND CANYON DR
LOS ALAMOS NM 87544

WILLIAMS STEVEN L & THERESA ZHANG- REVOC TRUST
124 BERYL ST
LOS ALAMOS NM 87544

DIMICK DENIS G
126 GRAND CANYON DR
LOS ALAMOS NM 87544

TAPIA JOE A
104 SHIRLANE PLACE
LOS ALAMOS NM 87544

BAILEY ALISON J & MOORE TERRI L
126 BERYL ST
LOS ALAMOS NM 87544

MILLENSTED AVRIL D REVOC TRUST
119 FT UNION AVE
LOS ALAMOS NM 87544

JOHNSON RANDALL P & DEBRA K
131 GRAND CANYON DR
LOS ALAMOS NM 87544

BISHOP ROBERT LLOYD & HEATHER VERLEN
131 ROVER BLVD
LOS ALAMOS NM 87544

NORMAN SHANE C & VALERIE A
121 FT UNION AVE
LOS ALAMOS NM 87544

ALEXANDER DAVID J REVOC TRUST
201 ROVER BLVD
LOS ALAMOS NM 87544

CLEMMONS JAMES S
308 PORTILLO DR
LOS ALAMOS NM 87544-3830

HARRINGTON TIMOTHY O & KARYN M
124 GRAND CANYON DR
LOS ALAMOS NM 87544

OLIVAS NICHOLAS L & LISA L
108 SHIRLANE PLACE
LOS ALAMOS NM 87544

SMITH LANEY A & SUSANNE R
133 ROVER BLVD
LOS ALAMOS NM 87544

AMIES CHARLES D & CLARICE C
122 GRAND CANYON DR
LOS ALAMOS NM 87544

LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544

MORGAN RANDOLPH J & PHYLLIS E REVOC TRUST
127 GRAND CANYON DR
LOS ALAMOS NM 87544

MOSLENAHAN ROBERT L JR & HEATHER C R
117 FT UNION AVE
LOS ALAMOS NM 87544

THORNTON ROBERT O III & FELICIA A
120 BERYL ST
LOS ALAMOS NM 87544

MERRITT & ELIZABETH C & CULTER II DAVID W
129 GRAND CANYON DR
LOS ALAMOS NM 87544

WREHM GEORGE D REVOC LIVING TRUST
118 GRAND CANYON DR
LOS ALAMOS NM 87544

D'EGIDIO NICHOLAS & AMELYN
125 ROVER BLVD
LOS ALAMOS NM 87544

KRESS JOEL D & BARBARA E
106 SHIRLANE PLACE
LOS ALAMOS NM 87544

PEARL KENNETH W & CHRISTINE R
113 CARLSBAD AVE
LOS ALAMOS NM 87544

CAMPBELL CHRISTOPHER C & MARIA C
122 BERYL ST
LOS ALAMOS NM 87544

SINGER RAYMOND D & CAROL L
123 GRAND CANYON DR
LOS ALAMOS NM 87544

KIM YUSEUNG & EUNJUNG
115 BERYL ST
LOS ALAMOS NM 87544

EXHIBIT 2: List of Property Owners of Record Within 100 Yards of Subject Property

WADLINGER FAMILY REVOC TRUST
117 BERYL ST
LOS ALAMOS NM 87544

ADAIR JERRY Q
1175 SIOUX ST
LOS ALAMOS NM 87544-2827

WYSOCKI FREDERICK J & CINDY
116 FT UNION AVE
LOS ALAMOS NM 87544

PALMER THOMAS J
115 CARLSBAD AVE
LOS ALAMOS NM 87544

GIRARD SHEILA M
117 CARLSBAD AVE
LOS ALAMOS NM 87544

BAKOSI JOZEF & LISA C
118 CARLSBAD AVE
LOS ALAMOS NM 87544

MARTINEZ DENNIS A & LETICIA A LUKETICH-
112 FORT UNION
LOS ALAMOS NM 87544

WEHNER WILETTE TRUST
114 FT UNION AVE
LOS ALAMOS NM 87544

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: carport ENCROACHMENT INTO 15 FT SETBACK
carport built up to the property LINE. covering ENTIRE
setback 20x20 CARPORT.

Address of Property to which the Waiver Request applies:

127 Beryl

Zoning District: R-1-10 **Acreage:** .25 **Lot Coverage:** 30% **Related Applications (if any):**

APPLICANT [Unless otherwise specified, all communication regarding this application shall be to Applicant]:

Name: John Roberts **Phone:** 505-515-6345 **Cell #:** Same
Please Print

Address: 127 Beryl ST **Email:** jrob@21956@hotmail.com

John Roberts 2-7-17
SIGNATURE **DATE**

PROPERTY OWNER (If different from Applicant)

☐ Check here if same as above

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

Address: _____ **Email:** _____
Owner's Mailing 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: 2-7-17

Staff Initial: JN.

CDD Application Number: WVR-2017-0030

Fees Paid: \$250.00 - Paid

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*

No intrusion, corner lot

- (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*

The driveway faces North so ice is a continual problem

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

No, improved safety for the owner.

- (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 carport is in place and is actually an improvement to the curb appeal. Followed the roof line of the house. Stepped down 2 feet from eaves and follows the existing brick wall. Color matches the house and wall

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.

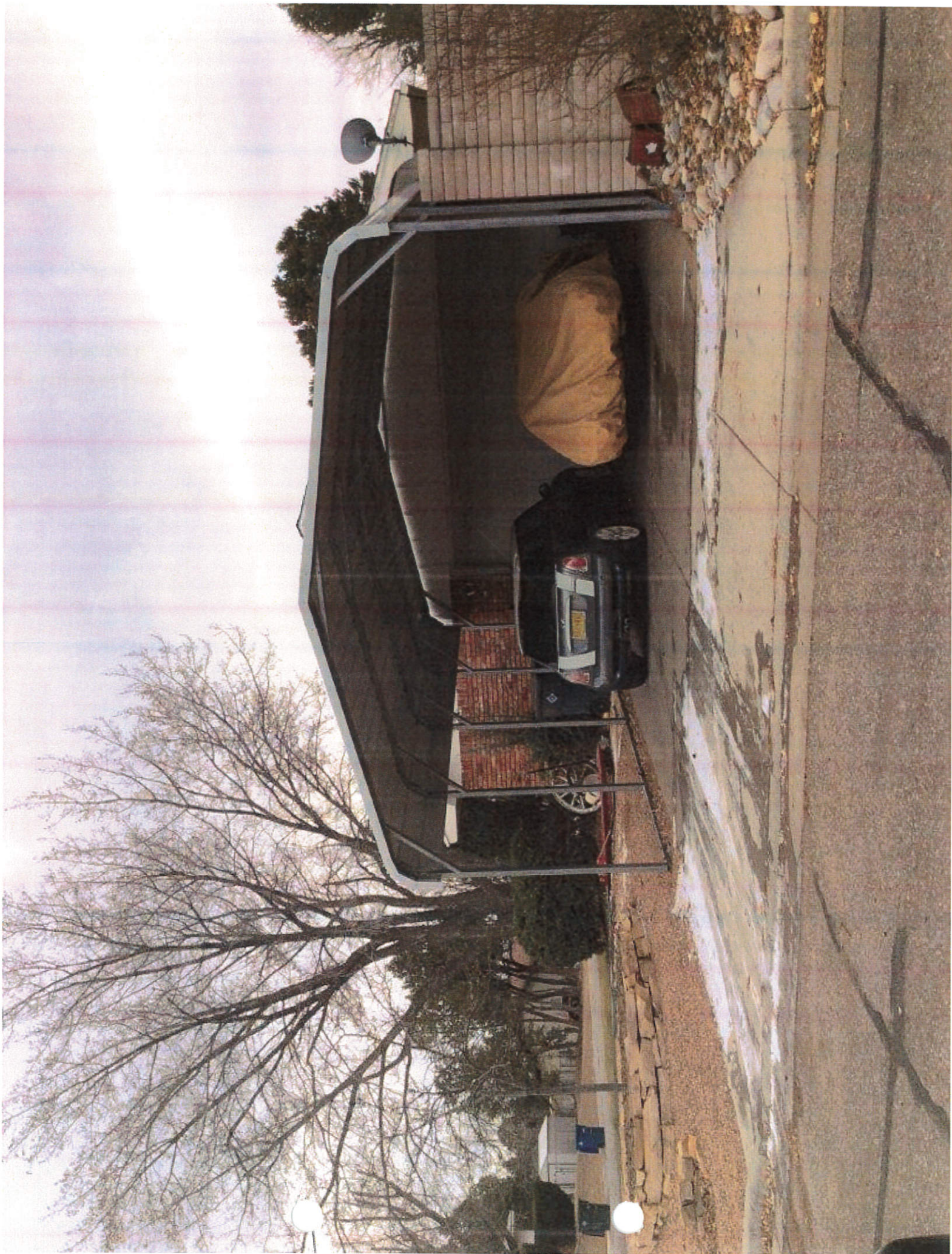
☒ Show and label the footprint of all existing buildings and structures on the site.

☒ Show, dimension and label all existing and proposed easements.

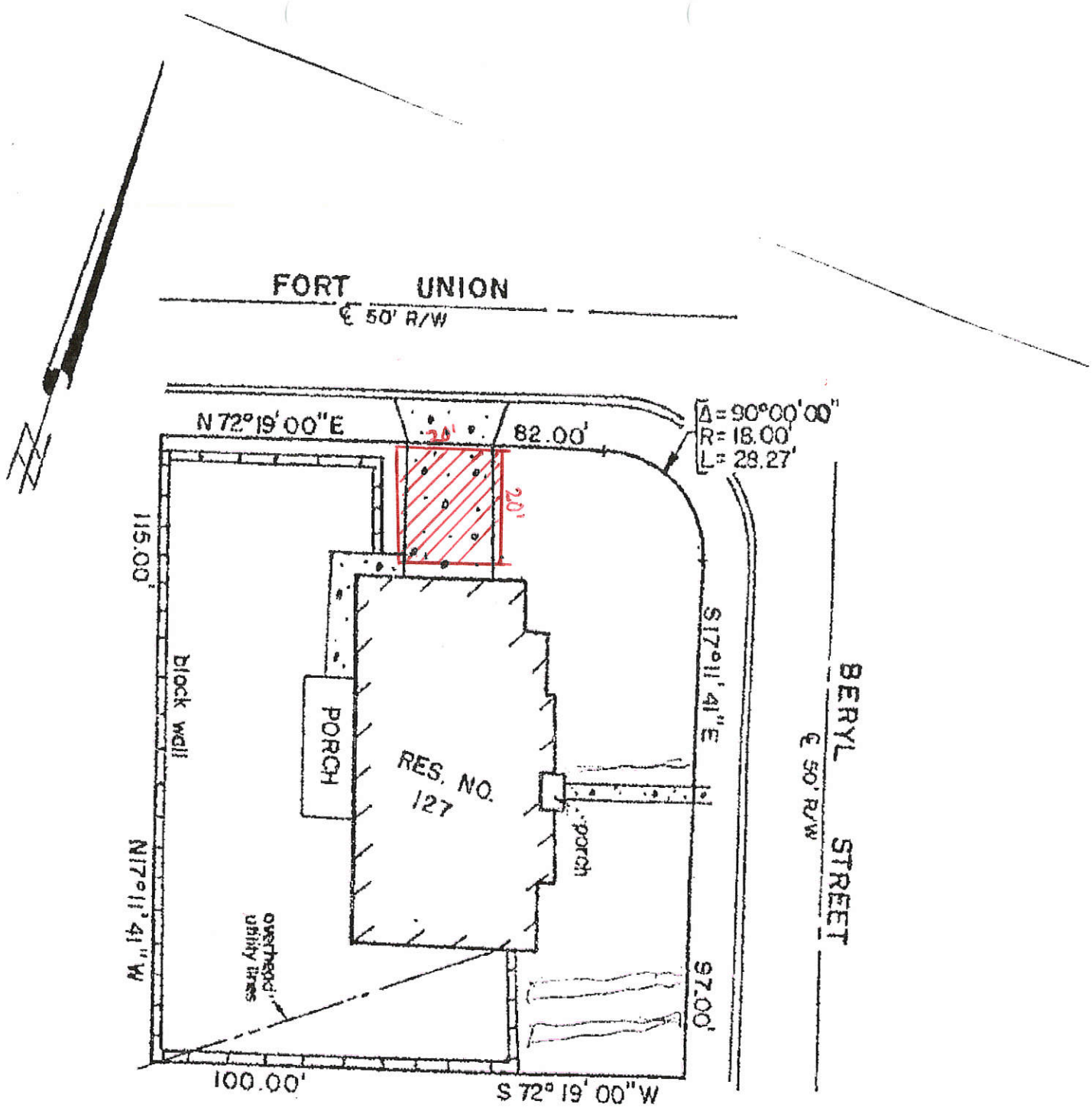
☒ Show, dimension and label all existing and proposed setbacks.

☒ Show, dimension and label building/structure elevations.

☐ Other. Describe: _____







Mark
Chapman



IDRC REPORT

WVR-2016-0030. 127 Beryl St – Carport built without permit, encroaching into side yard setback.

Date of Meeting: 02-24-2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved condition	Denied
M. Arellano / J. Dudziak	Building	X	Mr. Arellano said that he was filing an Enforcement Action with CID against this particular contractor who has been cited before in Los Alamos for building without a permit. Snow and wind loads must be verified. A Building Permit will be required.			X
T. Baer /	Planning	X			X	
D. Erickson	Traffic					
P. Guerrero/ G. Moseley	Utilities					
A. Gurute / L. Martinez	Env. Services	X				X
E. Martinez/ B. Aragon	PW	X			X	
A. Millmann / J. Naranjo	Planning	X			X	
J. Wetteland / S. Rinaldi	Fire	X				X
Others		X				
Jason Romero	PW	X				
A. Barela	Planning	X				
Eric Peterson	Parks	X				

MOTION: Vote 3-3 with Millmann, Baer, and Eric Martinez voting to approve with conditions; Rinaldi, Arellano, and Leonard Martinez voting to deny.

* Strikethrough indicates not present at meeting.



1-Carport, Looking South



2-Carport Looking West from Corner of Beryl Street and Fort Union Avenue



3-Corner of Beryl Street and Fort Union Avenue: Sight Distance



4-Close-Up of Carport, Existing Garage and Solid Privacy Wall



5-East Elevation of Residence Illustrating Driveway Along Southern Property Line



County of Los Alamos

Staff Report

March 20, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: 9232-17

Title

WVR-2016-0030- 127 Beryl -Staff Report

Attachments

A-WVR-2016-0021-Staff Report



County of Los Alamos

Staff Report

March 20, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals):

Presenters:

Legislative File: 9233-17

Title

WVR-2016-0021-2217 38th Street- Staff Report

Attachments

A-WVR-2016-0021-2217 38th Street- Staff Report



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: March 20, 2017
Subject: Case No. WVR-2016-0021
Owners/Applicants: Danielle D. Bridge & Ross E. Bridge, Owners; Marcus Leibrecht, Applicant
Property Address: 2217 – 38th Street, Los Alamos
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Principal Planner

Case No. WVR-2016-0021: Marcus Leibrecht, the agent for the property owners 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 nine (9') 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 2217 – 38th Street, Los Alamos, New Mexico, Subdivision: North Community 3, Lot 020, 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-2016-0021, a request for approval of a waiver from a required front yard setback requirement for the construction/placement of a proposed 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-2016-0021 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), R-M (Mixed Residential District), establishes a minimum front yard setback of twenty (20') feet, as measured from the 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."

According to this requirement, the applicant would be able to construct a structure encroaching up to eight (8') feet into the required front yard, thereby allowing a twelve (12') foot setback from the front property line.

The encroachment requested would place the proposed carport nine (9') feet from the front property line, thereby creating a waiver request of three (3') feet.

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 irregularly shaped, and is located mid-block on the western side of the street. The parcel is occupied by a single family residence. The subject property has a 2-car driveway, but no carport or garage. The property slopes gradually downward from the northeast property corner towards the location of where the existing driveway meets the two-story portion of the residential structure.

Other than the residence located directly across 38th Street from the subject property, the vast majority of properties in the vicinity do not contain garages or carports. Off-street parking is provided by multiple-car drive pads that require vehicles to back out directly into the right-of-way. Thirty-Eighth Street connects with Diamond Drive at a traffic light-controlled intersection.

The carport proposed to be constructed on the subject property measures approximately twenty-two (22') feet in width by twenty-two (22') feet in length, containing 440 Ft², and will stand approximately twelve (12') feet tall at its highest point. The carport will not be permanently attached to the existing residence, as it will be a freestanding carport with all sides open (preliminary drawings submitted by the applicant illustrate that it will not have any side enclosed or partially enclosed).

This waiver application is only for consideration of setback requirements. The carport constructed shall be compliant with all Building and Fire regulations, and be subject to review by Traffic Engineering for sight visibility conditions. If approved, all permits shall be obtained by the applicant prior to construction.

The request of waiver was properly and sufficiently noticed, and no comments or objections were received as of March 15, 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:

TRUE, No known easements are present in area of proposed project. The support columns are set back 12' from sidewalk so no interference with county snow removal.

Staff Response: Staff concurs with the applicant's response.

(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:

TRUE, First cond. Due to the slope and aspect NW of the property, design of the house, water/ice accumulates on walkways going from street to front door and front door to car parked on driveway, making for extremely slick/slippy dangerous walking conditions. Second cond. Almost the entire neighborhood uses 38th st to get onto Diamond Drive causes serious traffic back up. Especially during morning and evening commute hours. This makes it very difficult to back out onto 38th safely (see photos). There is no other access possibility at any other aspect of the property.

We feel that a new proposed carport with a new proposed pull through driveway will make it much safer to walk during icy conditions because of the protection the carport will provide from the elements, and a re-worked grade and drainage system the pull through driveway will provide. The positioning of the vehicles makes for a much safer pull out onto 38th st facing forward.

Staff Response: Staff concurs with the applicant's response.

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

Applicant Response:

TRUE, This waiver will not create a health/safety hazard. Any construction will be inspected and approved by Los Alamos County building inspectors. All of the snow sliding directly off of carport will be retained on my property. The support columns are 12' back from sidewalk not interfering in sight lines.

Staff Response: Staff concurs with the applicant's response.

(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:

TRUE, The granting of this waiver will not create any negative impact on any property within 100yds. It will not be intrusive to any sight line for drivers. The carport will not be an occupied residence. Therefore no loss of privacy. The proposed carport will not increase noise in the neighborhood. The proposed carport will not negatively impact security concerns for any residence in vicinity. The carport will be designed with down turned lighting, therefore no objectionable glare or shadows on adjacent properties.

Staff Response: Staff concurs with the applicant's response.

III. Findings of Fact

1. This public hearing was announced by publication in the Los Alamos Daily Post, the Newspaper of Record for Los Alamos County, on Thursday 02 March 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 (Mixed Residential District).
3. The subject property is located in the NORTH COMMUNITY 3 Subdivision, Lot: 020, which contains 0.223± acres, or 9,707 square feet of area. The existing residential structure and garage contain approximately 2,526 Ft² of footprint area, yielding a lot coverage factor of 26.0%. The maximum lot coverage percentage permitted by Section 16-537, Site Development Requirements, of the Los Alamos County Development Code, is 40%.
4. The proposed carport that will encroach within a required front yard setback area, will measure 22 feet in width by 22 feet in length, thereby adding 440 Ft² of additional lot coverage to the subject property, will increase the lot coverage factor up to 30.6%. This is compliant with §16-537, Site Development Requirements, of the Los Alamos County Development Code.
5. The existing residence on the subject property is set back approximately thirty (30') feet from the front property line; thereby meeting the minimum required 20-foot front yard setback requirement for this zoning district.
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 a minimum side yard setbacks of five (5') feet and ten (10') 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 (Mixed Residential District) zone is twenty (20') feet. Additionally, per §16-272 (d) (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. Approval of this waiver will allow the petitioner to place a carport that will encroach 25%, into a required front yard setback area.
8. The petitioner shall provide sufficient evidence at the public hearing to satisfy the requirements contained within §16-157 of the Los Alamos County Development Code to warrant issuance of the waiver requested.

IV. Exhibits

- Exhibit 1 Vicinity map/Aerial photo of the subject property
- Exhibit 2 List of property owners of record within 100 yards of subject property
- Exhibit 3 Application and Site Plan
- Exhibit 4 Interdepartmental Review Committee (IDRC) Report
- Exhibit 5 Photographs of subject property impacted by traffic, Applicant (4)
- Exhibit 6 Photographs of the subject property, Staff (4)

[illegible]

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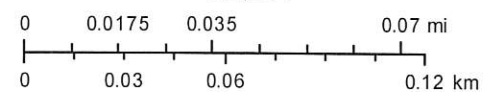


EXHIBIT 1: Vicinity Map/Aerial Photo

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

2217 38th St.



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.

0 100 200 400 Feet

1 inch = 200 feet

LOS ALAMOS SCHOOL BOARD
2075 TRINITY DR
LOS ALAMOS NM 87544

BENNETT MORRISON
P O BOX 160
LOS ALAMOS NM 87544

BENNETT GEMMA MAZELLE MORRISON
PO BOX 160
LOS ALAMOS NM 87544

O'DONNELL JAMES P & KATE L
2610 TRINITY DR SUITE 4
LOS ALAMOS NM 87544

SCARBERRY CATHERINE
3820 VILLA ST
LOS ALAMOS NM 87544

ORCHARD HOUSE CONDOMINIUM, A CONDOMINIUM
3823 VILLA ST
LOS ALAMOS NM 87544

PETERSON PAMELA S
2233 37TH ST
LOS ALAMOS NM 87544

KING NATHAN
2249 38TH ST A
LOS ALAMOS NM 87544

WERMER JOSEPH R & PENNY L REVOC TRUST
3841 VILLA ST A
LOS ALAMOS NM 87544-2065

FISHER KARL L & SARAH B
2235 38TH ST B
LOS ALAMOS NM 87544

DERRIG ANTHONY JOHN & MORTON SARAH
2249 38TH ST B
LOS ALAMOS NM 87544

2276 38TH STREET CONDOMINIUM
2276 38TH ST
LOS ALAMOS NM 87544

ALEXANDER SAMUEL T
3868 VILLA ST
LOS ALAMOS NM 87544

RAMSEY HERMAN D
2265 38TH ST A
LOS ALAMOS NM 87544

3803 VILLA STREET CONDOMINIUM
3803 VILLA ST
LOS ALAMOS NM 87544

COUPLAND DANIEL & LAUREN
2222 38TH ST
LOS ALAMOS NM 87544

TALLEY BRENT M & NANCY A
823 47TH ST
LOS ALAMOS NM 87544

HUANG JOHN YUN- & SHU-JUNG
3803 VILLA ST B
LOS ALAMOS NM 87544

GORMAN FREDERICK W & JANICE E
2219 37TH ST
LOS ALAMOS NM 87544

GRIFFIN JENNIFER
3765 VILLA ST B
LOS ALAMOS NM 87544

ECHAVE MANUEL A REV TRUST
3803 VILLA ST A
LOS ALAMOS NM 87544

LUJAN SEVEDEO
3840 VILLA ST
LOS ALAMOS NM 87544

HEWITT CLIFFORD J & PAULA M
2189 37TH ST B
LOS ALAMOS NM 87544

2262 38TH STREET CONDOMINIUM
2262 38TH ST
LOS ALAMOS NM 87544

KOH AIK-SIONG & TRACY K REVOC TRUST
3765 VILLA ST APT A
LOS ALAMOS NM 87544

SHELTON PHILO S III & DEBORAH K
2263 37TH ST
LOS ALAMOS NM 87544

MONTOYA MEGAN E
2262 A 38TH ST
LOS ALAMOS NM 87544

LOPEZ JOSEPH A & BERNADETTE M
3736 VILLA ST
LOS ALAMOS NM 87544

ZICKERT DONALD L
2251 37TH ST
LOS ALAMOS NM 87544

LE LOAN A
2262 38TH ST
LOS ALAMOS NM 87544

EXHIBIT 2: List of Property Owners of Record Within 100 Yards of Subject Property

2250 38TH ST, A CONDOMINIUM
2250 38TH ST
LOS ALAMOS NM 87544

ZUFELT DAVID P & JANICE P
9547 OLSON RD NW
BREMERTON WA 98311

ESCH ERNST I & JENNY M
25969 HIGHWAY 4
JEMEZ SPRINGS NM 87025-9412



20 RM Zone

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: requesting to Move setback 12 ft into front setback to build new carport.

Address of Property to which the Waiver Request applies:

2217 38th St. Los Alamos NM 87544.

Zoning District: R-M Acreage: 23 Lot Coverage: 20% Related Applications (if any):

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

Name: Marcus Leibrecht Phone: 412-2118 Cell #: 412-2118
Please Print

Address: 4531 Yucca St Los Alamos Email: bendem99@msn.com

SIGNATURE

DATE

PROPERTY OWNER (If different from Applicant)

Name: Danielle Duquette Bridge (505) 695 5065 Check here if same as above
Ross E Bridge (505) 695 5075 Same
Please Print

Address: 2217 38th St, Los Alamos, NM Email: duquettebridge@yahoo.com
87544 ross.bridge2016@gmail.com
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: AB

CDD Application Number: _____

Fees Paid: 250.00

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

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: _____

See Attachment →

Waiver Review Criteria:

(A)

TRUE, No known easements are present in area of proposed project.

The support columns are set back 12' from sidewalk so no interference with county snow removal.

(B)

TRUE,

First cond.

Due to the slope and aspect NW of the property, design of the house, water/ice accumulate on walkways going from street to front door and front door to car parked on driveway, making for extremely slick/slippy dangerous walking conditions.

Second cond.

Almost the entire neighborhood uses 38th st to get onto Diamond drive causes serious traffic back up. Especially during morning and evening commuting hours. This makes it very difficult to back out onto 38th safely (see Photos)

There is no other access possibility at any other aspect of the property.

**We feel that a new proposed carport with a new proposed pull through driveway will make it much safer to walk during icy conditions because of the protection the carport will provide from the elements, and a reworked grade and drainage system the pull through driveway will provide. The positioning of the vehicles makes for a much safer pull out on to 38th st. facing forward.
Thank you.

(C)

TRUE, This waiver will not create a health/safety hazard.

Any construction will be inspected and approved by Los Alamos county building inspectors.

All off the snow sliding directly off of carport will be retained on my property.

The support columns are 12' back from sidewalk not interfering in sight lines.

(D)

TRUE, The Granting of this waiver will not create any negative impact on any property within 100yds. It will not be intrusive to any sight line for drivers.

The carport will not be a occupied residence. Therefore no loss of privacy.

The proposed carport will not increase noise in the neighborhood.

The proposed carport will not negatively impact security concerns for any residence in vicinity.

The carport will be designed with down turned lighting, therefore no objectionable glare or shadows on adjacent properties.

Existing House

Front Entry

step

Proposed Carport

22'

22'

new slab Driveway

Existing Driveway

Existing Setback
20'

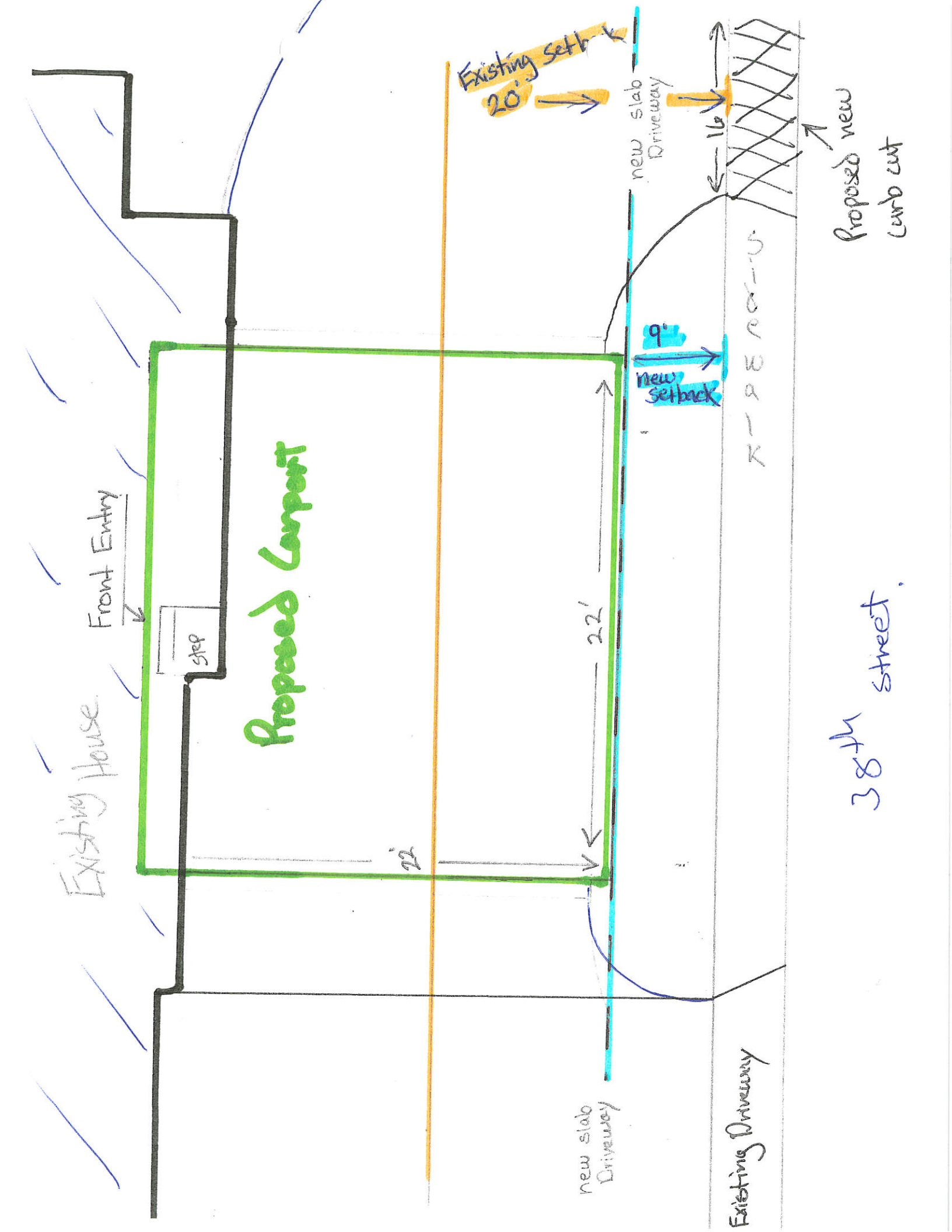
new slab Driveway

9'
new Setback


K-9000-15

38th street.

Proposed new curb cut



 = New Proposed Structure

 = Overhead electric to be raised.

 = New Proposed Driveway



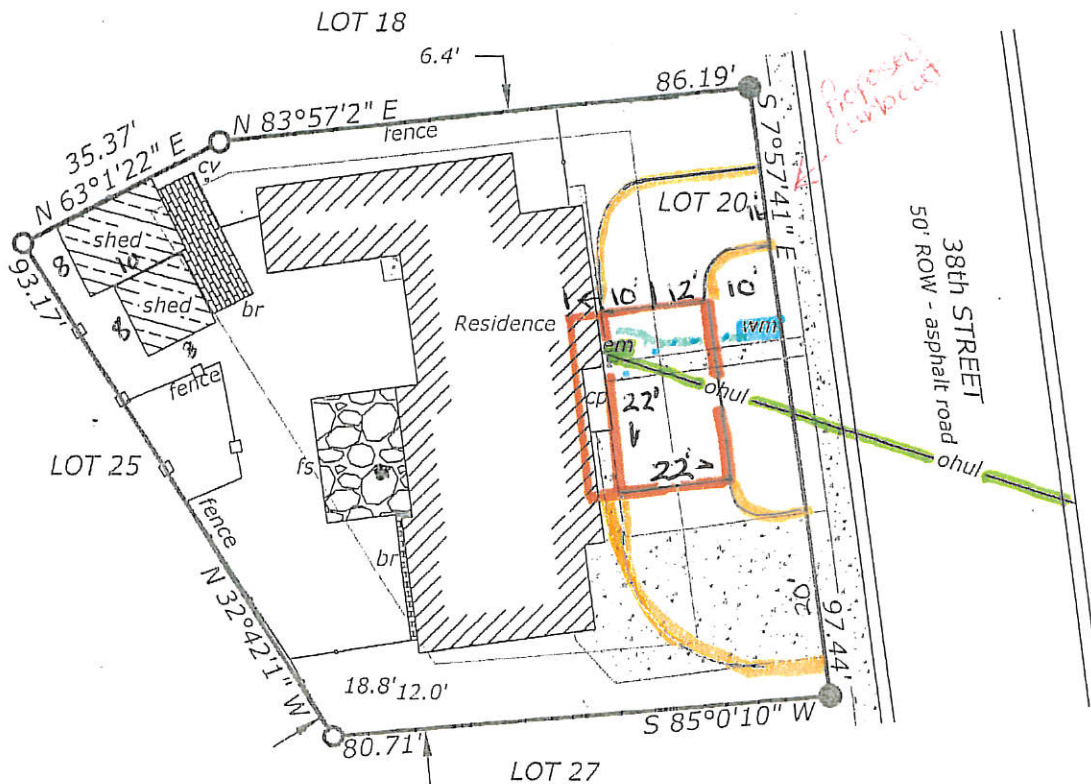
1st Locate #16AG260219

IMPROVEMENT LOCATION REPORT

EXHIBIT "A"

SITUATE AT 2217 38TH STREET, LOT 20, NORTH COMMUNITY NO. 3,
COUNTY OF LOS ALAMOS, STATE OF NEW MEXICO

THIS REPORT IS NOT FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE. THIS IS NOT A
BOUNDARY SURVEY AND MAY NOT BE SUFFICIENT FOR THE REMOVAL OF THE SURVEY EXCEPTION
FROM AN OWNER'S TITLE POLICY. IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS,
CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE
DISCLOSED BY AN ACCURATE BOUNDARY SURVEY.



LEGEND

- Monument found
- Calculated point, no monument found

Utility Easement *none*

Building Setbacks

br Brick

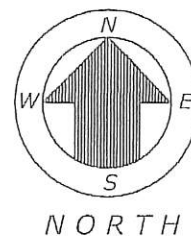
cp Covered Porch, Portal or as noted

em Electric Meter

fs Flagstone

wm Water Meter

- = New Driveway
- = new Carport
- = overhead electrical to be raised.





IDRC REPORT

WVR-2016-0021: 2138 – 38th Street: Carport Encroachment into front yard

Date of Meeting: 02-24-2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved condition	Denied
M. Arellano / J. Dudziak	Building	X			X	
T. Baer /	Planning	X			X	
D. Erickson	Traffic					
P. Guerrerortiz/G. Moseley	Utilities					
A. Gurule / L. Martinez	Env. Serv.	X			X	
E. Martinez/ B. Aragon	PW	X	Mr. Martinez said the drainage report would be required at the time of permitting.		X	
A. Millmann / J. Naranjo	Planning	X			X	
J. Wetteland / S. Rinaldi	Fire	X	Mr. Rinaldi suggested that instead of raising the electric line up to 7 feet above the constructed roof of the carport, that they move the line to the other side of the carport.		X	
OTHERS:						
Anita Barela	Planning	X				
Eric Peterson	Parks	X				
Jason Romero	PW	X				

MOTION: Mr. Rinaldi moved and Mr. Eric Martinez seconded that the case be forwarded to P&Z. Motion passed 6-0.

* Strikethrough indicates not present at meeting.

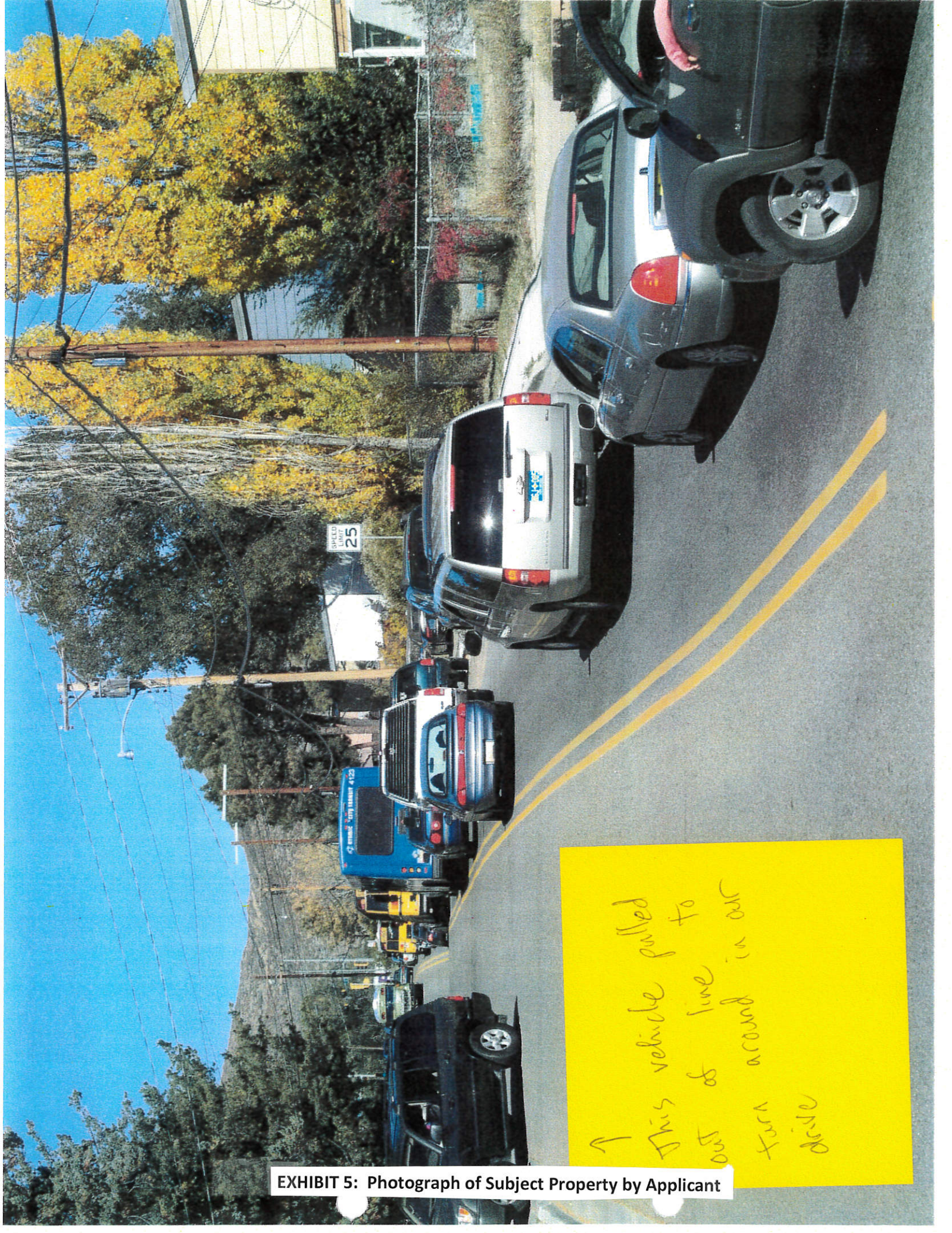


EXHIBIT 5: Photograph of Subject Property by Applicant









1-Residence Illustrating Existing Driveway, from the SE



2-Location of Proposed Carport in Front Yard



3-Existing Residence from the NE



4-Existing Residence, 2217 – 38th Street