



# 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*

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Monday, April 17, 2017

5:30 PM

1000 Central Avenue  
BCC Room, Suite 110

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

A. WVR-2017-0031

[9340-17](#)

Staff Report WVR-2017-0031 A request for approval of an encroachment of five (5') feet into a required ten (10') foot side yard setback, to accommodate the placement of a carport.

**Attachments:** [WVR-2016-0031- Staff Report](#)

5. **PUBLIC COMMENT**

6. **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

April 17, 2017

Los Alamos, NM 87544  
www.losalamosnm.us

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**Agenda No.:**

**Index (Council Goals):**

**Presenters:**

**Legislative File:** 9340-17

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**Title**

Staff Report WVR-2017-0031 A request for approval of an encroachment of five (5') feet into a required ten (10') foot side yard setback, to accommodate the placement of a carport.

**Attachments**

A - Staff Report WVR-2017-0031



Los Alamos County  
Community Development Department  
**BOARD OF ADJUSTMENT STAFF REPORT**

**Public Hearing Date:** April 17, 2017  
**Subject:** Case No. WVR-2017-0031  
**Owners/Applicants:** Robert E. Stewart, Owner & Applicant  
**Property Address:** 307 Rover Boulevard, White Rock  
**Case Manager:** Anders Millmann, Senior Planner  
**Through:** Tamara Baer, Principal Planner

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**Case No. WVR-2017-0031:** Robert Stewart, 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 ten (10') feet, to five (5') feet; and to §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 307 Rover Boulevard; in the ROVER MANOR 1 Subdivision, Lot: 55; 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-2017-0031, a request for approval of a waiver from a required side yard setback requirement for the construction 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 of the carport.
2. If the waiver is approved, the carport shall be placed so as to shed rain and snow that fall onto its roof entirely onto the subject property, and not onto any adjacent property or right of way, including the sidewalk.

**Motion Option 2:**

I move that the Board of Adjustment **deny** Case No. WVR-2017-0031 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 of a carport that will encroach into a required side yard setback area. The applicant states that the carport proposed will be constructed of aluminum, and be used to provide cover for an RV. The proposed location of the carport is at the northwest portion of the existing structure, beside an existing garage. The carport will not be attached to the principal structure. The Waiver is requested to provide relief from a required ten (10') foot side yard setback. The petitioner states that the carport will encroach approximately five (5') feet into the required side yard setback area.

The Site Development Requirements table specifies a minimum side yard setback of ten (10') feet for the R-1-10 District.

Additionally, Section 16-273 (a)(1)(b) states that accessory buildings and structures may not be located in required side yards in any district.

The encroachment into the required side yard setback will also encroach approximately two (2') feet onto an existing seven (7') foot wide Utilities & Drainage Easement. The Utilities Department states that no utilities are located within this easement. The site plan submitted with the application illustrates this easement as a "Utility and Drainage Easement."

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 outside curve radius of Rover Street. The parcel is occupied by a single family residence. The subject property has an attached 2-car garage. The carport proposed will be placed adjacent to this garage.

Adjacent properties are developed, and contain the following land uses:

West: Single Family Residence

East: Single Family Residence:

South: Single Family Residence on a deep lot;

North: Church with related parking and a playground.

The vast majority of properties developed with single family residences in the vicinity contain garages.

The carport proposed to be placed on the subject property measures approximately twelve (12') feet in width by twenty-one (21') feet in length, containing 252 Ft<sup>2</sup>, and stands approximately ten (10') feet tall at its highest point. A portion measuring two (2') feet of the proposed carport will encroach into a Drainage Easement.

Detailed structural information for the carport proposed to be placed was not submitted with the application. 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. The proposed carport shall be compliant with these Code requirements, which will be reviewed as part of the Building Permit application.

This waiver application is only for consideration of setback requirements. The proposed carport structure shall be compliant with all Building and Fire regulations. If the Waiver is approved, all permits shall be obtained by the applicant.

The request of waiver was properly and sufficiently noticed, and no comments or objections were received as of April 10, 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.

Staff Response: GIS maps illustrate a "Utility and Drainage Easement" running along the west side of the carport. There are no utilities located within this easement. Therefore, staff assumes that its sole function is a drainage easement. The Site Plan submitted illustrates an approximate two (2') foot encroachment into this easement. Given the overall width of this easement [seven (7') feet], this encroachment is considered to be minor. Regardless, the applicant shall take measures to ensure that the properties benefitting from this drainage easement are not negatively impacted by the proposed construction of the carport.

***(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: Lot shape and improvements preclude the placement of the carport in another location.

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 adjacent property, or onto a right-of-way or onto a sidewalk.

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

Applicant Response: It will not violate building code or create a health or safety hazard.

Staff Response: Staff has verified that there are no issues with sight visibility since the subject property is not a corner lot. Rover Boulevard in this area contains 42-feet of paving from curb to curb. If the waiver is approved, the applicant shall be required to secure a Building permit in compliance with all applicable 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: It will not.

Staff Response: The proposed carport in the location illustrated on the site plan should not create any negative physical impacts, other than the aforementioned minor potential impact on an existing drainage easement.

### **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 30 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 ROVER MANOR Subdivision, Lot: 55, which contains 0.291± acres, or 12,678 square feet of area. The existing residential structure and garage contain approximately 2,590 Ft<sup>2</sup> of footprint area, yielding a lot coverage factor of 20.4%. 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 12 feet in width by 21 feet in length, thereby adding 252 Ft<sup>2</sup> of additional lot coverage to the subject property, will increase the lot coverage factor up to 22.3%. This factor remains compliant with §16-537, Site Development Requirements, of the Los Alamos County Development Code.
5. 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. The existing single family residence occupying the subject property is compliant with this requirement.
6. The carport proposed to be sited on the subject property will be set back approximately twenty-seven (27') feet from the front property line; thereby meeting the minimum required twenty-five (25') foot front yard setback 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. Approval of this waiver will allow the petitioner to place a carport that will encroach 50% into a required side 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, Staff (4)                             |

Address: 307 Rover  
Legal: Rover Manor Lot 55  
Zoning: R-1-10

28



0 10 20 40 Feet  
All mapping is for reference only.



EXHIBIT 1: Vicinity Map/Aerial Photo of the Subject Property

ALEXANDER MICHAEL & RUBY  
300 ROVER BLVD  
WHITE ROCK NM 87547

GROSS JAMES M & JANICE L  
313 ROVER BLVD  
WHITE ROCK NM 87547

HAYDEN JAMES J & CONNIE L  
120 SHERWOOD  
WHITE ROCK NM 87547

LOPEZ THOMAS A & MARIE A REVOC TRUST  
311 ROVER BLVD  
WHITE ROCK NM 87547

HUFF KENNETH  
330 VALLE DEL SOL RD  
WHITE ROCK NM 87547

ANDREWS ANDREW E & MARIA S  
350 VALLE DEL SOL RD  
WHITE ROCK NM 87547

WR UNITED PRESBYTERIAN CHURC  
310 ROVER BLVD  
WHITE ROCK NM 87547

RAGSDALE THOMAS BUTLER & GAUNTT JESSIE A  
360 VALLE DEL SOL RD  
WHITE ROCK NM 87547

LOS ALAMOS COUNTY  
P O BOX 30  
LOS ALAMOS NM 87544

HODGES RANDY H  
301 ROVER BLVD  
WHITE ROCK NM 87547

BENJAMIN ROBERT F & SUSAN S REVOC TRUST  
315 ROVER BLVD  
WHITE ROCK NM 87547

SMITH DEREK E & KERAWAN C  
303 ROVER BLVD  
WHITE ROCK NM 87547

ZERBEE JONETTA JEAN  
309 ROVER BLVD  
WHITE ROCK NM 87547

DUNHAM ROBERT P & LISA-JO REVOC TRUST  
160 KENDALL DR  
WHITE ROCK NM 87547

HALBIG JAMES K  
340 VALLE DEL SOL RD  
WHITE ROCK NM 87547

RUMINER FAMILY TRUST  
165 KENDALL DR  
WHITE ROCK NM 87547

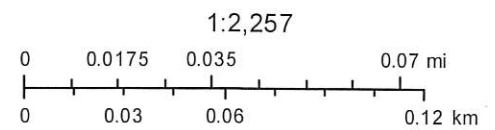
KING VIRGINIA L W  
305 ROVER BLVD  
WHITE ROCK NM 87547

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

# 307 Rover Waiver



March 21, 2017



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

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## 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:**

*I would like to erect an aluminum carport at the North side of my house beside the garage. This will encroach upon the setback or easement by about 5 feet 5 feet. SD*

**Address of Property to which the Waiver Request applies:**

307 Rover Blvd, White Rock, NM 87547

Zoning District: R-1-10 Acreage: \_\_\_\_\_ Lot Coverage: \_\_\_\_\_ Related Applications (if any): \_\_\_\_\_

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

Name: Robert E Stewart Phone: (505) 709-0430 Cell #: Same  
Please Print

Address: 307 Rover Blvd, WR, NM Email: rstewart87547@gmail.com

RS Stewart

**SIGNATURE**

2/18/17  
**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: 02/17/17

Staff Initial: AB

CDD Application Number: WVR-2017-0031

Fees Paid: \$250 CR# 608

**EXHIBIT 3: Application and 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

*No*

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

*lot shape and improvements preclude the placement of the car port in another location*

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

*it will not violate building code or create a health or safety hazard*

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

*it will not*

#### SUBMITTALS:

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

☒ Proof of property ownership.

☒ 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: \_\_\_\_\_

1993 1994 1995

1000

1000

**Figure 6**

Device Type	Gender	Age Group	Education Level
Smartphone	Male: ~75%, Female: ~70%	18-29: ~85%, 30-39: ~75%, 40-49: ~65%, 50+: ~55%	High School: ~65%, Bachelor's: ~75%, Master's: ~80%, Doctorate: ~85%
Tablet	Male: ~45%, Female: ~40%	18-29: ~55%, 30-39: ~45%, 40-49: ~35%, 50+: ~25%	High School: ~35%, Bachelor's: ~45%, Master's: ~50%, Doctorate: ~55%
Feature Phone	Male: ~25%, Female: ~20%	18-29: ~10%, 30-39: ~15%, 40-49: ~25%, 50+: ~35%	High School: ~45%, Bachelor's: ~35%, Master's: ~30%, Doctorate: ~25%

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342 364

*Lepidoptera*

... ..

1923

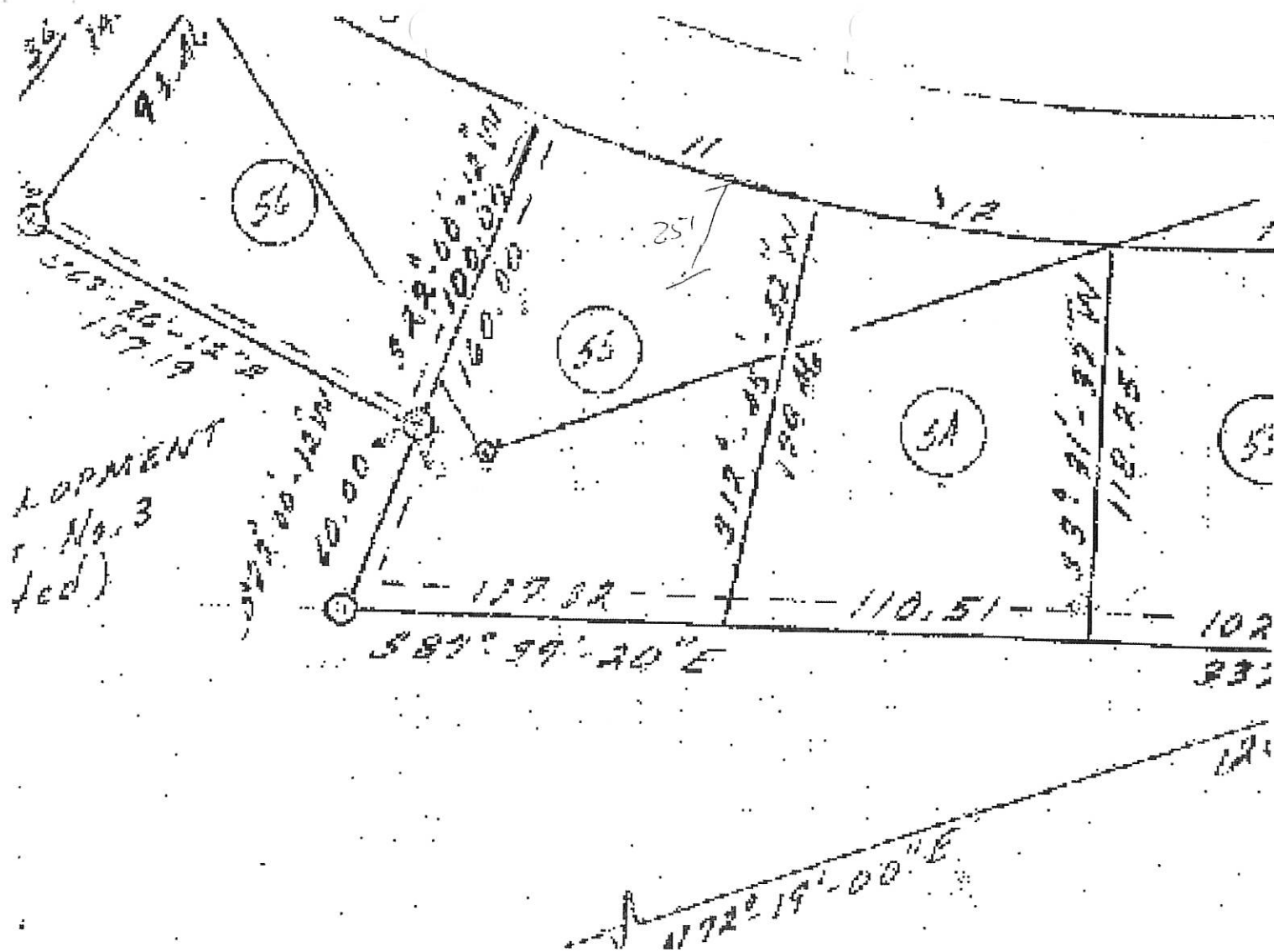
12. 21

*[Faint, illegible handwritten text]*

2/20/64 - 2/21/64

Case 1:17-cv-00001-UNA Document 1-1 Filed 07/26/17 Page 1 of 1

also: 1. nicht zur Substitution



307 ROVER R-1-10

ACCESSORY STRUCTURE (CARPORT)

10' SETBACK SIDE YARD P/L

22' MINIMUM FROM SIDE P/L



## IDRC REPORT

WVR-2017-0031: 307 Rover Blvd. – Waiver to Side Yard Setback for the purpose of placing a pre-manufactured carport (encroaching into required side yard setback).

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved condition	Denied
M. Arellano / <del>J. Dudziak</del>	Building					
T. Baer/	Planning					
D. Erickson	Traffic		No comments or conditions from Traffic & Streets.			
Patricio Guerrierortiz/ Clay Moseley	Utilities		<i>The proposed placement requiring the waiver is not encroaching onto the existing LAC Utility and Drainage Easement, therefore, the Department of Public Utilities does not oppose the Request for Waiver. No further comments/conditions.</i>			
<del>A. Gurule</del> / L. Martinez	Envr. Svcs					
<del>E. Martinez</del> / <del>B. Aragon</del>	PW		<ul style="list-style-type: none"> <li>• Criterion A: The applicant indicates there will be no encroachment of the structure (carport) into the adjacent utility &amp; drainage easement. Therefore, an application and permit to encroach is not necessary. If the situation changes, the applicant must submit the aforementioned documents for my and DPU approval.</li> <li>• Criterion C &amp; D: Roof drainage shall not adversely impact structures on this lot or adjacent lots/structures; grade to drain away from adjacent lots/structures so as not to create a nuisance (Code Section 18-57). Maintain drainage to existing drainage easements/structures as applicable.</li> </ul>			
A. Millmann / J. Naranjo	Planning					
<del>J. Wetteland</del> / S. Rinaldi	Fire					
<b>Others</b>						
Jason Romero	PW					
A. Barela	Planning					
Eric Peterson	Parks					

**MOTION:** Tamara Baer moved to forward the petition to the Board of Adjustment with a recommendation of approval. The motion was seconded by Michael Arellano. The motion passed by a 6-0 vote.

\* Strikethrough indicates not present at meeting.

March 24, 2017



1 – Location of proposed Carport; 307 Rover Blvd.



2 – SW side yard (opposite side yard); 307 Rover Blvd.

**EXHIBIT 5: Photographs of Subject Property**



3 – Sight Distance, 307 Rover Blvd.



4 – Sight Distance with Residence (on Left), 307 Rover Blvd.