



# County of Los Alamos

1000 Central Avenue,  
Suite 110, BCC Room

## Agenda - Draft Board of Adjustment

*Jaret McDonald, Chair; Jessie Dixon, and Amy Woods,  
Members*

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Monday, June 5, 2017

5:30 PM

BCC Room

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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. APPROVAL OF MINUTES

[9548-17](#)

**Attachments:** [BOA Minutes- May 1,2017.pdf](#)

5. PUBLIC HEARING(S) - QUASI JUDICIAL

A. WVR-2017-0039

*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 120 square foot shed. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, Residential, requires a minimum side yard setback of ten (10') 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 2987 Woodland Road.; in the North Community 2 Subdivision, Lot: 024; and is zoned: R-1-8 (Single-family residential).*

[9541-17](#)

**Attachments:** [WVR-2017-0039-Staff Report w/ Exhibits](#)

B. WVR-2017-0041

*A request for approval of a seventeen (17') foot Waiver from a required twenty-five (25') foot front yard setback for the*

*construction of a porch entryway to a single family residence. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, establishes twenty-five (25') feet as the minimum required front yard setback. The property is located at 369 Manhattan Loop; Subd: Eastern Area 2, Lot: 235. Zoned: R-1-8 (Single Family Residential)*

[9542-17](#)

**Attachments:**     [WVR-2017-0041- Staff Report w/ Exhibits](#)

**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**

**May 1, 2017 – 5:30 P.M.**

1000 Central Avenue, Council Chambers  
Los Alamos, NM 87544

**Members Present:** Jaret McDonald, Chair  
Jessie Dixon, Commissioner  
Amy Woods, Commissioner

**Members Absent:** None

**Staff Present:** Kevin Powers, Assistant County Attorney  
Tamara Baer, Principal Planner  
James Naranjo, Assistant Planner

### **I. CALL TO ORDER / ROLL CALL**

Chair McDonald called the meeting to order at 5:30 PM and asked James Naranjo to call the roll. A quorum was present.

### **II. PUBLIC COMMENTS**

Greg White 601 San Idelfonso, commented on case WVR-2017-0034. He stated that it was his opinion that the Domino's Sign at 751 Trinity was too small.

### **III. APPROVAL OF AGENDA**

Commissioner Woods made a motion to approve the agenda as presented. Commissioner Dixon seconded the motion. Motion passed unanimously.

### **IV. PUBLIC HEARINGS**

#### **a. Case No. WVR-2017-0034:**

A request for approval of a Waiver to increase the area of an existing business (wall) sign from a maximum area permitted of 22.6 square feet, to 42.72 square feet. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article X, Signs, §16-409(45)(a), permits a maximum wall sign area of 1.25 square feet of sign area per each one-foot of lineal façade of the building. The area of the existing business sign is the maximum permitted by the Development Code. The property is located at 751 Trinity Drive; in the EASTERN AREA 2 Subdivision, Lot: WA001; and is zoned DT-NCO (Downtown District, Neighborhood Center Overlay).

Michael Contreras applicant, and staff were sworn in to give testimony in the case. Michael Contreras applicant, withdrew the request.

### **MOTION:**

NONE. Case withdrawn at hearing.

### **V. ADJOURNMENT**

6:50 pm

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Jaret McDonald, Chair



# County of Los Alamos

## Staff Report

June 05, 2017

Los Alamos, NM 87544  
[www.losalamosnm.us](http://www.losalamosnm.us)

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**Agenda No.:**

**Index (Council Goals):**

**Presenters:**

**Legislative File:**           **9541-17**

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

**Public Hearing Date:** June 5, 2017  
**Subject:** Case No. WVR-2017-0039  
**Owners/Applicants:** Reed Figley, Owner & Applicant  
**Case Manager:** Tamara Baer, Principal Planner

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**Case No. WVR-2017-0039:** Reed Figley owner, requests approval of a waiver to allow a five (5) foot encroachment into a required ten (10) foot side yard setback, to accommodate the placement of a 120 square foot shed. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, Residential, requires a minimum side yard setback of ten (10) 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 2987 Woodland Road.; in the North Community 2 Subdivision, Lot: 024, and is zoned: R-1-8 (Single-family residential).

**Board Action Options**

**Motion Option 1:**

I move that the Board of Adjustment **approve** Case No. WVR-2017-0039, 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. The applicant shall obtain a Placement Permit prior to construction of the porch.

**Motion Option 2:**

I move that the Board of Adjustment **deny** Case No. WVR-2017-0039, 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 an accessory structure (shed) to be placed within a required side yard. The placement of the shed would encroach five (5) feet into a ten (10) foot required side yard setback.

The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-273 (Accessory Buildings and Structures), prohibits accessory structures within any required side yard in any district Chapter 16, Development Code, Article XIII, Site Development Requirements, Residential, requires a ten (10) foot minimum side yard setback on one side in an R-1-8 zoning district and a five (5) foot setback on the other side. The single family residence on the property was constructed within five (5) feet on the west property line. Therefore the other side setback, on the east side, is 10 feet.

The subject property is located at 2987 Woodland Road, in the North Community 2 Subdivision. The parcel is rectangular in shape and measures approximately one hundred and sixty-four (164) feet north to south by approximately ninety-nine (99) feet east to west. The parcel is occupied by a single family residence and an attached single car garage. The applicant would like to place an accessory structure (shed) measuring ten (10) feet by twelve (12) feet, approximately twenty (20) feet behind the residence and five (5) feet from the eastern property line. No other accessory structures are located on the subject property.

The applicant states that the proposed shed location will prevent the removal of mature trees on the property and that these trees will shield the shed from the neighbors view. A letter from the adjacent property owners to the east, stating they have no objections to the request, was submitted into the record (Exhibit III).

The subject property slopes downward toward the south. The adjacent property to the south is zoned P-L (Public Land) and is part of the Los Alamos Golf Course.

## **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 shed will be located on the east side of the property. No utilities are located on this side of the property. Also, no easements exist on this side of the property.

### Staff Response:

The proposed structure will not be sited over 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***

### Applicant Response:

An existing tree partially obstructs access to the shed door if it's located in accordance to the ten foot setback. Also granting the waiver will prevent the shed from obstructing views from the room in the southeast corner of the home.

### Staff Response:

The proposed location of the shed will preclude the need to remove mature vegetation on the property. The subject property slopes significantly downward towards the south. The proposed location is relatively level, and will cause minimal disturbance of topography and vegetation.

Protecting the private view of the homeowner is not a consideration for the waiver.

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

Applicant Response:

The proposed location of the shed does not impact health / safety of the property in any way. All building code requirements for small sheds <120 sq ft will be adhered to in accordance with the building permit.

Staff Response:

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

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

Applicant Response:

The only property within 100 yards of the shed that might be impacted is the home adjacent to the property line at 2967. Granting the waiver will place the shed further behind trees that screen it from their view. The shed will be unoccupied structure used for storage, so privacy, security, noise and odor concerns will not increase. There will be no exterior lighting and the shed will not be tall enough or placed in such a way as to create unwanted shadows.

Staff Response:

The shed is obscured from public view by landscaping and a 5 foot high fence. The placement of the shed should not create any significant negative physical impacts on property within 100 yards of the subject property.

### **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 May 18, 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-1-8 (Single Family Residential District).
3. The subject property is located in the North Community 2 Subdivision, Lot: 024, which contains 0.37± acres, or 16,117 square feet of area. The existing residential structure and garage contain approximately 2800 Ft<sup>2</sup> of footprint area, yielding a lot coverage factor of 17.5%.
4. The addition of a 12' x 10' shed will add 120 Ft<sup>2</sup> of additional lot coverage to the subject property, bringing the lot coverage to 18.2%. The maximum lot coverage percentage permitted by Section 16-537 of the Los Alamos County Development Code is 40%.
5. Chapter 16, Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, establishes twenty-five (25) feet as the minimum required front yard setback, a minimum rear yard setback of fifteen (20) feet, and minimum side yard setbacks of five (5) feet on one side and ten (10) feet on the other.

6. The existing house is constructed approximately five (5) feet from the west property line, establishing the ten (10) foot side setback requirement on the east side of the property.
7. The placement of the proposed shed would be set back five (5) feet from the side property line to the east.
8. The Los Alamos County Development Code prohibits accessory structures, such as sheds, from being placed within any required side yard area.
9. The petition was reviewed by the Interdepartmental Review Committee on May 12, 2017. After discussing the request, the IDRC voted 6-0 (unanimously) to recommend approval.

#### **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 and letter from adjacent property owner
Exhibit IV	Interdepartmental Review Committee (IDRC) comments
Exhibit VI	Photographs of subject property, Staff





2987 Woodland Road  
WVR-2017-0039

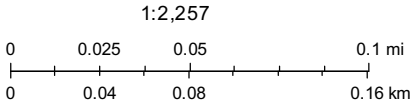
Exhibit I



2987 WOODLAND



May 2, 2017



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

LOS ALAMOS COUNTY  
P O BOX 30  
LOS ALAMOS NM 87544

MAASSEN JOEL R & JESSICA K  
2975 ARIZONA AVE  
LOS ALAMOS NM 87544

MOG-BURRIS TREVOR J & BURRIS-KELLY KARL  
2902 WOODLAND RD  
LOS ALAMOS NM 87544

COOMBS DOUGLAS F & MIYUKI T  
3020 ARIZONA AVE  
LOS ALAMOS NM 87544

DAWSON PATRICK J & JORDAN B  
239 MAPLE DR  
LOS ALAMOS NM 87544

HUTCHINSON WILLIAM B  
3047 WOODLAND ROAD  
LOS ALAMOS NM 87544

BOWMAN DAVID W JR & ELIZABETH L  
3000 ARIZONA AVE  
LOS ALAMOS NM 87544

CRUZ PATRICIA E REVOC TRUST  
3042 WOODLAND ROAD  
LOS ALAMOS NM 87544

LARSEN BRIAN A & SARTOR KARLA A  
3027 WOODLAND  
LOS ALAMOS NM 87544

RYAN ROBERT T & KATIE R  
2980 ARIZONA  
LOS ALAMOS NM 87544

BREWER/BERRY FAMILY TRUST  
21 FROST ST  
SWAN VIEW WESTERN AUSTRALIA 6056

STEINMAN DEBRA R & DAVID A  
3007 WOODLAND ROAD  
LOS ALAMOS NM 87544

CHAVEZ LUCILLE E  
2960 ARIZONA AVE  
LOS ALAMOS NM 87544

PILTCH MARTIN S  
2915 ARIZONA AVE  
LOS ALAMOS NM 87544

DAHLBY JOEL W & HELEN J  
2967 WOODLAND ROAD  
LOS ALAMOS NM 87544

DICKMAN LEE T & KYLE J  
2940 ARIZONA AVE  
LOS ALAMOS NM 87544

SILVESTER ROBERT L & CARVER NELL R REVOC TRUST  
3022 WOODLAND ROAD  
LOS ALAMOS NM 87544

WERNUNG BRIAN & MELISSA  
2947 WOODLAND ROAD  
LOS ALAMOS NM 87544

CHAIN PATRICK SG  
3045 ARIZONA AVE  
LOS ALAMOS NM 87544

PHILLIPS EDWARD M & CLEMENTS BARBARA S  
2992 WOODLAND  
LOS ALAMOS NM 87544

SAGA VIKKI L  
2897 WOODLAND ROAD  
LOS ALAMOS NM 87544

HOCKADAY ROBERT G & MARY Y  
3025 ARIZONA AVE  
LOS ALAMOS NM 87544

FEHLAU JENNY A  
2972 WOODLAND RD  
LOS ALAMOS NM 87544

VIGIL JUAN F & AMY  
3062 WOODLAND ROAD  
LOS ALAMOS NM 87544

BJORKLUND LYNN  
2952 WOODLAND ROAD  
LOS ALAMOS NM 87544

ALBRIGHT IAN L & AMY P REVOC TRUST  
2995 ARIZONA AVE  
LOS ALAMOS NM 87544

SCOTT ROBERT L & SHERI  
2932 WOODLAND ROAD  
LOS ALAMOS NM 87544

LOS ALAMOS  
Community Development

Reed Figley

WAIVER APPLICATION

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

Paid Credit Card  
\$250.00

*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:**

Locate small residential shed five feet from property line (within ten foot setback).

Has Dogs

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

2987 Woodland Rd., Los Alamos

**Zoning District:** R-1-8 **Acreage:** 0.37 **Lot Coverage:** See ILR **Related Applications (if any):**

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

Name: Reed Figley Phone: 208-867-5100 Cell #: same  
Please Print

Address: 2987 Woodland Rd., Los Alamos Email: reed.figley@outlook.com

**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.*

Reed Figley

4/28/17

**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:** \_\_\_\_\_



#### 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***

The shed will be located on the east side of the property. No utilities are located on this side of the property. Also, no easements exist on this side of the property.

- (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***

An existing tree partially obstructs access to the shed door if it is located in accordance with the ten foot setback. Also, granting the waiver will prevent the shed from obstructing views from the room in the southeast corner of the home.

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

The proposed location of the shed does not impact health/safety of the property in any way. All building code requirements for small sheds <120 sq. ft. will be adhered to in accordance with the 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.***

The only property within 100 yards of the shed that might be impacted is the home adjacent to the property line at 2967. Granting the waiver will place the shed further behind trees that screen it from their view. The shed will be an unoccupied structure used for storage, so privacy, security, noise and odor concerns will not increase. There will be no exterior lighting and the shed will not be tall enough or placed in such a way as to create unwanted shadows.

#### 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.

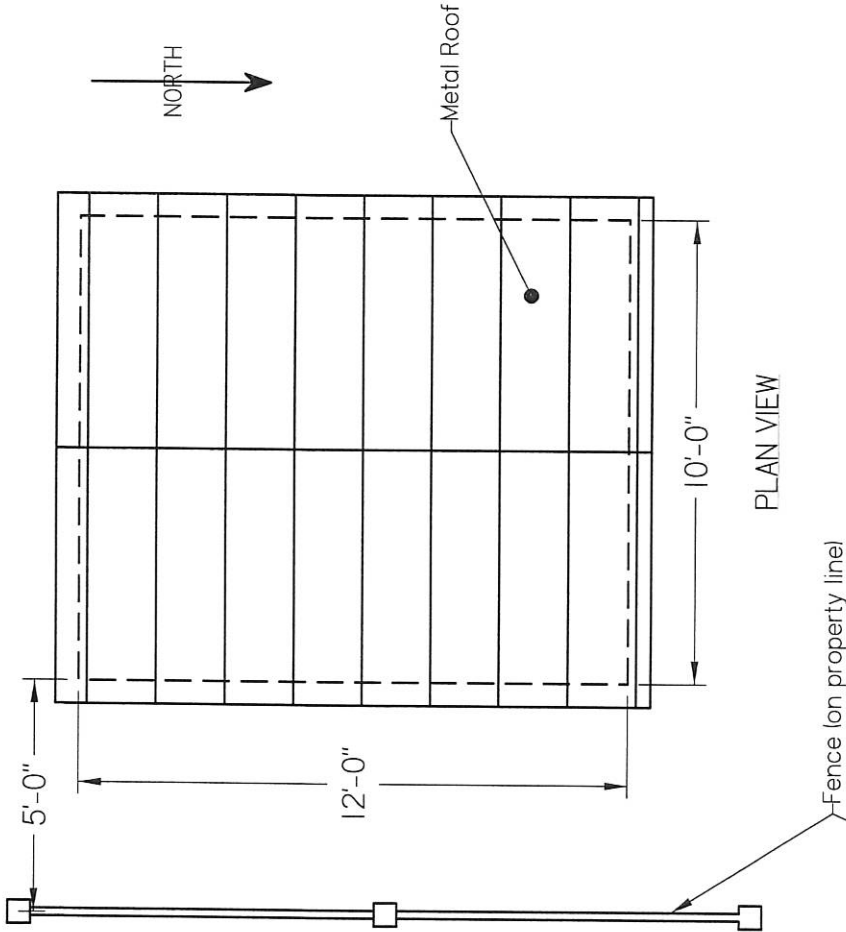
☐ Show, dimension and label all existing and proposed easements.

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

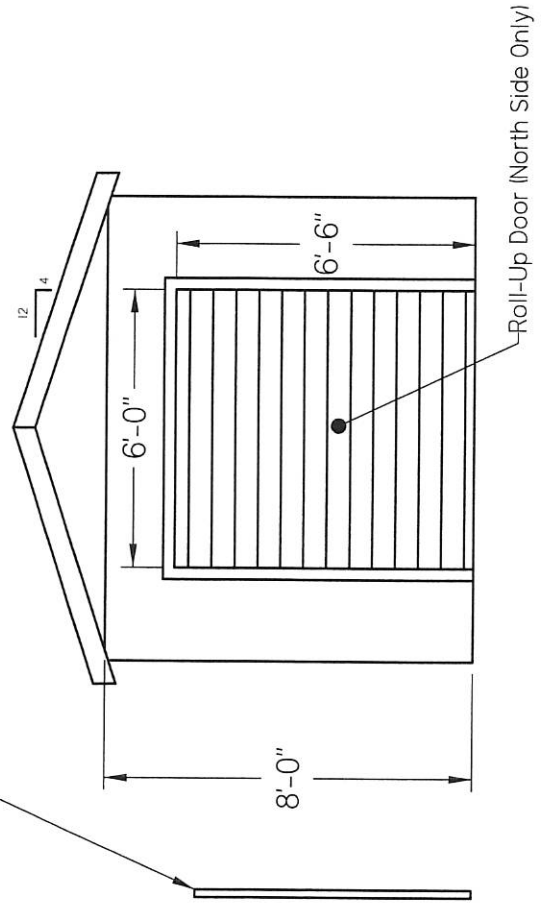
☐ Show, dimension and label building/structure elevations.

☒ Other. Describe: Letter from next-door neighbors stating no objection to waiver

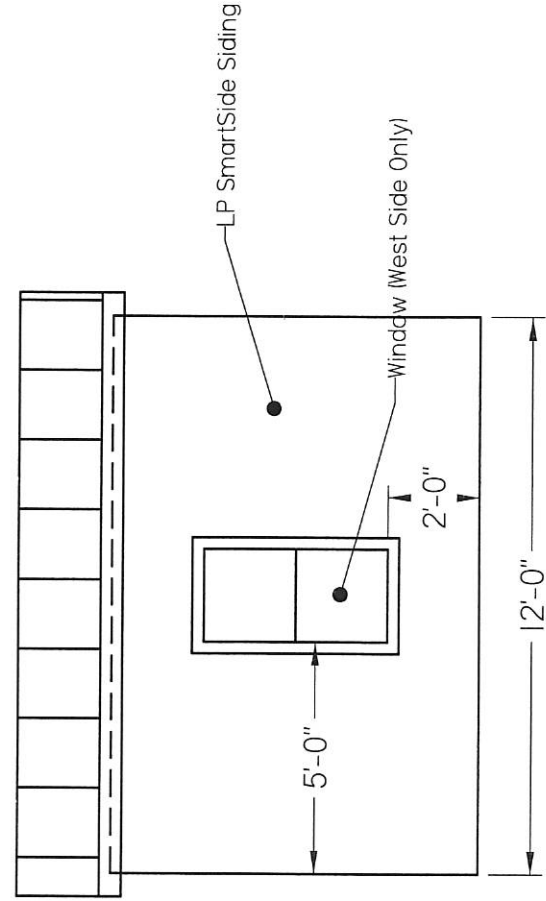
SHED PLAN  
 2987 WOODLAND ROAD  
 LOS ALAMOS, NM  
 REED AND CONNIE FIGLEY - HOMEOWNERS



PLAN VIEW

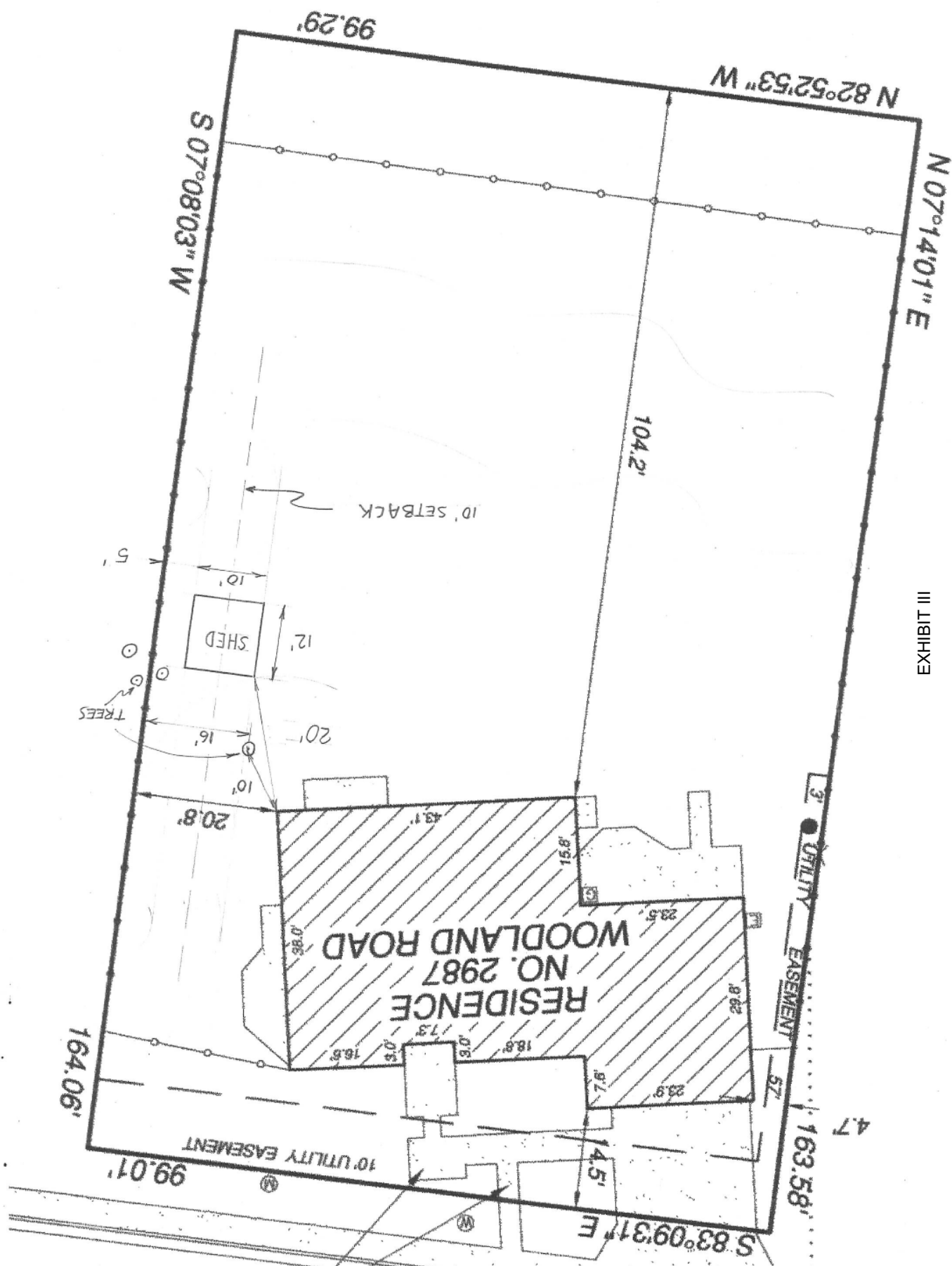


NORTH ELEVATION  
 SOUTH ELEVATION (SIMILAR)



WEST ELEVATION  
 EAST ELEVATION (SIMILAR)

N0701401" E



IMPROVEMENT LOCATION REPORT

THIS IS TO CERTIFY:

TO TITLE COMPANY: STEWART SANTA FE ABSTRACT

TO UNDERWRITER:

TO LENDER:

THAT ON OCTOBER 14, 2011, I MADE AN ACCURATE INSPECTION OF THE PREMISES  
SITUATED AT LOS ALAMOS, LOS ALAMOS COUNTY, NEW MEXICO, BRIEFLY DESCRIBED AS:

2987 WOODLAND ROAD, LOS ALAMOS, N.M. 87544

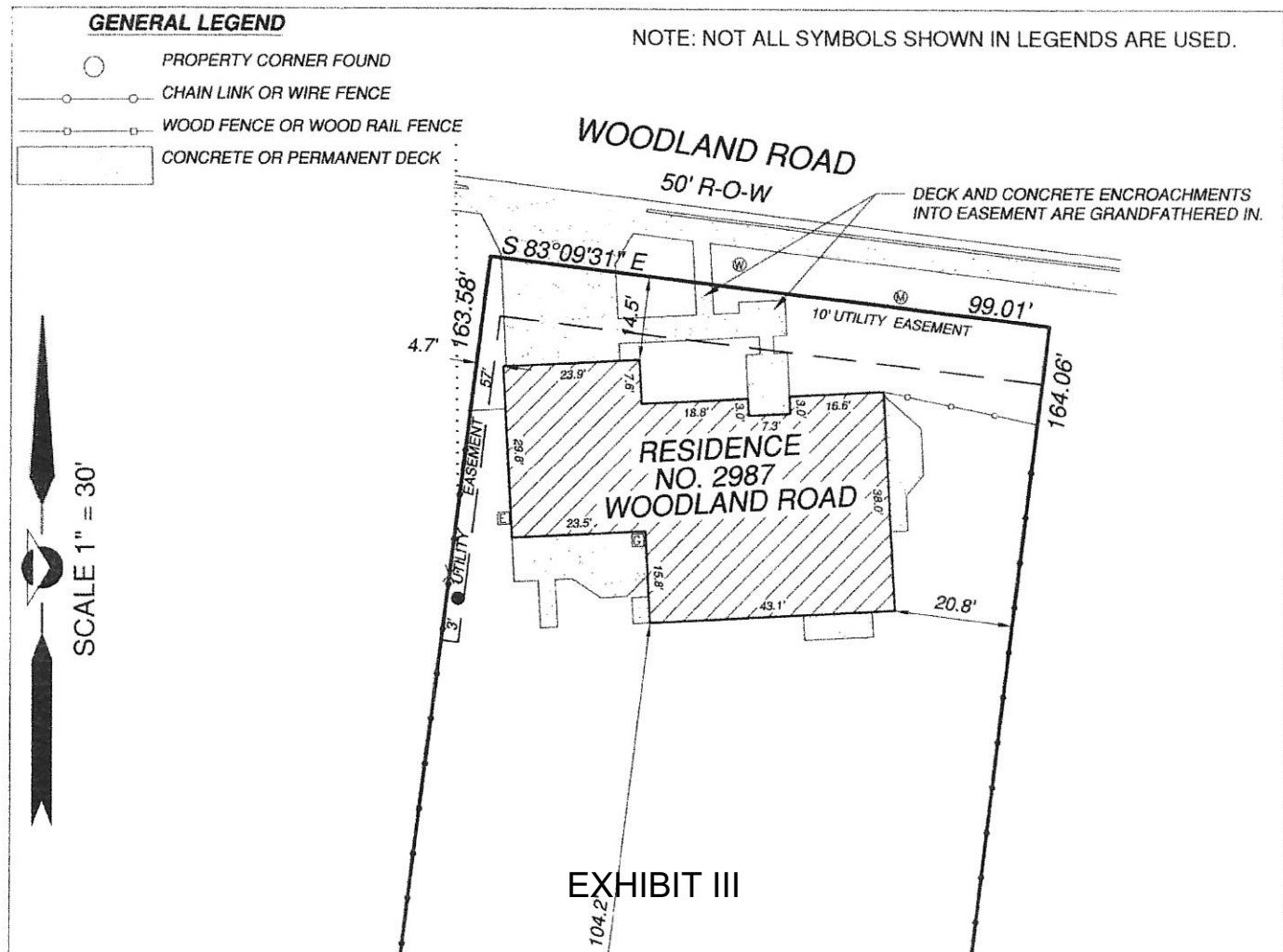
PLAT REFERENCES: Bearings, distances and/or curve data are taken from the following plat:

Lot numbered twenty four (24) in North Community No. 2 as the same is shown and dedicated on the  
Plat thereof, filed in the office of the County Clerk of Los Alamos County, New Mexico on November 1,  
1965 in Plat Book 1, Page 69 and a grant of easement document filed on November 6, 2002 in  
Book 108, Page 50.

NOTE: The error of closure is one foot of error for every no error feet along the perimeter of the legal description provided.

Easements shown hereon are as listed in Title Commitment No. (NONE) provided by Title Company.

**ATTENTION:** 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.



April 28, 2017

Joel and Helen Dahlby  
2967 Woodland Rd.  
Los Alamos, NM 87544

To whom it may concern:

Reed and Connie Figley, our next-door neighbors at 2987 Woodland Rd., have described to us their plans to build a garden shed in their back yard. They have asked us if we would object to the shed being built five feet from the line between our property instead of ten feet as required by Los Alamos County.

With the understanding that it results in moving the shed five feet closer to the fence between our yards, we have no objection to this request for waiver.



Joel Dahlby



## IDRC REPORT

Case: WVR-2017-0039- 2987 Woodland Road

Date of Meeting: May 12, 2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved conditions	Denied
M. Arellano / <del>J. Dudziak</del>	Building	X		X		
T. Baer / <del>D. Erickson</del>	Planning Traffic	X		X		
P. Guerrerortiz/ <del>C. Moseley</del>	Utilities	X		X		
<del>A. Gurule</del> / <del>L. Martinez</del>	Env. Serv.					
E. Martinez/ <del>B. Aragon</del>	PW	X		X		
<del>A. Millman</del> / J. Naranjo	Planning	X		X		
J. Wetteland / S. Rinaldi	Fire	X		X		
<b>OTHERS ATTENDING:</b>						
Anita Barela	Planning					
Eric Peterson	Parks					
Jason Romero	PW					

\* Blue strikethrough indicates not present at meeting.

**MOTION:** J. Wetteland moved and P. Guerrerortiz seconded that the case be forwarded to the Board of Adjustment with a recommendation of **Approval**.





EXHIBIT V



EXHIBIT V





# County of Los Alamos

## Staff Report

June 05, 2017

Los Alamos, NM 87544  
[www.losalamosnm.us](http://www.losalamosnm.us)

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**Agenda No.:**

**Index (Council Goals):**

**Presenters:**

**Legislative File:**                **9542-17**

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

**Public Hearing Date:** June 5, 2017  
**Subject:** Case No. WVR-2017-0041  
**Owners/Applicants:** Walter Natzic, Owner & Applicant  
**Case Manager:** Tamara Baer, Principal Planner

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**Case No. WVR-2017-0041:** Walter Natzic, property owner and petitioner, requests approval of a seventeen (17) foot Waiver from a required twenty-five (25) foot front yard setback for the construction of a covered porch and ramp at a single family residence. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, establishes twenty-five (25) feet as the minimum required front yard setback. The property is located at 369 Manhattan Loop; Subd: Eastern Area 2, Lot: 235, and is zoned: R-1-8 (Single Family Residential).

### **Board Action Options**

#### **Motion Option 1:**

I move that the Board of Adjustment **approve** Case No. WVR-2017-0041, a request for approval of a waiver from a required front yard setback for construction of a covered porch and ramp located at the front of an existing residence which will measure 5' x 18' and which will encroach seventeen (17) feet into the twenty-five (25) foot required front yard setback, 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 obtain a Building Permit prior to construction of the porch.
2. Window and Door Replacement Permit must be obtained.

#### **Motion Option 2:**

I move that the Board of Adjustment **deny** Case No. WVR-2017-0041 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 covered porch and wheelchair accessible ramp that will encroach into a required front yard setback area. The purpose of the ramp is to access the new

front entrance to the house. The Los Alamos County Code of Ordinances, Chapter 16 - Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, establishes a minimum front yard setback in this zoning district, R-1-8, of twenty-five (25) feet, as measured from the front property line.

The subject property is located at 369 Manhattan Loop, in the Eastern Area 2 Subdivision. The parcel is occupied by a single family residence and a one-car garage, which is under construction.

The existing residential dwelling unit is set back a distance of approximately fourteen (14) feet from the front property line. The existing structure was built prior to 1965, when the Los Alamos County zoning districts and development requirements were established, making the structure legally nonconforming. All existing dwelling units on Manhattan Loop are similarly located within the required front yard setback, making them also legally nonconforming.

The petitioner proposes to construct a five (5) foot by eighteen (18) foot covered porch to the front of the main structure. The proposed porch will be used to provide covered entry to the dwelling through a newly installed front door facing Manhattan Loop. The newly installed access replaces a side door, which will be enclosed within the 1-car garage, currently under construction. The proposed waiver, if approved, would allow a seventeen (17) foot encroachment into the twenty-five (25) foot required front yard setback, placing the porch approximately eight (8) feet from the front property line. The majority of the existing dwelling units located on Manhattan Loop have front doors facing the street, making the proposed construction similar to existing structures on the street.

The covered porch will be constructed of wooden materials that will complement the materials of the existing residence.

The application was noticed per the requirements of §16-193 including written notice mailed to all residents within 100 yards of the subject property. No comments or objections to the waiver have been received by the Community Development Department as of May 30, 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:**

Will follow thru on all easements.

### **Staff Response:**

The proposed porch structure is not sited over any utility or drainage easements.

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

### **Applicant Response:**

We will continue to comply with county codes standards and guidelines.

Staff Response:

The applicant and his wife recently purchased this property and are remodeling to make it more suitable to their needs. A garage has been added to the west side of the house, which is where the front door was formerly located. A new front door now faces the street but is several feet higher than grade level. The applicant would like to install a wheelchair accessible ramp from the driveway to a landing at the front door.

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

Applicant Response:

Comply as required.

Staff Response:

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

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

Applicant Response:

None

Staff Response:

The construction of the covered porch will not create any significant negative physical impacts on property within 100 yards of the subject property.

### **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 May 18, 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-1-8 (Single Family Residential District).
3. The subject property is located in the Eastern Area 2 Subdivision, Lot: 235, which contains 0.19± acres, or 8,276 square feet of area. The existing residential structure and garage contain approximately 1,938 Ft<sup>2</sup> of footprint area, yielding a lot coverage factor of 23.4%. The maximum lot coverage percentage permitted by the Los Alamos County Development Code is 40%.
4. The proposed covered porch will measure 18 feet in width and project 5 feet from the front of the dwelling unit, thereby adding 90 Ft<sup>2</sup> of additional lot coverage to the subject property, bringing the lot coverage to 24.5%.
5. Chapter 16, Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, establishes twenty-five (25') feet as the minimum required front yard setback, a minimum rear

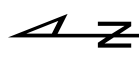
yard setback of fifteen (20') feet, and minimum side yard setbacks of five (5') feet on one side and ten (10') feet on the other.

6. The existing residence on the subject property is set back fourteen (14') feet from the front property line; thereby not meeting the minimum required front yard setback.
7. The design of the constructed covered porch will not affect current noise levels or lighting levels within the neighborhood.
8. The petition was reviewed by the Interdepartmental Review Committee on May 12, 2017. After discussing the request, the IDRC voted 6-0 (unanimously) to recommend approval of the petition.

#### **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 and site survey
Exhibit IV	Photographs provided by applicant-Temporary stairs at front door
Exhibit V	Interdepartmental Review Committee (IDRC) comments
Exhibit VI	Photographs of subject property, Staff





369 Manhattan Loop  
WVR-2017-0041

EXHIBIT I



1:2,257

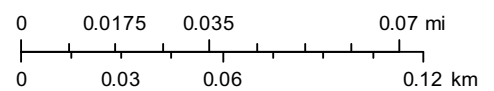


EXHIBIT II

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LOS ALAMOS COUNTY  
P O BOX 30  
LOS ALAMOS NM 87544

NEUDECKER LUPE V  
305 A CARLISLE BLVD SE  
ALBUQUERQUE NM 87106

CLARK DAVID E & SARAH E  
340 CANYON ROAD  
LOS ALAMOS NM 87544

HAY JEFFREY R  
370 MANHATTAN LOOP  
LOS ALAMOS NM 87544

JOHNSON JAMES D  
321 MANHATTAN LOOP  
LOS ALAMOS NM 87544

MACKEY GILBERT L & KATHIE L  
1261 2ND ST  
LOS ALAMOS NM 87544

KRAUSE URSULA G  
358 MANHATTAN LOOP  
LOS ALAMOS NM 87544

DINKEL DOMINIC A & MARIA H  
387 MANHATTAN LOOP  
LOS ALAMOS NM 87544

MOCKLER THEODORE T  
2396 34TH STE  
LOS ALAMOS NM 87544

BEST GEORGE H & ELIZABETH F  
332 MANHATTAN LOOP  
LOS ALAMOS NM 87544

WHETHAM WALTER W  
307 MANHATTAN LOOP  
LOS ALAMOS NM 87544

CREEK KATHRYN  
1300 3RD ST  
LOS ALAMOS NM 87544

REDONDO ANTONIO & SHELBY L  
390 MANHATTAN LOOP  
LOS ALAMOS NM 87544

BAIARDO JOSEPH P & NANCY E  
289 MANHATTAN LOOP  
LOS ALAMOS NM 87544

HOVERSON MARK D  
1251 2ND ST  
LOS ALAMOS NM 87544

RAND GREGORY P & CHRISTINE F  
400 MANHATTAN LOOP  
LOS ALAMOS NM 87544

BURCIAGA ERNESTO V & CECILIA  
391 MANHATTAN LOOP  
LOS ALAMOS NM 87544

GRAY KAREN J TRUST  
423 MYRTLE ST  
LOS ALAMOS NM 87544

NASISE JOSEPH E & QUALIA S  
445 MANHATTAN LOOP  
LOS ALAMOS NM 87544

KRETZ MATTHEW & JAMIE  
1319 3RD ST  
LOS ALAMOS NM 87544

LOS ALAMOS SCHOOL BOARD  
2075 TRINITY DR  
LOS ALAMOS NM 87544

SANDERS RYAN D  
492 CANYON ROAD  
LOS ALAMOS NM 87544

LEACH KAREN J  
1320 3RD ST  
LOS ALAMOS NM 87544

CARLOS ROBERT & BARBARA REVOC TRUST  
1233 2ND ST  
LOS ALAMOS NM 87544

DEWART JEAN M  
300 MANHATTAN LOOP  
LOS ALAMOS NM 87544

GREENE ROBERT & RANDALL E  
380 CANYON ROAD  
LOS ALAMOS NM 87544

DAVIS MARK C & CHRISTINA N  
1280 3RD ST  
LOS ALAMOS NM 87544

WHITE TIMOTHY & JANET W  
280 MANHATTAN LOOP  
LOS ALAMOS NM 87544

SILBERT MYRON G & RUTH M REVOC TRUST  
48 MANHATTAN LOOP  
LOS ALAMOS NM 87544

CLIFTON LIVING TRUST  
1189 4TH ST  
LOS ALAMOS NM 87544



WILLMS RICHARD SCOTT  
14565 CR 1113  
TYLER TX 75703

LOS ALAMOS  
Community Development

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:

See attachment "A"

Address of Property to which the Waiver Request applies:

369 MANHATTAN LOOP

Zoning District: R-1-S Acreage: Lot Coverage: Related Applications (if any):

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

Name: WALTER NATZIC Please Print Phone: 505-500-8545 Cell #: 912-322-9322

Address: 369-MANHATTAN LOOP LOS ALAMOS, NM. 87544 Email: WNATZIC@TDS.NET Rob cell 951 741-6153

SIGNATURE Walter Natzic

DATE

PROPERTY OWNER (If different from Applicant)

☒ Check here if same as above

Name: Please Print Phone: Cell #:

Address: Owner's Mailing Address Email:

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: 5-5-17

Staff Initial: JN.

CDD Application Number: WVR-2017-0041

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 *will follow thru on all 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

*We will continue to comply with County Codes standards and guidelines.*

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

(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. *NONE*

#### 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: \_\_\_\_\_



## Attachment A

### Waiver Application Description

May 1, 2017

Los Alamos County Development Department  
1000 Central Avenue, Suite 150,  
Los Alamos NM 87544

Subject: Summary description of Waiver Request:

The above residence was just purchased and closed on March 13, 2017 with a limited single Entry/Exit side door that exited into the outdoor Carport area. This outdoor area was badly damaged and weathered, and has been removed from the property. A Garage, which is currently under construction and supported by a contractor approved building permit (which replaces the Carport).

Another approved permit includes a new street facing front door with improved access and exit to and from our home to help cure unfavorable prior construction inherent with the original construction of the property. The new main entry and exit into and out of the home is shown in the attached photographs of the temporary stairs and includes descriptions for the new development of the porch as well as the roof assembly.

With this submission, we request approval to improve the Front Door entry and exit, tailored to support family members, visitors and handicapped persons. With this application, we plan to include a 6-7' ft. wide porch, which provides wheelchair accessibility and runs parallel to the front of the home, toward our driveway; and would not overstep any "E" utilities, setbacks or restrictions (See attached Electrical Department Photo and Comments), which has been reviewed for the front door development, as well as approved setbacks for the new garage.

The timely approval of this request by the County is greatly appreciated.  
Sincerely,



Walter Natzic  
369 Manhattan Loop  
Los Alamos, New Mexico







EXHIBIT IV





EXHIBIT IV





EXHIBIT IV





## IDRC REPORT

Case: WVR-2017-0041 - 369 Manhattan Loop

Date of Meeting: May 12, 2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved conditions	Denied
M. Arellano / J. Dudziak	Building	X	Door and windows must be permitted and inspected.		X	
T. Baer / <del>D. Erickson</del>	Planning Traffic	X		X		
P. Guerrerortiz/ <del>C. Moseley</del>	Utilities	X		X		
<del>A. Gurule</del> / <del>L. Martinez</del>	Env. Serv.					
E. Martinez/ <del>B. Aragon</del>	PW	X		X		
<del>A. Millman</del> / J. Naranjo	Planning	X		X		
J. Wetteland / S. Rinaldi	Fire	X		X		
<b>OTHERS ATTENDING:</b>						
Anita Barela	Planning					
Eric Peterson	Parks					
Jason Romero	PW					

\* Blue strikethrough indicates not present at meeting.

**MOTION:** J. Wetteland moved and P. Guerrerortiz seconded that the case be forwarded to the Board of Adjustment with a recommendation of **Approval**.



EXHIBIT VI



EXHIBIT VI