



County of Los Alamos

1000 Central Avenue,
Suite 110, BCC Room

Agenda - Final Board of Adjustment

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

Monday, September 11, 2017

5:30 PM

Suite 110, BCC Room
Municipal Building

1. **CALL TO ORDER/ROLL CALL**

2. **PUBLIC COMMENT**

This section of the agenda is reserved for comments from the public on items that are not otherwise included in this agenda.

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF MINUTES**

A. Board of Adjustment- July 17, 2017 Meeting Minutes with Transcript

[9878-17](#)

Attachments: [BOA- Minutes/Transcript- July 17,2017](#)

5. **PUBLIC HEARINGS - QUASI JUDICIAL**

A. WVR-2017-0043- 3212 Woodland Road

Linda Bates, the property owner and petitioner, is seeking 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-five (25') feet, to seven (7') feet. The purpose for requesting a waiver is to permit construction of a fenced deck which will be attached to the front of the existing residence. The property is located at 3212 Woodland Road; in the NORTH COMMUNITY 2 Subdivision, Lot: 49; and is zoned: R-1-8 (Single-family residential).

[9876-17](#)

Attachments: [WVR-2017-0043- Staff Report](#)

B. WVR-2017-0044- 108 Azure

Tom Littleton, the property owner and petitioner, is seeking a Waiver to the Los Alamos County Code of Ordinances, Development Code, Article XIII, Site Development Requirements, from a minimum rear yard setback requirement of twenty-five (25') feet, to fifteen (15') feet, thereby encroaching ten (10') feet into a required rear yard setback area. The purpose for requesting a waiver is to permit construction of a roof/patio cover over an existing patio. The property is located at 108 Azure Drive, White Rock; in the WHITE ROCK 2 Subdivision, Block 3, Lot: 5; and is zoned: R-1-10 (Single-family residential).

[9877-17](#)

Attachments: [WVR-2017-0044- 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

September 11, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Legislative File: 9878-17

MINUTES

Board of Adjustment

July 17, 2017 – 5:30 P.M.

1000 Central Avenue, Boards and Commissions Room
Los Alamos, NM 87544

Members Present: Jaret McDonald, Chair
Jessie Dixon, Commissioner
Ashley Mamula, Commissioner

Members Absent: Amy Woods, Commissioner

Staff Present: Kevin Powers, Assistant County Attorney
Tamara Baer, Planning Division Manager
James Naranjo, Assistant Planner

Jaret McDonald: Can we have a roll call please?

James Naranjo: Commissioner Dixon?

Jessie Dixon: Here.

James Naranjo: Commissioner Mamula?

Ashley Mamula: Here.

James Naranjo: Chair McDonald?

Jaret McDonald: Here.

James Naranjo: We have a quorum.

Jaret McDonald: First step, tonight, we'll take an opportunity for any public comment, not specifically for the agenda tonight. Not seeing a whole lot of other people, I'm going to say no.

Break in sound

Jessie Dixon: I move to approve the agenda.

Jaret McDonald: Move and a second, thank you. How about approval of the minutes from last time.

Jessie Dixon: I move to approve the minutes.

Ashley Mamula: I will second.

Jaret McDonald: We have a second. All right, good. That brings us into ... we okay, James? We had a first and a second, that's fine.

Now at this point, we're going to go ahead and move on to our main matter this evening, which is our hearing. Next item on our agenda is a public hearing for Case #WVR2017-0042 for an application for a waiver at a property located at 3522 Questa. The commission's decision on this case must be based on criteria contained in the chapter 16 of the county code known as the Development Code.

The issue is to be decided at this hearing is whether to approve, approve with conditions, or deny an application for a waiver at 3522 Questa.

Planning and Zoning Commission is charged with making this determination based solely upon the criteria adopted by the county commission set out in the development code.

Testimony will be limited by the chair of the commission to the subject matter of this case, which means that we will hear testimony that relates to criteria for the approval that is set out in the development code. Copies of the criteria are available at the recorder's table. The chair may limit redundant or repetitive testimony.

The commission will accept the following documents as exhibits and incorporate them as part of the record for this case. Unless a valid objection is raised, parties have had their opportunity to have their exhibits in advance, are unable (aren't able or are able) to use them during the presentation as desired.

Number one, application to staff report, three, exhibits from the staff report, and then just recently today, we now have a memorandum and an aerial photograph, which is additional information. Correct? Additional exhibits may be proposed by any party as part of their presentation. The chair will either admit or exclude those items as they are presented. If an exhibit is excluded, the chair will still maintain a copy of excluded exhibit to keep part of the record.

Hearing procedures tonight will be conducted under New Mexico case law. The procedures are intended to protect due process rights of all parties. Parties and witnesses will be identified. All persons who expect to offer testimony will be sworn in. Testimony will be given under oath. All persons offering testimony will be subject to cross-examination by other parties. Please remember that the purpose of cross-examination is to ask questions and to solicit relevant facts from the witness, not to be argumentative or to state your own position.

The commission intends to limit testimony to information relevant to the matter being considered, and the commission chairperson may limit redundant or repetitive testimony.

Parties in this case include: Mr. Ari Swartz, the community development staff will assist the commission in carefully developing the record. Other persons, in addition to the applicants, including property owners within three hundred feet of the boundary of this property under consideration, and those who have legally recognized interest to this case may also be recognized as parties. Parties may call witnesses to present facts to support the parties' position. If you wish to speak tonight at this hearing and believe you have a direct interest in this case and want to be recognized as a party, please come forward to the microphone now.

So, Mr. Swartz, if you don't mind, please come up, state your name and your address and present your interest in the outcome of this case. This

isn't the opportunity for you to present your whole case. This is just a formality. So, name, address and interest in the case, please.

Ari Swartz: Ari B. Swartz, 3522 Questa, property homeowner.

Jaret McDonald: Thank you. We'll have you right back up in just a minute.

The chair will now poll the commission as to potential conflicts of interest or ex parte communication. Does any commissioner have a potential conflict of interest in this case? If so, please disclose that interest. Seeing none. Are there any other commission members who would like to make a disclosure? Still seeing none. Has any commissioner received any ex parte communication regarding this case? Ex parte communication means a discussion about a quasi judicial case with an applicant or other outside the normal official PNZ meeting process. If so, please disclose those communications. If so, no? Has any commissioner reached a decision on the merits of this case based on a result of an ex parte communication? Seeing none.

Swearing of witness. Will the commissioner recorder please swear in all persons who wish to testify?

James Naranjo: Those who wish to give testimony at this hearing, please raise your right hand. Do you affirm under penalty of perjury that the testimony you are about to give in this matter is the truth, the whole truth and nothing but the truth.

Tamara Baer and Ari Swartz sworn in.

Jaret McDonald: Thank you. We'll start out first off with a presentation of the applicant. Mr. Swartz, now is your time to discuss with us what you are wanting to do, how you want to do it, and why you want to do it.

Ari Swartz: Thanks for the time.

The application I made because for a variety of reasons, but initially, it's for safety and health of my family. Myself, I actually tripped and hurt myself once going out to the car, and I want to put something to get the snow and the ice off the driveway. So I looked around for a convenient way to do that, and I found a pre-manufactured two-car, single slope carport. I made the application, knowing that it was outside the zoning boundaries for the setbacks.

Speaking to the setbacks – those were imposed upon the properties there after the properties were actually built. Because historically, they didn't actually have those. My property will not meet the setback on all different sides, and that's very common for that location.

To speak to what has been allowed in the past. I just did a quick drive around the area within a two-block radius, and I have some pictures, and some addresses on the back. You can see, for example, let me show you this one, pass this around.

This is at 3476 Pueblo Street.

Jaret McDonald: Mr. Powers, do we need to enter this into evidence then?

Kevin Powers: Yes, if you want to take a look at it, and if you feel its part of the record, you can mark it and enter it into the record. Mr. Swartz, is that what you'd like to do?

Ari Swartz: Yes I would.

Kevin Powers: Is this picture a picture you took, or someone else?

Ari Swartz: Yes it is. It's a picture I took.

Jaret McDonald: That being said, we'll go ahead and enter that into evidence.

Ari Swartz: This one is at 3530 Pueblo ...

Jaret McDonald: To be, oh I'm sorry. You're doing your presentation. I'll ask questions later.

Ari Swartz: What I'm showing you here is the actual carports themselves that have been installed. 3440 Questa, this is down the street from me. There's more here, and I'll be happy to share them with you, that are within the same area. They're all on the property boundary. 3574 Questa, 1624 37th Street, addresses are on the back.

I'm just going to pull up the most pertinent ones. Then there was a question about privacy or – let's see how it was stated ... as far as the application. It may impact the adjacent property based on potentials for privacy, decrease natural light, casting unwanted shadows. And so, in addition to those, this is also some items that I wanted to put into evidence. Because these residents are, again, really close. Three pictures of 1671 36th Street, with a view obstruction. And 1628 36th street, with a view blockage. These are all allowed.

The last one I'm going to put in is just – I don't know exactly why it's there. This is 1636 Ridgeway. This is on the property boundary. But that one is also there.

I'm not say that everyone got permits for these, like I'm not sure that that transportainer is permitted, but I'm sure that a lot of these were permitted, if not the majority. The same issues have arisen previously through the county. Even on my street, my local neighborhood, and on my street. I'm just looking to do the safe and right thing at a reasonable cost.

That's all I have.

Kevin Powers: Chair McDonald and board members, I am marking these, starting with applicant's exhibit one, it looks like we're going to go through, 8, 9, and 10. So just for the record, we'll have them recorded.

Jaret McDonald: Thank you. At this point, do we have any cross-examination of the applicant by staff?

Tamara Baer: Thank you, Mr. Chair. Mr. Swartz, may we keep these photographs or ...

Ari Swartz: Absolutely.

Tamara Baer: Thank you. The address is on the back, so we'll be able to identify them. When you say that you're sure that many of these have been permitted, did you ...

Ari Swartz: I said I'm not sure if they have been permitted or not, but I can't imagine all of them having not been permitted at some time ... I do not know for sure ... I didn't have time to check the record.

Tamara Baer: But you don't know for sure what was permitted ... what wasn't ... Thank you.

Jaret McDonald: Commissioner questions at this point of the applicant and applicant's witnesses, please. Yes ma'am.

Ashley Mamula: I'm looking at the pictures on exhibit 5, exhibit D. So this is your, I'm just making sure I understand. This is your home here, and this is your property, that's your, I mean, the car on your property ... okay ... and so that goes right up. I'm assuming your lot line is probably where the grass starts ...

Ari Swartz: *replying affirmatively throughout above* ... It's pretty close to that, yes. If you notice from the aerial that was just submitted, it's sitting right next to you, the, it's not a square plot. And so, if you take a straight line from where the storage shed is, which is a setback, and you run that out to the street, it basically almost ... the dimension reduce as it goes farther out.

Ashley Mamula: And then, the side setback looks like it goes to a kind of a little yard. And this neighbor, have you had, has this neighbor talked to you about this at all. Is this the, it's a different address.

Jessie Dixon: It's a different letter, in your packet that you have ...

Ashley Mamula: So that's a different, Susan, and she's your next door neighbor.

Ari Swartz: She's the neighbor that you see in the picture, with the grass, right next door.

Ashley Mamula: I was just concerned. It looked like that's going to kind of go to those windows.

Ari Swartz: Yeah, I talk to her about it specifically because of that. For one thing, those windows can't be used for egress. You can't have bedrooms,

because those are too small for egress. But secondly, she said that, if it was her choice, she'd put one up as well.

Jessie Dixon: What rooms are there, do you know.

Ari Swartz: I don't know. I know that she said that those windows, just by the size, those aren't meant for egress.

Ashley Mamula: The front setback, you're going a little bit – you want to go into the front setback as well. So it's a no-no. It's only into the side setback.

Ari Swartz: Only the side.

Jessie Dixon: Are you already parking like on the, it looks like you might be already parking on the parking line. Does that matter ...?

Ashley Mamula: I thought I read it here that it was a few feet into the front setback. So I guess I just read that wrong. So you're really only asking for ... a waiver ...

Ari Swartz: Nine foot setback from the front, and then showing the setback is, on the easement to my next door neighbor is where it would be doing

Ashley Mamula: Okay, so the nine foot setback is ...

Ari Swartz: is maintained

Ashley Mamula: and it's open carport that's permitted. That's where I'm getting the difference. I think that's all I have for now. Thank you.

Jaret McDonald: Commissioner Dixon.

Jessie Dixon: Just wondering if you, it looks like you're maybe already parking on the property line. So it might, and is there rules against that, parking within the setback.

Kevin Powers: It is a fair question, which is a valid question to be asked. I think staff would be ...

Tamara Baer: Mr. Chair, Commissioner Dixon, there's no reason you can't park on the property, as long as you're not encroaching into, your car is not hanging over the property line or impeding the sidewalk or anything. There's no reason you can't park on the property.

Jessie Dixon: Are there lights on the carport.

Ari Swartz: No. The only lighting would be the lighting that is on the building. My next door neighbor has put out some remote, self-contained lighting systems you stick in the ground, but that's nothing.

Jaret McDonald: Commissioner Mamula.

Ashley Mamula: I wanted to, I was wanting to look real quick to your, the carport that you had shown in here. Where is the slope to this, does it slope forward.

- Ari Swartz: It's sloped one way, and it will be going away from the house to the property boundary, but those can also be purchased with downspouts, so they can contain the runoff and duct it away.
- Ashley Mamula: I guess that would be my other concern, since it looks like the neighbor to your, I don't know what direction ...
- Ari Swartz: West.
- Ashley Mamula: That neighbor that, in the, to the west.
- Ari Swartz: When you're looking at the pictures of my house, you're looking north.
- Ashley Mamula: You get a lot of morning sun, I guess.
- Ari Swartz: She does.
- Ashley Mamula: I was just thinking if your drainage is going towards her, that's a pretty small setback she has from her house, and in bad weather there could be snow and ...
- Ari Swartz: I understand what you're saying. There's no, how can I say, there's no traffic area on her side on that part of the house. So it's not used. I mean, there's a driveway on the other side of the house, much like mine, because these are replicated types of housing. So mine is very much like hers. The one side on my east side, much like hers, has less than five foot setback.
- Ashley Mamula: Thank you.
- Jaret McDonald: Mr. Swartz, just to be clear. If I'm not, so this is sort of a two-fold question. Majority of it is to you, but to verify. Transportainers, like we saw in the picture, if I'm not mistaken, are basically considered temporary structures, is that accurate.
- Tamara Baer: Mr. Chair. You would have to have a special use permit in order to have a transportainer on your property. Usually, they're bigger than what a shed would be ... am I correct ... yeah. I'm not familiar with the location of that transportainer, but it looks to me like it would not have been allowed ... without a temporary use permit, which, if somebody is just moving things in, for example, or they have construction going on, it's possible they would be allowed to have a transportainer temporarily, but it's a special use permit.
- Jaret McDonald: Thank you very much. So, Mr. Swartz, just to be clear. The pictures that you were showing us, you believe that a lot of these are basically violating the same sort of thing that you're asking for.
- Ari Swartz: They're showing the same type of property usage that I am asking for, yes. Except for the transportainer. I'm not asking for that ... the rest of them are showing carports, specifically, they're on the boundary through the property, and they're showing the blockage of the view and the sun and that kind of stuff.
- Jaret McDonald: Commissioner Mamula.

- Ashley Mamula: I'm thinking of these questions, I had a whole lot of time to study this, I apologize, so be really patient with me if I keep coming back. Did you consider when you were looking for a carport doing something was, because you're doing a two-car carport ... did you consider doing something that was narrower and even deeper, where you wouldn't be encroaching on the setback, but you could ...
- Ari Swartz: I did look at that, and they do have customs. The reason I went with this one was because it's actually meant to be a two-car for entrance in the other way. It's meant to be entranced in the long direction, not the short direction. Okay.
- When you start doing that, if you do longer and longer and narrower and narrower, that means, to get the first car out, you have to move the second car. And so the reason we have at least that width is so that I can pull either car in or out. And they are staggered, you couldn't even open the doors on the cars if you were to park them next to each other.
- Ashley Mamula: On this one that you're ...
- Ari Swartz: That's correct. That's why they have to be staggered.
- Jaret McDonald: Commissioner Dixon, did you have... No?
- Jessie Dixon: I'm having a hard time understanding your explanation though. Are you planning on parking your cars next to each other?
- Ari Swartz: No, I can't.
- Jessie Dixon: You're not.
- Ari Swartz: You have to park them staggered, because the lot is narrow there. And I have to do the same thing with the carport. The carport has to be narrow. If I make it too narrow, then I can't stagger them. I have to put them in line. And then, I can't move the one out unless I move the other one out. Which means, if I'm not up in the morning, the other car doesn't leave, the wife doesn't leave, that kind of stuff.
- Jaret McDonald: Further questions ... seeing none. We move on to the staff presentation.
- Tamara Baer: Thank you, Mr. Chair. We've gone over a lot of the particulars of what's being proposed. I would call your attention to just a couple of corrections. The most recent exhibit on the aerial, you can see the property lines, they're faint, and so they're hard to see. But you can see that the property line on the west, which is where the carport would be going, does actually, the pad, or whatever that is, from the house next door, encroaches a little bit into Mr. Swartz's property. So when we're talking about the carport that's being requested, it would actually be six inches, approximately six inches away from that property line. Might even overlap where that encroachment is.

Again, it was, it's not an issue in terms of the setback from the front. You are allowed to encroach forty percent into the front setback with an open carport. That's not an issue. And that's what is being proposed.

The lot coverage is not a problem either. It would meet the lot coverage.

This is one of the Denver Steel's so as you I'm sure know, they're small houses, they're small lots, they were built in the '40s. And as Mr. Swartz pointed out, they were built without garages or carports. Some of the houses in the vicinity have carports and/or garages.

But we're not, I can't speak to whether any of them were permitted or not. If we had had those addresses earlier, we could have checked. It's possible that, well, I know at least one, which is the house on the other side, on Ridgeway, that was built prior to when the code came into effect, which is in the '60s, and so it's legally non-conforming. It's possible that some of these others were as well. If they predated the code that means that they were legally nonconforming. They don't conform to the code now. If they were to be removed, they could not be replaced, except in conformance with the code. So I really can't speak to how many of which of those are legal or not legal. I wouldn't know without doing more research.

One of the points that we'd like to make is that typically waivers are given, this is not in the code, but this is kind of practice. Waivers are typically given for the least amount that is necessary to resolve a particular situation. And so, when we looked at this and spoke with Mr. Swartz about it, we asked if he would consider doing a narrower carport and that it wouldn't encroach into the side setback. But as he explained, that wasn't something that he chose to do. He preferred to ask for the waiver as it is.

There are four criteria that have to be met in order to grant a waiver, and you have to meet all of them, not just one of them.

The first one has to do with utilities. That's not an issue.

The second is always the one that's tricky. It says that it can't, the request can't be caused by a – rather, it is caused by a practical difficulty or hardship inherent in the lot or the lot improvements. And it isn't something that's been self-imposed. So arguably, there's nothing in particular in the lot, other than that it's narrow and small. As are all of the lots in the vicinity. The request for the carport is something that the applicant, the owner is asking, it's outside of that parameter.

The third criterion that has to be met is that granting the waiver doesn't create a health or safety hazard. It's not clear how you can have a carport that close to a property line and not have it drain onto the adjacent property. I'm not familiar with how gutters and downspouts could be installed. But it seems to me that they would then, if they would be draining onto the street, then you're causing the possibility of ice forming

on the sidewalk or even on that pad. Just the configuration of the lot and the proposed carport, I think would make it really difficult not to drain onto the adjacent property, which we wouldn't approve through a building permit. Maybe it could go toward the back and then off into a corner. I'm not sure about that.

The last criterion has to do with any potential negative impacts on, physical impacts on properties within a hundred yards. Of course, the one that we're mostly concerned about is the property immediately next door. That neighbor has said that she doesn't mind having the carport where it's proposed. But that neighbor and maybe even this current owner won't always be there, and we're approving something for the long term.

I would call your attention then to immediately after – this is part of exhibit one – after the deed to the property, there is the survey that shows where the carport would be located. So it's a little hard to read, but you can see immediately to the west, that's what the carport would look like in relation to the property line. It says, Precision Surveys on top, Commissioners. Closer to the front as part of exhibit one.

And so that really essentially represents six inches from the property line. I think that's the good visual to understand how close it would be.

And then I would call your attention to just past the neighbors, the lists of neighbors who were noticed about this. Is the IDRC report. It was unanimously recommended for denial, simply because we just didn't feel that it met the criteria. And that it didn't meet the hardship criteria, and that there was an opportunity to construct a carport that wouldn't have required a waiver.

And then starting on exhibit five. Again, this is the west side of the property. You can see where the carport would be. The property line is actually beyond that curb with the rocks in it. So it's a little bit closer than that curb. And so the actual carport would be closer to the adjacent house than that curb is. It would be less than eight feet from the side of that house. Outside, eight feet really is not a significant distance.

The case was properly and sufficiently noticed, as required by code, and we, the IDRC does recommend denial. Sorry. Thank you, that concludes my report.

Jaret McDonald: Thank you very much. At this point, we're going to move on to cross-examination by parties.

Ari Swartz: Four points for approval or denial. Utilities, no issue. Two, practical difficulty. No expert witnesses available to make absolute determination. Is that correct?

Tamara Baer: Mr. Swartz, I would not agree with that. I think that's a judgment call and that's one that's made by the staff, and we've made that call. We are the expert witness.

- Ari Swartz: You are the expert witnesses. Okay. I was thinking of it in terms of more practical difficulty, rather than compliance with code. Practical difficulty, as I stated. If I was to rework the carport, it would have to extend much farther, and I would have to do groundwork to do that, because it's sloping. It slopes from the back to the front.
- The water runoff, for the potential negatives, for the health or safety item, three. The water runoff from the drainage goes to the street anyway. Okay. The sufficiency of any guttering would be by the design agency for that shed. It's already rated for snow ___. I don't think there's an issue.
- Kevin Powers: I'm sorry, Mr. Swartz. Chair McDonald, this is more a closing statement ... if you have any questions ...
- Ari Swartz: I do.
- Kevin Powers: That's probably the more appropriate. I think you'll be given additional chance to respond to some of these in just a few minutes
- Ari Swartz: Let me just ask it this way. Is it true that the drainage and the runoff from the current property would go to the street?
- Tamara Baer: I don't know that, I'm sorry.
- Ari Swartz: Okay. So you can't make a determination on it.
- Tamara Baer: Mr. Chair, it's something that we would look at if this went to building permit.
- Ari Swartz: As far as it's long term use, I would think something that increases the property value would be of benefit to the long term use. Is that not correct.
- Tamara Baer: Mr. Chair, I can't speak to property value in the relationship of a carport as it affects property value.
- Ari Swartz: No other questions.
- Jaret McDonald: At this point then, we were going ahead and move on. If there are commissioner questions of the staff and witnesses at this time.
- Jessi Dixon: I just wanted to clarify on the IDRC report, it said that, Mr. Martinez said that, roof drainage shall not discharge onto neighbor's property. So he was not able to determine whether or not it would happen. He's just saying it cannot, if the waiver passes, it can't happen.
- Tamara Baer: Mr. Chair, Commissioner Dixon, that's correct, and we'd look at that, he would review the building permit at that point.
- Jaret McDonald: Commissioner Mamula? Okay. Presentation of other parties and their witnesses at this time. This is where the public can express their opinion or comment, not during cross-examination, not seeing a ... yes ma'am, sir.
- Kevin Powers: In both the staff package and in a memorandum we received tonight, there are recommendations for approval of this application. However, since

those witnesses, it's not a bad thing when I say this. As we don't have them here tonight to express their opinion, you need to give it the weight that you see appropriate. It's always better to have them here, saying it in person. We know who is making the comment, and they will testify under oath that that's them. But just letting you know, you take those as you see appropriate.

Jaret McDonald: Yeah, thank you. Commissioner?

Ashley Mamula: Can I ask a question of the person who's not here. The recent letter that came in that's from a different address. Is she just within the – how does this address, what's the relationship of this address to the property. It's on Pueblo.

Kevin Powers: I was trying to track that down a little bit, just to make sure that that address is within the three hundred feet ...

Tamara Baer: Mr. Chair, Commissioner Mamula, she is within the three hundred feet, yes.

Ashley Mamula: Thank you.

Jaret McDonald: The cross-examination by staff of other parties. Commissioner questions of the party and witnesses. Only questions. Seeing none. Commission may allow parties to make rebuttal presentation. Another opportunity, if you would like to, Mr. Swartz, we would be happy to listen to you. Any party making rebuttal presentation will be subject to cross-examination by other parties and further commission questions. ... Okay, thank you. That's good.

Commission may recall parties for witnesses for further commission questions. Seeing none. At this point, I'm going to close this public hearing to the receipt of evidence and ask the commission to only make and discuss a motion on this case.

If the case is complex, one or any commissioner so request the chair can recall a brief recess to allow the drafting of motions. If we need to. At this point, I would to see a commission member make a motion.

Jessie Dixon: Let me find the page. I move that the Board of Adjustment deny case #WVR2017-00042, with the finding that it does meet the criteria of Section 16-157, for the following reasons.

One, the applicant has not demonstrated that the request conforms to criterion of 16-157 of the development code, which states that the waiver request is caused by a practical difficulty or hardship inherent in the lot or lot improvements, and the difficult or hardship is not self-imposed.

Jaret McDonald: Motion made by Commissioner Dixon. Do I have a second ...?

Ashley Mamula: I'll second.

- Jaret McDonald: We have a second. There is discussion for this motion, chair accepts motions to amend if necessary, and votes on the amendments prior to voting on the main motives. Friendly amendments may be accepted by the maker of the motion. It may not require a vote. Do we have any discussion?
- Ashley Mamula: I feel like, I understand these lots, like I understand this, because I think this happens a lot in Los Alamos. It looks like in your neighborhood, you're also looking at a lot of things in the neighborhood that are, that people are trying to figure out a way to make this work with their cars and having that kind of, not really storage, but safe car storage. But I feel like the um, because it goes right to the property line of the neighbor, and not knowing what kind of detriment that could have on not just this neighbor, but in the future. And that there could, there could be another way to do it. It's not the, it's not the most preferable, but there is another way to be able to do that.
- I think those are the, probably two of the reasons for me.
- Jaret McDonald: Mr. Powers, there has been a request from the audience, I guess, to speak. At this point, is he, can we listen to that, or, I mean, is this not part of the discussion.
- Kevin Powers: Unfortunately, a motion is on the table. Until that's sort of resolved, it's ...
- Ari Swartz: *(not at a microphone)* can I, motion, say something on the motion.
- Kevin Powers: I'm afraid, Mr. Swartz, it's not, I think you have to, unfortunately, the hearing is closed. You have to decide on the evidence ...
- Jaret McDonald: Closed on receipt of evidence at this time, Mr. Swartz, I'm sorry.
- Jaret McDonald: I'm afraid, we'll have to go forward. However, we will get the reading of the appeals criteria here shortly. At this time, what I would like to do is, I'd have the recording clerk take a role call of the commission, please.
- James Naranjo: Commissioner Mamula ...
- Ashley Mamula: On the motion?
- Jaret McDonald: On the motion, excuse me, yeah.
- Ashley Mamula: Yes.
- Kevin Powers: You're approving the motion as stated ...
- James Naranjo: Commissioner Dixon.
- Jessie Dixon: Yes.
- James Naranjo: Chair McDonald
- Jaret McDonald: Yes.
- James Naranjo: Motion is approved unanimously.

Jaret McDonald: Thank you. Any action by the Planning and Zoning Commission, or Board of Adjustment, in granting approval, condition approval, or disapproval of any application may be appealed by the applicant, any aggrieved person, by any member of the County Council or the County Administrator to the County Council within fifteen calendar days are pursuant to this Section 16492 of this chapter.

So at this point, we will continue with the remainder of what we have to do on our agenda this evening. The first one is, do we have any other public comment this evening. Seeing none.

At this point, can I have a motion for adjournment, please?

Jessie Dixon: I move to adjourn.

Ashley Mamula: I will second.

Jaret McDonald: All those in favor, okay, good. We are adjourned. Thank you.

Kevin Powers: If you want to talk with us, that's fine, but just in case ...

Ari Swartz: Yeah, it's just that I was going to mention that, to make a motion to change the motion, was to say, evaluate the housing that I put into evidence to show how those were permitted or not.

Kevin Powers: Just in case you want to come back to them, I don't want to prejudice their opinions, which would make them recuse themselves from hearing it again. So if you want to step out. All right ...

End of recording at 40:35

Transcribed by Kay Carlson Word Processing on August 14, 2017

Corrections by James Naranjo August 15, 2017

Jaret McDonald, Chair

Date



County of Los Alamos

Staff Report

September 11, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Legislative File: **9876-17**



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: September 11, 2017
Subject: Case No. WVR-2017-0043
Owners/Applicants: David and Linda Bates, Owner/Linda Bates, Applicant
Property Address: 3212 Woodland Road
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Planning Manager

Case No. WVR-2017-0043: Linda Bates, the property owner and petitioner, is seeking 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-five (25') feet, to seven (7') feet. The purpose for requesting a waiver is to permit construction of a fenced deck which will be attached to the front of the existing residence. The property is located at 3212 Woodland Road; in the NORTH COMMUNITY 2 Subdivision, Lot: 49; 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-2017-0043, a request for approval of a waiver from the requirements specified in Article XIII, Site Development Requirements, from a minimum front yard setback requirement of twenty-five (25') feet, to seven (7') feet, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following condition:

1. If the waiver is approved, the applicant shall apply for and receive a Building Permit prior to commencing construction activities.

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2017-0043 with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

1. The applicant has not demonstrated that the request conforms to criterion (b) of §16-157 of the Development Code, not having shown a practical difficulty or hardship inherent with the lot; and is therefore self-imposed.

I. Summary

The applicant is requesting a waiver to allow for the construction of a fenced deck which will be attached to the front of the existing residence. The proposed deck will measure ten (10') feet in width and project nine (9') feet

out from the residence. The applicant states that the deck will be elevated to match the floor grade of the residence, and that steps will be constructed on the west end of the deck (the side closest to the existing driveway). The applicant also states that the deck may be constructed to or retrofitted to be ADA-compliant.

The residence was constructed in the 1940s, prior to the adoption of the Development Code. The minimum front yard setback identified in the R-1-8 Residential zoning district rendered the existing front yard setback Legal Non-conforming when the (initial) Development Code was adopted in 1965. The measured front yard setback for this lot is sixteen (16') feet. The deck is proposed to project nine (9') feet into this existing setback, thereby creating a new front yard setback of seven (7') feet.

There is a five (5') foot wide Utility Easement that traverses the property and that runs parallel to the public sidewalk. This easement also runs northward along the eastern property line and across a section of the rear yard of the subject property. No portion of the proposed construction will encroach into this Utility Easement.

Many other homes along Woodland Road and in this neighborhood are also considered to be Legal Non-conforming with regard to the front yard setback, as they were constructed prior to adoption of the Development Code.

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. Locator found no intrusions. (Locator #NM811; Ticket #17AG030516)

Staff Response: There is a 5-foot wide Utility Easement traversing the property, located adjacent to and parallel with the public sidewalk. The proposed construction will not be placed over any portion of 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: Cement is crumbling on deck and steps need future handicap access when stairs are covered with a ramp.

Staff Response: The residence was constructed several years prior to the adoption of the Development Code. The location of the residence on the property provides a front yard setback of only sixteen (16') feet, which renders the subject property Legal Non-conforming with the minimum yard requirements specified within the Development Code. The placement of the residence on the subject property coupled with the location of the front doorway precludes the applicant from constructing the deck that meets the site development requirements.

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

Applicant Response: No.

Staff Response: Staff has verified that there are no issues with sight visibility since the subject property is not a corner lot. 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: No.

Staff Response: The proposed deck constructed in the location illustrated on the site plan should not create any negative physical impacts to the subject property or to any properties in the immediate vicinity.

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 24 August 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, per the requirements contained in Article V, §16-193 of the Los Alamos County Development Code.
2. This petition was discussed in a Special Meeting of the Interdepartmental Review Committee (IDRC), on Friday August 25, 2017. At this meeting, the IDRC voted 4-0 (with 2 members abstaining) to forward the application to the Board of Adjustment for a public hearing.
3. This and adjacent properties are commercial and are Zoned R-1-8 (Single Family Residential).
4. The subject property is located in the NORTH COMMUNITY 2 Subdivision, Lot 49, which contains 6,440 Ft² of area. The existing residence contains 1,694 Ft² of area, thereby yielding a lot coverage factor of 26.3%. The applicant owns the subject property.
5. The proposed deck measures ten (10') feet in length by nine (9') feet in depth, and will contain approximately 90 Ft² of area, less the steps leading from the deck to the ground.
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 setbacks of ten (10') and five (5') feet. The existing single family residence occupying the subject property is compliant with the rear and side yard setbacks; however, it is not compliant with the front yard setback requirement. Therefore, the subject property is considered to be Legal Non-conforming with regard to the front yard setback requirement.
7. Per §16-537, the minimum required front yard setback for structures in an R-1-8 (Single Family Residential District) zone is twenty-five (25') feet. The existing residence is set back approximately sixteen (16') feet from the front property line. Approval of this waiver will allow the petitioner to construct a deck that will encroach 56.25% by distance into a portion of the existing 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.

II. Exhibits

- | | |
|-----------|--|
| Exhibit 1 | Application, Site Plan and Rendering |
| Exhibit 2 | Vicinity Map/Aerial Photo of the subject property |
| Exhibit 3 | List of property owners of record within 100 yards of subject property |
| Exhibit 4 | Interdepartmental Review Committee (IDRC) Report |
| Exhibit 5 | Photographs of Subject Property, Staff (7) |

Exhibit 6 Photographs of decks employing a similar construction as that being proposed, Applicant (2)
Exhibit 7 Letters received from adjacent property owners (6)

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:

12 ft waiver to a 25 ft front set back
for deck

Address of Property to which the Waiver Request applies:

3212 Woodland Road

Zoning District: R-18 Acreage: .14 Lot Coverage: 26% Related Applications (if any):

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

Name: LINDA BATES Phone: 505 662 3105 Cell #: _____
Please Print

Address: 3212 Woodland Road Email: l.bates.bank@gmail.com
Linda Bates 8-7-17

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: 6-7-17

Staff Initial: JN.

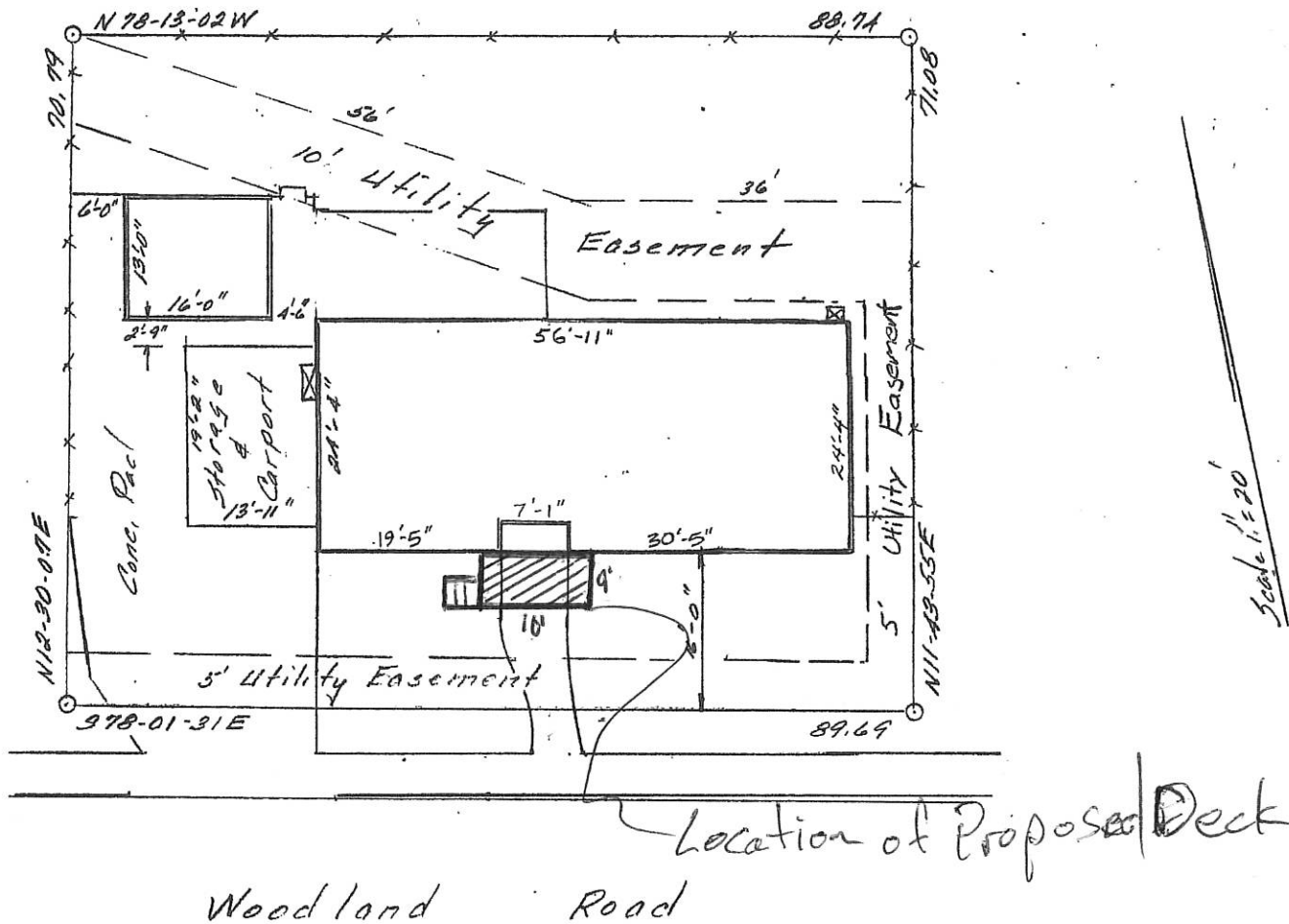
CDD Application Number: WVR-2017-0043

Fees Paid: \$250.00 - #4999

CERTIFICATE OF SURVEY

I, JOHN R. MENDIUS, a duly registered Land Surveyor under the laws of the State of New Mexico, do hereby certify that on the 2nd day of November, 1993. I did check the boundaries of that certain piece of property standing in the name of Mr. & Mrs. David E. Bates
3212 Woodland Road Los Alamos, New Mexico
 and more particularly described as follows; to wit:

Lot No. 49 - North Community No. 2, County of Los Alamos, State of New Mexico shown by map or plat thereof, filed in the office of the Clerk of Los Alamos County, New Mexico on the 1st day of November, 1965 and officially of record in Book 1 - Page 69, Plat records of said County.

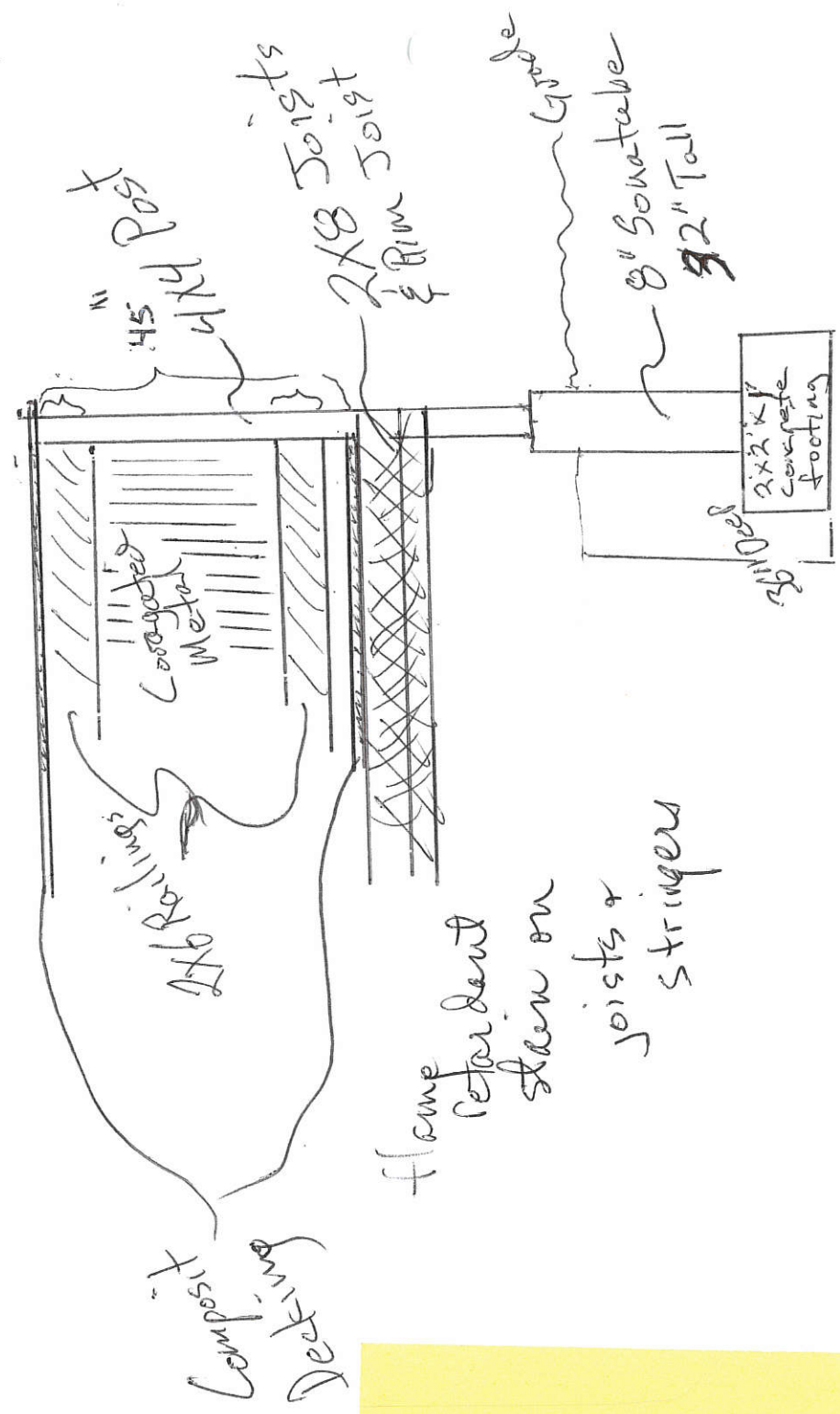


This property is not located within a designated flood plain area as per "Flood Hazard Boundary Map," Community Panel No. 350035-0001-A, U.S. Dept. of Housing & Urban Dev.

That no encroachments exist on said property; that, to the best of my knowledge and belief, all restrictions applicable to said property have been complied with; and that the building....thereon situate fall....within the exterior boundaries

3212 Woodland Rd
 Dave & Linda Bates

Deck Size - 9' x 10'
 5 stairs with 11 1/2" Run & 6" Rise



FRONT YARD = 16'
 DECK PROTRUDES 9'
 FINAL SETBACK = 7'
 1-1-8 CALL FOR 25'

3232
WOODLAND
ROAD

3215
ARIZONA
AVE

3205
ARIZONA
AVE

3212
WOODLAND
ROAD

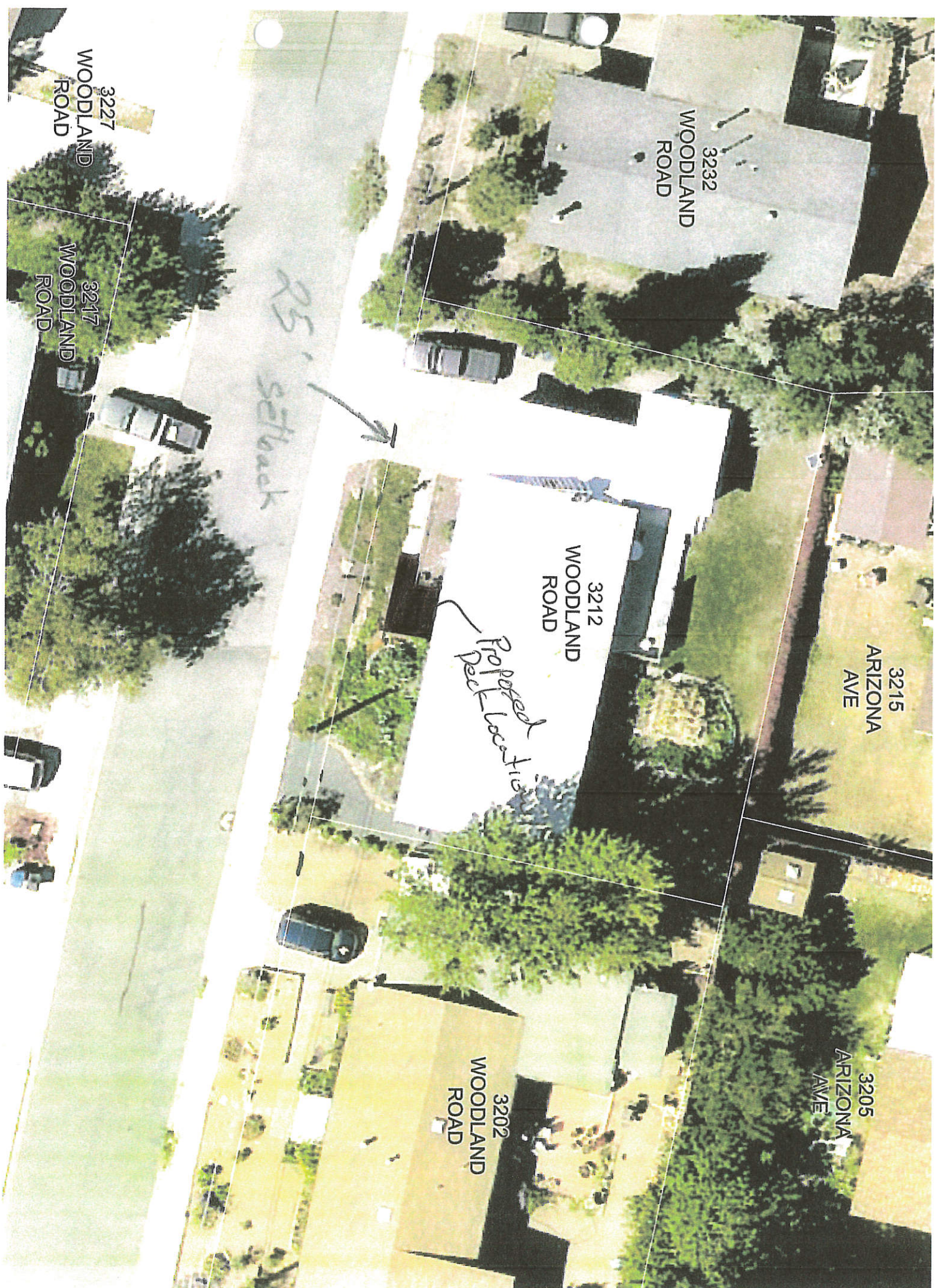
3202
WOODLAND
ROAD

3227
WOODLAND
ROAD

3217
WOODLAND
ROAD

25' setback

Proposed
Pool location



An aerial photograph of a residential neighborhood with property lines overlaid in red. A red circle highlights a specific area, and a yellow rectangle highlights the property at 3212. The map shows various houses with their addresses labeled. The highlighted property is located in the center of the circle. The surrounding area includes other houses, a road, and some open land. The addresses visible on the map include 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 3187, 3167, 3147, 3127, 3107, 3087, 3067, 3047, 3027, 3007, 3260, 3240, 3220, 3200, 3180, 3160, 3140, 3120, 3100, 3080, 3060, 3040, 3020, 3000, 3272, 3235, 3215, 3205, 3195, 3175, 3155, 3135, 3115, 3095, 3075, 3055, 3035, 3015, 3247, 3262, 3232, 3212, 3202, 3192, 3172, 3152, 3132, 3112, 3092, 3072, 3052, 3032, 3012, 3227, 3217, 3197, 318

1:2,257

0 0.0175 0.035 0.07 mi

0 0.03 0.06 0.12 km

Created by: Los Alamos County
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LOS ALAMOS SCHOOL BOARD
2075 TRINITY DR
LOS ALAMOS NM 87544

MARSHALL NICHOLAS R & KALDI BARBARA
3215 ARIZONA AVE
LOS ALAMOS NM 87544

STIDHAM TONY & ZANDREE
3172 WOODLAND ROAD
LOS ALAMOS NM 87544

LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544

TRUJILLO THOMAS M
3205 ARIZONA AVE
LOS ALAMOS NM 87544

WEISS MICHAEL R & MELISSA K
3152 WOODLAND ROAD
LOS ALAMOS NM 87544

SCHAKE BRADLEY S & ANN R
3260 ARIZONA AVE
LOS ALAMOS NM 87544-1518

TALLEY DANIEL
3252 WOODLAND ROAD
LOS ALAMOS NM 87544

APGAR SHELDON K & CARRIE D REVOC
3227 WOODLAND ROAD
LOS ALAMOS NM 87544

MCDUFF GEORGE GLEN
3240 ARIZONA AVE
LOS ALAMOS NM 87544

COLLORD CHRISTOPHER A & BLACK KRISTA
TRUST
3195 ARIZONA AVE
LOS ALAMOS NM 87544

REDDICK GARTH E & LISA L
3217 WOODLAND ROAD
LOS ALAMOS NM 87544

CHAMBERLIN JOHN W & REBECCA M
3220 ARIZONA AVE
LOS ALAMOS NM 87544

MCKAY MICHAEL D REV TRUST
3175 ARIZONA AVE
LOS ALAMOS NM 87544

HOFFMAN EARL W & LINDA L
3197 WOODLAND ROAD
LOS ALAMOS NM 87544

NICKLESS DAVID J & CATHARINE L REVOC TRUST
3200 ARIZONA AVE
LOS ALAMOS NM 87544

ROBERTS ERIC A TRUST (TRUSTEE)
3232 WOODLAND ROAD
LOS ALAMOS NM 87544

ROBINSON JIM & LISA
3202 B WALNUT ST
LOS ALAMOS NM 87544

ANKENY LEE A & KATHERINE M
3180 ARIZONA AVE
LOS ALAMOS NM 87544

TORRES DONALD L & ALEI MARY F REVOC TRUST
3247 WOODLAND RD
LOS ALAMOS NM 87544

FURST ROBERT P JR & BARBARA J R
PO BOX 609
SANTA FE NM 87504

NETUSCHIL THOMAS R & MARY ANN
3160 ARIZONA AVE
LOS ALAMOS NM 87544

COLEMAN A REVOC TRUST
3155 ARIZONA AVE
LOS ALAMOS NM 87544

SODERBERG CHARLES & CONSTANCE
3272 WOODLAND ROAD
LOS ALAMOS NM 87544

SHULTZ BUD L & DEBORAH C
3192 WOODLAND ROAD
LOS ALAMOS NM 87544

CASPERSEN ALEC R & DEANN & JASON & ALAN
360 BRYCE
WHITE ROCK NM 87547

STANLEY MICHAEL W & MARY P
3202 WOODLAND ROAD
LOS ALAMOS NM 87544



IDRC REPORT

Case: WVR-2017-0043

Date of Meeting: August 25, 2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved conditions	Denied
M. Arellano /	Building	X	Abstained			
T. Baer /	Planning	X		X		
D. Erickson	Traffic					
P. Guerrerortiz/	Utilities	X		X		
A. Gurule /	Env. Serv.					
E. Martinez / B. Aragon	PW	X	Email from E. Martinez received 8-15-17. No comments or conditions.	X		
A. Millmann / J. Naranjo	Planning	X		X		
S. Rinaldi /	Fire	X	Abstained – Not enough clarity of a “practical difficulty”			
OTHERS ATTENDING:						
Anita Barela	Planning	X				
L. Fresquez	Assessors	X				

* Blue strikethrough indicates not present at meeting.

MOTION: P. Guerrerortiz made the motion and T. Baer seconded that case WVR-2017-0043 be forwarded to the Board of Adjustment with a recommendation of Approval. Motion was adopted by a 4-0 vote, with 2 abstentions.



3212 Woodland; Waiver Request, Front Yard Setback



3212 Woodland; Waiver Request, Front Yard Setback



3212 Woodland; Overall view of entire front yard



3212 Woodland, Looking East. The Residence is setback 16-feet from the front property line



3212 Woodland, Looking East. James is standing at the limit of construction of where the proposed deck will be located



3212 Woodland, Looking East. James is standing at the limit of construction of where the proposed deck will be located



3212 Woodland, Looking West



EXHIBIT 6: Photographs taken by Applicant (2)




This letter is to inform the Planning and Zoning Board of Adjustment that:

We are neighbors of David and Linda Bates at 3212 Woodland Road,

We have seen the drawings and pictures of the deck that David and Linda would like to add to the front of their home,

These drawings and pictures are the same that have been submitted to the board.

We have no objection to the deck that David and Linda would like to add to the front of their home.

A handwritten signature in cursive script, reading "Garth Reader". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Garth and Lisa Reader
3217 Woodland Road
Los Alamos, NM 87544
505-662-1966

This letter is to inform the Planning and Zoning Board of Adjustment that:

We are neighbors of David and Linda Bates at 3212 Woodland Road,

We have seen the drawings and pictures of the deck that David and Linda would like to add to the front of their home,

These drawings and pictures are the same that have been submitted to the board.

We have no objection to the deck that David and Linda would like to add to the front of their home.

A handwritten signature in blue ink, appearing to read 'Eric Powers', with a long, sweeping horizontal stroke extending to the right.

Eric Powers
3232 Woodland Road
Los Alamos, NM 87544

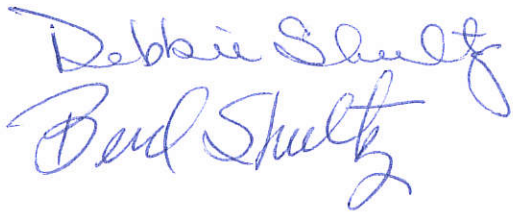
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We have seen the drawings and pictures of the deck that David and Linda would like to add to the front of their home,

These drawings and pictures are the same that have been submitted to the board.

We have no objection to the deck that David and Linda would like to add to the front of their home.

Handwritten signatures of Debbie Shultz and Bud Shultz in blue ink. The signatures are written in a cursive style, with 'Debbie Shultz' on the top line and 'Bud Shultz' on the bottom line.

Bud and Debbie Shultz
3192 Woodland Road
Los Alamos, NM 87544

This letter is to inform the Planning and Zoning Board of Adjustment that:

We are neighbors of David and Linda Bates at 3212 Woodland Road,

We have seen the drawings and pictures of the deck that David and Linda would like to add to the front of their home,

These drawings and pictures are the same that have been submitted to the board.

We have no objection to the deck that David and Linda would like to add to the front of their home.

Carrie D. Apgar

Sheldon K. Apgar

8/9/17

Sheldon and Carrie Apgar
3217 Woodland Road
Los Alamos, NM 87544

This letter is to inform the Planning and Zoning Board of Adjustment that:

We are neighbors of David and Linda Bates at 3212 Woodland Road,

We have seen the drawings and pictures of the deck that David and Linda would like to add to the front of their home,

These drawings and pictures are the same that have been submitted to the board.

We have no objection to the deck that David and Linda would like to add to the front of their home.

Earl Hoffman 9 Aug 2017
Linda S. Hoffman 9 Aug 2017

Earl and Linda Hoffman
3197 Woodland Road
Los Alamos, NM 87544
505-662-7823

This letter is to inform the Planning and Zoning Board of Adjustment that:

We are neighbors of David and Linda Bates at 3212 Woodland Road,

We have seen the drawings and pictures of the deck that David and Linda would like to add to the front of their home,

These drawings and pictures are the same that have been submitted to the board.

We have no objection to the deck that David and Linda would like to add to the front of their home.

Michael O'Neill 8/9/17
MO'Neill 8/9/17

Mike and Maire O'Neill
3202 Woodland Road
Los Alamos, NM 87544
505-662-0980



County of Los Alamos

Staff Report

September 11, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Legislative File: **9877-17**



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: September 11, 2017
Subject: Case No. WVR-2017-0044
Owners/Applicants: Tom Littleton, Owner and Applicant
Property Address: 108 Azure Drive, White Rock
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Planning Manager

Case No. WVR-2017-0044: Tom Littleton, the property owner and petitioner, is seeking a Waiver to the Los Alamos County Code of Ordinances, Development Code, Article XIII, Site Development Requirements, from a minimum rear yard setback requirement of twenty-five (25') feet, to fifteen (15') feet, thereby encroaching ten (10') feet into a required rear yard setback area. The purpose for requesting a waiver is to permit construction of a roof/patio cover over an existing patio. The property is located at 108 Azure Drive, White Rock; in the WHITE ROCK 2 Subdivision, Block 3, Lot: 5; 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-2017-0044, a request for approval of a waiver from the requirements specified in Article XIII, Site Development Requirements, from a minimum rear yard setback requirement of twenty-five (25') feet, to fifteen (15') feet, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following condition:

1. If the waiver is approved, the applicant shall apply for and receive a Building Permit prior to commencing construction activities.

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2017-0044 with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

1. The applicant has not demonstrated that the request conforms to criterion (b) of §16-157 of the Development Code, not having shown a practical difficulty or hardship inherent with the lot; and is therefore self-imposed.

I. Summary

The applicant is requesting a waiver to allow for the construction of a roof covering (akin to a covered patio) structure which will be attached to a portion of the rear of the existing residence. Currently a flagstone-paved

patio exists at the specified location. The applicant states that this patio, constructed of flagstone, will be replaced by a new concrete slab prior to constructing the roof/patio cover. The proposed roof/patio cover will be constructed over the replacement patio/concrete slab. The proposed structure will measure twenty-seven (27') feet in width and project approximately ten (10') feet out into the rear yard from the residence. The applicant states that the proposed roof/patio cover will be supported by three wooden columns and be open on three sides.

The rear yard setback for this lot is twenty-five (25') feet. The existing residence was constructed approximately four (4') feet from the rear yard setback line.

There is a six (6') foot wide Utility and Drainage Easement that traverses the property and that runs parallel to the rear property line. No portion of the proposed construction will encroach into this Utility and Drainage Easement.

The subject property is roughly rectangular in shape, and is located on the outside curve radius of Azure Drive. The parcel is occupied by a single family residence with an attached 2-car garage. There is a fence surrounding the rear yard with a man-gate located adjacent to the south side of the residence. This gate will provide the shortest accessway to the proposed roof/patio cover other than from inside the residence.

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

West: Single Family Residence

East: Single Family Residence:

South: Single Family Residence

North: Single-Family Residence.

A review of an aerial photograph of the immediate neighborhood revealed that 60% of the lots within a 500-foot radius of the subject property have constructed patio covers, including the lot located immediately behind the subject property.

There is heavy landscaping located along the block wall which separates the subject property from the adjacent property to the rear (which is located on Aragon Avenue). This landscaping provides an effective visual block from the rear yard of this residence.

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 6' utility and drainage easement that runs along the rear lot line will remain accessible. Note: There is a 6' high block wall centered on the rear and side property lines.

Staff Response: There is a 6-foot wide Utility and Drainage Easement traversing the property, located adjacent to and parallel with the rear property boundary line. The proposed construction will not be placed over any portion of 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: Orientation of the undersized lot, house, and existing patio expose that area to intense sun and heat throughout much of the day. A roof over the improved patio surface would make it usable space most of the day during much of the year.

Staff Response: The placement of the residence on the subject property coupled with the location of the rear arcadia doorway precludes the applicant from constructing the roof/patio cover that meets the site development requirements specified in the Development Code.

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

Applicant Response: Would eliminate snow and ice buildup in front of the patio door during the winter. This is the only exit to the rear. Would also reduce heat gain from bright sunlight through the 6' x 6' 8" patio door during hot sunny weather.

Staff Response: Staff has verified during a site inspection that there are no apparent health or safety issues. 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: The low profile roof would have no reduction of sight lines from the properties to the rear and no significant sight change from side properties.

Staff Response: The proposed roof/patio cover constructed in the location illustrated on the site plan is not likely to create any negative physical impacts to the subject property or to any properties in the immediate vicinity.

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 24 August 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, per the requirements contained in Article V, §16-193 of the Los Alamos County Development Code.
2. This petition was discussed in a Special Meeting of the Interdepartmental Review Committee (IDRC), on Friday August 25, 2017. At this meeting, the IDRC voted 3-3 on a motion to recommend disapproval, and thereby failed to render a recommendation to the Board of Adjustment.
3. This and adjacent properties are commercial and are Zoned R-1-10 (Single Family Residential).
4. The subject property is located in the WHITE ROCK 2 Subdivision, Block 3 Lot 5, which contains 6,440 Ft² of area. The existing residence contains 2,052 Ft² of (measured) area, thereby yielding a lot coverage factor of 31.9%. The applicant owns the subject property.
5. The proposed roof/patio cover measures ten (27') feet in length by ten (10') feet in depth, and will contain approximately 270 Ft² of area under roof. The proposed roof/patio cover increases the lot coverage to

2,322 Ft², or 36.1% of the total lot. This proposed increase remains within compliance of the maximum lot coverage factor of 40% that is specified in the Development Code.

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 minimum side yard setbacks of ten (10') feet. The existing single family residence occupying the subject property is compliant with required yard setbacks.
7. Per §16-537, the minimum required rear yard setback for structures in an R-1-10 (Single Family Residential District) zone is twenty-five (25') feet. Approval of this waiver will allow the petitioner to construct a roof/patio cover that will encroach 40% by distance into a portion of the existing rear 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.

II. Exhibits

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

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: A 10' REAR YARD VARIANCE FROM 25' REQUIRED TO CONSTRUCT A ROOF OVER THE EXISTING PATIO AREA.

Address of Property to which the Waiver Request applies:

108 AZURE DR., WHITE ROCK, 87547

Zoning District: R-1-10 **Acreage:** .21 AC. **EXISTING Lot Coverage:** 16.5% **Related Applications (if any):** 1,442 SQ FT OF 8,730.5 SQ FT LOT

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

Name: TOM LITTLETON **Phone:** 672-9644 **Cell #:** _____
Please Print

Address: 108 AZURE DR., WHITE ROCK 87547 **Email:** t.littleton@g.com

SIGNATURE *Tom Littleton* **DATE** 8/17/2017

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: 8-17-17

Staff Initial: JN

CDD Application Number: WVR- 2017-0044

Fees Paid: \$250.00 # 3708

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 6' UTILITY AND DRAINAGE EASEMENT THAT RUNS ALONG THE REAR LOT LINE WILL REMAIN ACCESSABLE.
NOTE: THERE IS A 6' HIGH BLOCK WALL CENTERED ON THE REAR AND SIDE PROPERTY LINES.
- (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** ORIENTATION OF THE UNDERSIZED LOT, HOUSE, AND EXISTING PATIO EXPOSE THAT AREA TO INTENSE SUN AND HEAT THROUGH MUCH OF THE DAY. A ROOF OVER THE IMPROVED PATIO SURFACE WOULD MAKE IT USABLE SPACE MOST OF THE DAY DURING MUCH OF THE YEAR.
- (c) **Granting of the waiver will not create a health or safety hazard or violate building code requirements; and** WOULD ELIMINATE SNOW AND ICE BUILDUP IN FRONT OF THE PATIO DOOR DURING THE WINTER. THIS IS THE ONLY EXIT TO THE REAR. WOULD ALSO REDUCE HEAT GAIN FROM BRIGHT SUNLIGHT THROUGH THE 6' X 6'8" PATIO DOOR DURING HOT SUNNY WEATHER.
- (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 LOW PROFILE ROOF WOULD HAVE NO REDUCTION OF SIGHT LINES FROM THE PROPERTIES TO THE REAR. AND NO SIGNIFICANT SIGHT CHANGE FROM SIDE PROPERTIES

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



- ☒ EXISTING HOUSE COVERS 16.5% OF LOT (1,442 SQ. FT.)
WITH PROPOSED ADDITIONAL ROOFING 19.6% (1,712 SQ. FT.)
WILL BE COVERED.

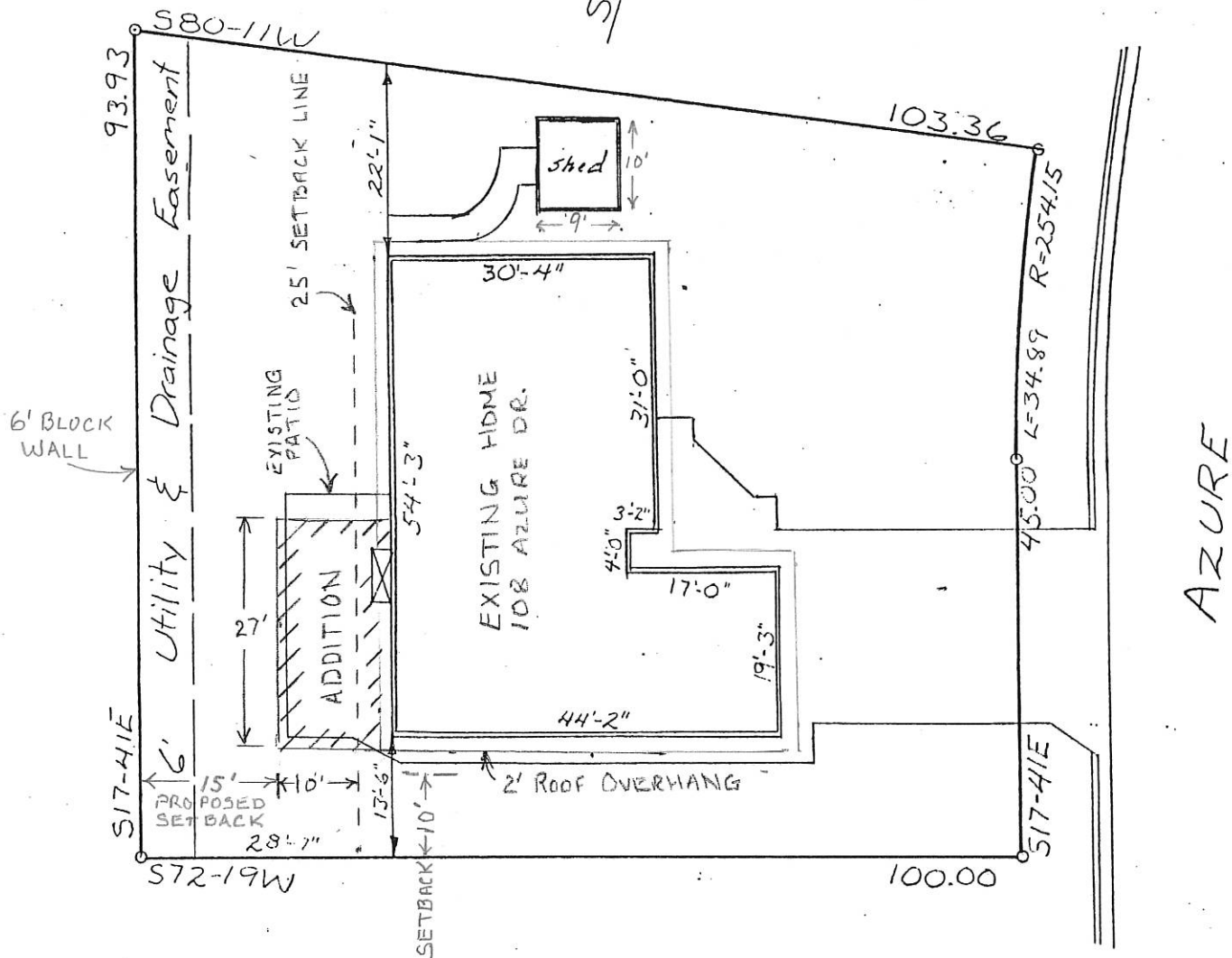
A NEW CONCRETE SLAB IS TO REPLACE THE EXISTING
FLAGSTONE PATIO WHICH IS IN POOR CONDITION.

THE NEW SLAB IS TO BE 3' SHORTER ON THE NORTH
END AND 1' WIDER ON THE WEST SIDE THAN
EXISTING PAD.

TIE INTO EXISTING ROOF TO BE DETERMINED BY THE
CONTRACTOR AND PERMIT REQUIREMENTS. ADDITION
ROOF MAY EXTEND LESS THAN SHOWN ON SOUTH END.

PROPOSED ROOF TO BE SUPPORTED BY WOOD POSTS
AND THE PATIO OPEN ON 3 SIDES.

Scale 1"=20'



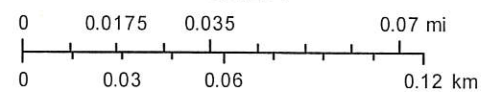
Lot 5 - Block 3 - White Rock Subdivision No. 2-Addition No. 2 as the same is shown on the Plat thereof as filed for record with the County Clerk of the County of Los Alamos, State of New Mexico on the 24th day of August, 1966 as Document No. 9192 in Book 1 - Page 88 of the Records of Plats.

108 Azure Waiver



August 17, 2017

1:2,257



Los Alamos County
Esri, DeLorme, GEBCO, NOAA NGDC, and other contributors
Sources: Esri, GEBCO, NOAA, National Geographic, DeLorme, HERE,
Geonames.org, and other contributors

Exhibit 2 Vicinity Map/Aerial Photo of the subject property

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

LAKE JAMES E REVOC TRUST
106 ARAGON
WHITE ROCK NM 87547

RITTER BOYD & TERESA
114 AZURE AVE
WHITE ROCK NM 87547

MORTON BEATRICE P
103 ARAGON AVE
WHITE ROCK NM 87547

HERBER HANK & JACQUELINE J
108 ARAGON AVE
WHITE ROCK NM 87547

BERGER JENNIFER A
103 AZURE AVE
WHITE ROCK NM 87547

GONZALES JOE E
H C 70 BOX 3014
GLORIETA NM 87535

BOUNDS CHRISTINE MARIE
110 ARAGON AVE
WHITE ROCK NM 87547

MASON RODNEY J & CAROLINE FV REVOC TRUST
148 PIEDRA LOOP
WHITE ROCK NM 87547

HUSFMAN RUTH O
105 ARAGON AVE
WHITE ROCK NM 87547

FORD ANDREW M & SARAH N
215 ROVER BLVD
WHITE ROCK NM 87547

HAMMON GEORGE E & ROSALIE C
219 ROVER BLVD
WHITE ROCK NM 87547

T&M BOTT REVOC TRUST
107 ARAGON AVE
WHITE ROCK NM 87547

WU RUILIAN & GAO XIAOMING
112 ARAGON AVE
WHITE ROCK NM 87547

PERRY JOHN O & HOLLY
217 ROVER BLVD
WHITE ROCK NM 87547

MALDONADO JORGE & BUDZILENI JOANN L
104 AZURE AVE
WHITE ROCK NM 87547

WALDSCHMIDT PAUL W & KIMBERLY & DENNIS
114 ARAGON AVE
WHITE ROCK NM 87547

MARKS STEVEN L & SHELIA
221 ROVER BLVD
WHITE ROCK NM 87547

JACKSON CODY & HANNAH
109 ARAGON AVE
WHITE ROCK NM 87547

BRUNETTE JEREMY C & ESTHER L
107 AZURE AVE
WHITE ROCK NM 87547

COWAN JOSEPH S
111 AZURE AVE
WHITE ROCK NM 87547

JONES REBECCA N & ROLLIN T
111 ARAGON
WHITE ROCK NM 87547

CREVELING DANIEL R
116 ARAGON AVE
WHITE ROCK NM 87547

BROUSSEAU PATRICK RAYMOND & KATHERINE
113 AZURE AVE
WHITE ROCK NM 87547

MAVEN JOYCE
113 ARAGON AVE
WHITE ROCK NM 87547

ERPENBECK GREGORY S
1249 BIG ROCK LP
LOS ALAMOS NM 87544

ROBERTS DANIEL P & OSIRIS K
223 ROVER BLVD
WHITE ROCK NM 87547

YARRINGTON AMANDA W
106 AZURE AVE
WHITE ROCK NM 87547

KNIGHT THAD D
118 ARAGON AVE
WHITE ROCK NM 87547

HARBERT STEVEN M & CHRISTINA M
100 AZURE AVE
WHITE ROCK NM 87547

NEWMAN BETTY I
115 ARAGON AVE.
WHITE ROCK NM 87547

DUDLEY JERRY C JR & LAURIE B
110 AZURE AVE
WHITE ROCK NM 87547

SPROUSE LAWRENCE L & MARY ANN
59 EAST COACH DRIVE
ANTONITO CO 81120

VANDYKE-GONNERMAN AMANDA L & CRAIG LOGAN B
117 ARAGON AVE
WHITE ROCK NM 87547

MONIZ PAUL & DONNA
119 ARAGON AVE
WHITE ROCK NM 87547

SCHWEGLER ERWIN C
121 ARAGON AVE
WHITE ROCK NM 87547

NEWELL WILLIAM J
116 AZURE AVE
WHITE ROCK NM 87547

RAY DWIGHT H & SHIRLEY
124 ARAGON AVE
WHITE ROCK NM 87547

RODRIGUEZ GEORGE & SANDRA
122 ARAGON AVE
WHITE ROCK NM 87547

DES GEORGE JOSEPH & KATHERINE
120 ARAGON AVE
WHITE ROCK NM 87547

LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544



IDRC REPORT

Case: WVR-2017-0044 – 108 Azure Avenue, White Rock

Date of Meeting: August 25, 2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved conditions	Denied
M. Arellano /	Building	X	Applicant failed to show practical difficulty.			X
T. Baer /A. Barela	Planning	X		X		
D. Erickson	Traffic					
P. Guerretortiz/	Utilities	X				X
A. Gurule /	Env. Serv.					
B. Aragon/	PW	X		X		
A. Millmann / J. Naranjo	Planning	X		X		
S. Rinaldi /	Fire	X	Applicant failed to show practical difficulty.			X
OTHERS ATTENDING:						
Anita Barela	Planning	X				
L. Fresquez	Assessors	X				

* Blue strikethrough indicates not present at meeting.

MOTION: S. Rinaldi made the motion and M. Arellano seconded that case WVR-2017-0044 be forwarded to the Board of Adjustment with a recommendation of Denial. Motion Failed by a 3-3 vote.



Photo 1: The steel tape is where the exterior wall of the proposed porch will extend to



Photo 2



Photo 3: Rear elevation of residence where proposed addition will be constructed



Photo 4: Rear yard of residence affected by proposed addition that encroaches into a required rear yard setback area