



# County of Los Alamos

1000 Central Avenue,  
Suite 110, BCC Room

## Agenda - Final Board of Adjustment

*Jessie Dixon, Chair; Jean Dewart, and Craig Martin,  
Commissioners*

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Monday, June 4, 2018

5:30 PM

Suite 110, BCC Room  
Municipal Building

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

2. **ELECTIONS**

*Election of Chair and Vice-Chair*

3. **PUBLIC COMMENT**

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

4. **APPROVAL OF AGENDA**

5. **APPROVAL OF MINUTES**

[10865-18](#)

**Attachments:** [BOA Minutes 03-19-18.pdf](#)

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

A. **WVR-2018-0056**

*A request for a fifteen (15) foot Waiver, to a fifteen (15) foot front yard setback, for the construction of a carport. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Section 16-536(d)(1) of the Residential mixed- North Community District uses and requirements, requires a minimum front yard setback of fifteen (15) feet. The Waiver will allow for the construction of a carport that will abut the public right-of-way of 35th Street. The property is located at 3538-B 35th Street, in the North Community 2 Subdivision, Lot: 125B, and is zoned R-M-NC (Residential Mixed - North Community).  
Owner/Applicant: Tommy Stup*

[10858-18](#)

**Attachments:**     [WVR-2018-0056- Staff Report.pdf](#)

**7.        PUBLIC COMMENT**

**8.        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

June 04, 2018

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

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**Agenda No.:**

**Index (Council Goals):**

**Presenters:**

**Legislative File:**           **10865-18**

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# **MINUTES**

## **Board of Adjustment**

**March 19, 2018 – 5:30 P.M.**

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

**Members Present:** Michael Redondo, Acting Chair  
Jessie Dixon, Commissioner

**Members Absent:** Craig Martin, Commissioner

**Staff Present:** Tamara Baer, Planning Manager  
Anders Millmann, Senior Planner  
James Naranjo, Assistant Planner  
Kevin Powers, Assistant County Attorney

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

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

### **II. PUBLIC COMMENTS**

NONE

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

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

### **IV. APPROVAL OF MINUTES**

Commissioner Dixon made a motion to approve the minutes for the December 18, 2017 Board of Adjustment meeting as presented. Chair Redondo seconded the motion. Motion passed.

### **V. PUBLIC HEARINGS**

**a. Case No. WVR-2018-0053: A request for approval of a three (3) foot Waiver from a three (3) foot maximum height requirement for solid fences within required front yards per Los Alamos County Code of Ordinances, Development Code, Section 16-271- Fences, hedges and gates, and a Waiver to the Site Development Requirements of the Los Alamos County Development Code, to permit a solid fence to encroach eighteen (18) feet into a required twenty-five (25) foot front yard setback area. The Waiver will allow for the construction of a six (6) foot solid fence to be located eighteen (18) feet within the required twenty-five (25) foot front yard. The property is located at 509 Brighton Drive, in the Pinon Estates subdivision, Lot 045, and is zoned R-1-10 (single family residential).**

Irma Holtkamp, owner/applicant 509 Brighton Drive, was sworn in.

Irma Holtkamp presented case WVR-2018-0053. Anders Millmann presented case WVR-2018-0053 on behalf of staff. The Applicant and the Board was given an opportunity to comment.

### **MOTION:**

Commissioner Dixon made a motion to approve Case No. WVR-2018-0053, A request for approval of a three (3) foot Waiver from a three (3) foot maximum height requirement for solid fences within required front yards, 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. The applicant shall apply for and receive a Building Permit prior to commencing construction activities.

Seconded by Chair Redondo.  
Motion passed unanimously.

**b. Case No. WVR-2018-0054 a request for approval of a twenty (20) foot waiver from a required twenty (20) foot front yard setback, for the construction of a carport. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, requires a minimum front yard setback of twenty (20) feet. The Waiver will allow for the construction of a carport that will abut the public right-of-way of Orange Street. The property is located at 3090 Orange Street, in the Western Area 2 Subdivision, Lot: 72, and is zoned R-M (Residential Mixed).**

Earl Whitney, owner/applicant 3090 Orange Street, Anne Hawes, 3114 Orange Street and Maria Mojica 3064 Orange Street, were sworn in.

Earl Whitney presented case WVR-2018-0054. Anders Millmann presented case WVR-2018-0054 on behalf of staff. The Applicant the Board and affected parties were given an opportunity to comment.

**MOTION:**

Commissioner Dixon made a motion to approve Case No. WVR-2018-0054, a request for approval of a twenty (20) foot waiver from a required twenty (20) foot 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 condition:

1. The applicant shall apply for and receive a Building Permit prior to commencing construction activities.

Seconded by Chair Redondo.  
Motion passed unanimously.

**VI. ADJOURNMENT**

6:20 pm

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Michael Redondo, Acting Chair



# County of Los Alamos

## Staff Report

June 04, 2018

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

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**Agenda No.:**

**Index (Council Goals):**

**Presenters:**

**Legislative File:**           **10858-18**

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

**Public Hearing Date:** June 4, 2018  
**Subject:** Case No. WVR-2018-0056  
**Owners/Applicants:** Tommy Stup, Owner & Applicant  
**Case Manager:** Anders Millmann, Senior Planner  
**Through:** Tamara Baer, Planning Manager

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**Case No. WVR-2018-0056:** Tommy Stup, the property owner and petitioner, is requesting a Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Section 16-536(d)(1), from a minimum front yard setback requirement of fifteen (15) feet, to zero (0) feet; and to Article VII, §16-272 (d), Projection into required yards, (7), which permits a carport to project no more than 40 percent of the distance into the required front yard setback. The property is located at 2538-B – 35th Street, Los Alamos, New Mexico, Subdivision: North Community No. 2, Lot 125B, and is zoned R-M-NC (Residential Mixed, North Community District).

### **Board Action Options**

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

I move that the Board of Adjustment **approve** Case No. WVR-2018-0056, a request for approval of a waiver from a required front yard setback requirement for the construction/placement of a proposed carport, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions:

1. Should the waiver be approved, the applicant shall obtain permission from the Utilities Department to place the carport structure over a utility easement.
2. Should the waiver be approved, the applicant shall apply for and receive a Building Permit prior to construction/placement of the carport.
3. Should the waiver be approved, any carport structure placed or constructed per the waived setbacks shall be further subject to review by the Traffic Engineer/Public Works Department to ensure that no sight obstruction is created [See §16-271(c) of the Los Alamos County Development Code].

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

I move that the Board of Adjustment **deny** Case No. WVR-2018-0056 with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

1. ...

## I. Summary

The applicant is requesting a waiver to allow for the construction of a carport within a required front yard. The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-536 (Residential Mixed, North Community District), establishes a minimum front yard setback of fifteen (15) feet, as measured from the front property line [§16-536(d)(1)].

In addition, the Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-272 (Yards), (d) "Projections into required yards; (7)," permits a:

*"carport, consisting of a roof that has no walls, or wholly or partially enclosed walls, except those that are part of the main structure, shall project no more than 40 percent of the distance into the required front yard setback."*

This Code provision would permit a proposed carport structure to be placed at a front yard setback of nine (9) feet without the necessity of obtaining a waiver.

The subject property is located mid-block on a street that lost several structures during the May 2000 Cerro Grande fire. The parcel is roughly rectangular in shape, and is occupied by one-half of an attached two-family residence (duplex). Although the subject property contains a concrete pad for the parking of a vehicle, it does not contain either a garage or a carport. The subject property slopes significantly downward to the northeast (rearward) from the Thirty-Fifth Street right-of-way.

There is a permanent concrete parking pad located at the northwestern corner of the front yard that measures approximately twenty (20) feet in width by twenty-two (22) feet in depth. It is immediately adjacent to the front property line (adjacent to the right-of-way), and a portion of it encroaches approximately six (6) inches into the adjacent property to the north. Parking pads, accessed directly from the street, are a common accommodation for parking in the area and were re-constructed sometime after the Cerro Grande fire. With few exceptions, many parking pads in this neighborhood remained uncovered.

The type of carport proposed will be a single-car design, measuring fourteen (14) feet in width by twenty-two (22) feet in depth, and containing 308± Ft<sup>2</sup>. The fabric carport will stand approximately eight and one-third (8⅓) feet tall at the front property line. The carport proposed will occupy approximately 75% of the space of the concrete pad and contain one off-street parking stall. Since there is an existing electrical utility vault located on the adjacent property to the north, the proposed carport will be situated at the southernmost portion of the existing concrete pad. This placement will ensure that snow, ice and rain falling from the roof of the carport will not be directed onto either the electrical vault or onto the adjacent property.

This waiver application is only for consideration of setback requirements. Any future carport structure will require compliance with all Building and Fire Code regulations, and be subject to review by Traffic Engineering for sight visibility conditions.

## 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: There are two easements under the existing parking pad at this location. A utility easement and separate sewer easement that were granted at the time of the reconstruction of the street and utilities after the Cerro Grande Fire. This is a non-permanent structure, that could be temporarily removed in the event that a major utility evacuation were to be required.

Staff Response: There is an electrical service line located in an easement that runs parallel to the right-of-way, underneath the existing concrete pad. Although the concrete pad is already in place, the petitioner should contact the Utilities Services Department to ascertain the exact location of the utility easement and utility line. Should the Utilities Department need to access the line, any repair or replacement of the concrete pad will be at the owner's expense.

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

Applicant Response: The lot has a severe and continuous slope from the front of the lot, to the back. The existing 26' concrete pad required a 3' tall retaining wall to be constructed. The existing pad was designed to accommodate a carport at a future time, relocating it would require either an excessively sloped driveway for access, or an extremely substantial retaining wall further into the property. Any other location contains well-established fruit and shade trees, existing fencing, landscaping, and a substantial irrigation system. Utility lines and easements are such that anywhere a new parking pad could be constructed, would still be subject to a variance request, or major relocation of sewer lines.

Staff Response: Due to a significant slope, the rear portion of the subject property is located several feet below the grade of the right-of-way. According to the petitioner, utility easements were relocated from the rear portion of the property to be adjacent to the street right-of-way during street reconstruction activities after the Cerro Grande fire. This action imposes an additional hardship onto the property owner that is not self-incurred. Staff believes that, due to topographic and utility easement constraints, it is impracticable to accommodate a carport structure elsewhere on the property. The Code for this zoning district was crafted after, and in response to, facilitating neighborhood rebuilding efforts after the Cerro Grande Fire. Regardless, the carport could not be placed on the existing concrete pad without the need for a waiver.

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

Applicant Response: No health or safety hazards will be created by this proposed structure. It will be constructed in accordance with Building Code requirements. Additionally, our health and safety will be enhanced during the winter by alleviating a great deal of the ice and snow buildup around our vehicles, alleviating a major slip and fall hazard, and greatly reducing the amount of snow we have to shovel as we get older.

Staff Response: Staff concurs that no health or safety hazards will be created by the placement of a carport on the existing concrete pad. Regardless, the Building Code is a minimum standard and there is no waiver of any provision of the building code. A Building Permit will be required and will be subject to review by the Traffic Engineering Division.

***(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 design of the proposed carport provides for open sides and back, which will not impair any existing sight lines to traffic on 35<sup>th</sup> Street for neighbors or ourselves. The posts are 2" square tubing which impairs very little view, and the roof supports are 7' tall allowing for unobstructed views under the roof. The colors for the steel roof panels are a light tan or sandstone, with brown trim, which will blend in with the existing landscaping and adjacent structures. The four immediate neighbors have all been consulted and none of them have expressed any issues with the design or color choices.

Staff Response: The subject property is located on a straight and level portion of the street that contain few if any visual obstructions, and should therefore not pose any visual obstructions to traffic driving on Thirty-Fifth Street. The proposed carport is not likely to create any negative physical impacts to the subject property or to any properties in the immediate vicinity.

### **III. Findings of Fact**

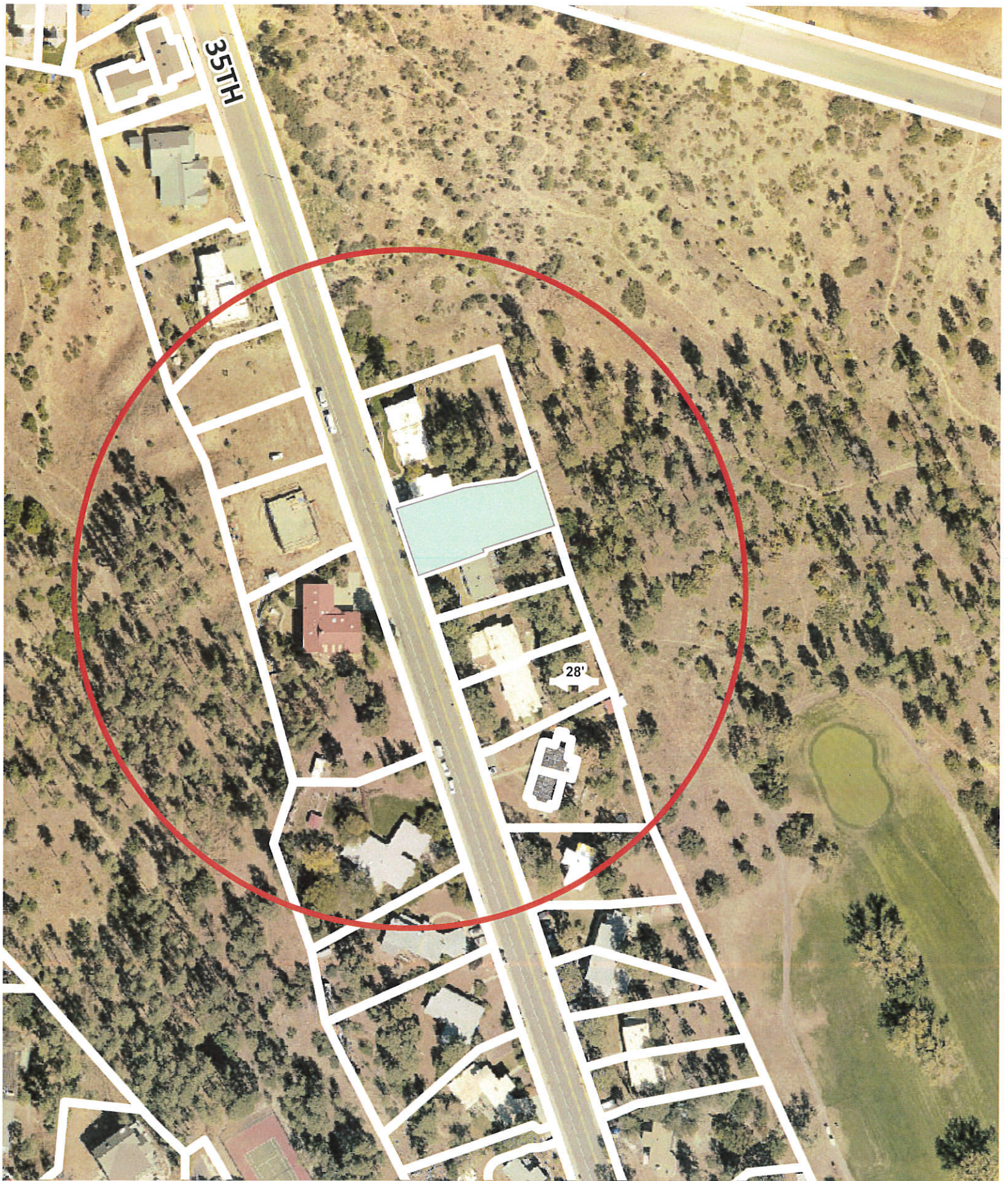
1. This public hearing was announced by publication in the Los Alamos Daily Post, the Newspaper of Record for Los Alamos County, on Thursday 17 May 2018; and property owner notices were mailed via first class mail to all owners of real property located within 100 yards of the subject property, per the requirements contained in Article V, §16-193 of the Los Alamos County Development Code.
2. The request of waiver was properly and sufficiently noticed. No comments have been received by the Community Development Department as of Wednesday May 30, 2018.
3. This and adjacent properties along 35<sup>th</sup> Street contain residential land uses, and are Zoned R-M-NC (Residential Mixed North Community District). Adjacent land located to the rear of this property is owned by Los Alamos County and are zoned P-L (Public Lands District).
4. The subject property is located in the NORTH COMMUNITY No. 2 Subdivision, Lot: 125B, and contains 0.2303± acres, or 10,031 square feet of area. The existing residential structure contains approximately 960 Ft<sup>2</sup> of area (measured from County GIS), yielding a lot coverage factor of 9.6%. The maximum lot coverage percentage permitted by Section 16-536 of the Los Alamos County Development Code for properties in the R-M-NC District, is 40%.
5. The existing residence on the subject property is set back approximately forty-two (42) feet from the front property line; thereby meeting the minimum required fifteen (15) foot front yard setback requirement.
6. The proposed carport that will encroach into a required front yard setback area, will measure 14 feet in width by 22 feet in length, thereby adding approximately 308 Ft<sup>2</sup> of additional lot coverage to the subject property, bringing the lot coverage factor up to 12.6%.
7. Section 16-536 of the Los Alamos County Development Code requires a minimum front yard setback of fifteen (15) feet, a minimum rear yard setback of twenty (20) feet, and minimum side yard setbacks totaling fifteen (15) feet. The existing multiple family residence (duplex) occupying the subject property is compliant with this requirement.
8. Per §16-272 (d) (7), a carport is permitted to project up to forty (40%) percent of the setback distance into a required front yard area, which would permit the proposed carport to observe a front yard setback of nine (9) feet without the need for a waiver. Approval of the waiver requested will allow the petitioner to place a carport that will encroach fifteen (15) feet, or 100%, into a required front yard setback area for a portion of the front yard.

9. This petition was discussed at the Interdepartmental Review Committee meeting, on Thursday May 10, 2018. At this meeting, the IDRC voted unanimously (7-0) to recommend approval of this petition to the Board of Adjustment.
10. The petitioner has provided sufficient evidence to satisfy the requirements contained within §16-157 of the Los Alamos County Development Code to warrant issuance of the waiver requested.

#### **IV. Exhibits**

- Exhibit 1 Vicinity Map of the Subject Property
- Exhibit 2 List of property owners of record within 100 yards of Subject Property
- Exhibit 3 Photographs of Subject Property, Staff (5)
- Exhibit 4 Interdepartmental Review Committee (IDRC) Report
- Exhibit 5 Waiver Application and Site Plan
- Exhibit 6 Elevations of Proposed Carport
- Exhibit 7 Utility Line Location Map





WVR-2018-0056  
2538B 36th Street  
Setback Waiver

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



| OWNER NAME                      | OWNER ADDRESS        | OWNER CITY | STATE | ZIP        |
|---------------------------------|----------------------|------------|-------|------------|
| MANN FAMILY TRUST               | 366 CALLE VICTORIANO | STANLEY    | NM    | 87056-9787 |
| HATCH CHRISTOPHER D & DOUGLAS J | 2542 35TH ST         | LOS ALAMOS | NM    | 87544      |
| WEIR WALLACE R & JOYCE          | 1031 SEMINOLE        | LOS ALAMOS | NM    | 87544      |
| DUQUE JUAN G & AMANDA L         | 2539 35TH ST         | LOS ALAMOS | NM    | 87544      |
| PAYNE J CARTER & JENNIFER       | 2519 35TH ST         | LOS ALAMOS | NM    | 87544      |
| WERLEY KENNETH A                | 2516 35TH ST         | LOS ALAMOS | NM    | 87544      |
| NAUD LIVING TRUST               | 2530 A 35TH ST       | LOS ALAMOS | NM    | 87544      |
| SUTCLIFF LYNNE D & CAROL R      | 2530 B 35TH ST       | LOS ALAMOS | NM    | 87544      |
| HAM MICHAEL I & ELISA M         | 2538 A 35TH ST       | LOS ALAMOS | NM    | 87544      |
| STUP TOMMY D & MARCIA S         | 2538 B 35TH ST       | LOS ALAMOS | NM    | 87544      |
| 2252 35TH ST CONDOS             | 2252 35TH ST         | LOS ALAMOS | NM    | 87544      |
| HANSEN PETER F & MARY S         | 2522 B 35TH ST       | LOS ALAMOS | NM    | 87544      |
| HANSEN PETER F & MARY SUSAN     | 2522 B 35TH ST       | LOS ALAMOS | NM    | 87544      |



**Photo 1:** Existing Duplex Residence and Driveway Pad



**Photo 2:** Sloping Yard Behind Driveway Pad





**Photo 3:** Sloping Yard Behind Driveway Pad



**Photo 4:** Yard Located Behind Driveway Pad





**Photo 5:** Driveway Pad at Edge of Subject Property





## IDRC REPORT

Case: WVR-2018-0056 – 2538B 35<sup>th</sup> Street

Date of Meeting: May 10, 2018

| Member/<br>Alternate                                   | Dept.     | Attended | Recommended Conditions/Comments  | Approved | Approved<br>conditions | Denied |
|--|-----------|----------|--|----------|------------------------|--------|
| M. Arellano / <del>J. Dudziak</del>                    | Building  | X        | The structure exceeds 200 Ft <sup>2</sup> in area, it will require the issuance of a Building Permit and will require an engineer to provide wind and snow loads and to professionally stamp his calculations. | X        |                        |        |
| T. Baer / A. Barela                                    | Planning  | X        | IDRC is OK with the new design as proposed, as long as the utility issues are addressed and the structure proposed meets the requirements of the Building Code.  | X        |                        |        |
| D. Erickson  | Traffic   | X        |  | X        |                        |        |
| P. Guerrerortiz / <del>C. Moseley</del>                | Utilities | X        | If the County ever needs to access a utility service line in an easement, the property owner is responsible for all the costs associated with work on the service line   | X        |                        |        |
| A. Gurule / <del>L. Martinez</del>                     | Env. Svs. | X        |  | X        |                        |        |
| <del>E. Martinez</del>                                 | PW        |          |  |          |                        |        |
| A. Millmann / J. Naranjo                               | Planning  | X        |  | X        |                        |        |
| J. Wetteland / <del>S. Rinaldi</del>                   | Fire      | X        |  | X        |                        |        |
| <b>OTHERS ATTENDING:</b>                               |           |          |  |          |                        |        |
| * Blue strikethrough indicates not present at meeting. |           |          |  |          |                        |        |

**MOTION:** D. Erickson moved and M. Arellano seconded that the case be forwarded to the P&Z Commission.

Motion passed 7-0.

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:**

To have a carport installed over an existing off-street parking pad in order to greatly reduce the necessary snow shoveling in winter; sun, hail and tree damage in summer. The sides will be open to preserve the existing sight distance required for safe exit onto the street, and to minimize the disruption of view to ourselves and our neighbors.

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

2538B 35th Street, North Community #2, Lot 125B


**Zoning District:** RM-NC2 **Acreage:** 0.229 **Lot Coverage:** 308 sq ft **Related Applications (if any):**

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

Name: Tommy Stup Phone: 505-695-5218 Cell #: \_\_\_\_\_

Please Print

Address: 2538B 35th Street Email: tdstup@gmail.com



SIGNATURE

5/30/18

DATE

**PROPERTY OWNER** (If different from Applicant)

☐ Check here if same as above

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Cell #: \_\_\_\_\_

Please Print

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Owner's Address

*My signature below indicates that I authorize the Applicant to make this Waiver application on my behalf.*

SIGNATURE

DATE

**THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT**

**For County Use:**

Date of Submittal: 5-4-18

Staff Initial: JN

CDD Application Number: WVR-2018-0056

Fees Paid: \$250.

#### 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***

There are a two easements under the existing parking pad at this location. A utility easement and a separate sewer easement that were granted at the time of the reconstruction of the street and utilities after the Cerro Grande Fire. This is a non-permanent structure, that could be temporarily removed in the event that a major utility excavation were to be required.

**(b) *The waiver request is caused by a practical difficulty or hardship inherent in the lot or lot improvements***

This lot has a severe and continuous slope from the front of the lot, to the back. The existing 26' concrete pad required a 3' tall retaining wall to be constructed. The existing pad was designed to accommodate a carport at a future time, relocating it would require either an excessively sloped driveway for access, or an extremely substantial retaining wall further into the property. Any other location contains well established fruit and shade trees, existing fencing, landscaping, and a substantial irrigation system. Utility lines and easements are such that anywhere a new parking pad could be constructed, would still be subject to a variance request, or major relocation of sewer lines.

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

No health or safety hazard will be created by this proposed structure. It will be constructed in accordance with Building Code requirements.

Additionally our health and safety will be enhanced during the winter by alleviating a great deal of the ice and snow buildup around our vehicles, alleviating a major slip and fall hazard, and greatly reducing the amount of snow that we have to shovel as we get older.

**(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 design of the proposed carport provides for open sides and back, which will not impair any existing sight lines to traffic on 35th Street for neighbors or ourselves. The posts are 2" square tubing which impairs very little view, and the roof supports are 7' tall allowing for unobstructed view under the roof. The colors for the steel roof panels are a light tan or sandstone, with brown trim, which will blend in with the existing landscaping and adjacent structures. The four immediate neighbors have all been consulted and none of them expressed any issues with the design or color choices.

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





I would like to provide the following statement as well:

There are eight houses within 100 yards of this lot. Of these, five have attached garages set back from the street, and one has a semi-attached carport. The other two have asphalt parking pads installed by the federal government close to the sidewalk, as did this lot before the Cerro Grande Fire. All of the houses on the west side of 35<sup>th</sup> Street from our house to Arizona were destroyed, and have been or are being rebuilt with attached garages.

We feel that this request will not detract from the existing homes, and will significantly add to the value and enjoyment of our home by providing a safer winter environment for our vehicles and protecting them from the sun, hail and other environmental damages.

In the case of this lot, during the reconstruction of 35th Street after the Cerro Grande Fire, sewer lines were relocated from the rear of the lot, to the front of the lot. Additionally an easement was requested and granted for the contractors to relocate the sewer line from our neighbor to the north ( 2542 35<sup>th</sup> Street ) thru our lot to avoid having to bore under their house. This was precipitated by a desire of the county to abandon the branch sewer line behind our houses (4 of them as I recall on this branch) and reconnect to the main sewer line installed as part of the 35<sup>th</sup> Street reconstruction. A new parking pad with a 3ft retaining wall was installed by the contractors on top of the utility and sewer easements. At the time we understood that a pad of this length and location would very likely have been approved for a variance to construct a carport.

Due to these easements and the severe topography of the lot, sloping front to back, a set back detached garage does not seem feasible, and would severely detract from the aesthetics of the lot by reducing the existing lawn and vegetation. Additionally a garage would also cover the majority of the sewer easement and would most likely require extensive relocation of existing utilities, landscaping, irrigation systems and fencing. It might possibly violate the lot coverage rules as well when combined with the additional requirement for an extended driveway.

Tommy Stup

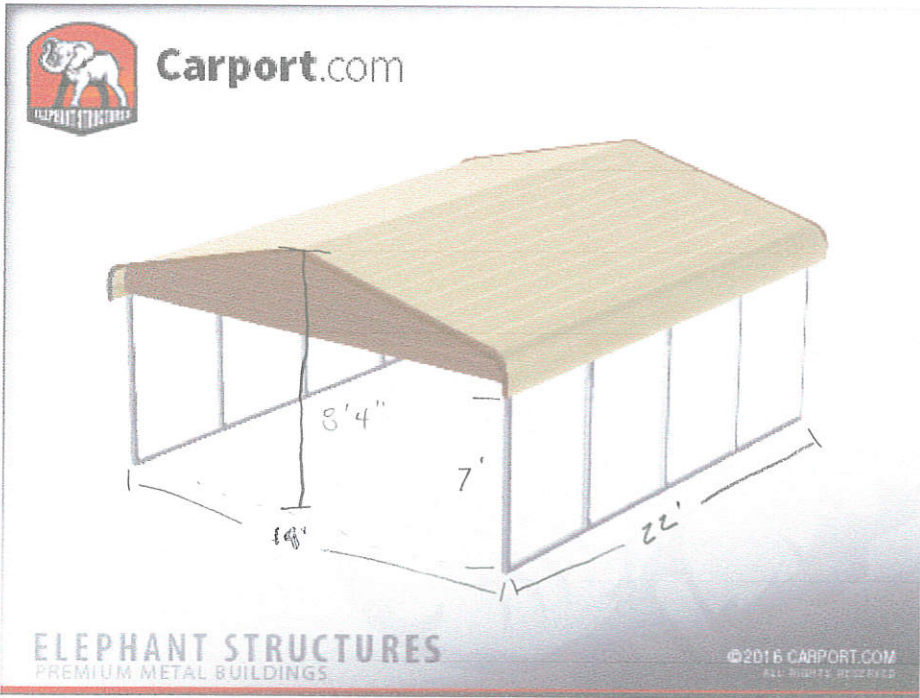


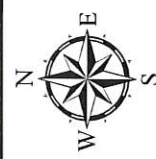
EXHIBIT 6: Elevations of Proposed Carport





**Legend**

- EASEMENTS
- WS-RMETER
- WS-SWVALVE
- WATERLINES
- TYPE
- WS-DEL
- WS-MAIN
- ELECTRIC\_POINTS
- COMPONENT
- PEDESTAL
- POLE
- PULL-BOX
- STREETLIGHT
- TRANSFORMER-PAD
- SEWERPOINTS
- TYPE
- SS-CO
- SS-MH
- SEWERLINES
- TYPE
- ABIP
- ABIP-MAIN
- SS-DEL
- SS-MAIN
- GASPOINTS
- TYPE
- R-METER
- GASLINES
- TYPE
- GASMED
- SERVICE
- ELECTRIC\_LINES
- ATTRIBUTE
- ELE-GUY
- PRI-UG-1P
- SEC-UG-1P
- SEC-UG-SL
- UG-CONDUIT
- PARCELS



Date: 4/18/2018

1 in = 30 ft

**DISCLAIMER:**

All mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with this data. If modified, this data shall not be represented as Los Alamos County Data and the extent, source and date of the modification shall be disclosed. Call 1-800-321-2537 to request utility lines to be field located and marked on the ground. Field locates will only be marked to the utility meter and up to the County serviced sewer line cleanouts if existing at the property line.



LOS ALAMOS

**EXHIBIT 7: Utility Line Location Map**