



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*

Monday, November 26, 2018

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. [11435-18](#)

Attachments: [BOA Minutes 7/16/18](#)

5. PUBLIC HEARING(S) - QUASI JUDICIAL

A. WVR-2018-0072

*A request for a four (4) foot Waiver to a required twenty-five (25) foot
front yard setback to allow for the construction of a porch/entry
addition to the main structure to be located twenty-one (21) feet from
the front property line.*

[11434-18](#)

Attachments: [WVR-2018-0072- Staff Report.pdf](#)

B. WVR-2018-0073

*A request for a thirteen foot - six inch (13'-6") Waiver to a required
front yard setback, and a two foot (2') Waiver to a required side yard
setback for the construction of an attached garage addition to the
main structure.*

[11433-18](#)

Attachments: [WVR-2018-0073- 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.

MINUTES

Board of Adjustment

July 16, 2018 – 5:30 P.M.

1000 Central Avenue, Council Chambers
Los Alamos, NM 87544

Members Present: Jessie Dixon, Chair
Jean Dewart, Commissioner
Craig Martin, Commissioner

Members Absent: None

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

I. CALL TO ORDER / ROLL CALL

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

IV. APPROVAL OF MINUTES

Commissioner Martin made a motion to approve the minutes for the June 4, 2018 Board of Adjustment meeting with two corrections. Commissioner Dewart seconded the motion. Motion passed.

V. PUBLIC HEARING

a. Case No. WVR-2018-0062: A request for a fourteen (14) foot Waiver to a required twenty (20) foot rear yard setback. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, R-1-8 District, requires a minimum rear yard setback of twenty (20) feet from the property line. The Waiver will allow for the construction of an addition to the main residential structure measuring fourteen (14) feet by twenty-six (26) feet and containing 364 Ft² of living space, to be located six (6) feet from the rear property line. The property is located at 916 Tewa Loop, in the Eastern Area 1 Subdivision, Lot: 059, and is zoned R-1-8 (Single Family Residential).

Deborah Weisner, owner/applicant 916 Tewa Loop, was sworn in.

Deborah Weisner presented case WVR-2018-0062. Tamara Baer presented case WVR-2018-0062 on behalf of staff. The Applicant and the Board was given an opportunity to comment.

MOTION:

Commissioner Dewart made a motion to approve Case No. WVR-2018-0062: A request for a fourteen (14) foot Waiver to a required twenty (20) foot rear yard setback. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements,

Single-Family Residential Districts, R-1-8 District, requires a minimum rear yard setback of twenty (20) feet from the property line for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions:

1. The Applicant shall apply for and receive a Building Permit prior to commencement of construction activities; and
2. The Applicant shall coordinate with the Department of Public Utilities regarding relocation of private utility lines to the residence. Required relocation of any such lines shall be implemented per County construction standards and at the property Owner's expense.

Seconded by Martin.

Motion passed unanimously.

VI. ADJOURNMENT

5:58 pm

Jessie Dixon, Chair



County of Los Alamos

Staff Report

November 26, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Legislative File: 11434-18



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT
November 26, 2018

Subject: Case No. WVR-2018-0072
Owner/Applicant: Wade Winters
Property Address: 379 Aragon Avenue, White Rock
Case Manager: Tamara Baer, Planning Manager

Case No. WVR-2018-0072: A request for a four (4) foot Waiver to a required twenty-five (25) foot front yard setback to allow for the construction of a porch/entry addition to the main structure to be located twenty-one (21) feet from the front property line. The property is located at 379 Aragon Avenue, in the Pinon Estates Subdivision, Lot: 002, 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-2018-0072, a four (4) foot Waiver to a front yard setback of twenty-five (25) feet from the property line, to allow for the construction of a porch/entry addition to the main structure to be located twenty-one (21) feet from the front property line, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions:

1. The applicant shall obtain a building permit prior to construction.
2. ...

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2018-0072 with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

1. ...

I. Summary

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, R-1-10 District, requires a minimum front yard setback of twenty-five (25) feet as measured from the property line. The applicant is requesting a four foot waiver to allow for the construction of a porch/entry addition to the main structure. The addition measures approximately fifteen (15) feet in width and sixteen (16) feet in depth. If approved, the structure will be located twenty-one (21) feet from the front property line. With the exception of the proposed entry addition, the property meets all development standards, including other required setbacks established for this zoning district. See Exhibit 1.

The property is occupied by a single-family residence with no accessory structures. Adjacent properties are fully developed, and contain single family residential land uses.

Los Alamos County Assessor's data indicate the subject property is 10,006 square feet. The existing dwelling unit is approximately 3,076 square feet. This square footage includes an attached two car garage. The existing lot coverage* is approximately 31%. The proposed 240 square foot addition would bring the lot coverage to 33%, which is below the 35% maximum lot coverage allowed in an R-1-10 zoning district.

**Per Sec. 16-9, Definitions, of the Los Alamos County Code of Ordinances, "Lot coverage means the percentage of the lot area covered by structures, including accessory buildings, main buildings and detached buildings as defined elsewhere in this chapter. Lot coverage includes all aboveground structures."*

A thirteen (13) foot wide utility easement runs along the front yard, parallel to the property line and would be unaffected by the proposed construction. No other easements are located on the property.

On Thursday, October 11th, 2018, the Inter-Departmental Review Committee reviewed the request and voted (6-1) to forward this request to the Board of Adjustment without a recommendation of approval or denial. See Exhibit 4.

The Waiver application was properly and legally advertised, posted and noticed. The Planning Division received two letters in support of the Waiver from the property owners immediately adjacent to the north and to the south of the subject property. No other comments had been received at the time of publication of this report. See Exhibit 6.

II. Waiver Review Criteria

Sec. 16-157: During the course of review of any waiver request, the board of adjustment shall base its decision on all the following criteria. The board of adjustment shall approve, approve with conditions and limitations, or deny the request depending on the extent to which the request meets or fails to meet these criteria:

(a) Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement, and

Applicant Response: No intrusion into the front 10 foot utility easement will occur.

Staff Response: The proposed construction will not be placed over any known easements.

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

Applicant Response: Currently, the front entry is recessed with no roof, which has inherent risk during winter months. I'd like to cover entire entry and extend 3' to 4' beyond the house, into the front setback, to break up the building plane and define entry location.

Staff Response: The original design and construction of the house created a notched opening, which offers no protection from the elements at the front entrance. The applicant hopes to build a new 240 square foot enclosed entryway, which would step out from the front door and visually signal the entrance location. The proposed design would also provide cover for people coming to the front door, as well as for deliveries.

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

Applicant Response: The porch covering will be constructed and inspected with approval of the LA County. The addition of the covering will prevent dangerous icy conditions at the front entry door.

Staff Response: One purpose of the Waiver request, as stated in the application, is to alleviate health and safety hazards associated with the exposed entryway. If the Waiver is approved, the applicant will be required to secure a Building Permit and construct the addition 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 addition of the front porch cover will not create any significant negative physical impacts on the property at 0 yards from the property: no reduction in site [sic] lines will occur; no loss of privacy to residence or neighbors will occur; no decrease in home security will occur; no increase in noise will occur; no objectionable odors will be present; no intrusion of artificial light will occur; no unwanted shadows will be cast; no negative impacts will occur to the occupant or neighbors.

Staff Response: The proposed addition is not likely to create any negative physical impacts to the subject property or to any properties in the immediate vicinity. Staff concurs with the applicant's response.

III. PUBLIC NOTICE

Notice of this public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-192(b), including by U. S. mail to owners of real property located within 100 yards of the subject property.

IV. 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 October 18th, 2018. 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 was properly and sufficiently noticed, and no objections have been received as of the publication date of this report.
3. This and adjacent properties are residentially-developed, and are zoned R-1-10 (single family residential).

4. The applicant owns the subject property.
5. The subject property is located in the Pinon Estates Subdivision, Lot: 002, in White Rock, and consists of 10,006 square feet of area. The existing residence is 3,076 Ft² of area, yielding a lot coverage factor of 30.7%. The proposed two-hundred and forty (240) square foot addition will increase lot coverage to 33.1%. The maximum lot coverage permitted in the R-1-10 zoning district is 35%.
6. Approval of this Waiver will allow the petitioner to construct a two-hundred and forty (240) square foot entry/ porch addition that will encroach four (4) feet into a front yard setback.
7. The adjacent property owners to the north and south (385 Aragon Avenue and 400 Brighton Drive) have signed a letter in support of the Waiver request.
8. On October 11, 2018, the Interdepartmental Review Committee (IDRC) voted (6-1) to forward this petition to the Board of Adjustment without a recommendation.

V. Exhibits

Exhibit 1	Application, and Site Plan
Exhibit 2	Vicinity Map 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
Exhibit 6	Letters from adjoining property owners

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:

Currently, the front entry is recessed with no roof, which has inherit risk during winter months. I'd like to cover entire entry and extend 3'-0" to 4'-0" beyond existing house, into front setback, to break up building plane and define entry location.

Address of Property to which the Waiver Request applies:

379 Aragon Avenue, White Rock, NM 87547

Zoning District: R-1-10 **Acreage:** 0.2297 **Lot Coverage:** _____ **Related Applications (if any):**

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

Name: Wade Winters Phone: 505-672-4052 Cell #: 509-308-4885
Please Print

Address: 379 Aragon Avenue, White Rock, NM 87547 Email: 379aragon@comcast.net

W. A. Winters
W. A. Winters (Oct 4, 2018)

Oct 4, 2018

SIGNATURE

DATE

PROPERTY OWNER (If different from Applicant)

☒ **Check here if same as above**

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

Address: _____ Email: _____
Owner's Address

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

SIGNATURE

DATE

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 10-4-2018

Staff Initial: JN

CDD Application Number: WVR-2018-0072

Fees Paid: PAID

WAIVER REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-157 establishes four (4) criteria upon which the Board of Adjustment shall base its decision to approve, approve with conditions and limitations, or deny the waiver request. The Board's decision shall depend upon the extent to which the request meets or fails to meet these criteria. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. (Attach additional sheets if needed.)

- (a) Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement; and**

No intrusion into the front 10 foot utility easement will occur.

- (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**

Currently, the front entry is recessed with no roof, which has inherit risk during winter months. I'd like to cover entire entry and extend 3'-0" to 4'-0" beyond existing house, into front setback, to break up building plane and define entry location.

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

The porch covering will be constructed and inspected with approval of the LA County. The addition of the covering will prevent dangerous icy conditions at the front entry door.

- (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 addition of the front porch cover will not create any significant negative physical impacts on the property at 0 yards from the property: no reduction in site lines will occur; no loss of privacy to residence or neighbors will occur; no decrease in home security will occur; no increase in noise will occur; no objectionable odors will be present; no intrusion of artificial light will occur; no unwanted shadows will be cast; no negative impacts will occur to the occupant or neighbors.

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: Please see attached site plan, floor plan and elevation for your review

OWNER:
WINTERS WADE A REVOC TRUST

PROPERTY ADDRESS:
379 ARAGON AVE
LOS ALAMOS NM 87544

ACCOUNT TYPE:
SGL FAMILY

LOT SIZE:
10,006 SF

EXISTING HOUSE:
3,076 SF

ZONE:
R-1-10

SUBDIVISION:
PINION ESTATES

SOURCE: LAC PARCEL MAP

R-A REQUIREMENTS:

LOTS
AREA (PER DU MIN) 2 ACRES
FRONTAGE (MIN) 65

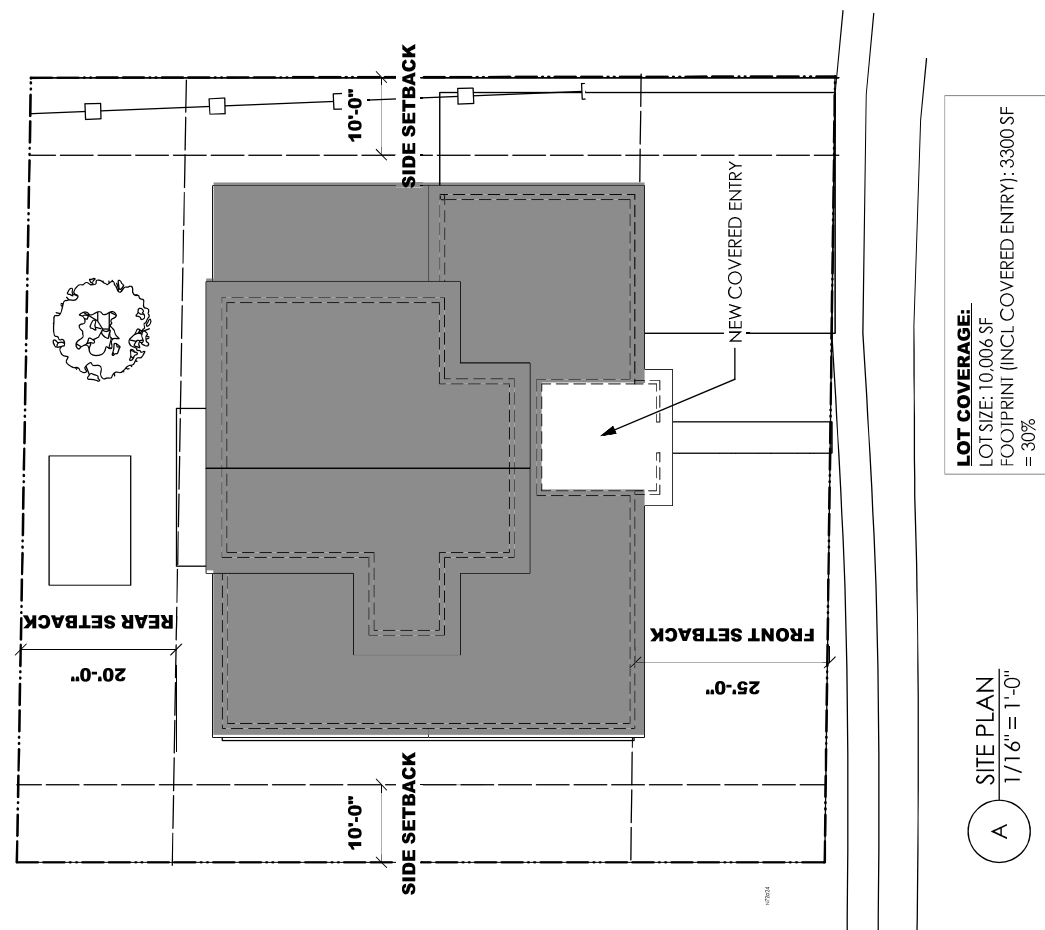
SETBACKS MAIN STRUCTURES
FRONT (MIN) 25'-0"
REAR (MIN) 20'-0"
SIDE (MIN) 10'-0"

HEIGHT OF STRUCTURE(S)
MAIN (MAX) 35'-0"
ACCESSORY (MAX) 12'-0"

LOT COVERAGE
TOTAL OF ALL STRUCTURES 35%

DENSITY
MAX NO. OF DUs PER GROSS ACRE 10,000 SQ FT

https://library.municode.com/nm/los_alamos_county/



LOT COVERAGE:
LOT SIZE: 10,006 SF
FOOTPRINT (INCL COVERED ENTRY): 3300 SF
= 30%

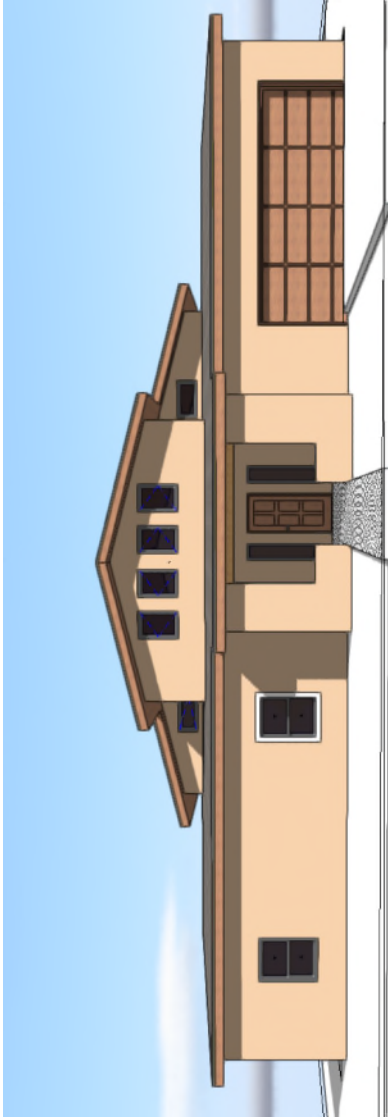
A SITE PLAN
1/16" = 1'-0"

B FIRST FLOOR PLAN
1/8" = 1'-0"

Exhibit 1

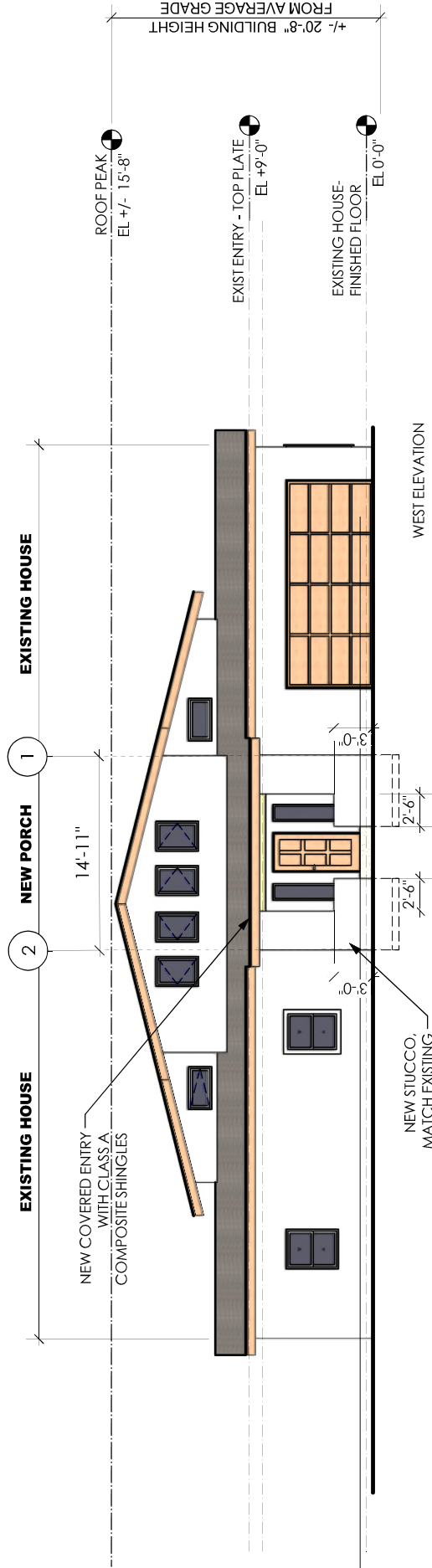


EXISTING HOUSE

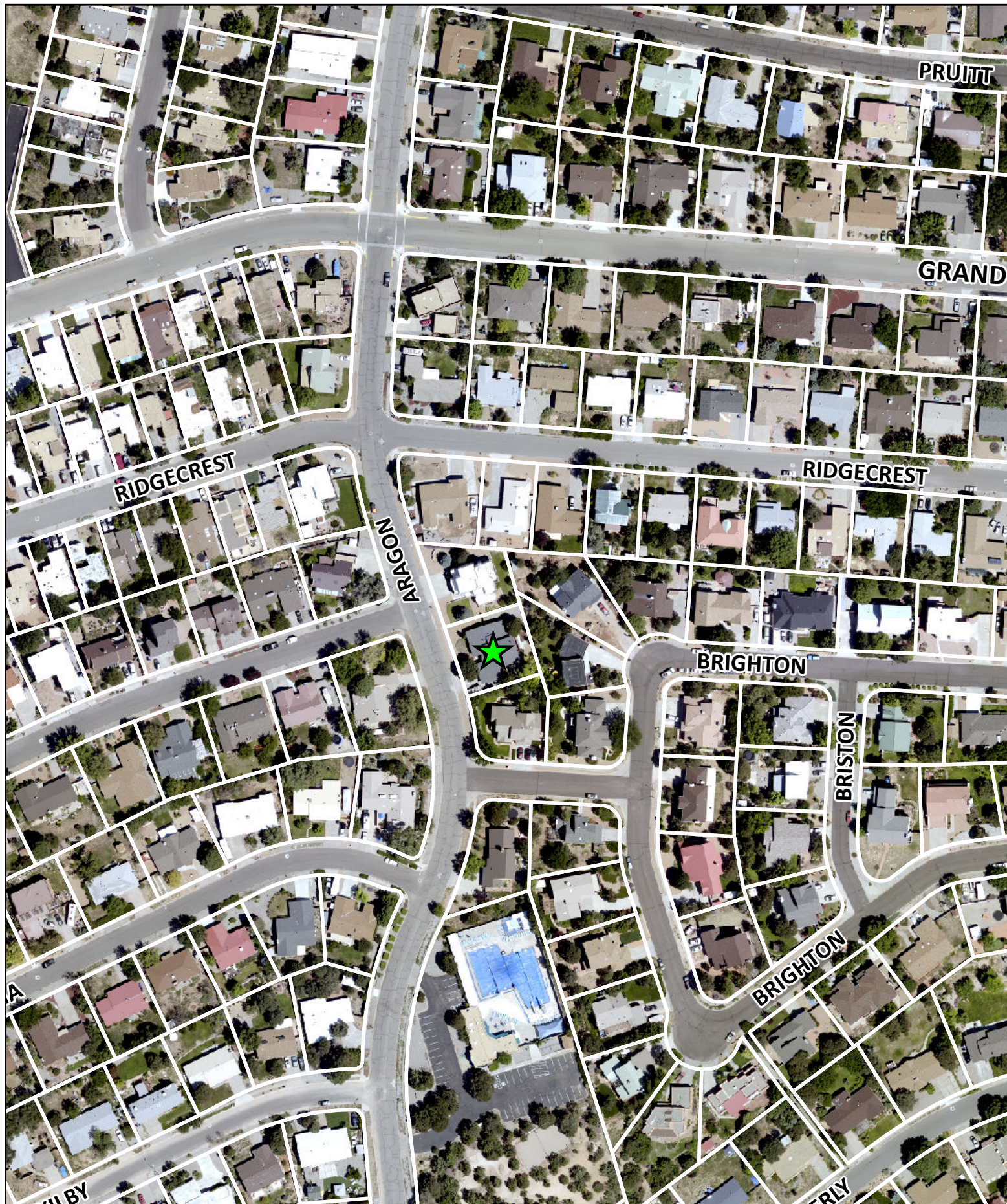


PERSPECTIVE WITH COVERED ENTRY

Exhibit 1



<div data-bbox="1331 31 1396 262" data-label="Page-Header"> <div> <div>3 HUES DESIGN STUDIO LLC</div> <div> t: 505.1672.18536 c: 505.1919.18602 e: laura@3hues-studio.com </div> </div> </div>	<div data-bbox="1331 262 1396 850" data-label="Page-Header"> <div> <div>Project Name</div> <div>WINTERS RESIDENCE - COVERED ENTRY</div> <div>379 ARAGON, LOS ALAMOS NM 87544</div> </div> </div>	<div data-bbox="1331 850 1396 1732" data-label="Page-Header"> <div> <div>Sheet Title</div> <div>ELEVATION AND PERSPECTIVE</div> <div>SCALE: 1/8" = 1'-0"</div> </div> </div>	<div data-bbox="1331 1732 1396 2068" data-label="Page-Header"> <div> <div>Sheet Number</div> <div>SD-02</div> </div> </div>
<div data-bbox="1396 31 1453 262" data-label="Page-Header"> <div> <div>Date</div> <div>10/05/2018</div> </div> </div>			



WVR-2018-0072
379 Aragon

Exhibit 2



OWNERNAME	OWNERADDRESS_ADDRESS1
SANTHI NANDAKISHORE & NANDAKISHORE KAVITA	391 RIDGECREST AVE
MAESTAS MARVIN M& LESLIE F	407 RIDGECREST AVE
GIAQUINTO DONNA MARIE	435 RIDGECREST AVE
ULIBARRI MICHAEL D & JANELLE L REVOC TRUST	385 ARAGON AVE
SCHROEDER JEFFREY J & MARY K	416 BRIGHTON DR
GOLDSTEIN STEVEN J & DEBRA L	397 GARVER LN
VIGIL FAMILY TRUST	389 GARVER LN
PAN PAUL YANG & JASMINE CHIAO-LI TRUST	415 BRIGHTON DR
MCCLELLAN KENNETH J & LAURA A	377 GARVER LN
KOCH KENNETH R & SUSAN H REV TR	377 BRISTON PL
FREESTONE LAURENCE W & RONAELE D REVOC TRUST	410 BRIGHTON DR
TORRES JOY M LIVING TRUST	532 E PAIGE LOOP
LEE DAVID W & MCADAM JACLYN	390 DONNA AVE
WULF ANDREW J & AMPARO V	380 DONNA AVE
GALLE LANE R	370 DONNA AVE
UNAL CETIN & ZEYNEP	367 ARAGON AVE
ROBINSON MELISSA A	566 BRIGHTON DR
GONZALES REVOCABLE TRUST	385 DONNA AVE
GRAVES DEBRA A	430 RIDGECREST AVE
WATT ROBERT G & JUANITA E	424 RIDGECREST AVE
PARTIN MILTON D & MARCELLA B	412 RIDGECREST AVE
SAVUKOV IGOR & OKSANA	418 RIDGECREST AVE
LANDING 1993 TRUST	406 GRAND CANYON DR
TUBB JOHN E & PATRICIA RUTH REV TRUST	439 RIDGECREST AVE
CHANCE BRYAN J & SANDRA A	440 BRIGHTON DR
DYE ROBERT C & CATHERINE L	434 BRIGHTON DR
GRIFFIN JUSTIN M & SHANNON REVOC LIVING TRUST	425 RIDGECREST AVE
APPELL BRIAN K & OLGA	431 RIDGECREST AVE
PETERSON EUGENE J & MCFARLANE GAIL J	428 BRIGHTON DR
MARTINEZ JEREMY P & RACHAEL E	419 RIDGECREST AVE
KISSANE LIVING TRUST	413 RIDGECREST AVE
RIKER R ANTHONY & BETH M	422 BRIGHTON DR
ERICKSON DENNIS J & MARY L REVOC TRUST	400 BRIGHTON DR
WINTERS WADE A REVOC TRUST	379 ARAGON AVE
CRANDELL R W & P A AB LIVING TRUST	560 BRIGHTON DR
MOEMEKA NORBERT & KAREN	409 BRIGHTON DR
RUSSELL JOHN J & CONSTANCE M REVOC TRUST	559 BRIGHTON DR
CANYON VISTA POOL ASSOC INC	PO BOX 4634
CAVALCANTE MARCOS S & ROSELI S CHIOVITTI	382 GARVER LN
ENGLERT MATTHEW & DEBORAH	383 RIDGECREST AVE
SCHMITT KYLE T & HANNAH G	379 RIDGECREST AVE
RICH GREG & LAURA	390 GARVER LN
MCGAUGHEY PATRICK L	398 GARVER LN
WOHLBERG JASON M & MEGAN E	387 RIDGECREST AVE



IDRC REPORT

Case: WVR-2018-0072- 379 Aragon

Date of Meeting: 10/11/18

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved w conditions	Denied
M. Arellano / J. Dudziak	Building	X	No hardship.			X
T. Baer / A. Barela	Planning	X		X		
D. Erickson	Traffic		Approved by email	X		
P. Guerrerortiz /C.Moseley	Utilities	X				
A. Gurule / L. Martinez	Env. Serv.	X		X		
E. Martinez / D. Lujan	PW	X		X		
J. Naranjo	Planning	X		X		
W. Servey / Rinaldi	Fire	X		X		
OTHERS ATTENDING:						
E. Peterson		X				
L. Fresquez		X				
* Blue strikethrough indicates not present at meeting.						

MOTION: A. Gurule moved and C. Moseley seconded that the case be forwarded to the BOA without a recommendation. Motion passed 6 to 1.



Exhibit 5



Exhibit 5

October 14, 2018

Hello Denny and Marylou,

Tammy and I are finally able to see a start to the updates to our place. The first update is new windows and doors (starting October 29th). The second update is to cover the front entry way as seen in the drawing below. We designed the porch to come out a few feet from the existing house front to keep from having a straight-front face on the house...make it more aesthetically pleasing.

The problem, we discovered, is the county has a 25 foot easement from the edge of the sidewalk to the front of the house. As it is, the front face of the house is at 25 feet which disallows the outset porch unless we can obtain a waiver.

The purpose of this note to ask if you have any concerns with us seeking a waiver for the front porch addition and if not, to seek your support to obtain the waiver.

Thank you for your time and consideration of this.

All the best,

Wade & Tammy

Dennis and Marylou Erickson
400 Brighton Loop
White Rock, NM 87547

☒ In support of the waiver !!

☐ Opposed to the waiver

Signature:

Dennis Erickson
10/15/2018

Mary Lou Erickson
10/15/18

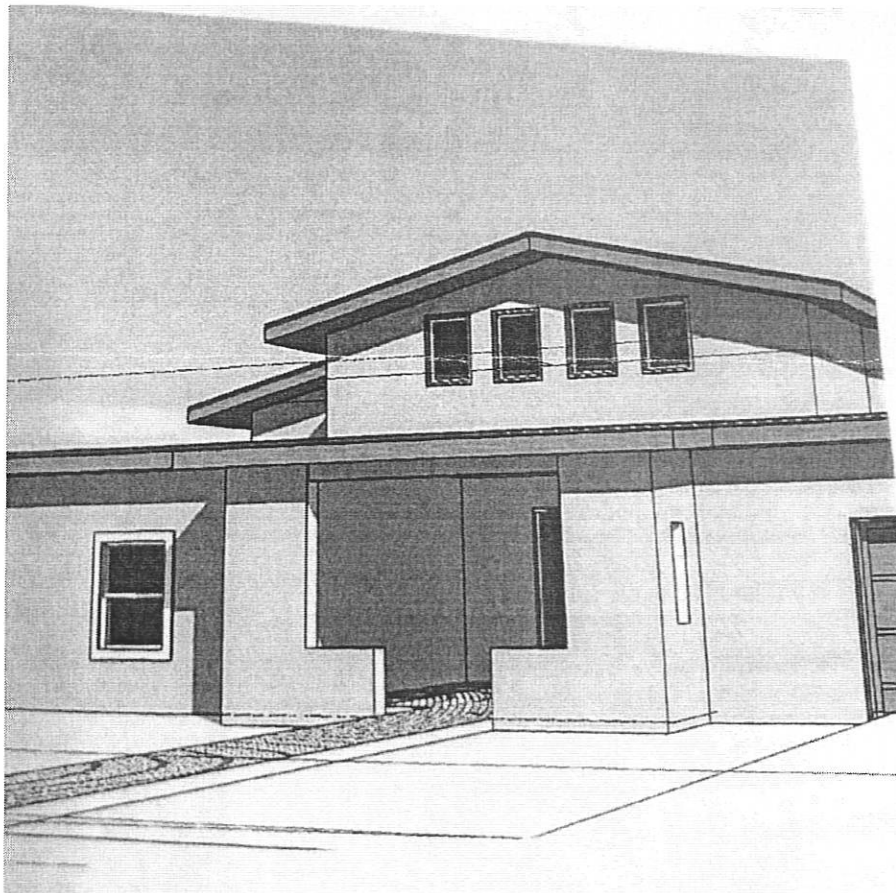


Exhibit 6

October 14, 2018

Hello Mike and Janelle,

Tammy and I are finally able to see a start to the updates to our place. The first update is new windows and doors (starting October 29th). The second update is to cover the front entry way as seen in the drawing below. We designed the porch to come out a few feet from the existing house front to keep from having a straight-front face on the house...make it more aesthetically pleasing.

The problem, we discovered, is the county has a 25 foot easement from the edge of the sidewalk to the front of the house. As it is, the front face of the house is at 25 feet which disallows the outset porch unless we can obtain a waiver.

The purpose of this note to ask if you have any concerns with us seeking a waiver for the front porch addition and if not, to seek your support to obtain the waiver.

Thank you for your time and consideration of this.

All the best,

Wade & Tammy

Mike and Janelle Ulibarri
385 Aragon Avenue
White Rock, NM 87547

☒ In support of the waiver

☐ Opposed to the waiver

Signature: Mike & Janelle Ulibarri October 17th 2018

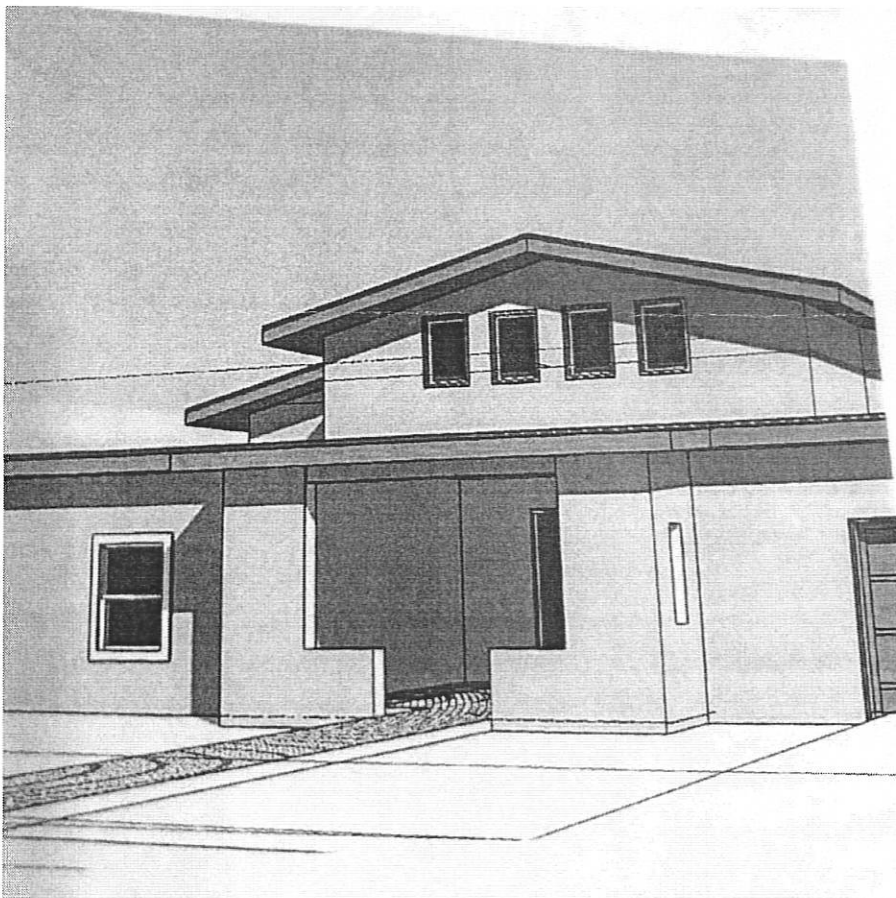


Exhibit 6



County of Los Alamos

Staff Report

November 26, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Legislative File: 11433-18



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT
November 26, 2018

Subject: Case No. WVR-2018-0073
Owner/Applicants: Brad & Rosemary Nyenhuis
Property Address: 1790 36th Street
Case Manager: Tamara Baer, Planning Manager

Case No. WVR-2018-0073: A request for a thirteen foot - six inch (13'-6") Waiver to a fifteen foot (15') required front yard setback, and a two foot (2') Waiver to a five foot (5') required side yard setback for the construction of an attached garage addition to the main structure. The property is located at 1790 36th Street in the Western Area 2 Subdivision, Lot 218, and is zoned R-1-5 (Single Family Residential).

Board Action Options

Motion Option 1:

I move that the Board of Adjustment **approve** Case No. WVR-2018-0073, a thirteen foot - six inch (13'-6") Waiver to a front yard setback, and a two foot (2') Waiver to a side yard setback to allow for the construction of a garage addition attached to the main house, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions:

1. The applicant shall obtain a building permit prior to construction.
2. Roof drainage does not impact neighbors.
3. Accommodations must be made for meter or gas line relocation.
4. Building must meet Building and Fire Code requirements.

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2018-0073 with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

1. ...

I. Summary

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, R-1-5 District, requires a minimum front and rear yard setback of fifteen (15) feet as measured from the property line and a minimum side yard setback of five (5) feet as measured from the property line. The applicant is requesting a thirteen foot – six inch waiver to the required front yard setback and a two foot waiver to the required side yard setback to allow for the construction of a garage addition to the main structure measuring approximately fifteen (15) feet in width by twenty-one (21) feet in depth. If approved, the structure will be located one and one half feet (1'-6") from the front/rear property line and three feet (3') from the side property line. See Exhibit 1.

The subject property is part of the neighborhood known as the Denver Steels, in which the houses were built by the Atomic Energy Commission (AEC) in the 1940s and '50s. This house was built in 1948. All the Denver Steels predated adoption of the Development Code (1965), which zoned the area R-1-5. The minimum lot size in R-1-5 is 5,000 square feet, which made most of the lots in the Denver Steels, including the subject lot, non-conforming for lot size. Los Alamos County Assessor's data indicate the subject property is 3,800 square feet, and the existing dwelling unit is approximately 1,468 square feet. GIS measurements indicate the footprint to be approximately 1,268 square feet. With the garage addition of 315 square feet as proposed, the property would still meet the maximum lot coverage* requirement of 45%.

**Per Sec. 16-9, Definitions, of the Los Alamos County Code of Ordinances, "Lot coverage means the percentage of the lot area covered by structures, including accessory buildings, main buildings and detached buildings as defined elsewhere in this chapter. Lot coverage includes all aboveground structures."*

The property is occupied by a single-family residence with one accessory structure, a shed, which will be removed to make room for the garage, if the waivers are approved. A 160± foot long alleyway, Basalt Drive, provides vehicular access to the subject property and only two others. All other properties in the immediate vicinity are fully developed with single family residences, all of which are accessed from adjacent streets, and not from Basalt.

Both the applicant and Planning staff have discussed utility connections with staff in the Department of Public Utilities. A thirteen (13) foot wide utility easement runs along the front yard, parallel to the property line and would be unaffected by the proposed construction. No other easements are located on the property. Gas and sewer connections from the south side of the property are not in conflict with the proposed garage location.

On Thursday, October 25th, 2018, the Inter-Departmental Review Committee reviewed the request and voted (5-0, with one abstention) to recommend approval of the waivers to the Board of Adjustment. Exhibit 4.

The Waiver application was properly and legally advertised, posted and noticed. The Planning Division received two letters in support of the Waiver from the two property owners immediately adjacent to the east and one to the south of the subject property. No other comments had been received as of Monday, October 29, 2018. See Exhibit 6.

II. Waiver Review Criteria

Sec. 16-157: During the course of review of any waiver request, the board of adjustment shall base its decision on all the following criteria. The board of adjustment shall approve, approve with conditions and limitations, or deny the request depending on the extent to which the request meets or fails to meet these criteria:

(a) Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement; and

Applicant Response: The planned construction is clear of all utilities. The small overhang setback encroachment to the east is no more than the current one and has been OKed by the neighbors to that side.

Staff Response: The proposed construction will not be placed over any known easements. The Department of Public Utilities has given preliminary approval for the garage construction as proposed with the condition that gas lines must be accurately located, and, if in conflict, will have to be relocated.

(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 waiver request is caused by the odd shaped lot compounded by the irregular angle of the house itself. Also, the lack of storage inherent in the Denver Steel home design make this a very difficult living arrangement. The lack of inside storage is further compounded by the lack of storage space available in Los Alamos. All these issues combine to create a serious hardship that we didn't fully grasp when we purchased this house two months ago.

Staff Response: In voting to recommend approval of the waivers, IDRC considered the small size of the lot, the diagonal placement of the residence on the lot, the minimal amount of traffic on Basalt, and the opportunity to replace a somewhat dilapidated structure, the shed, with a functional and more attractive garage. Many of the properties in the Denver Steels struggle with the need to meet modern-day needs and requirements in the face of undersized lots and often the proximity of other structures. In this case, the garage would not create an intrusive presence into the neighboring property. Additionally, the alley provides a buffer that does not exist in many of the other Denver Steels locations. The hardship lies with the lot and lot improvements.

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

Applicant Response: Health, safety, or codes would not be affected by the granting of this waiver. If anything, this would allow us to discontinue use of the parking area directly off 36th St, near the stop sign. This would increase line of sight for northbound 36th St traffic.

Staff Response: The garage will be constructed in compliance with all building and fire 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: Whatever minimal impact this would have would be positive. The garage would allow all storage (including parking) to be brought inside. This would obviously create a more attractive environment for the neighborhood. Discontinuing the aforementioned parking area on 26th would also allow us to make that area more attractive from the street.

Staff Response: The proposed addition is not likely to create any negative physical impacts to the subject property or to any properties in the immediate vicinity. The applicant has spoken to his neighbors – the two with access from Basalt and the one directly across Basalt – who have all indicated that they have no objection to construction of the garage. See Exhibit 6.

III. Public Notice

Notice of this public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-192(b), including by U. S. mail to owners of real property located within 100 yards of the subject property.

As of Monday, November 19, 2018, no comments regarding this Waiver application, other than the signatures in support, had been received by the Community Development Department.

IV. 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 November 1st, 2018. 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 was properly and sufficiently noticed, and no objections have been received as of the publication date of this report.
3. This and adjacent properties are residentially-developed, and are zoned R-1-5 (single family residential).
4. The applicant owns the subject property.
5. The subject property is located at 1790 36th St. in the Western Area 2 Subdivision, Lot: 218, and consists of 3,800 square feet of area. The existing residence is 1,468 square feet, with a footprint of approximately 1,268 square feet, yielding a lot coverage of 33.4%, exclusive of the existing shed, which will be removed. The proposed three-hundred and fifteen (315) square foot addition will increase lot coverage to 41.6%. The maximum lot coverage permitted in the R-1-5 zoning district is 45%.
6. Approval of this Waiver will allow the applicant to construct a three-hundred and fifteen (315) square foot garage addition that will encroach thirteen feet – six inches (113'-6") into a front yard setback and two (2) feet into a side yard setback.
7. The adjacent property owners to the east and south (3587 and 3577 Ridgeway and 1754 36th Street) have signed a statement in support of the Waiver request.
8. On October 25, 2018, the Interdepartmental Review Committee (IDRC) voted (5-0- 1-abstention) to recommend approval of this request to the Board of Adjustment.

V. Exhibits

- | | |
|-----------|--|
| Exhibit 1 | Application, and Site Plan |
| Exhibit 2 | Vicinity Map 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 |
| Exhibit 6 | Statement from adjacent property owners |

LOS ALAMOS
Community Development

WAIVER APPLICATION

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

Note: The Board of Adjustment considers Applications for Waivers at a public hearing. Waiver means an adjustment of dimensional requirements, parking regulations, or design standards contained in the Land Development Code. Waivers shall not apply to regulations controlling density or land use.

Describe the Waiver request:

SEE ATTACHED SHEET

Address of Property to which the Waiver Request applies:

1790 36TH ST, LOS ALAMOS, NM 87544

Zoning District: R-1-5 Acreage: .08 Lot Coverage: _____ Related Applications (if any): _____

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

Name: BRAD NYENHUIS Phone: _____ Cell #: (505) 412-8138
Please Print

Address: 1790 36TH ST. Email: bradenyenhuis@
en-la.doe.gov.

SIGNATURE DATE 10/22/18

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 10/22/18

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 10-22-18

Staff Initial: JN

CDD Application Number: WVR-2018-73

Fees Paid: DVC \$250 PAID

WAIVER REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-157 establishes four (4) criteria upon which the Board of Adjustment shall base its decision to approve, approve with conditions and limitations, or deny the waiver request. The Board's decision shall depend upon the extent to which the request meets or fails to meet these criteria. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. (Attach additional sheets if needed.)

- (a) *Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement; and*

SEE ATTACHED SHEET

- (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*

ll

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

ll

- (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.*

ll

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: _____

Description of Waiver Request

I request waivers to allow the building of a garage connecting to the SE corner of my residence at 1790 36th St. The desired placement is the only practical option due to the house/lot arrangement and would require a waiver to the following situations:

Allow a smaller offset to Basalt St (An alley that services 3 homes). Allow the continuation of a small current encroachment to the property line offset to the east. Allow the lot size to house percentage to extend to approximately 47% rather than 45% (90 sq ft over the allowable 1710 sq ft.)

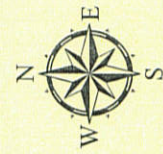
Waiver Review Criteria

(a) The planned construction is clear of all utilities. The small overhang setback encroachment to the east is no more than the current one and has been OKed by the neighbors to that side.

(b) The waiver request is caused by the odd shaped lot compounded by the irregular angle of the house itself. Also, the lack of storage inherent in the Denver Steel home design make this a very difficult living arrangement. The lack of inside storage is further compounded by the lack of storage space available in Los Alamos. All these issues combine to create a serious hardship that we didn't fully grasp when we purchased this house just two months ago.

(c) Health, safety, or codes would not be affected by the granting of this waiver. If anything, this would allow us to discontinue use of the parking area directly off 36th St, near the stop sign. This would increase line of sight for northbound 36th St traffic.

(d) Whatever minimal impact this would have would be positive. The garage would allow all storage (including parking) to be brought inside. This would obviously create a more attractive environment for the neighborhood. Discontinuing the aforementioned parking area on 36th would also allow us to make that area more attractive from the street.



0 5 10 20 Feet

36th St.

Ridgeway

1790 36th St.

1790

1467 sq Ft

3587

Proposed garage addition

Door 13'5" sq Ft

15.75'

21.5'

13.25'

1.25" PE

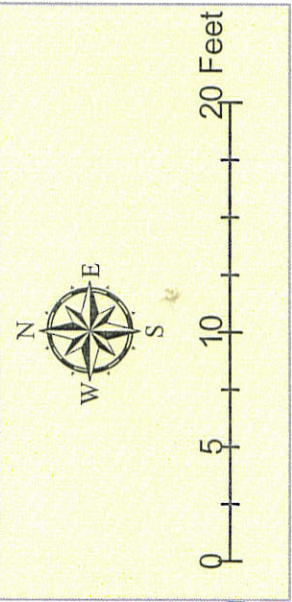
5" PE

1.6'

Basalt St.

Exhibit 1

Exhibit 1



Ridgeway

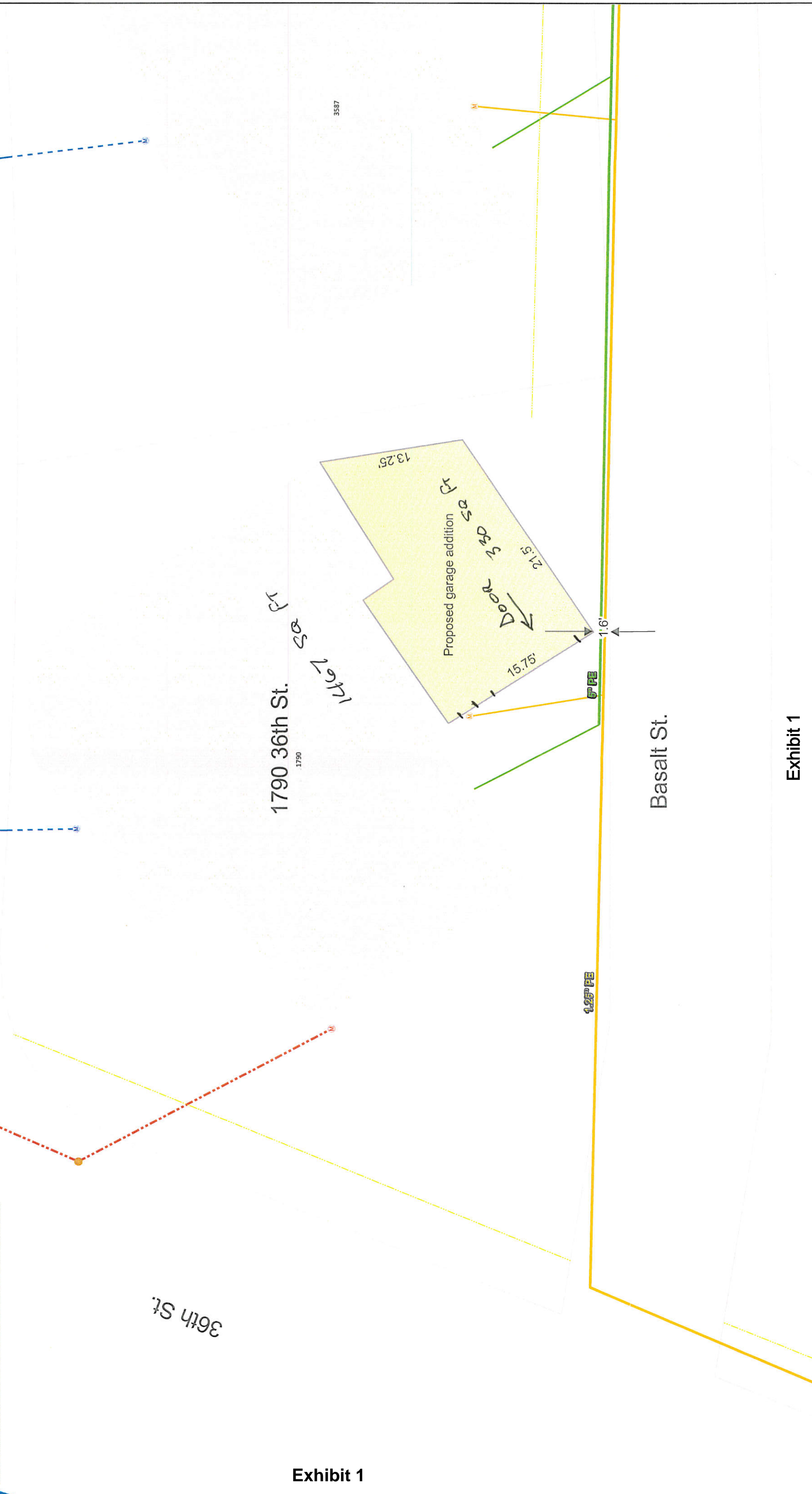


Exhibit 1

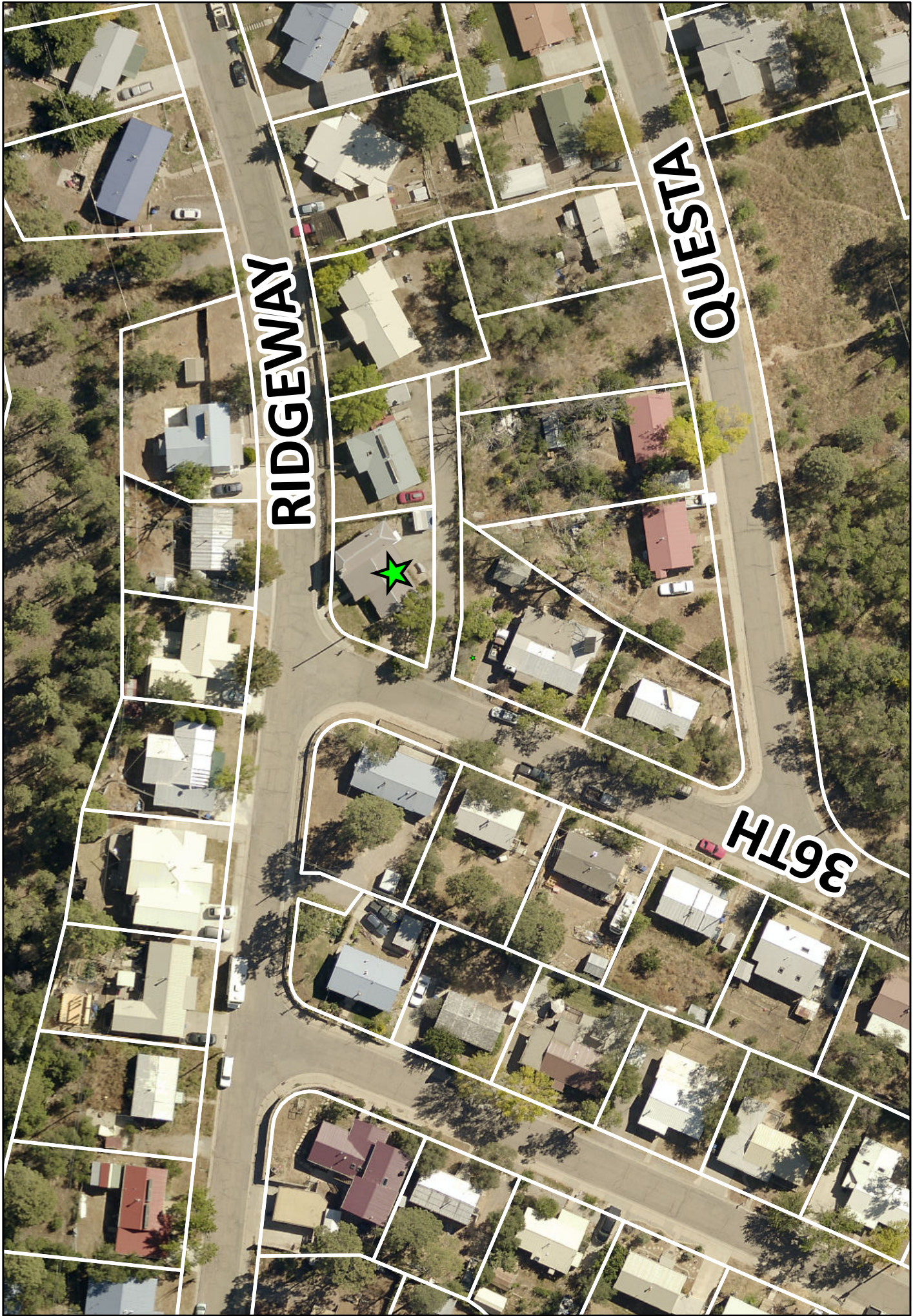


Exhibit 2

1790 36th
Vicinity Map

Exhibit 2

OWNERNAME	OWNERADDRESS_ADDRESS1	OWNERADDRESS_CITY
LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS
SANCHEZ LUIS G	3528 RIDGEWAY DR	LOS ALAMOS
SCOGGINS WARREN J	121 GRAND CANYON DR	LOS ALAMOS
LOPEZ FAMILY TRUST	3750 RIDGEWAY DR	LOS ALAMOS
BRUELL KATHERINE	3550 RIDGEWAY DR	LOS ALAMOS
HUNT MACKENZIE & LORALEE	3962 CR M	BROADVIEW
HUNTER WILLIAM J & COLLETE K	3690 RIDGEWAY DR	LOS ALAMOS
STELTS MARION L & RAE MARIE	3660 RIDGEWAY DR	LOS ALAMOS
NARANJO ALICE M	3630 RIDGEWAY DR	LOS ALAMOS
WILLIAMS GALE	3600 RIDGEWAY DR	LOS ALAMOS
TUCKER JEFFREY K & EMMA M	3537 RIDGEWAY DR	LOS ALAMOS
BROWN DONALD W & ANNEMARIE E	5553 DARLINGTON RD	PITTSBURGH
HASKINS RICKARD L & CANDEE M	3549 RIDGEWAY DR	LOS ALAMOS
DUERRE DIANNA & KURT	1792 37TH ST	LOS ALAMOS
EKBERG DENISE D & SMITH ERIC R	6706 COLONY PARK COVE	AUSTIN
SHELLEY FRED E & MINDY S	3577 RIDGEWAY DR	LOS ALAMOS
CARR NICOLI M & CAROL	3587 RIDGEWAY DR	LOS ALAMOS
NYENHUIS BRAD S & ROSEMARY A	1790 36TH ST	LOS ALAMOS
MCCURDY DONALD D & CATHY A REVOC TRUST	5332 BLACK ARROYO NW	ALBUQUERQUE
FEIERTAG SUSAN D	3532 QUESTA DR	LOS ALAMOS
DIAMOND JULIETTE	1772 37TH ST	LOS ALAMOS
HUNT MACKENZIE & LORALEE	3962 CR M	BROADVIEW
VALDEZ ELUID A & RUBY I & ADELAIDA	BOX 8	VELARDE
DUMMER JOHN & SUSAN BARTHEL	3556 QUESTA DR	LOS ALAMOS
KATKO MICHAEL & DEBORAH	312 MEADOW LN	LOS ALAMOS
HABITAT FOR HUMANITY	PO BOX 238	ESPANOLA
GALLEGOS LIVING TRUST	3574 QUESTA DR	LOS ALAMOS
NGUYEN HAU	921 ESTATES DR	LOS ALAMOS
JENKINS EVERETT M	1741 37TH ST	LOS ALAMOS
GALLEGOS LIVING TRUST	3574 QUESTA DR	LOS ALAMOS
BJARKE-MCKENZIE JUDITH A	1752 37TH ST	LOS ALAMOS
MANZANARES MICHAEL J & SARA J	1745 36TH ST	LOS ALAMOS
MCALLISTER RAYMOND	224A NM-503	SANTA FE
HALL BOBBIE	1730 37TH ST	LOS ALAMOS
HUNT MACKENZIE & LORALEE	3962 CRM	BROADVIEW
KOLAR CHASTITY N	3539 QUESTA DR	LOS ALAMOS
LYNCH JENNIFER T & BRIAN J	3545 QUESTA DR	LOS ALAMOS
KERESEY MEGHAN	50 KACHINA	LOS ALAMOS
LOS ALAMOS COUNTY	PO BOX 30	LOS ALAMOS
RODRIGUEZ LOUISE D	9019 EAGLE VISTA DR NE	ALBUQUERQUE
JONES FAMILY TRUST	1691 36TH ST	LOS ALAMOS
GONZALES JOSEFITA R	3542 PUEBLO DR	LOS ALAMOS
CHRYSTAL EAGLE TR - LITTLE R	1670 36TH ST	LOS ALAMOS
TRUJILLO ALICE M	3560 PUEBLO DR	LOS ALAMOS
MICHEL JAMES R	3554 PUEBLO DR	LOS ALAMOS
HULL ANTHONY	3570 PUEBLO DR	LOS ALAMOS

NICKOLS TODD
KELLER CRAIG M
LOS ALAMOS COUNTY
LOS ALAMOS COUNTY

3590 RIDGEWAY DR
1 LOMA VISTA DR
PO BOX 30
PO BOX 30

LOS ALAMOS
LOS ALAMOS
LOS ALAMOS
LOS ALAMOS



IDRC REPORT

Case: WVR-2018-0073- 1790 36th

Date of Meeting: 10/25/18

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved w conditions	Denied
M. Arellano / J. Dudziak	Building	X	Any walls of the structure that are closer than 5ft to the property line are required to have a one hour fire-resistance rating. Any projections (such as overhangs) less than 2ft from the property line are not allowed. Projections from 2ft to under 5ft from the property line are required to have a one hour fire-resistance rating on the underside. Openings in walls are not allowed closer than 3ft to the property line.		X	
T. Baer / A. Barela	Planning	X		X		
D. Erickson	Traffic	X	Abstained			
J. Alarid/ C. Moseley	Utilities	X	The gas line must be accurately located and if in conflict will have to be relocated.		X	
A. Gurule / L. Martinez	Env. Serv.					
E. Martinez/ D. Lujan	PW	X		X		
J. Naranjo	Planning	X		X		
W. Servey / Rinaldi	Fire					
OTHERS ATTENDING:						
L. Fresquez		X				

*** Blue strikethrough indicates not present at meeting.**

MOTION: E. Martinez and J. Alarid seconded that the case be forwarded to the BOA with a recommendation of Approval with the following Conditions:

1. Roof drainage does not impact neighbors.
2. Accommodations must be made for meter or gas line relocation
3. Building must meet Building and Fire Code requirements.

Motion passed 5-0-1 Abstention.



Exhibit 5



Exhibit 5



Exhibit 5



Exhibit 5

I have no objections to the proposed garage construction by Brad Nyenhuis at 1790 36th St



Nichol M. Cass

Resident 3587 Ridgeway Dr.



FRED SHELLEY

Resident 3577 Ridgeway Dr.



Mike Karlo

Resident 1754 36th St.