



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: February 6, 2017
Subject: Case No. WVR-2017-0028
Owners/Applicants: Todd & Amy Urbatsch, Owners & Applicants
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Principal Planner

Case No. WVR-2016-0028: Todd and Amy Urbatsch, the property owners and petitioners, are requesting 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 (20') feet, to fourteen (14') feet; in order to remodel a single family residence by constructing an addition to the rear portion of the existing residential dwelling unit. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, requires a minimum 20-foot rear yard setback for Main Structures. The property is located at 2671 Orange Street, Los Alamos, New Mexico, Subdivision: Western Area 2, Lot 55, and is zoned R-M (Residential Mixed District).

Board Action Options

Motion Option 1:

I move that the Board of Adjustment **approve** Case No. WVR-2016-0028, a request for approval of a waiver from a rear yard setback requirement, for the construction of a proposed addition to an existing residential dwelling unit, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions:

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

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2016-0028 with the finding that it does not meet the Criteria of Section 16-157 of the Los Alamos County Development Code, for the following reason(s):

1. ...

I. Summary

The applicant is requesting a waiver to allow for the construction of an addition to an existing residential dwelling unit which will encroach into a portion of a required rear yard setback area. The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Site Development Requirements (table), Residential

Mixed District, establishes a minimum rear yard setback of twenty (20') feet, as measured from the rear property line.

Section 16-533 (4) of the Los Alamos Development Code, states that the Residential Mixed District (R-M) is intended to accommodate single-family and two-family dwellings and accessory structures and accessory structures and uses, and is further intended to maintain and protect a residential character of development.

The subject property is located at the end of a cul-de-sac street. The parcel is irregularly shaped, and has seven sides. The parcel is occupied by a single family residence. The subject property abuts Acid Canyon, located to the south, and Los Alamos County open space, located to the east. The proposed addition to the residence will be constructed along the eastern-facing elevation of the residential dwelling unit, which will face the parcel owned by Los Alamos County. This parcel is zoned P-L, Public Lands, and contains a small, partially developed park. Pedestrian access to this park is via a 7.5-foot wide county-owned path running alongside the northern property line of the Urbatsch property.

The proposed addition will project approximately seventeen and a half (17' 6") eastward from the eastern elevation of the residence, and contain approximately 375 Ft² of area under roof. The existing residence contains 2,026± Ft² of area under roof. The subject property contains 10,163.75 Ft² of area. The lot coverage factor is 20%. With the proposed addition, the lot coverage factor increases to 23.6%. The maximum lot coverage allowed by the Site Development Requirements of the Los Alamos County Development Code is 40%.

The proposed addition will encroach six (6') feet into a required rear yard setback of twenty (20') feet.

There are no known easements that would be impacted by the proposed construction.

This application for a waiver was properly and legally advertised, posted and noticed. No complaints or inquiries were received by the Community Development Department as of Thursday, February 2, 2017.

II. Waiver Review Criteria

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

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

Applicant Response: Waiver is located on the opposite side of the lot from any easements.

Staff Response: There are no known utilities that proposed construction will impact.

(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: a) Lot is odd-shaped. b) house is not aligned to lot. c) original house quality is better than 1960s-70s addition, therefore we would like to rebuild that portion.

Staff Response: Planning staff notes that the existing residence is set onto the lot at an angle relative to the north and south property lines, which are roughly parallel to each other. The Los Alamos County Open Space

Specialist states that they do not see a hardship for encroachment in the setback. We believe the setback is appropriate from the Park/Open Space Area, and meets the community's vision.

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

Applicant Response: It will not. Plus a shed will be removed.

Staff Response: The Planning staff does not believe the waiver requested will create a health or safety hazard. The Senior Building Inspector has no comments, other than to request all proposed construction be reviewed and approved via a Building Permit.

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

Applicant Response: Remodel will be one-story with pitched roof. The waiver is located at the farthest point away from both neighbors, so no excessive or additional blockage of sun. Waiver is located near a remote, generally unused corner of the playlot.

Staff Response: The Planning staff does not believe the waiver requested will 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 waiver requested is in the rear yard. There are no adjoining neighbors located behind the subject property.

III. Findings of Fact

1. This public hearing was announced by publication in the Los Alamos Monitor, the Newspaper of Record for Los Alamos County, on Sunday 22 January 2017; and property owner notices were mailed via first class mail to all owners of real property located within 100 yards of the subject property.
2. This and adjacent properties are residential and are Zoned R-M (Residential Mixed District).
3. The subject property is located in the WESTERN AREA 2 Subdivision, Lot: 055, which contains 0.233± acres, or 10,163.75 square feet of area. The existing residential structure covers a footprint of approximately 2,026 Ft² of area, yielding a lot coverage factor of 20.0%. The maximum lot coverage percentage permitted by Section 16-537 Site Development Requirements, of the Los Alamos County Development Code, is 40%.
4. The existing residence on the subject property is set back sixty-two (62') feet from the front property line; thereby meeting the minimum required front yard setback requirement of twenty (20') feet.
5. The proposed residential addition will encroach within a required rear yard setback area, will add approximately 375 Ft² of additional lot coverage to the subject property, bringing the lot coverage factor up to 23.6%.
6. Section 16-537, Site Development Requirements, of the Los Alamos County Development Code, requires a minimum front yard setback of twenty (20') feet, a minimum rear yard setback of twenty (20') feet, and minimum side yard setbacks totaling fifteen (15') feet. The existing single family residence occupying the subject property is compliant with this requirement.

7. Per §16-537, the minimum required rear yard setback for structures in an R-M (Residential Mixed) zone is twenty (20') feet. Approval of this waiver will allow the Urbatsch family to construct a residential addition that will encroach six (6') feet into a required rear yard setback area.
8. The lot is unusually-shaped, and the placement of and alignment of the residence on the property render it difficult to construct an addition or to effectuate remodeling activities without the necessity of a waiver to certain setback requirements.
9. ...

IV. Exhibits

Exhibit I	Vicinity map/Aerial photo of the subject property
Exhibit II	Application; Property Survey; Site Plan
Exhibit III	Addendum Letter
Exhibit IV	List of property owners of record within 100 yards of subject property
Exhibit V	Interdepartmental Review Committee (IDRC) comments
Exhibit VI	Photographs of subject property, Staff (8)

2671 Orange Street



Exhibit I Vicinity map/Aerial photo of the subject property



0 37.5 75 150 Feet

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 these data.

1 inch = 75 feet

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:

Remodel existing house to extend to within 14 ft. of property line.

Address of Property to which the Waiver Request applies:

2671 Orange St, Los Alamos, NM 87544

Zoning District: _____ Acreage: _____ Lot Coverage: _____ Related Applications (if any): _____

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

Name: Todd Urbatsch Phone: 661-1501 Cell #: 695-5735
Please Print

Address: 2671 Orange St Email: ta-urbatsch@hotmail.com

Todd Urbatsch

29 DEC 2016

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: _____

Staff Initial: _____

CDD Application Number: _____

Fees Paid: _____

Exhibit II ☐ Application; Property Survey; Site Plan

WAIVER REVIEW CRITERIA:

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

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

Waiver is located on the opposite side of the lot from any easements.

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

- a) lot is odd-shaped
- b) house is not aligned to lot
- c) original house quality is better than 1960-70's addition, therefore we would like to rebuild that portion.

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

It will not. Plus, a shed will be removed.

- (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.**

Remodel will be one-story with pitched roof. The waiver is located at the farthest point away from both neighbors, so no excessive or additional blockage of sun. Waiver is located near a remote, generally unused corner of the playlot.

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: _____

WARRANTY DEED

(Joint Tenants)

TODD URBATSCH, AN UNMARRIED MAN, for consideration paid, grant(s) to TODD URBATSCH and AMY C. URBATSCH, husband and wife, as joint tenants with rights of survivorship, whose address is 2671 ORANGE, LOS ALAMOS, New Mexico 87544, the following described real estate in Los Alamos County, New Mexico:

LOT NO. 55, WESTERN AREA NO. 2, SHOWN BY MAP OR PLAT THEREOF FILED IN THE OFFICE OF THE CLERK OF LOS ALAMOS, NEW MEXICO, ON THE 10TH DAY OF SEPTEMBER OF 1965, AND OFFICIALLY OF RECORD IN BOOK 1, AT PAGE 65, PLAT RECORDS OF SAID COUNTY.

SUBJECT TO all reservations, restrictions, easements and covenants of record. ALSO SUBJECT TO ad valorem property taxes for 2003 and subsequent years.

with warranty covenants.

WITNESS our hands and seals this 19TH day of MARCH, 2003.

Todd Urbatsch
TODD URBATSCH

Amy C. Urbatsch
AMY C. URBATSCH

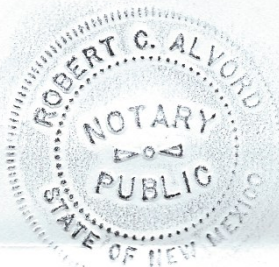
ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF LOS ALAMOS

This instrument was acknowledged before me on MARCH 19, 2003, by TODD URBATSCH AND AMY C. URBATSCH, HUSBAND AND WIFE.

[Signature]
Notary Public

My commission expires: 5-4-05



For recorders use only

STATE OF NEW MEXICO		
COUNTY OF LOS ALAMOS		
DOC	<u>166287</u>	
DATE	<u>March 19</u>	<u>2003</u>
TIME	<u>11:59</u>	<u>A.M.</u>
BOOK	<u>112</u>	PAGE <u>483</u>
COUNTY CLERK		
<u>[Signature]</u>		
DEPUTY <u>[Signature]</u>		

Exhibit II ☐ Application; Property Survey; Site Plan

LOS ALAMOS COUNTY
P.O. BOX 99
LOS ALAMOS, NEW MEXICO 87544-0099
Payment Inquiries (505) 662-8333
Valuation and Assessment Inquiries (505) 662-8030

2016 TAX BILL

TAXPAYER'S COPY

PLEASE MAKE A SEPARATE CHECK FOR
PROPERTY TAX FROM OTHER PAYMENTS.

Please read reverse side of this bill and
enclose payment coupon in envelope with
your check or money order.

IF YOUR TAX PAYMENTS ARE ESCROWED THROUGH A MORTGAGE COMPANY, IT IS
YOUR RESPONSIBILITY AS PROPERTY OWNER TO FORWARD THIS BILL FOR PAYMENT.

NOTICE: THIS TAX BILL IS THE ONLY NOTICE YOU WILL RECEIVE FOR PAYMENT OF
BOTH INSTALLMENTS OF YOUR 2016 PROPERTY TAX.

PAYMENT VERIFICATION: IF CHECK OR DRAFT IS
GIVEN IN PAYMENT OF TAXES, THE TAX BILL IS
NOT CONSIDERED PAID UNTIL THE CHECK HAS
CLEARED THE TAXPAYER'S BANK OR OTHER
FINANCIAL INSTITUTION.

NET TAXABLE VALUES WILL BE ALLOCATED TO
GOVERNMENTAL UNITS IN SCHOOL DISTRICT. **#1**

TAXABLE VALUE IS 33 1/3% OF FULL VALUE

	FULL VALUE	TAXABLE VALUE
LAND RES SINGLE	70,820	23,610
BLDG RES SINGLE	117,760	39,250
HeadOfHousehold	0	-2,000

NET VALUE 60,860



URBATSCH TODD & AMY C
2671 ORANGE ST
LOS ALAMOS NM 87544-2173

T12 P171 RN: 314
AC: R005489

PRINT THIS ACCOUNT
NO. ON YOUR CHECK

ACCOUNT NO.
R005489

PARCEL #

1033113388083

2671 ORANGE ST

Subd: WESTERN AREA 2 Lot: 055 S: 9 T: 19N R: 6E

PROPERTY DESCRIPTION

HOW YOUR TAX DOLLAR IS BEING DISTRIBUTED

TAX RATE EXPRESSED IN DOLLARS PER THOUSAND OF NET TAXABLE VALUE		
COUNTY	5.873	357.43
COUNTY DEBT SERVICE	0.000	0.00
MUNICIPAL	3.950	240.40
MUNI DEBT SERVICE	0.000	0.00
COLLEGE	0.988	60.13
COLLEGE DEBT SERVICE	0.000	0.00
SCHOOL OPERATION	0.336	20.45
SCHOOL DEBT SERVICE	8.621	524.67
SCHOOL CAP IMPRO	0.000	0.00
SCHOOL HB33	3.246	197.55
STATE DEBT SERVICE	1.360	82.77

INTEREST IS 1% PER MONTH ON DELINQUENT TAXES. ALSO, A PENALTY OF UP TO 5% WILL BE CHARGED ON EACH HALF.

DELINQUENT DATES				
YEAR	TAX AMOUNT	INTEREST	PENALTY	TOTAL TAXES
PRIOR TAXES, IF ANY MUST BE PAID BEFORE ACCEPTING CURRENT YEAR PAYMENT.				

TAXPAYER'S COPY - PLEASE RETAIN THIS BILL FOR YOUR RECORDS.

24.374

TOTAL 2016 TAX DUE 1,483.40

**2016 TOTAL CURRENT
& PRIOR TAXES 1,483.40**

SECOND HALF PAYMENT COUPON

PLEASE MAKE CHECKS PAYABLE TO:
LOS ALAMOS COUNTY
P.O. Box 99 • Los Alamos, NM 87544-0099

PRINT THIS
ACCOUNT NUMBER
ON YOUR CHECK

R005489

YOUR CANCELED CHECK IS YOUR RECEIPT.

THIS BILL IS DUE BY **APRIL 10, 2017**. TO AVOID INTEREST AND PENALTY CHARGES,
DETACH THIS COUPON AND REMIT WITH PAYMENT BY: **MAY 10, 2017**.

URBATSCH TODD & AMY C
2671 ORANGE ST
LOS ALAMOS, NM 87544

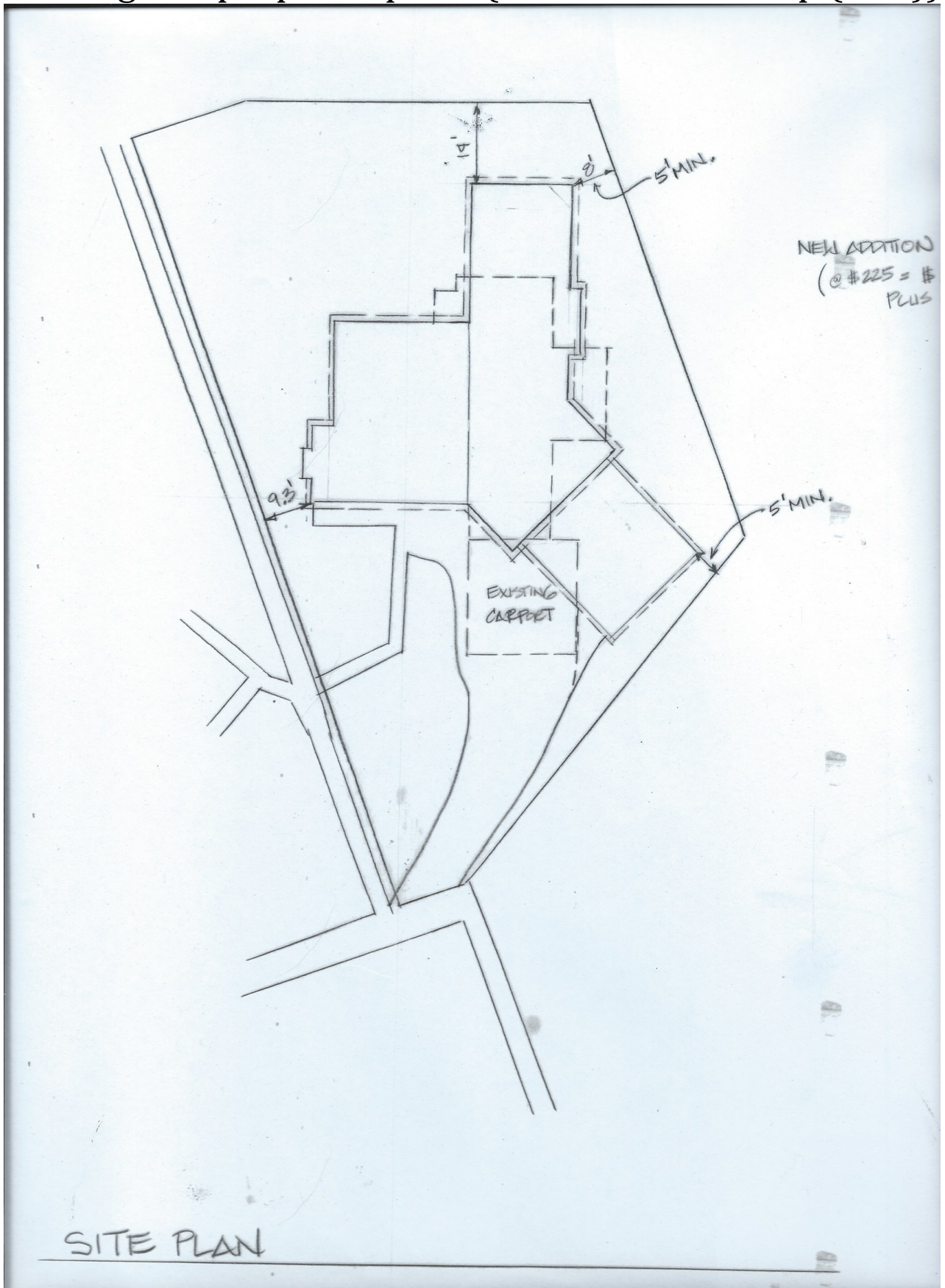
**2016
SECOND HALF**

741.70

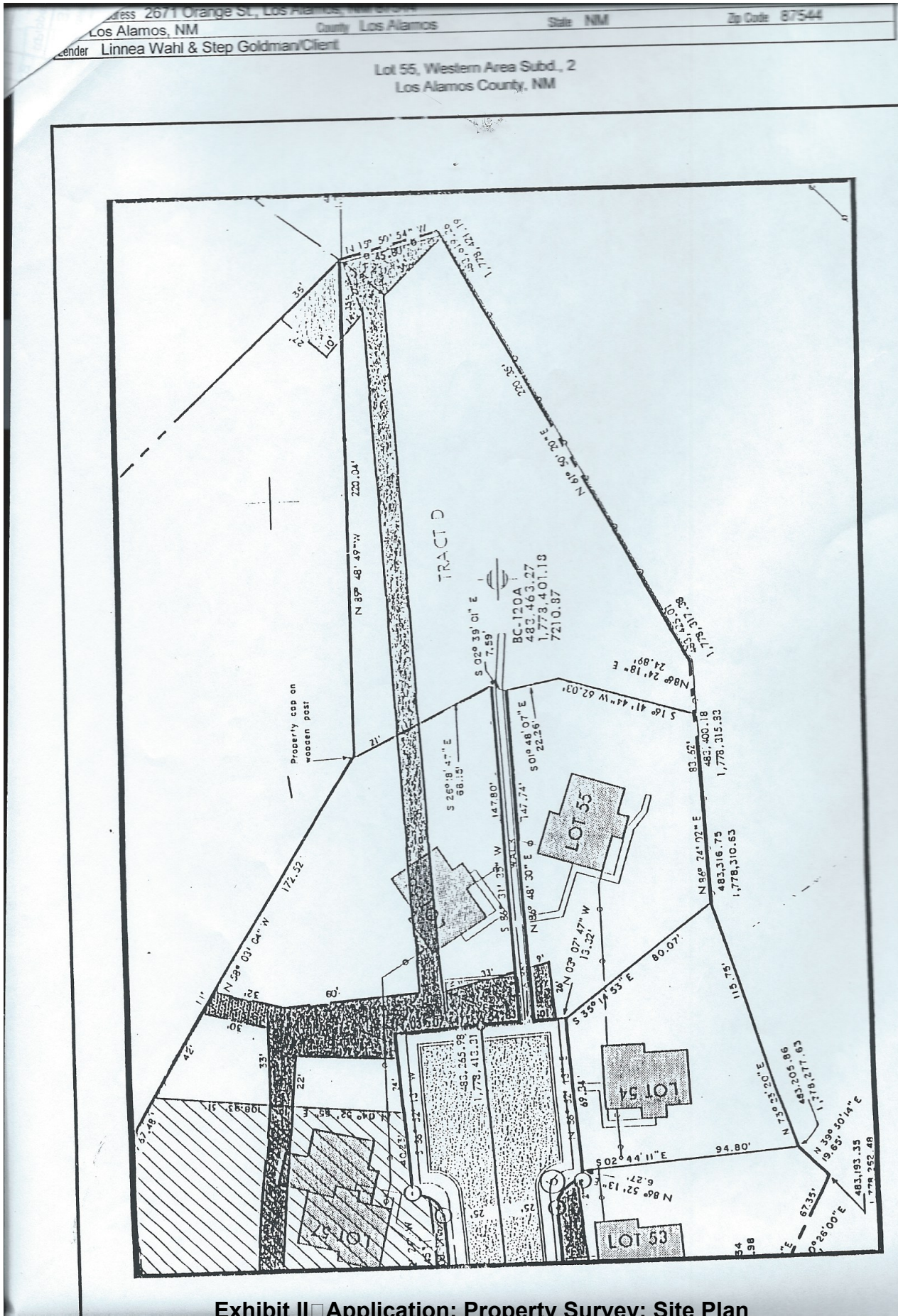
DO NOT FOLD OR STAPLE THIS COUPON.
DO NOT WRITE BELOW THIS LINE

031000005489000007417000001483405

Existing and proposed plans (waiver is at the top (east))



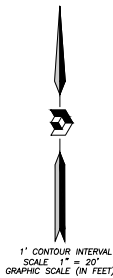
Easements (with original house, prior to 1960-70s additions)



2014 topographical map

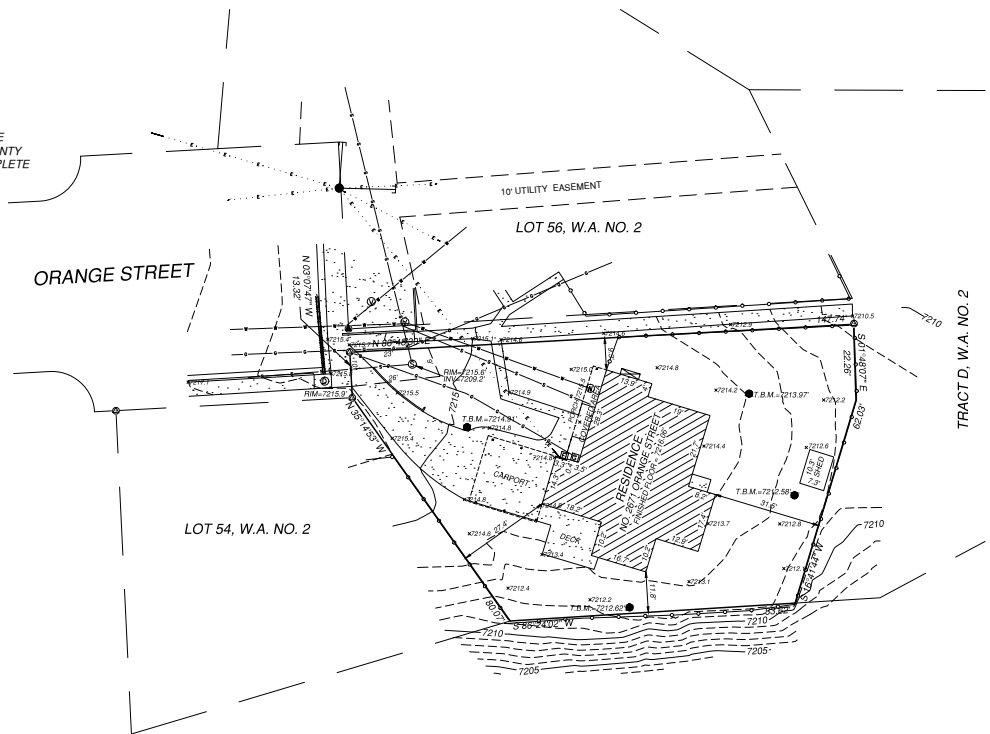
Topographic Survey and Site Plan for Todd and Amy Urbatsch, of Lot 55 Western Area No. 2, Los Alamos, New Mexico January, 2014

LOT LINES AND PROPERTY CORNERS ARE SHOWN FOR ORIENTATION ONLY AND ARE BASED UPON THE PLAT OF WESTERN AREA NO. 2, FILED IN THE OFFICE OF THE COUNTY CLERK OF LOS ALAMOS COUNTY, NEW MEXICO IN PLAT BOOK 1, PAGE 65, FOR COMPLETE BOUNDARY INFORMATION REFER TO THIS PLAT.



Legend

N 14°49'19" W	PLATTED BEARING AND DISTANCE.
●	BATHY T-BAR, FOUND.
●	BATHY T-BAR WITH CAP, FOUND.
●	800 NAIL SET FOR CONTROL.
—○—	CHAIN LINK FENCE.
①	SEWER MANHOLE.
②	STORM DRAIN MANHOLE.
③	WATER METER.
④	GAS METER.
⑤	ELECTRIC METER.
—●—	UTILITY POLE WITH GUY WIRES.
⑥	UTILITY VALVE.
—	CULVERT.
— · — · —	OVERHEAD UTILITY LINES.
— — — — —	UNDERGROUND WATER LINE.
— — — — —	UNDERGROUND GAS LINE.
— — — — —	UNDERGROUND SEWER LINE.
— — — — —	CONCRETE.
●	SPOT ELEVATION.
— — — — —	INDEX CONTOUR.
— · — · —	1' CONTOUR.



Notes

- 1.) FIELD SURVEY COMPLETED ON DECEMBER 16, 2013.
- 2.) ALL BEARINGS ARE GROUND BEARINGS.
- 3.) ALL DISTANCES ARE GROUND DISTANCES: U.S. SURVEY FOOT.
- 4.) THIS PROPERTY LIES WITHIN SECTION 8, TOWNSHIP 19 NORTH, RANGE 6 EAST, NEW MEXICO PRINCIPAL MERIDIAN, LOS ALAMOS COUNTY, NEW MEXICO.
- 5.) LOS ALAMOS COUNTY ZONING FOR THIS PROPERTY IS R-M.
- 6.) UNDERGROUND UTILITY LOCATIONS SHOWN ARE BASED UPON INFORMATION PROVIDED BY OTHERS AND MAY NOT REFLECT WHAT WOULD BE DISCLOSED BY SUB-SURFACE EXCAVATIONS. THE DEVELOPER IS FULLY RESPONSIBLE FOR ANY AND ALL DAMAGE CAUSED BY ITS FAILURE TO LOCATE, IDENTIFY AND PRESERVE ANY AND ALL EXISTING UTILITIES, PIPELINES AND UNDERGROUND UTILITY LINES. THE DEVELOPER IS URGED TO COMPLY WITH STATE STATUTES, MUNICIPAL AND LOCAL ORDINANCES, RULES AND REGULATIONS, IF ANY, PERTAINING TO THE LOCATION OF THESE LINES, IN PLANNING AND CONDUCTING EXCAVATIONS. THE DEVELOPER SHOULD MAKE THEMSELVES AWARE OF REGULATIONS STATED IN CHAPTER 42, ARTICLE 14, MASA 1978 RELATING TO EXCAVATION DAMAGE TO PIPELINES AND UNDERGROUND UTILITY LINES.
- 7.) THIS MAP HAS BEEN PRODUCED ACCORDING TO PROCEDURES THAT HAVE BEEN DEMONSTRATED TO PRODUCE DATA THAT MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR A TOPOGRAPHIC MAP COMPILED AT A SCALE OF 1"=20' WITH A CONTOUR INTERVAL OF ONE FOOT.

Surveyor's Certificate

TOPOGRAPHY BY FIELD SURVEY USING ROBOTICS TOTAL STATION. ELEVATIONS BASED ON LOS ALAMOS NATIONAL LABORATORY CONTROL NETWORK DATUM (NGVD 1985). THIS SURVEY MEETS THE MINIMUM STANDARDS FOR TOPOGRAPHIC SURVEYING IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO BOARD OF LICENSING FOR PROFESSIONAL ENGINEERS AND SURVEYORS. THIS IS NOT A BOUNDARY SURVEY.

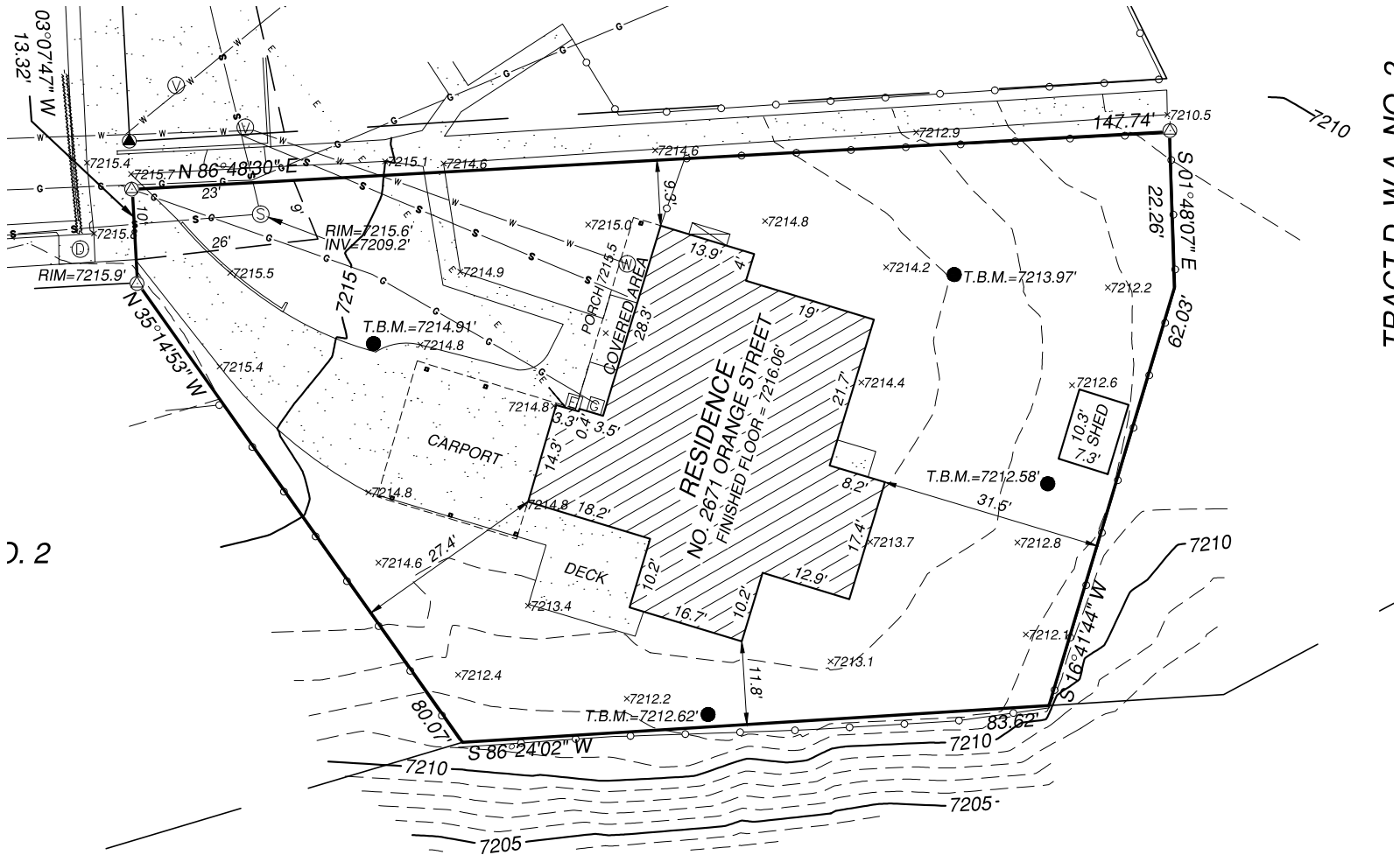
LARRY W. MEDRANO
N.M.P.L.S. No. 11993

DATE



Sheet 1 of 1

Topo map, zoomed



Todd and Amy Urbatsch

2671 Orange Street • Los Alamos, New Mexico 87544
Phone: 505-661-1501 • E-Mail: ta_urbatsch@hotmail.com

Date: December 29, 2016

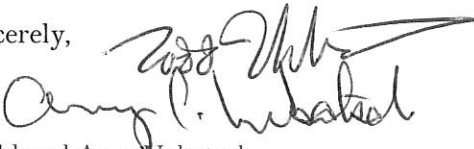
Mr. Anders Millmann
City Planner
Los Alamos County
Los Alamos, NM 87544

Dear Mr. Millmann:

Thank you and Joe Dudziak for meeting with us on December 5, 2016, regarding our remodel plans. You were satisfied with the 5-foot setbacks on the back of the right side and the back, off to the right, and with the existing 9.3-foot setback on the front left of the existing house. However, the currently planned 14-foot setback on the back of the remodeled house needed to be increased to at least 19.5 feet, or we need to request a variance waiver. After further thought, we will proceed with a variance request for the back setback.

Thank you very much for your time and help.

Sincerely,

Handwritten signatures of Todd and Amy Urbatsch. The signature of Todd is above the signature of Amy.

Todd and Amy Urbatsch
2671 Orange Street



Community Development, Planning

January 10, 2017

Re: Case No. WVR-2017-0028

Dear Citizen:

This is to inform you that the Los Alamos County Board of Adjustment has scheduled a special public hearing on **Monday, February 6, 2017**, beginning at **5:30PM** in the Los Alamos County Municipal Building Boards and Commissions Room (#110), located at 1000 Central, Los Alamos, New Mexico. The purpose of this public hearing is to discuss and take action on the following case:

COUNTY COUNCIL

Rick Reiss

Council Chair

Susan O'Leary

Council Vice-Chair

COUNCILORS

James A. Chrobocinski

Steven Girrens

Kristin Henderson

David Izraelevitz

Pete Sheehey

COUNTY MANAGER

Harry Burgess

A request for approval of a **Waiver** to required 20 foot rear yard setback specified in the Los Alamos County Development Code, for the construction of an addition to an existing single-family residence.

The property is located at 2671 Orange Street; in the Western Area 2 Subdivision, Lot: 055. The subject property is zoned: R-M (Residential Mixed District).

Owner/Applicant: Todd and Amy Urbatsch

Case Manager: Anders Millmann, Senior Planner

You were sent this notice because you own property within 100 yards of the property where this proposed action is to take place and you may be impacted by this proposal. If you wish to provide comments on this proposal, please attend the meeting.

If you have any comments or questions regarding this matter, you may contact the Community Development Department office at 505-662-8120, or the Case Manager at 505-662-8116.

Community Development Department

IDRC VARIANCE ANALYSIS FORM

Reviewer and Department/Division: Master Comments from All Departments

Approved: ☐

Approved with conditions: ☒

Denied: ☐

IDRC Meeting Date: 13 January 2017 via E-Mail
Project Name: Urbatsch Remodel
Owner: Todd & Amy Urbatch
Applicant/Agent: Same
Telephone: 505-661-1501
Legal Description: Western Area 2 Lot 055
Case Number(s): WVR-2017-0028
CDD Case Manager: Anders Millmann

Project Description: Remodel existing house to extend to 14-feet of (rear) property line.

Department Conditions:

Analyze the project in terms of each of the code requirements listed below as found in Section §16-157 of the County Code. If a particular criterion is not applicable to your department, mark it as "N/A". From the perspective of your department, please state how the proposed project does or does not meet the criteria listed, or what conditions or additional information would be necessary for the project to be approved. (Attach additional pages if necessary.)

Criterion 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's Response: Waiver is located on the opposite side of the lot from any easements.

Staff Response: *There are no known utilities that proposed construction will impact.*

Criterion 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's Response: 1-Lot is odd-shaped; 2-House is not aligned to lot; 3-Original house quality is better than 1960s-1970s addition, therefore we would like to rebuild that portion.

Staff Response: *Planning staff notes that the existing residence is set onto the lot at an angle relative to the north and south property lines, which are roughly parallel to each other. The Los Alamos County Open Space Specialist states that they do not see a hardship for encroachment in the setback. We believe the setback is appropriate from the Park/Open Space Area, and meets the community's vision.*

Exhibit V ☐ Interdepartmental Review Committee (IDRC) comments

Criterion C: Granting of the waiver will not create a health or safety hazard or violate building code requirements; and

Applicant's Response: It will not. Plus a shed will be removed.

Staff Response: *The Planning staff does not believe the waiver requested will create a health or safety hazard. The Senior Building Inspector has no comments, other than to request all proposed construction be reviewed and approved via a Building Permit.*

Criterion 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's Response: Remodel will be one-story with pitched roof. The waiver is located at the farthest point away from both neighbors, so no excessive or additional blockage of sun. Waiver is located near a remote, generally unused corner of the playlot.

Staff Response: *The Planning staff does not believe the waiver requested will 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 waiver requested is in the rear yard. There are no adjoining neighbors located behind the subject property.*

Department Conditions: (attach additional pages if necessary)

- 1.
- 2.
- 3.
- 4.

Reviewed By: _____

Date: _____

Department: _____

Phone No. _____

Exhibit

Exhibit V ☐ Interdepartmental Review Committee (IDRC) comments



1-Street View – Front Yard



2- Rear Property Line

Exhibit VI

Exhibit VI_Site Photos



3-Rear Elevation – Area of Proposed Addition



4-Rear Elevation – Area of Proposed Addition, Looking South



5-Along Rear Property Boundary, Looking North



6-Rear Property Boundary, Looking South



7-Side View of Area for Proposed Addition



8-Side View of Area for Proposed Addition