

MINUTES

Board of Adjustment

January 9, 2017 – 5:30 P.M.

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

Members Present: Michael Redondo, Chair
Jaret McDonald, Commissioner
Cathy Mockler, Commissioner

Members Absent: None

Staff Present: Anders Millmann, Senior Planner
Kevin Powers, Assistant County Attorney
Anita Barela, Assistant Planner

I. CALL TO ORDER / ROLL CALL

Chair Gursky called the meeting to order at 5:30 PM and asked Anita Barela to call the roll. A quorum was present.

II. PUBLIC COMMENTS

III. APPROVAL OF AGENDA

Commissioner McDonald made a motion to approve the agenda as presented. Commissioner Mockler seconded the motion. Motion passed unanimously.

IV. APPROVAL OF MINUTES

Commissioner McDonald made a motion to approve the minutes as presented. Commissioner Mockler seconded the motion. Motion passed.

V. PUBLIC HEARINGS

a. Case No. WVR-2016-0025:

Shane French, the property owner and petitioner, is requesting a Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Section 16-273(a)(1)(b), in order to allow an accessory structure (shed), currently existing, to remain within a required side yard. Section 16-273(a)(1)(b) of the Los Alamos County Development Code states that accessory buildings and structures may not be located in required side yards within any district. The property is located at 1419 – 40th Street, Los Alamos, New Mexico.

Scott Lucero, tenant of 1419- 40th Street and Shane French, owner of 1419- 40th were sworn in to give testimony in the case.

Scott Lucero presented the request on behalf of the property owner. Commissioners, applicant, staff and interested parties were given the opportunity to comment.

MOTION:

Commissioner McDonald made the motion that the Board of Adjustment **Deny** Case No. WVR-2016-002,

Motion to **Deny** failed due to lack of a second.

Commissioner Mockler made the motion that the Board of Adjustment **approve** Case No. WVR-2016-0025, a request for approval of a waiver to permit the placement of an accessory structure (shed) within a designated side yard area, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions:

1. Should the Board of Adjustment approve the Waiver requested, the applicant shall obtain a "Placement Permit" in order to clear the Code Enforcement and Municipal Court action.

Chair Redondo seconded the motion. Motion passed 2-1.

b. Case No. WVR-2016-0026:

Jacqueline Shen, the property owner and petitioner, is requesting a **Waiver to the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Site Development Requirements – Residential**, to exempt the subject property from meeting the off-street parking requirement for a proposed **Bed & Breakfast operation**. There is insufficient vacant space on the subject property to meet/accommodate the minimum number of off-street parking spaces required to serve the proposed land use. The Los Alamos County Code of Ordinances, Chapter 16 (Code), Section 16-370, requires a minimum of one (1) off-street parking space per sleeping unit, plus 2 spaces for the owner/manager, if applicable. By Code, the proposed 4-room Bed and Breakfast operation is required to provide six (6) off-street parking spaces (one parking space for each of the 4 guest rooms, plus two additional parking spaces for the owner). The subject property currently contains a paved parking area measuring approximately 13' in width which will accommodate at least one (1) off-street parking space. The subject property is located at 80 Canyon Road, in the Eastern Area 2 Subdivision, Lot 259, and is zoned: R-1-8 (Residential District).

Jacqueline Shen, Owner and applicant, Judy Machen, Don Machen, Neighbors, George Chandler, 1110 1st Street and Una Smith, 72 Manhattan Loop, were sworn in to give testimony in the case. Jacqueline Shen presented the request. Commissioners, applicant, staff and interested parties were given the opportunity to comment.

MOTION:

Commissioner Mockler made the motion that Board of Adjustment **approve** Case No. WVR-2016-0026, a request for approval of a waiver from the off-street parking requirement, for a proposed **Bed & Breakfast operation**, 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. Parking for the proposed Bed & Breakfast shall be located entirely on Canyon Road, and not be located on First Street. If the Waiver is granted, the applicant shall be responsible for informing all guests of this requirement, and for monitoring compliance.
2. The applicant shall apply for and obtain a Business License prior to operating the proposed Bed & Breakfast.

Chair Redondo seconded the motion. Motion passed unanimously.

VI. ADJOURNMENT

7:30 pm

Michael Redondo, Chair