



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: March 20, 2017
Subject: Case No. WVR-2017-0030
Owners/Applicants: John Roberts, Owner & Applicant
Property Address: 127 Beryl Street, White Rock
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Principal Planner

Case No. WVR-2017-0030: John Roberts, the property owner and petitioner, is requesting a Waiver to the Los Alamos County Code of Ordinances, Development Code, Article XIII, Site Development Requirements, from a minimum side yard setback requirement of fifteen (15') feet, to zero (0') feet; and to Article VII, §16-272 (a), Corner lots in residential districts, (2): "The elected or designated front yard shall conform to the site development requirements for the district. The other yard abutting a street is a side yard and shall have a minimum setback of 15 feet"; and §16-273 (a) (1) b, "Accessory buildings and structures may not be located in required side yards in any district". The property is located at 127 Beryl Street; in the WHITE ROCK 1 Subdivision, Lot: 064; and is zoned: R-1-10 (Single-family residential).

Board Action Options

Motion Option 1:

I move that the Board of Adjustment **approve** Case No. WVR-2017-0030, a request for approval of a waiver from a required side 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. If the waiver is approved, the applicant shall apply for and receive a Building Permit prior to construction/placement of the carport.
2. If the waiver is approved, the carport structure to be constructed/placed must be compliant with the IRC 2009 or the IBC 2015 Code, as specified by the Senior Building Inspector.
3. If the waiver is approved, the carport structure shall meet the Los Alamos County fire code (LAC Municipal code), section 22-131 through 22-133, and table R302.1 of the 2009 or 2015 IRC. The exterior material of the carport structure must meet the flame spread index of 75 or less, as specified by the Fire Marshal.
4. If the waiver is 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].

5. If the waiver is approved, the carport shall be placed so as to shed snow which falls onto its roof entirely onto the subject property, and not onto any adjacent right of way, including the sidewalk.

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2017-0030 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/placement of a carport in a required side yard.

The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-272 (Yards), (a) (2) "Corner lots in residential districts;" states:

"The elected or designated front yard shall conform to the site development requirements for the district. The other yard abutting a street is a side yard and shall have a minimum setback of 15 feet or the setback required by section 16-271, whichever is larger."

The Site Development Requirements table specifies a minimum side yard setback of ten (10') feet for the R-1-10 District. The minimum side yard setback distance specified in §16-272 (a) (2) is fifteen (15') feet, which shall be used for purposes of review of this petition.

Section 16-533 (3) of the Los Alamos Development Code, states that the Single Family Residential Districts are intended to accommodate single-family dwellings and accessory structures and uses, and are further intended to maintain and protect a residential character of development.

The subject property is roughly rectangular in shape, and is located on the corner of Beryl Street and Fort Union Avenue, with the longer side of the lot facing Beryl Street. The parcel is occupied by a single family residence. The subject property has an attached 2-car garage, facing Fort Union Avenue. A carport has been placed on the driveway, immediately in front of the garage, facing Fort Union Avenue.

This petition is a result of Code Enforcement action, as the carport was placed on the subject property without permits.

The vast majority of properties in the vicinity contain garages.

The carport placed on the subject property measures approximately twenty (20') feet in width by twenty (20') feet in length, containing 400 Ft², and stands approximately ten (10') feet tall at its highest point. The carport is manufactured by Eagle Carports, in Mt. Airy North Carolina. Information provided by the applicant on the Residential Building Permit application states that the carport will not be permanently attached to the existing residential dwelling unit, and that it will not have a foundation. It will be attached to the ground with "screwed in anchors."

Detailed structural information submitted with the application (by Moore and Associates Engineering and Consulting, Inc.), state that the carport structure is designed to withstand a wind load factor of 105MPH, and a snow load factor of 35LBS. By Code, all carport structure must be compliant with the International Residential Code (IRC), 2009 edition, or the International Building Code (IBC), 2015 edition, which are the Codes Los Alamos

County has formally adopted. Basically, the Codes require a ground snow load of 30 pounds, and a wind speed load of 90 mph. These specifications appear to meet the requirements of both the IRC, 2009 edition and the IBC, 2015 edition.

This waiver application is only for consideration of setback requirements. The existing carport structure shall be compliant with all Building and Fire regulations, and be subject to review by Traffic Engineering for sight visibility conditions. All permits shall be obtained by the applicant, in order to remedy the Code Enforcement action.

The request of waiver was properly and sufficiently noticed, and no comments or objections were received as of March 15, 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:

No intrusion, corner lot.

Staff Response: GIS maps illustrate a gas line easement located close to the west side of the carport. The applicant shall verify all utility easement locations with the Los Alamos County Clerk, and ensure that the carport does not obstruct access to this easement.

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

Applicant Response:

The driveway faces north so ice is a continual problem.

Staff Response: No health or safety hazard would be created by granting the requested waiver. As a Condition of Approval, the proposed carport shall be designed so as to shed snow in a manner where it will not fall onto the sidewalk.

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

Applicant Response:

No, improved safety for the owner.

Staff Response: Staff has verified that there are no issues with sight visibility since the carport is located several feet distant from the intersection. If the waiver is approved, the applicant shall be required to secure a Building permit in compliance with 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 carport is in place and is actually an improvement to the curb appeal. Followed the roofline of the house. Stepped down 2 feet from eaves and follows the existing brick wall. Color matches the house and wall.

Staff Response: The existing carport does not appear to create any negative physical impacts. The question of aesthetics is subjective.

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 02 March 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-1-10 (Single Family Residential District).
3. The subject property is located in the WHITE ROCK 1 Subdivision, Lot: 064, which contains 0.254± acres, or 11,044 square feet of area. The existing residential structure and garage contain approximately 2,580 Ft² of footprint area, yielding a lot coverage factor of 23.3%. The maximum lot coverage percentage permitted by Section 16-537, Site Development Requirements, of the Los Alamos County Development Code, is 35%.
4. The proposed carport that will encroach within a required side yard setback area, will measure 20 feet in width by 20 feet in length, thereby adding 400 Ft² of additional lot coverage to the subject property, will increase the lot coverage factor up to 26.9%. This is compliant with §16-537, Site Development Requirements, of the Los Alamos County Development Code.
5. The existing residence on the subject property is set back approximately twenty-three (23') feet from the affected side property line; thereby meeting the minimum required 15-foot side yard setback requirement for corner lots.
6. Section 16-537, Site Development Requirements, of the Los Alamos County Development Code, requires a minimum front yard setback of twenty-five (25') feet, a minimum rear yard setback of twenty (20') feet, and a minimum side yard setback of ten (10') feet; with a further specification of a minimum side yard setback of fifteen (15') feet for corner lots. The existing single family residence occupying the subject property is compliant with this requirement.
7. Per §16-537, the minimum required side yard setback for structures in an R-1-10 (Single Family Residential District) zone is ten (10') feet. Additionally, per §16-272 (d) (2), the other yard abutting a street is considered a side yard and shall have a minimum setback of 15 feet or the setback required by section 16-271, whichever is larger. Approval of this waiver will allow the petitioner to place a carport that will encroach 100%, into a required side yard setback area on a corner lot.
8. The petitioner shall provide sufficient evidence at the public hearing to satisfy the requirements contained within §16-157 of the Los Alamos County Development Code to warrant issuance of the waiver requested.

IV. Exhibits

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

127 Beryl Street



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.

0 70 140 280 Feet

1 inch = 137 feet

BUILTA LEE A
120 GRAND CANYON DR
LOS ALAMOS NM 87544

MAGELSSSEN GLENN R & JUDITH A
127 ROVER BLVD
LOS ALAMOS NM 87544

SCOGGINS WELDON J
121 GRAND CANYON DR
LOS ALAMOS NM 87544

WILLIAMS STEVEN L & THERESA ZHANG- REVOC TRUST
ST
125 GRAND CANYON DR
LOS ALAMOS NM 87544

WILLIAMS STEVEN L & THERESA ZHANG- REVOC TRUST
124 BERYL ST
LOS ALAMOS NM 87544

DIMICK DENIS G
126 GRAND CANYON DR
LOS ALAMOS NM 87544

TAPIA JOE A
104 SHIRLANE PLACE
LOS ALAMOS NM 87544

BAILEY ALISON J & MOORE TERRI L
126 BERYL ST
LOS ALAMOS NM 87544

MILLENSTED AVRIL D REVOC TRUST
119 FT UNION AVE
LOS ALAMOS NM 87544

JOHNSON RANDALL P & DEBRA K
131 GRAND CANYON DR
LOS ALAMOS NM 87544

BISHOP ROBERT LLOYD & HEATHER VERLEN
131 ROVER BLVD
LOS ALAMOS NM 87544

NORMAN SHANE C & VALERIE A
121 FT UNION AVE
LOS ALAMOS NM 87544

ALEXANDER DAVID J REVOC TRUST
201 ROVER BLVD
LOS ALAMOS NM 87544

CLEMMONS JAMES S
308 PORTILLO DR
LOS ALAMOS NM 87544-3830

HARRINGTON TIMOTHY O & KARYN M
124 GRAND CANYON DR
LOS ALAMOS NM 87544

OLIVAS NICHOLAS L & LISA L
108 SHIRLANE PLACE
LOS ALAMOS NM 87544

SMITH LANEY A & SUSANNE R
133 ROVER BLVD
LOS ALAMOS NM 87544

AMIES CHARLES D & CLARICE C
122 GRAND CANYON DR
LOS ALAMOS NM 87544

LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544

MORGAN RANDOLPH J & PHYLLIS E REVOC TRUST
127 GRAND CANYON DR
LOS ALAMOS NM 87544

MOSLENAHAN ROBERT L JR & HEATHER C R
117 FT UNION AVE
LOS ALAMOS NM 87544

THORNTON ROBERT O III & FELICIA A
120 BERYL ST
LOS ALAMOS NM 87544

MERRITT & ELIZABETH C & CULTER II DAVID W
129 GRAND CANYON DR
LOS ALAMOS NM 87544

WREHM GEORGE D REVOC LIVING TRUST
118 GRAND CANYON DR
LOS ALAMOS NM 87544

D'EGIDIO NICHOLAS & AMELYN
125 ROVER BLVD
LOS ALAMOS NM 87544

KRESS JOEL D & BARBARA E
106 SHIRLANE PLACE
LOS ALAMOS NM 87544

PEARL KENNETH W & CHRISTINE R
113 CARLSBAD AVE
LOS ALAMOS NM 87544

CAMPBELL CHRISTOPHER C & MARIA C
122 BERYL ST
LOS ALAMOS NM 87544

SINGER RAYMOND D & CAROL L
123 GRAND CANYON DR
LOS ALAMOS NM 87544

KIM YUSEUNG & EUNJUNG
115 BERYL ST
LOS ALAMOS NM 87544

EXHIBIT 2: List of Property Owners of Record Within 100 Yards of Subject Property

WADLINGER FAMILY REVOC TRUST
117 BERYL ST
LOS ALAMOS NM 87544

ADAIR JERRY Q
1175 SIOUX ST
LOS ALAMOS NM 87544-2827

WYSOCKI FREDERICK J & CINDY
116 FT UNION AVE
LOS ALAMOS NM 87544

PALMER THOMAS J
115 CARLSBAD AVE
LOS ALAMOS NM 87544

GIRARD SHEILA M
117 CARLSBAD AVE
LOS ALAMOS NM 87544

BAKOSI JOZEF & LISA C
118 CARLSBAD AVE
LOS ALAMOS NM 87544

MARTINEZ DENNIS A & LETICIA A LUKETICH-
112 FORT UNION
LOS ALAMOS NM 87544

WEHNER WILETTE TRUST
114 FT UNION AVE
LOS ALAMOS NM 87544

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: carport ENCROACHMENT INTO 15 FT SETBACK
carport built up to the property LINE. covering ENTIRE
setback 20x20 CARPORT.

Address of Property to which the Waiver Request applies:

127 Beryl

Zoning District: R-1-10 **Acreage:** .25 **Lot Coverage:** 30% **Related Applications (if any):**

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

Name: John Roberts **Phone:** 505-515-6345 **Cell #:** Same
Please Print

Address: 127 Beryl ST **Email:** jrob@21956@hotmail.com

John Roberts 2-7-17
SIGNATURE **DATE**

PROPERTY OWNER (If different from Applicant)

☐ Check here if same as above

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

Address: _____ **Email:** _____
Owner's Mailing Address

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

SIGNATURE **DATE**

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 2-7-17

Staff Initial: JN.

CDD Application Number: WVR-2017-0030

Fees Paid: \$250.00 - 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, corner lot

- (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*

The driveway faces North so ice is a continual problem

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

No, improved safety for the owner.

- (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 carport is in place and is actually an improvement to the curb appeal. Followed the roof line of the house. Stepped down 2 feet from eaves and follows the existing brick wall. Color matches the house and wall

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.

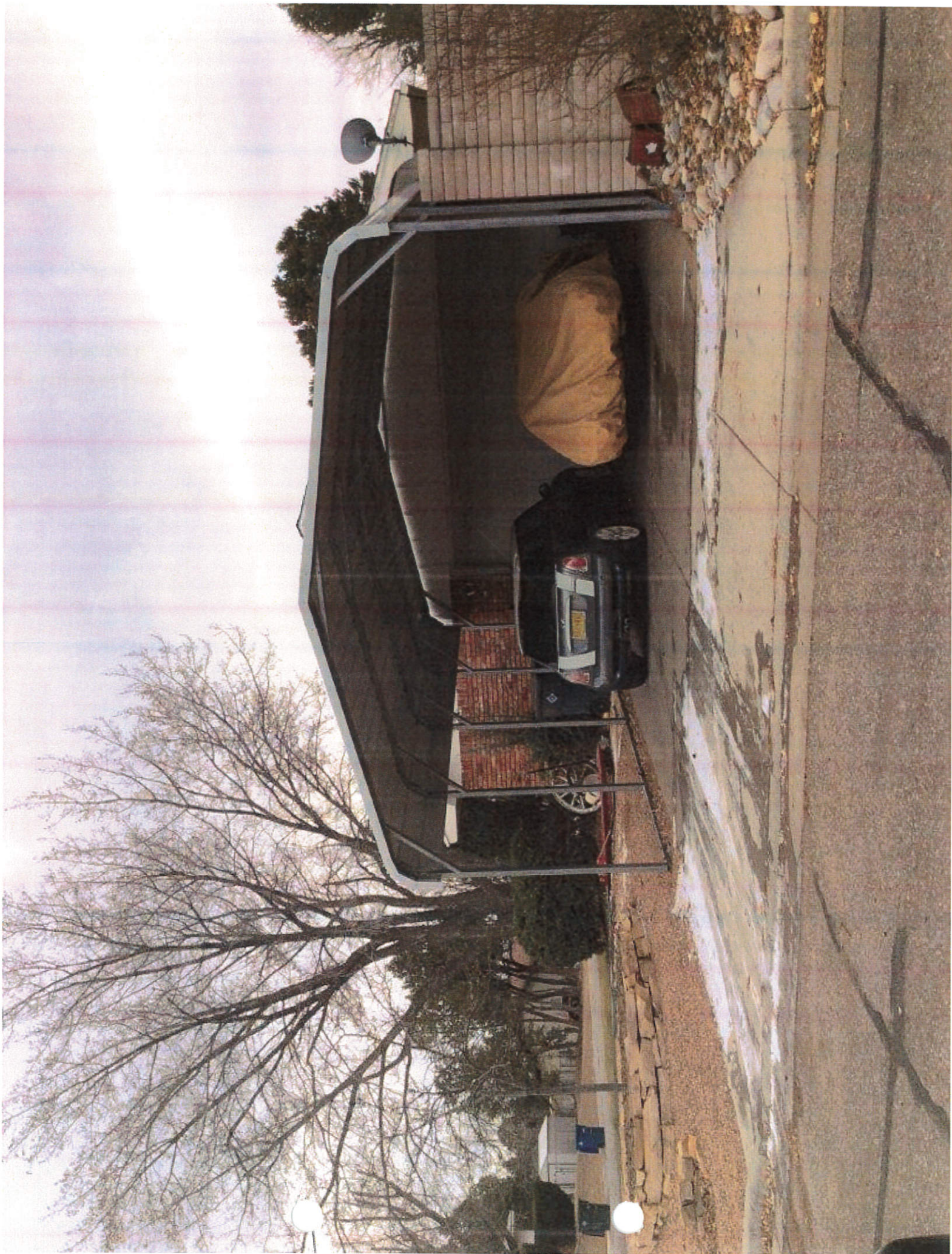
☒ Show and label the footprint of all existing buildings and structures on the site.

☒ Show, dimension and label all existing and proposed easements.

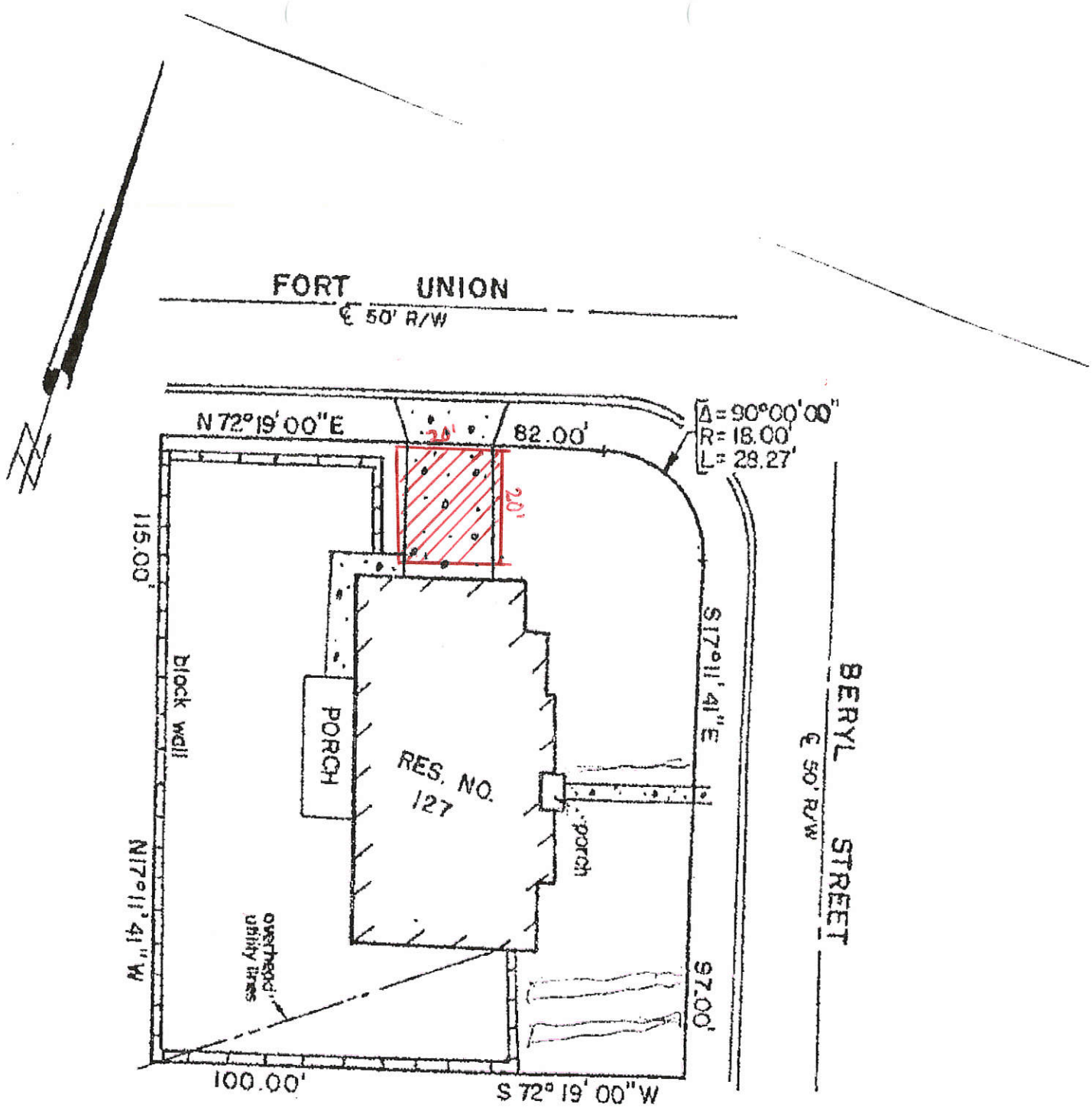
☒ Show, dimension and label all existing and proposed setbacks.

☒ Show, dimension and label building/structure elevations.

☐ Other. Describe: _____







*Walter
G. H. H. H.*



IDRC REPORT

WVR-2016-0030. 127 Beryl St – Carport built without permit, encroaching into side yard setback.

Date of Meeting: 02-24-2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved condition	Denied
M. Arellano / J. Dudziak	Building	X	Mr. Arellano said that he was filing an Enforcement Action with CID against this particular contractor who has been cited before in Los Alamos for building without a permit. Snow and wind loads must be verified. A Building Permit will be required.			X
T. Baer /	Planning	X			X	
D. Erickson	Traffic					
P. Guerrero / G. Moseley	Utilities					
A. Gurule / L. Martinez	Env. Services	X				X
E. Martinez/ B. Aragon	PW	X			X	
A. Millmann / J. Naranjo	Planning	X			X	
J. Wetteland / S. Rinaldi	Fire	X				X
Others		X				
Jason Romero	PW	X				
A. Barela	Planning	X				
Eric Peterson	Parks	X				

MOTION: Vote 3-3 with Millmann, Baer, and Eric Martinez voting to approve with conditions; Rinaldi, Arellano, and Leonard Martinez voting to deny.

* Strikethrough indicates not present at meeting.



1-Carport, Looking South



2-Carport Looking West from Corner of Beryl Street and Fort Union Avenue



3-Corner of Beryl Street and Fort Union Avenue: Sight Distance



4-Close-Up of Carport, Existing Garage and Solid Privacy Wall



5-East Elevation of Residence Illustrating Driveway Along Southern Property Line