



Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: October 26, 2020
Subject: Case No. WVR-2020-0097
Owners/Applicants: Richard and Tarah Logan, Owner
Applicant/Representative: Scott Irving, Durabuild Construction
Case Manager: Anita Barela, Associate Planner

Case No. WVR-2020-0097:

A request for a sixteen-foot (16') waiver to the required thirty-foot (30') back yard setback. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, requires setbacks to be established at the time of site plan approval, in this zoning district. If approved, the Waiver will allow for the construction of an attached deck to be built on the south side of the house which will be fourteen(14') feet from the back-property line. The property is located at 10 Primrose Lane, in the Ponderosa Estates Subdivision 2A, Lot: 20, and is zoned PD-2 (Planned Development).

A. Vicinity Map 10 Primrose Lane



10 PRIMROSE LN | WVR-2020-0097

Mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with the data.

0 100 200
Feet



Motion Option 1: I move to **approve** Case No. WVR-2020-0097 – A request for a sixteen-foot (16') waiver to the required thirty-foot (30') back yard setback at 10 Primrose Lane, within the Ponderosa Estates 2A subdivision. Approval of the waiver will allow for an attached deck to be built on the south side of the house which will be fourteen (14') feet from the back-property line.

Approval is based on the reasons stated within the staff report and per testimony entered at the public hearing, subject to the following condition(s):

1. ...

I further move to authorize the Chair to sign Findings of Fact for this case and, based on this decision, to be prepared by County staff.

Motion Option 2: I move to **Deny** Case No. WVR-2020-0097 A request for waiver from back yard setback at 10 Primrose Lane, within the Ponderosa Estates 2A subdivision.

Denial is due to the proposal failing to meet the Los Alamos County Code of Ordinances, Chapter 16 — Development Code, §16-157, Waiver Review Criteria Permit review criteria for the following reasons:

1. ...

SUMMARY: In June 2020, Mr. Irving approached the Community Development Department to discuss the placement of deck in the back yard of 10 Primrose Lane. Mr. Irving was advised that the Los Alamos Development Code, Sec. 16-533 (11) Planned Development in a PD-2 zone standard were established at the time of site plan approval. Mr. Irving later applied for a waiver in late August.

The required back yard, as illustrated in Exhibit C is defined as the open area extending across the full width of the lot, the depth of which is measured in the least horizontal distance from the back-lot line to the main building. A site plan with the proposed deck is shown in Exhibit E.

The standards for the Ponderosa Estates 2A as written on the plat are as follows:

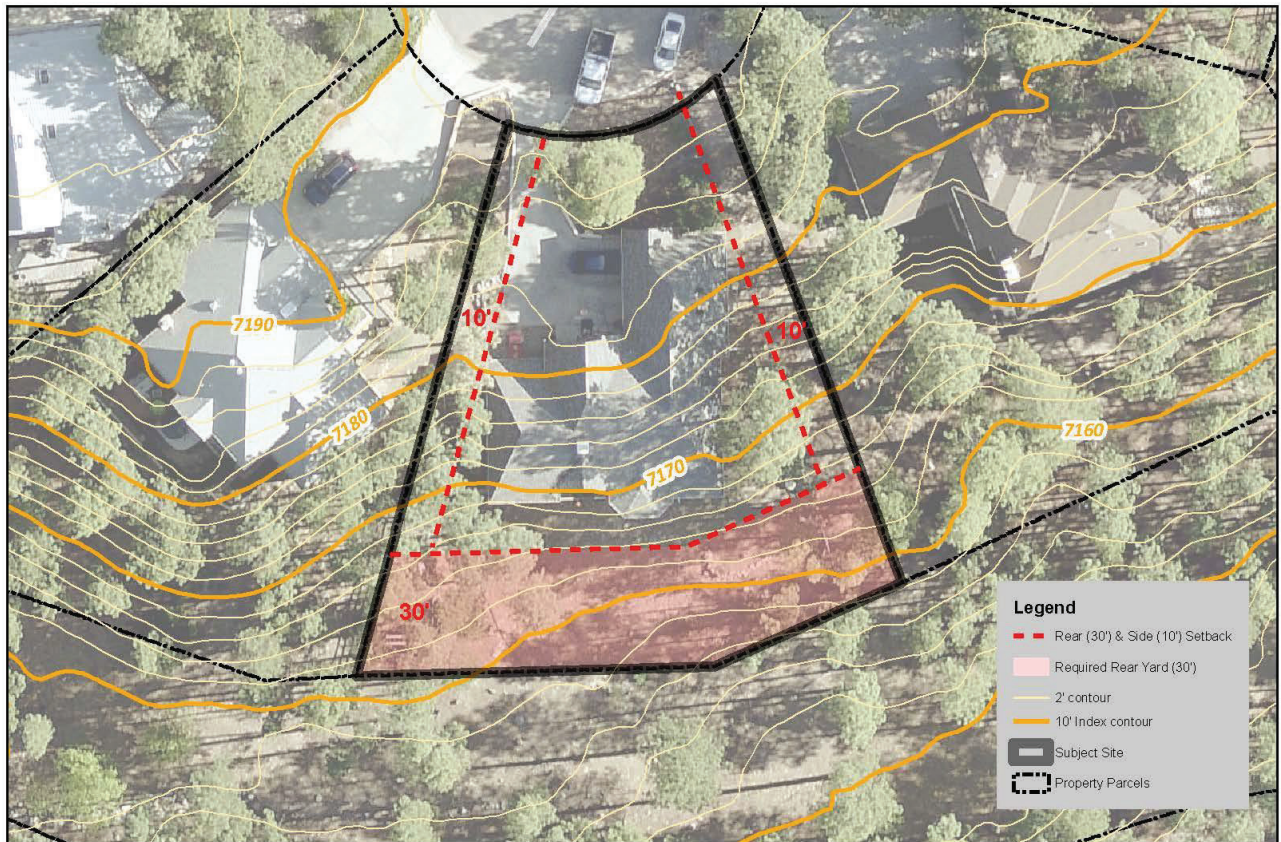
B. Development Standards Table

Development Standards for Ponderosa Estates 2A, Lot 20	
Rear Setback	30
Front Setback	25
Side Setback	10

The house currently is approximately thirty-six (36) feet away from the back-property line. The proposed deck will be attached to the house and will extend sixteen (16) feet into the backyard leaving a fourteen (14) foot backyard setback where a thirty (30) foot backyard is required as established by the plat recorded in 1998. The applicant is requesting the encroachment due to the nature of the back-yard's steep drop off into the canyon starting approximately 15 feet from the main structure which doesn't allow for the backyard's optimal use as an extended living area for the family, see Exhibit D.

The maximum lot coverage allowed in this PD-2 zone is 40% and it currently is at 23%. With the added 1,124 square feet of the proposed deck, the lot coverage will be brought up to 26%.

C. Site Plan showing the 30' back yard setback and topo contours



10 PRIMROSE LN | WVR-2020-0097

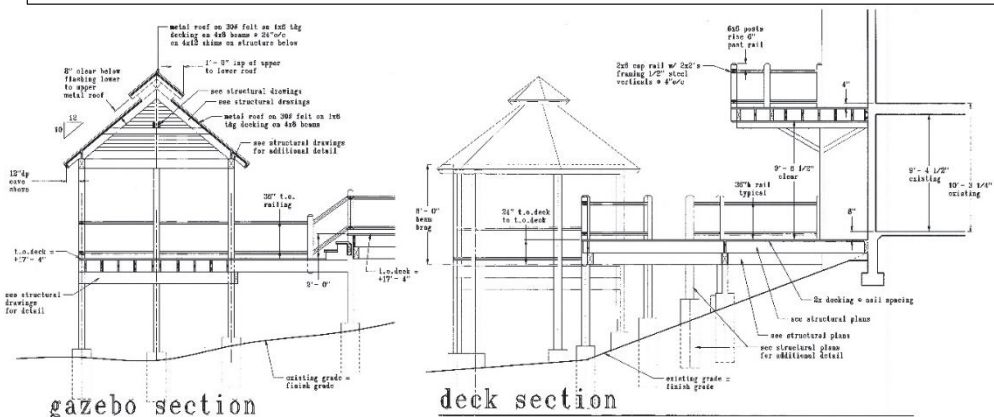
Mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with the data.

1 inch = 30 feet

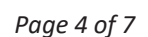
0 50 100 Feet



D. Deck Sections showing grade changes



rear deck addition
10 primrose lane, los alamos, nm



IDRC REVIEW: The Interdepartmental Review Committee (IDRC) independently reviewed the application from September 29 – October 2, 2020 and received one comment. Eric Martinez, the County Engineer noted, “From the information provided, the proposed deck does not encroach into any easements, is adjacent to, but not in a floodplain, and proposes erosion control by way of rip rap around the footings. Therefore, I have no comments, concerns or conditions and recommend approval.”

PUBLIC NOTICE: Notice of this virtual public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-193, which includes:

- (a) On October 8, 2020, notice of the request and meeting information was given by U.S. mail to the owners of real property within 100 yards (see below) of the exterior lot lines of the property or properties affected, at least ten days prior to the public hearing.
As of October 20, 2020, staff has not received any comments or concerns.
- (b) A notice setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was published in the Los Alamos Daily Post newspaper on October 8, 2020, at least 15 days prior to the public hearing.
- (c) Notice of this request and meeting information was posted at the County municipal building and the Community Development office on October 2, at least ten days prior to the public hearing.

WAIVER REVIEW CRITERIA: *Sec. 16-157 of the Los Alamos County Development Code states that 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.***

Applicant Response: This does not cause an intrusion into any utility easement.

Staff Response: Public Works and the Department of Public Utilities have reviewed the request and the County Engineer, Eric Martinez, noted there was going to be erosion control by way of rip rap around the footings during the permitting stage of this process. He had no comments, concerns or conditions and recommends approval.

- 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.***

Applicant Response: As the contour map on the submitted site plan indicates the rear yard of the Logan property has been unusable since their purchase. The primarily 40% rear yard slope and lack of erosion protection has caused a significant reduction of soils along the house's south border. The top of bearing footings at the rear of the home are currently visible and the current drop out rear door to grade approaches 24".

The Logan property was questionably improved at the rear of the existing single-family residence. The property has seen significant degradation due to this fact. The improvements proposed with the variance and permit submittal will stabilize the Logan's rear yard, preventing further damage, and allow the rear of the property to be accessible from the house for the first time in 15 years.

Staff Response: The steep slope in the backyard makes the functionality and use of this space difficult, including the building of a deck. Encroachment into the designated 30' rear setback allows for the practical use of this backyard with a steep slope with the construction of a deck. The property owner has said that some improvements made to the back yard that over time, has caused significant erosion. The addition of the deck, besides adding useable floor space to the house, will improve the problems that the property has been having with erosion.

- c. *Granting of the waiver will not create a health or safety hazard or violate building code requirements.***

Applicant Response: Engineered structure would be built to curve east and would follow building code. There will not be a health and safety hazard.

Staff Response: The proposed deck will not create a health or safety hazard.

- 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 granting of the request for the waiver will have positive effects on the property and have no negative physical impacts on neighbors or neighborhood.

Staff Response: The granting of this waiver will not create a negative impact on properties within 100 yards. The added deck will add value and a higher use of the entire the backyard where it might otherwise not be used at all.

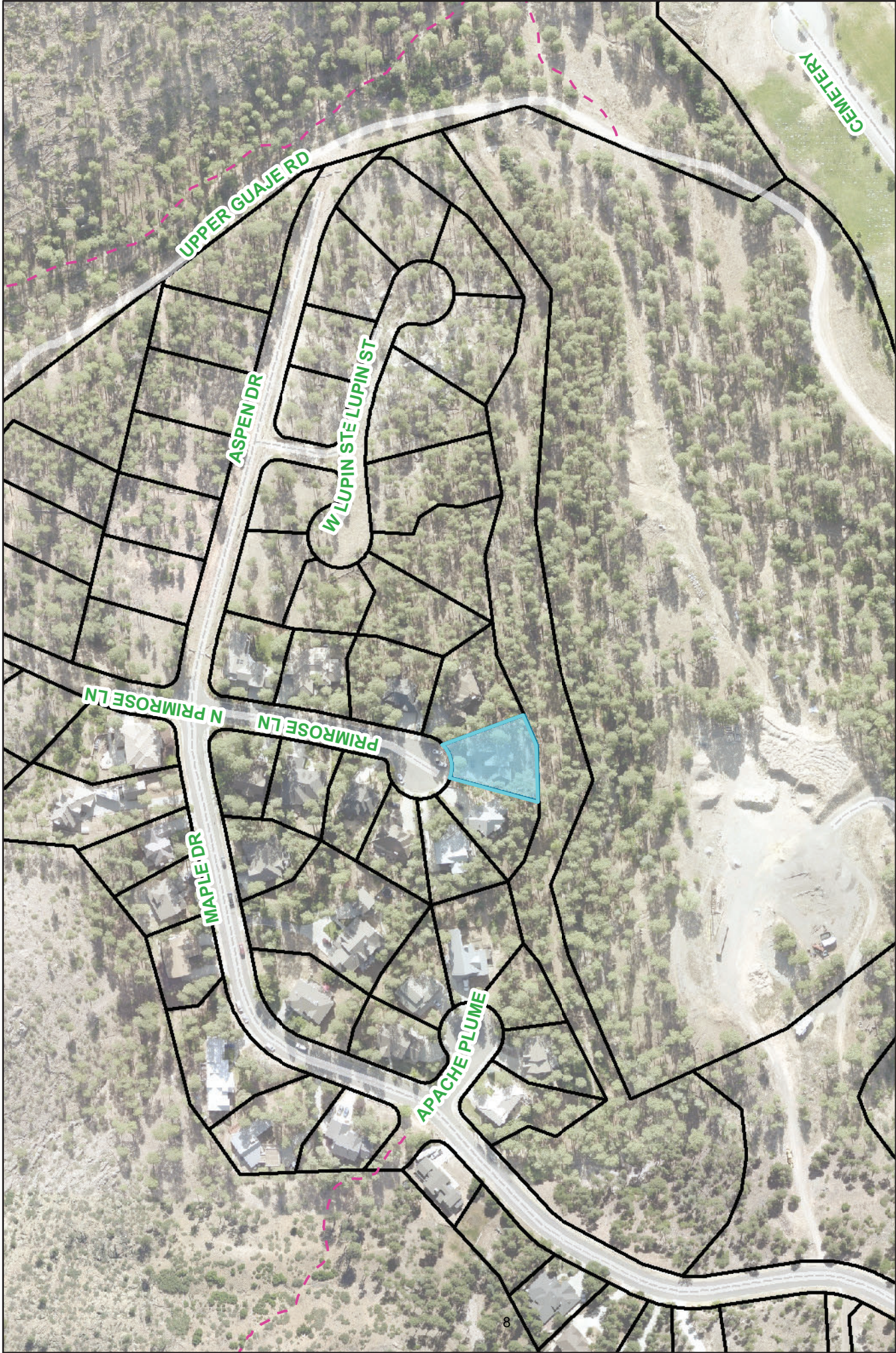
STAFF RECOMMENDATION: Staff has applied the Waiver Review Criteria and recommends approval of the waiver request.

FINDINGS OF FACT:

- The application, Case No. WVR-2020-0097 is a request to waive from the Los Alamos County Code of Ordinances, Section 16-533 (11) for planned developments to allow for a sixteen (16) foot encroachment into the required back yard of thirty (30) feet.
- The proposed deck would be attached approximately 32.9 linear feet along the southern side of the house and would extend at the furthestmost point, sixteen (16) feet into the backyard setback leaving a fourteen (14) foot backyard setback.
- The Waiver Review Criteria, Section 16-157, has been applied.
- Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in The Los Alamos Daily Post, the official newspaper of record; and property owners of real property located within 100 yards of the subject property were notified of this public hearing by U.S. mail, all in accordance with the requirements of §16-193 of the Los Alamos County Development Code and as the format complies with the New Mexico Department of Health's public emergency order governing mass gathering due to the COVID-19 pandemic.

EXHIBITS:

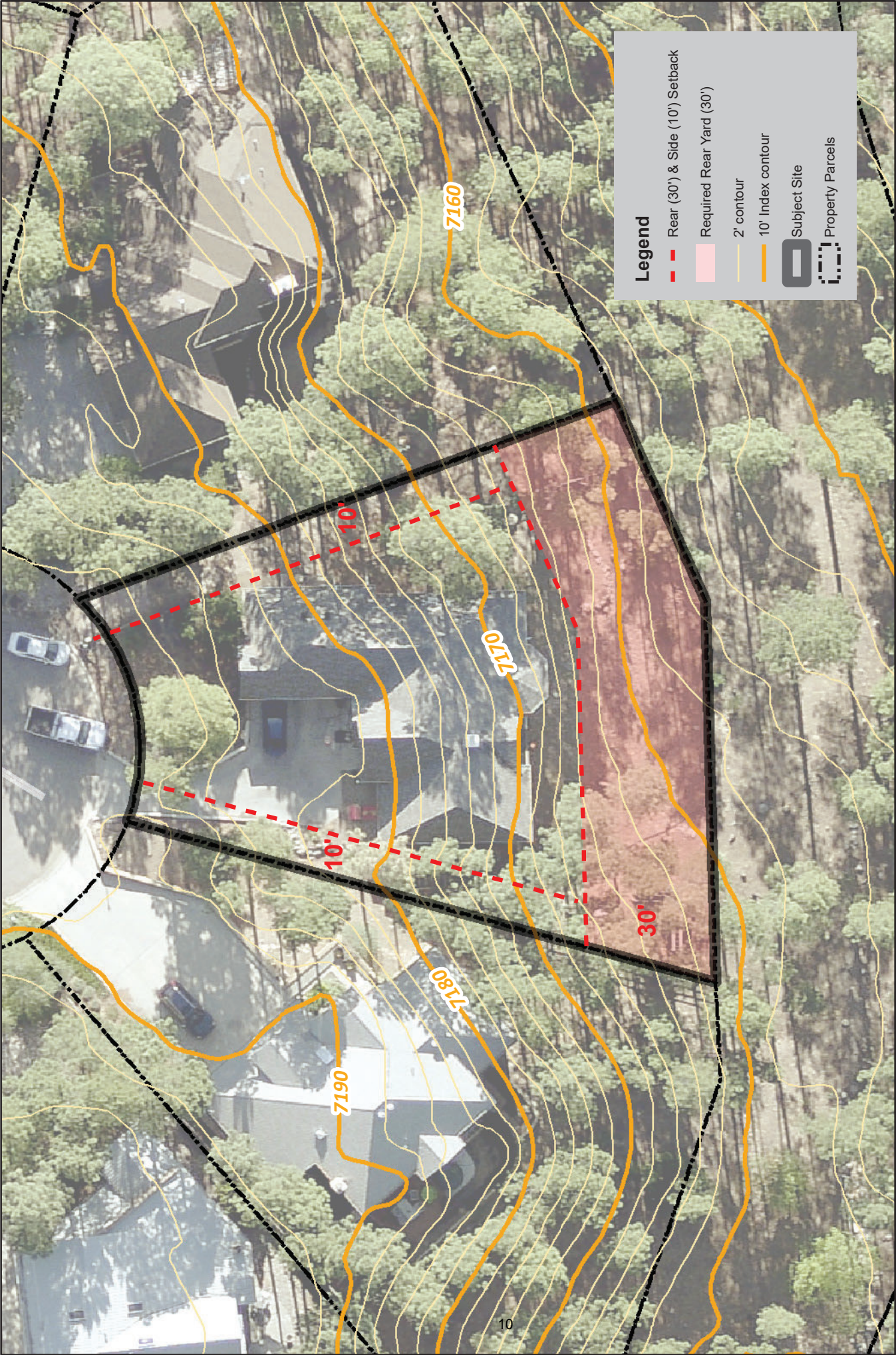
- A. Vicinity Map
- B. Development Standards Table – Ponderosa Estates
- C. Required Back Yard Illustration
- D. Deck Sections Showing Grade Changes
- E. Site Plan with Proposed Deck Additions
- F. Application & Submittals to include Property Site Plan
- G. 100 YD. Notification Map and Property Owner mail listing



10 PRIMROSE LN | WVR-2020-0097

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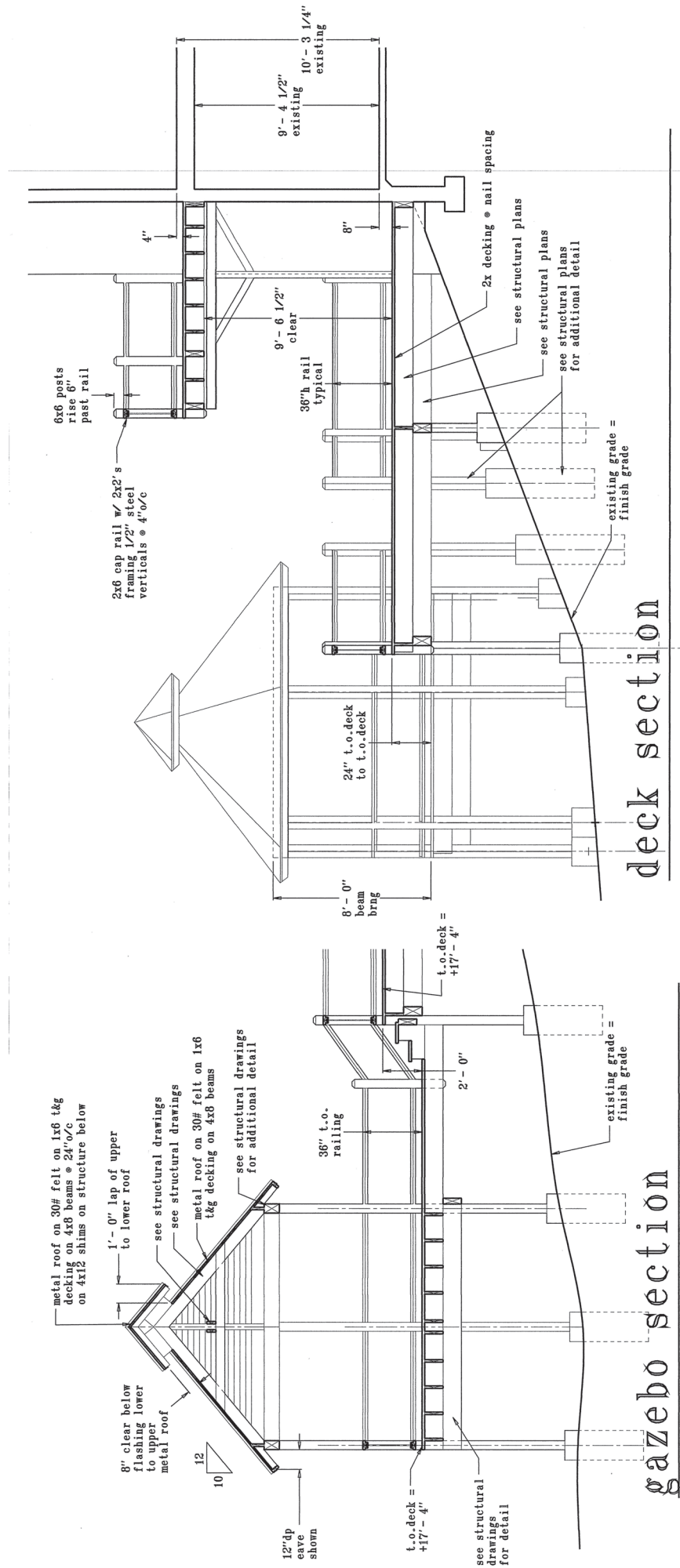


10 PRIMROSE LN | WVR-2020-0097

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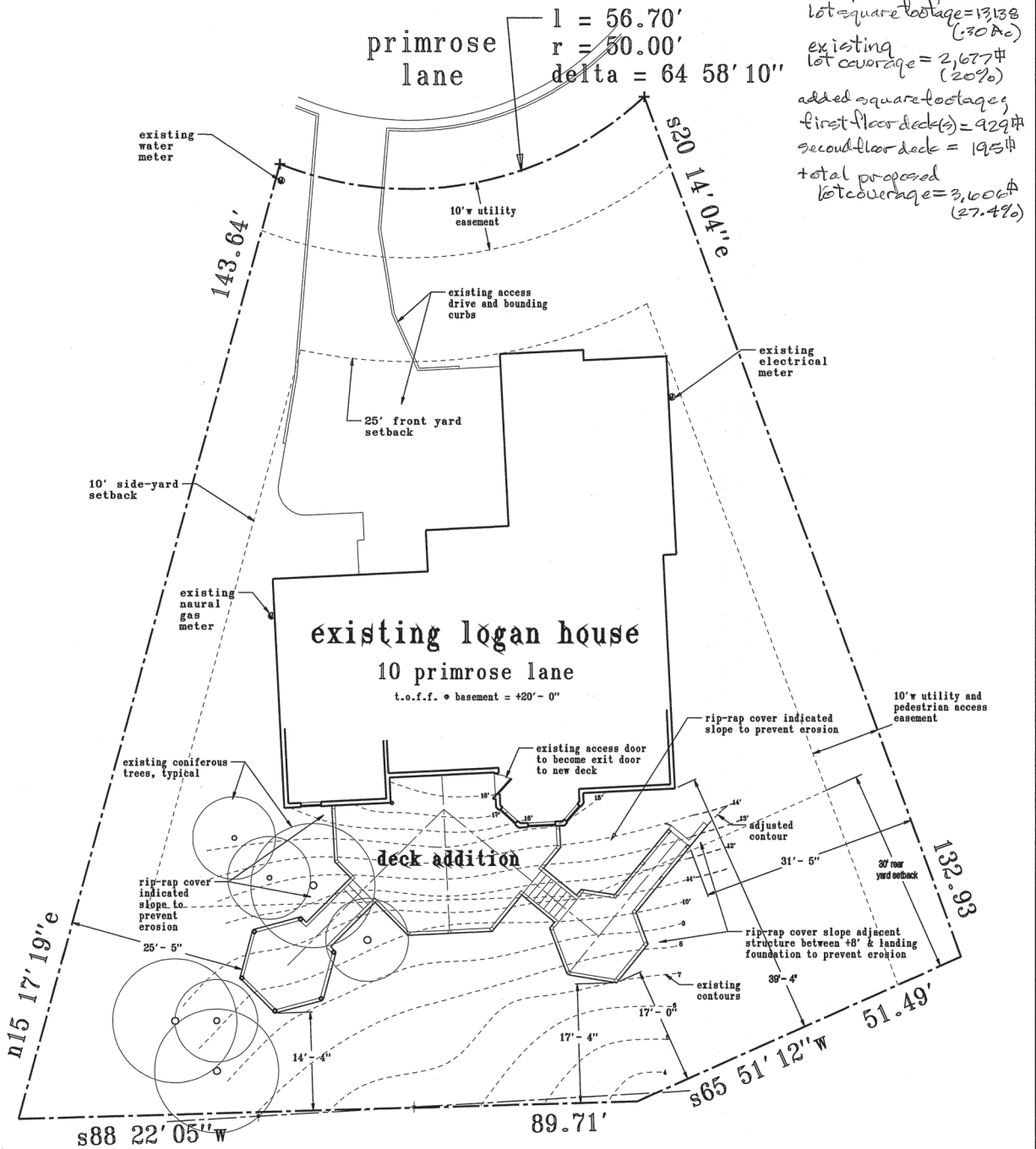
1 inch = 30 feet





rear deck addition

10 primrose lane, los alamos, nm



site plan, deck addition

scale: 1" = 10'



drawn: [signature]

date: 6/15/20

project: rear deck addition to the logan house, 10 primrose

sheet title: site plan, sheet index, vicinity map

revisions:

sheet no. 1

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:

Request waiver to rear yard set back to enable addition to attached deck(s) to back of existing single family residence.

Address of Property to which the Waiver Request applies:

10 Primrose Lane, Los Alamos, NM

Zoning District: PD2 Acreage: .30 Lot Coverage: 27% Related Applications (if any):

general building permit application

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

Name: Scott Irving Phone: n/a Cell #: 505-670-8149

Please Print
Address: 21 Bisbee Court Unit D Email: scott@durabuildconstruction.org

SIGNATURE DATE 8/11/2020

PROPERTY OWNER (If different from Applicant)

☐ Check here if same as above

Name: Rich Logan Phone: n/a Cell #: 505-660-3284

Please Print
Address: 10 Primrose Lane, Los Alamos, NM Email: rtaaglogan@comcast.net

Owner's Address

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

SIGNATURE DATE 08/18/2020

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: Staff Initial:

CDD Application Number: Fees 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*

Please see included letter explaining request.

- (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*

Please see included letter describing hard ship.

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

Engineered structure would be build to curve east
building codes not be health or Safety hazzard.

- (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 granting the request for waiver will have positive effects on the property and have no negative phisical impacts on neighbors or neighborhood.

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: _____

FOR OFFICE USE ONLY

Permit Application



Building Safety

Date: _____

Plan/Permit #: _____

Plan Review Fee: _____

Floodplain: _____

Please complete all areas on this form that apply. Incomplete applications may delay process.

☒ Residential☐ CommercialProject Address: 10 Primrose Lane, Los Alamos, NMOwner: Rich & Tarah Logan Address: 10 Primrose Lane, LA, NMPhone: 505-660-3284 Email: rtalalogan@comcast.netContractor: Durabuild Const. LLC Phone: 505-920-5819 Email: daniel@durabuildconstruction.orgAddress: 21 Bisbee Ct. Unit D License #: 392695Design Professional (if applicable): Scott Irving Phone: 505-670-8149Address: 21 Bisbee Court, Unit D Email: scott@durabuildconstruction.orgMain Point of Contact: Owner: _____ Contractor: _____ Design Professional: X

Type of Work:

<input type="checkbox"/> Accessory Structure	<input type="checkbox"/> Fence **	<input type="checkbox"/> Remodel	<input type="checkbox"/> Sun Room	<input type="checkbox"/> Sign Permanent
<input type="checkbox"/> Addition	<input type="checkbox"/> Fireplace	<input type="checkbox"/> New Dwelling	<input type="checkbox"/> Photovoltaic	<input type="checkbox"/> Sign Temporary
<input type="checkbox"/> Curb-Cut	<input type="checkbox"/> Foundation	<input type="checkbox"/> New Roof	<input type="checkbox"/> Re-Roof	<input type="checkbox"/> Window/Door
<input checked="" type="checkbox"/> Deck/Porch Carport	<input type="checkbox"/> Grading/Excav.	<input type="checkbox"/> Other	<input type="checkbox"/> Siding/Stucco	<input type="checkbox"/> Demo

Square Footage: Heated _____ Garage: _____ Deck, Carport, Porch or Patio Cover 1,124 Total Sq. Ft. 1,124Valuation of Work: \$ 100,000 Number of Stories: 2 Height 23 - gazeboDescription of Work: Addition of deck(s) including covered gazebo to rear of the property, enlarge existing second floor deckName: Scott Irving Date: 8/11/20 Signature: [Signature]

I understand that by entering my name above, it constitutes as a legal signature.

**Easement Encroachment. This permit authorizes the permit holder to construct/install a non-permanent structure (requires no subsurface foundation or structural member), within the boundaries of an existing public utility easement. Whenever this is the case, permittee shall be fully responsible (at permit holder's cost) for the removal and replacement of such non-permanent structure(s), at any time County personnel or County contractor may deem the structure interferes with work on the public utility for which the easement is in place. Any encroachment to the right of way or easements shall ensure that exiting drainage patterns are being maintained and unimpeded as applicable.

Bldg: _____ Util: _____
 Plng: _____ PW: _____ Fire: _____

1000 Central Avenue, Suite 150
 Los Alamos, NM 87544
 P 505.662.8120 F 505.662.8363
 Rev. 2/2018
 losalamosnm.us

Date: 8/11/20

To: Los Alamos Community Development

From: Scott Irving, Durabuild Construction, LLC

**Re: Request for Waiver to build attached rear
decks at 10 Primrose Lane, Los Alamos, NM**

To whom it may concern,

Rich and Tarah Logan, the current Owners of 10 Primrose Lane in the Ponderosa Estates, Phase IIA subdivision in Los Alamos, have lived at this address with their children since 2006 would like to add attached back-yard decks to their home. To do so they would like to request a Waiver to the 30' Rear Yard setback specified for their property in recorded subdivision documents.

As the contour map on the submitted site plan indicates the rear yard of the Logan property has been unusable since their purchase. The primarily 40% rear yard slope and lack of erosion protection has caused a significant reduction of soils along the houses south border. The top of bearing footings at the rear of the home are currently visible and the current drop out rear door to grade approaches 24".

These existing problems can be eliminated with the addition of the ground floor rear decks. The connection of soil to house will be protected by the constructed deck and the rip-rap slopes proposed in place around the deck will lock the slopes in place around the new construction preventing further erosion. The deck was designed to integrate the existing trees on the property and doesn't cut a tree, but incorporates the existing forest into the layout of the deck as shown in the plans. The deck is designed to nest behind and stay hidden by the house mass from the street, and stays well clear of side yard setbacks to stay away from neighboring properties. The Logan's property borders open space to the rear and no neighbors will experience encroachment on their views, open space, etc. due to the deck addition. The ramp exit from the rear deck to grade will allow access to the previously inaccessible slope for maintenance of the property that is difficult at best at this time. The decks will be a lovely addition to the rear of the

home and will soften the currently 40' vertical mass of the home and steep hillside when viewed from the open space in the rear.

The Logan property was questionably improved at the rear of the existing single-family residence. The property has seen significant degradation due to this fact. The improvements proposed with the variance and permit submittal will stabilize the Logan's rear yard, preventing further damage, and allow the rear of the property to be accessible from the house for the first time in 15 years. We respectfully ask that Los Alamos Community Development consider this Waiver from Ponderosa Estates, Phase IIA setback requirements for this challenging property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott', with a long horizontal flourish extending to the right.

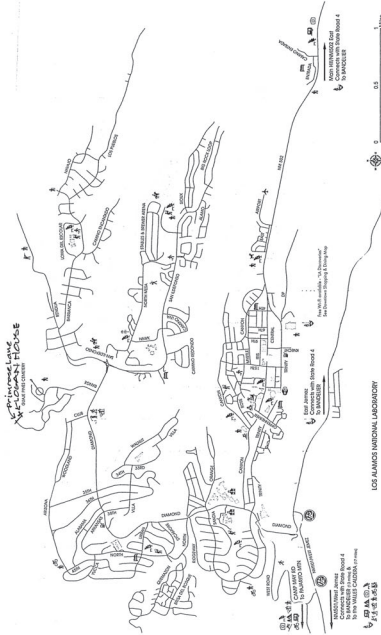
**Scott Irving, Designer/Builder
Durabuild Construction, LLC**

logan rear deck addition

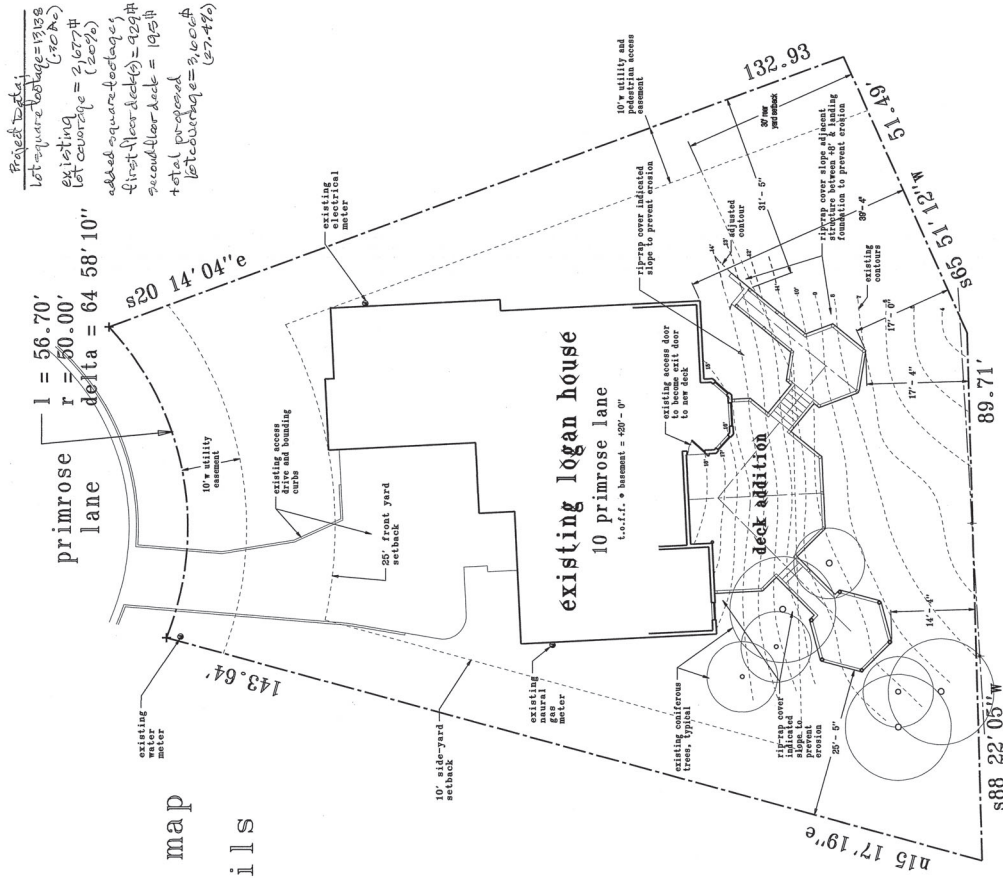
10 primrose lane, los alamos, nm

sheet index

sheet	description
1	site plan, sheet index, vicinity map
2	floor plans & guardrail details, landing foundation plan and details
3	architectural sections & exterior elevations
S-1	structural notes
S-2	structural plan & sections
S-3	structural sections & details
S-4	structural details

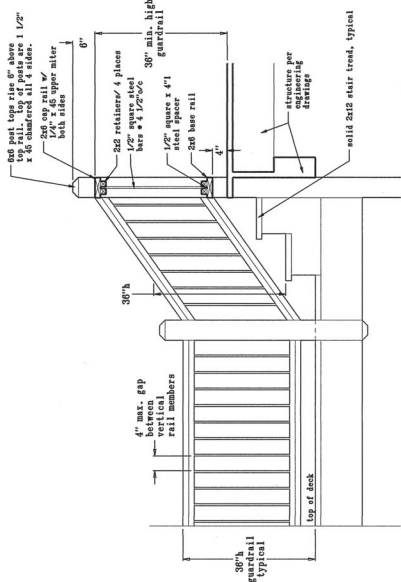


vicinity map

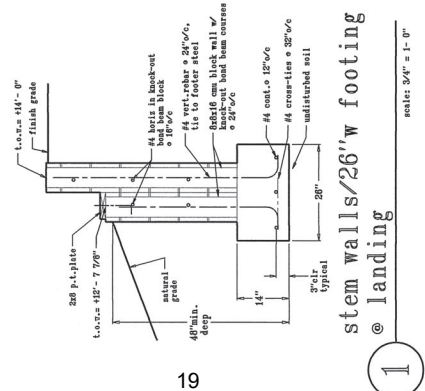


site plan, deck addition

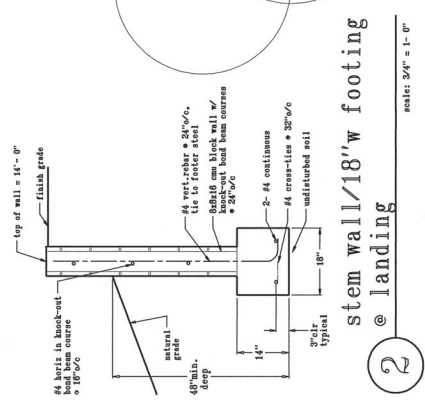
sheet no.	revisions	sheet title	project	date	drawn	checked
		site plan, sheet index, vicinity map	logan house, 10 primrose lane, los alamos, nm	6/15/20		



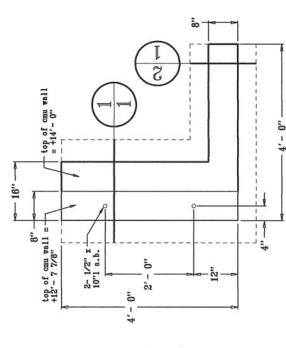
guardrail detail



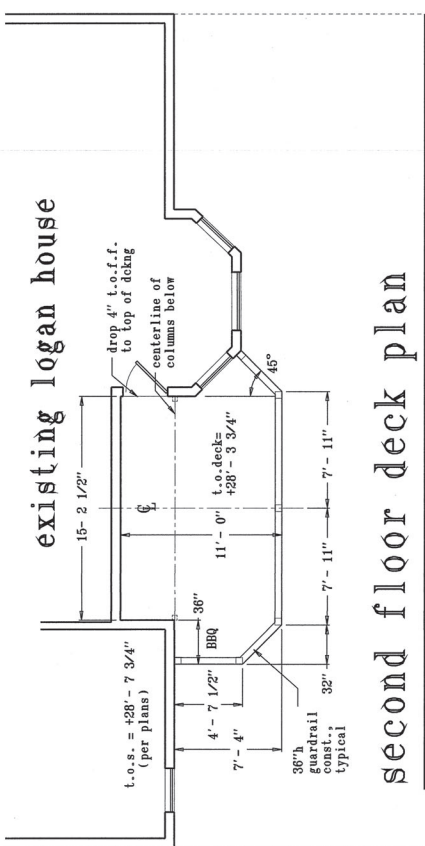
1
stem walls/26'w footing
@ landing



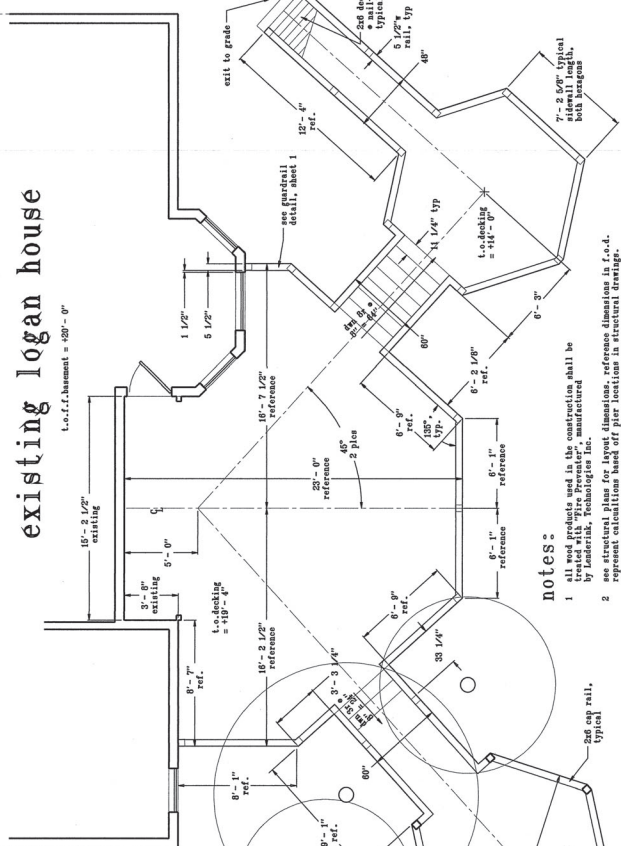
2
stem wall/18'w footing
@ landing



landing foundation plan



second floor deck plan



ground floor deck plan

notes:

- 1 all wood products used in the construction shall be treated with "Fire Retardant", manufactured
- 2 see structural plans for layout dimensions, reference dimensions in f.o.d. represent calculations based off floor locations in structural drawings.

sheet no. 03

revisions

sheet title

Project

architectural sections and exterior elevations

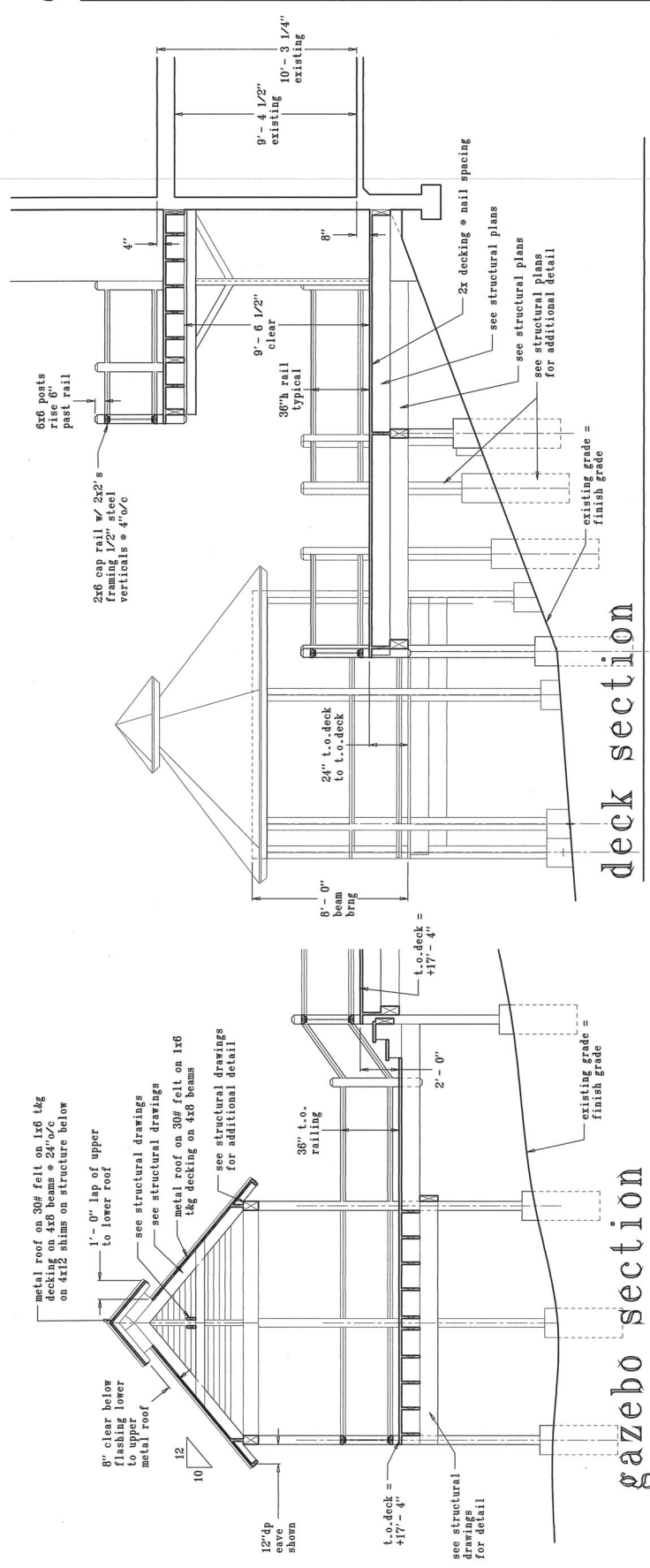
rear deck addition to the logan house, 10 primrose lane, los alamos, nm

21 bisbee court, unit D, santa fe, nm 87508
scott@durabuildconstruction.org 505-670-8148

drawn
checked

6/5/20

DATE



HILL ROBERT J JR & CAROLYN D
3200 CANYON RD APT 1103
LOS ALAMOS, NM, 87544

UHRICH F WADE & SHEILA J
4 APACHE PLUME
LOS ALAMOS, NM, 87544

BUCHER CHRISTOPHER A
12 PILAR
LOS ALAMOS, NM, 87544

SUGAR MELISSA D & HAIGH BRIAN
406 MAPLE DR
LOS ALAMOS, NM, 87544

EATON THOMAS LANCE & STACEY LEE REVOC TR...
410 MAPLE DR
LOS ALAMOS, NM, 87544

GUTIERREZ REVOC TRUST
9 PRIMROSE LN
LOS ALAMOS, NM, 87544

HOPKINS GRANVILLE J JR & JENNIFER M REVOC ...
7 PRIMROSE LN
LOS ALAMOS, NM, 87544

RICHARDSON MICHAEL & COURTNEY
11 PRIMROSE LN
LOS ALAMOS, NM, 87544

EATON CYNTHIA
5 PRIMROSE LN
LOS ALAMOS, NM, 87544

WEAVER MICHAEL J & JACQUELINE ANN
108 CENTRAL PARK SQUARE # 182
LOS ALAMOS, NM, 87544

VOSBURG-CROOKER FAMILY REVOC TRUST
1 PRIMROSE LN
LOS ALAMOS, NM, 87544

LOGAN RICHARD S & TARAH K REVOC TRUST
10 PRIMROSE LN
LOS ALAMOS, NM, 87544

EVERED J ERICH & ELIZABETH L
8 PRIMROSE LN
LOS ALAMOS, NM, 87544

MCCLURE PATRICK R & JANA L
6 PRIMROSE LN
LOS ALAMOS, NM, 87544

MAH RICHARD & MARY
PO BOX 1290
LOS ALAMOS, NM, 87544

BURNS MICHAEL J & CAROL J TRUST
2 PRIMROSE LN
LOS ALAMOS, NM, 87544

PARKER B & W & L & HOLMES D
305 MAPLE DR
LOS ALAMOS, NM, 87544

PARKER PAUL & MARY JO
PO BOX 459
LOS ALAMOS, NM, 87544

PARKER B & W & L & HOLMES D
305 MAPLE DR
LOS ALAMOS, NM, 87544

PARKER B & W & L & HOLMES D
305 MAPLE DR
LOS ALAMOS, NM, 87544

100 YD. Notification Map 10 Primrose Lane

