



DEVELOPMENT APPLICATION

PROJECT INFORMATION

Title: **Variance Request**Project Address: **#1377 & #1399 Diamond Dr**

Description:

variance request from planting requirement for Type B Buffer Zone required under Neighborhood Protection Standards (Sec. 16-43)

Check all application types, if applicable:

- | | |
|--|---|
| ☐ Administrative Deviation ... \$25 | ☐ Site Plan* ... \$500 plus
\$75 per/Million \$ estimated construction cost |
| ☐ Administrative Wireless Telecom ... \$250 | Estimated Construction Cost: _____ |
| ☐ Encroachment Permit ... \$25 | ☐ Major Site Plan Amendment* ... \$500 |
| ☐ Temporary Use Permit ... \$25 | ☐ Minor Site Plan Amendment ... \$250 |
| ☐ Comprehensive Plan Adoption & Amendment* ... \$250 | ☐ Major Zone Map Amendment* ... \$500 (+\$25/acre)
No fee if initiated by County Council
or County Manager |
| ☐ Conditional Use Permit* ... \$300 | ☐ Minor Zone Map Amendment* ... \$500 (+\$25/acre)
No fee if initiated by County Council
or County Manager |
| ☐ County Landmark or Historic District Adoption/Amendment* ... \$250 | ☐ Master Plans* (Major, Minor) ... \$250 |
| ☐ Development Plan* ... \$500 | ☐ Text Amendment* ... \$150
No fee if initiated by County Council
or County Manager |
| ☐ Major Development Plan Amendment* ... \$500 | ☐ Master Plans* (Major, Minor) ... \$250 |
| ☐ Minor Development Plan Amendment ... \$250 | ☐ Text Amendment* ... \$150
No fee if initiated by County Council
or County Manager |
| ☐ Summary Plat... \$100 plus \$25 lot; \$10 / acre for non-residential | ☒ Variance ... \$250
No fee if application is a part of a Site Plan review |
| ☐ Sketch Plat, Subdivision* ... \$250 plus
\$175/lot (1-10 lots)
\$125/lot (11-30 lots)
\$75/lot (30+ lots) | ☐ Administrative Wireless Telecommunication Facility ... \$250 |
| ☐ Preliminary Plat, Subdivision* ... \$250 plus
\$175/lot (1-10 lots)
\$125/lot (11-30 lots)
\$75/lot (30+ lots) | ☐ Discretionary Wireless Telecommunication Facility* ... \$500 |
| ☐ Final Plat, Subdivision* ... \$250 plus
\$175/lot (1-10 lots)
\$125/lot (11-30 lots)
\$75/lot (30+ lots) | ☐ Small Wireless Facility ... \$250 |
| ☐ Landscaping Plan ... \$500 | ☐ Major Historic Demolition* ... \$250 |
| ☐ Lighting Plan ... \$500 | ☐ Major Historic Property Alteration Certification* ... \$250 |
| | ☐ Minor Historic Property Alteration Certificate ... \$250 |

* Application reviews require a pre-application meeting.

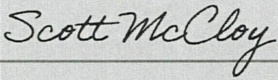
PROPERTY & OWNER INFORMATION

Property Address:	1377 & 1399 Diamond Address	Los Alamos City	NM State	87544 ZIP
Zoning District:	General Commercial - GC	Overlay Zone:	☒ N/A	
Existing Structure(s) Sq. Ft.:	0.00	Proposed Structure(s) Sq. Ft.:	0.00	
Lot Area (sq.ft.): 73921				
Property Owner(s) Name: RUSS NM LLC				
Owner(s) Email: russellsross@comcast.net				
Owner(s) Phone(s)#: 718-641-7858				
☐ Owner's Address same as Property Address				
Owner(s) Address:	4 Hazel Ave Address	Colorado Spring City	CO State	80906 ZIP

APPLICANT / OWNER'S AGENT INFORMATION

☐ Applicant is same as Owner				
Applicant Name: Scott McCloy				
Applicant Address:	168 Central Park Sq Address	Los Alamos City	NM State	87544 ZIP
Applicant Email: mccloy.surveying@gmail.com				
Applicant Phone(s)#: 505-321-7404				

ASSOCIATED APPLICATIONS

Application Type: Site Plan	
Case Number:	
<i>I hereby certify and affirm, under penalty of perjury, that the information I have provide in this application is true and accurate to the best of my knowledge, information, and belief. [NMSA 1978, §30-25-1]</i>	
Signature: 	Date: 05/28/2026
Signature:	Date:

STAFF USE ONLY

Date Received:	Staff:
Case No.#:	Meeting Date:

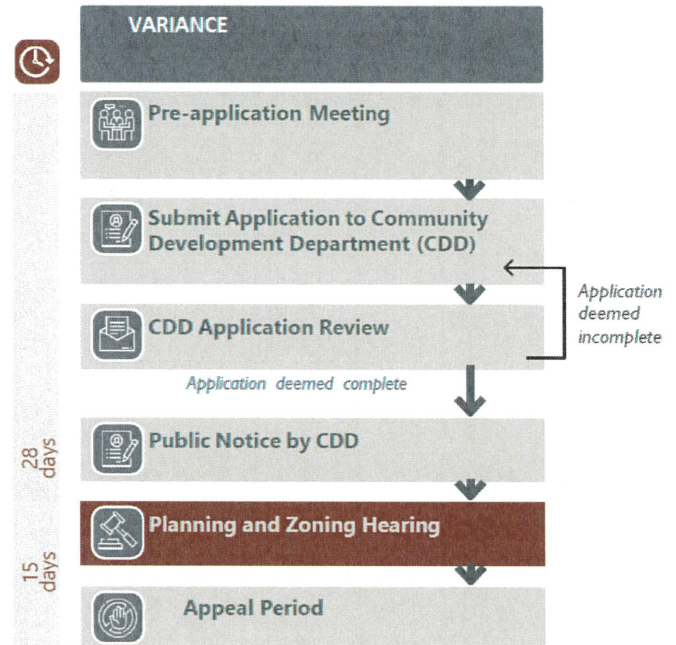
SUBMITTALS

☐ Proof of Ownership or Letter of Authorization from Owner	☐ Complete Application – Date: _____
☐ Items from associated Application Checklist	☐ Payment – Accepted upon verification of a complete application - Date: _____

VARIANCE CHECKLIST

Applicants for all development application reviews must complete this checklist and submit it with the Development Application. Refer to the referenced code sections for additional information. Contact the Planning Division with questions regarding these requirements: planning@lacnm.us.

PRE-APPLICATION MEETING	
Date Held:	04/22/2026
SITE PLAN	
Scaled site plan at a minimum of 1" = 100' that illustrates the following:	
☒	Graphic Scale and North Arrow
☒	Property Lines according to recorded survey
☒	Existing and proposed structures
☒	Existing and proposed easements
☒	Existing and proposed setbacks
☒	Existing and proposed utility lines
ELEVATIONS	
Elevation drawing(s) at a minimum scale of 1/8" = 1' that indicates:	
☐	Height (above existing grade) of all four sides
☐	no planned structures
LOT COVERAGE	
Existing (%):	0.00
Proposed (%):	0.00
ADDITIONAL SUBMITTALS	
Based on staff's review and Interdepartmental Review Committee's recommendation – additional submittals may be required and will be communicated to the applicant by the assigned Case Manager.	



See Reverse.

DECISION CRITERIA 16-74-(g)(3)

a. The variance will not be contrary to the public safety, health, or welfare. Explain.

See attached sheets.

☐ Staff finds that this criterion has been met

☐ Staff finds that this criterion has not been met – more information is needed

b. The variance request will not undermine the intent of the Development Code, the applicable zone district, other County adopted policies or plans, or violate the Building Code. Explain.

See attached sheets.

☐ Staff finds that this criterion has been met

☐ Staff finds that this criterion has not been met – more information is needed

c. Granting of the variance will not cause an intrusion into any utility or other easements unless approved by the owner of the easement. Explain.

See attached sheets.

☐ Staff finds that this criterion has been met

☐ Staff finds that this criterion has not been met – more information is needed

DECISION CRITERIA 16-74-(g)(3)

- d. The variance request is caused by an unusual physical characteristic or hardship inherent in the lot or lot improvements and that the peculiarity or hardship is not self-imposed. Explain.

See attached sheets.

☐ Staff finds that this criterion has been met

☐ Staff finds that this criterion has not been met – more information is needed

- e. The variance will not create any significant adverse impacts on properties within the vicinity. Explain.

See attached sheets.

☐ Staff finds that this criterion has been met

☐ Staff finds that this criterion has not been met – more information is needed

- f. Granting of the approved variance is the minimum necessary easing of the Code requirements making possible the reasonable use of the land, structure, or building. Explain.

See attached sheets.

☐ Staff finds that this criterion has been met

☐ Staff finds that this criterion has not been met – more information is needed

Attach additional sheets, if needed.

A.

The variance is limited in scope to the requirements for planting new vegetation associated with the Type B Buffer Zone requirements under Sec. 16-43 Neighborhood Protection Standards. The requested variance does not affect public safety, health, or welfare.

The proposed use change for 1377 Diamond Drive allows for parking and operation of mobile food vending vehicles. No permanent structures are proposed as part of this request. Existing site characteristics already substantially exceed the separation characteristics typically provided by a Type B Buffer. The nearest residential properties are located approximately 100 feet horizontally and approximately 11 feet higher in elevation than the proposed use area for 1377 Diamond Drive (see Attachment A).

B.

The requested variance will not undermine the intent of the Development Code or applicable zoning district. The purpose of the Type B Buffer requirements is to provide separation between commercial and residential uses. In this case, existing site conditions already substantially achieve that intent through approximately 100 to 165 feet of horizontal separation and approximately 11 feet of elevation difference between the proposed use area and adjacent residential properties (see Attachment A).

The proposed mobile food vending use is limited in scope, no permanent structures are proposed, and the variance request is limited solely to additional planting requirements associated with the Type B Buffer standards.

C.

The proposed variance does not involve construction, grading, or intrusion into any utility or other easements.

D.

The physical characteristics of the site already satisfy the functional intent of a Type B Buffer Zone due to the substantial existing separation distance and elevation change between the proposed use area and adjacent residential properties (see Attachment A).

**Type B Buffer
Requirement**

Required Existing Conditions

Minimum Width	20 feet	Approximately 100 feet
Berm/Fence Height	6 feet	Approximately 17 feet total (11-foot grade differential plus existing 6-foot residential fence)

E.

The variance maintains the longstanding physical characteristics of the property and will not create significant adverse impacts on nearby properties. The proposed use area is separated from adjacent residential properties by substantial distance and topographic variation, and no permanent structures are proposed.

F.

Granting the requested variance will allow reasonable use of the property for mobile food vending while preserving the intent of the Neighborhood Protection Standards. The request is narrowly limited to relief from additional planting requirements where existing site conditions already provide substantial buffering and separation between the proposed use and adjacent residential properties.

Strict application of the additional planting requirements would impose disproportionate costs relative to the limited scope and intensity of the proposed use and is not necessary to achieve the underlying neighborhood protection objectives of Sec. 16-43.

