



**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO**

Case No. VAR-2025-0015, a request for a Variance from dimensional standards to install a carport abutting the front property line, creating a zero-front setback. The property is in a Residential-Mixed (RM-2) zone district, is within the North Community 1 Subdivision and is addressed as 1968 40th Street, Los Alamos, New Mexico.

ORDER ON APPLICATION VAR-2025-0015

NOW COMES, the Planning and Zoning Commission (“Commission”) of the Incorporated County of Los Alamos (“County”), that hereby finds as follows:

I. FINDINGS OF THE COMMISSION

The Commission finds as follows:

1. On September 4, 2025, Property owner Barbara Martinez (“Applicant”), submitted an application (“Application”), requesting a variance from dimensional standards to install a carport abutting the property line, creating a zero setback. The property is within the North Community 1 Subdivision in a Residential-Mixed (RM-2) zone district and is addressed as 1968 40th Street, Los Alamos, New Mexico (“Property”). *See* PLANNING & ZONING COMMISSION STAFF REPORT (hereafter “CDD Staff Report”), by Desirae J. Lujan, Senior Planner (“CDD Staff Lujan”), Attachment A, Page 36.

2. The Application was assigned case number VAR-2025-0015. *Id.*

3. A quorum of the Commission was present at the public hearing held on October 22, 2025¹.

The public hearing was open to the receipt of evidence and testimony given under oath, of which

¹ The Video for this hearing is available at [Planning and Zoning Commission Meeting – October 22, 2025](#). All citations to testimony are from this video and is in Hour:Minute:Second format

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was subject to cross-examination in accordance with Section 16-72(f)(5)(b) of the County Development Code².

4. Present for the Applicant was Property owner, Barbara Martinez.

5. Present for Community Development Department (“CDD”) was Desirae Lujan, Senior Planner, Danyelle Valdez, CDD Planning Manager.

6. There was no one present in opposition to the Application.

7. Evidence received by the Commission at the public hearing included: 1) CDD Staff Report, Attachment A; 2) Application Packet, Attachment B; 3) Public Notices, Attachment C; and 4) public hearing presentation, questioning, testimony from Applicant, CDD Staff Lujan, and CDD Staff Valdez.

8. The Property’s legal description is NC1 009 and is located in RM-2 zoning district pursuant to the County’s adopted Zoning Map. *See* CDD Staff Report, Attachment A, Page 36.

9. As provided in the CDD Staff Report, notice of the public hearing was published in accordance with Section 16-72(c)(4) of the County Development Code, as notice was published in the *Los Alamos Daily Post* on October 2, 2025, notice of the proposed action and public hearing was mailed via U.S. Mail to the owners of real property within three hundred (300) feet of the Property on September 26, 2025, and the notice was posted at the Property on October 7, 2025. *See* CDD Staff Report, Attachment A, Page 40.

10. The Applicant is requesting approval of a variance to install a prefabricated carport on the Property that would sit directly on the front Property line along 40th Street, covering the existing concrete parking pad, and creating a zero-foot front setback. The proposed carport is considered accessory structure by the County Development Code. County Development Code Section 16-14

² Available at [Municode Chapter 16](#).

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allows accessory structures; however, they must meet the use-specific standards within section 16-18(b), including setback requirements. Typically, that would mean the carport must be at least 15-ft from the front Property line, but Section 16-22 makes a special allowance for carports and permits them to occupy 40% of the required front setback. The proposed carport is allowed to be as close as 9-ft from the front Property line but must meet all other dimensional and development standards. The Applicant has expressed that the provision still does not provide sufficient area for a carport to adequately protect her vehicle. *See CDD Staff Report, Attachment A, Pages 36-37.*

11. As provided in the testimony of the Applicant and CDD Staff Lujan, the Application proposes a variance from the dimensional standards to install a carport abutting the front Property line, therefore creating a zero setback. *See CDD Staff Report, Attachment A, Page 39.*

12. Based on the CDD Staff Report and testimony of CDD Staff Lujan, the Application was presented to the Interdepartmental Review Committee (IDRC”) on September 25, 2025. Upon review of the Application, it was determined by the IRDC that the Application met all of the criteria and the Application along with supporting documents would move forward to the Planning and Zoning Commission as presented. *See CDD Staff Report, Attachment A, Page 39.*

13. The Commission finds the applicable review criteria in determining whether to approve, approve with conditions, or to deny the Application (*see generally* §16-69(b)(2)) are found in Section 16-74(g)(3) of the County Development Code.

14. The Commission, having received testimony and evidence of the Applicant, CDD Staff Lujan, and CDD Staff Valdez moved to approve the Application as follows:

“I move to approve Case No. VAR-2025-0015, a request by Barbara Martinez, property owner, for a Variance from the RM-2-dimensional zone district standards. Approval allows an open-sided carport to be installed at 1968 40th Street, Los Alamos, NM, directly at the front property line along 40th Street, creating a zero-foot front setback.

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Approval is based on the Findings of Fact established at the hearing and the determination that the Applicant has met the decision criteria for Variance per Section 16-74(g)(3) of the Los Alamos County Development Code. The Commission acts under the authority of Section 16-69(b)(2) and (6) of the Development Code.

I further move to authorize the Chair to sign the Findings of Fact and Conclusions of Law for this case that reflects the decision of the Commission. This document will be prepared by county staff based on this decision.”

The vote resulted in a 3 to 2 vote in support of the motion. However, pursuant to Section 16-69(7) of the County Development Code, a minimum of four (4) votes in the affirmative are needed for approval of the Application. Therefore, the motion failed.

II. ORDER

Pursuant to Section 16-72(f)(5)(b)(9), failure to issue a final decision or recommendation prior to the close of the hearing shall constitute denial of the Application.

APPROVED on this date: 11/13/2025

Karen Easton

Karen Easton, Chair of the Planning & Zoning
Commission for the Incorporated County of Los
Alamos