



Los Alamos County
Community Development Department

**PLANNING & ZONING COMMISSION
STAFF REPORT**

Public Hearing Date: June 11, 2025
Subject: Variance; Case No. VAR-2025-0011
Applicant/Owner: Jacob and Lena Zielie
Case Manager: Desirae J. Lujan, Senior Planner

Professional Background:

Associates Architectural & Civil Drafting; 17 years in Planning and Land Use, Local Government, with six years in Case Management of Development Applications.

Case No. VAR-2025-0011. Jacob and Lena Zielie, property owners of 3 Acoma Lane, White Rock, NM, have requested a variance from Section 16-18(b)-4 of the Los Alamos Development Code. The request is to allow the placement of a 720 sq. ft. metal accessory building closer to the front property line than the main structure. The Development Code limits accessory structures to the side and rear yards in all zone districts. The subject property, designated as PA1 017, is located within the Pajarito Acres 1 Subdivision and is zoned Residential Agricultural (RA).

See Attachment A: Application Submittal

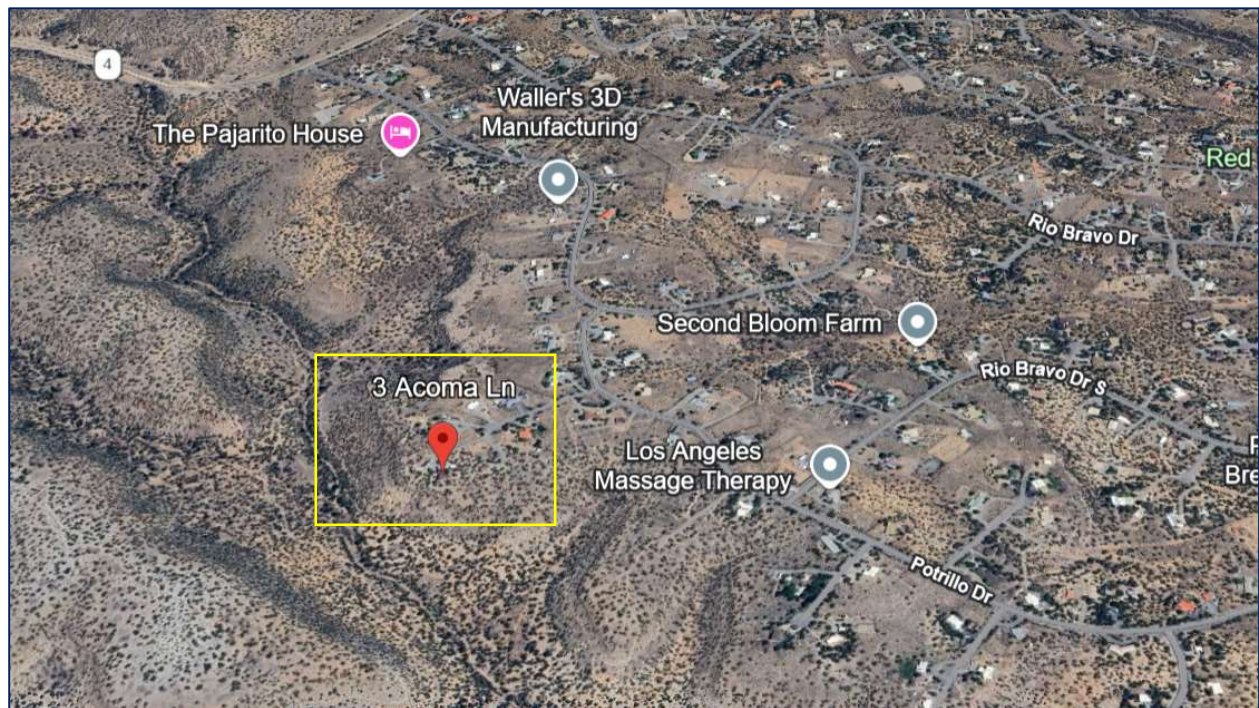


Figure 1: Location Area Map, Google Airbus

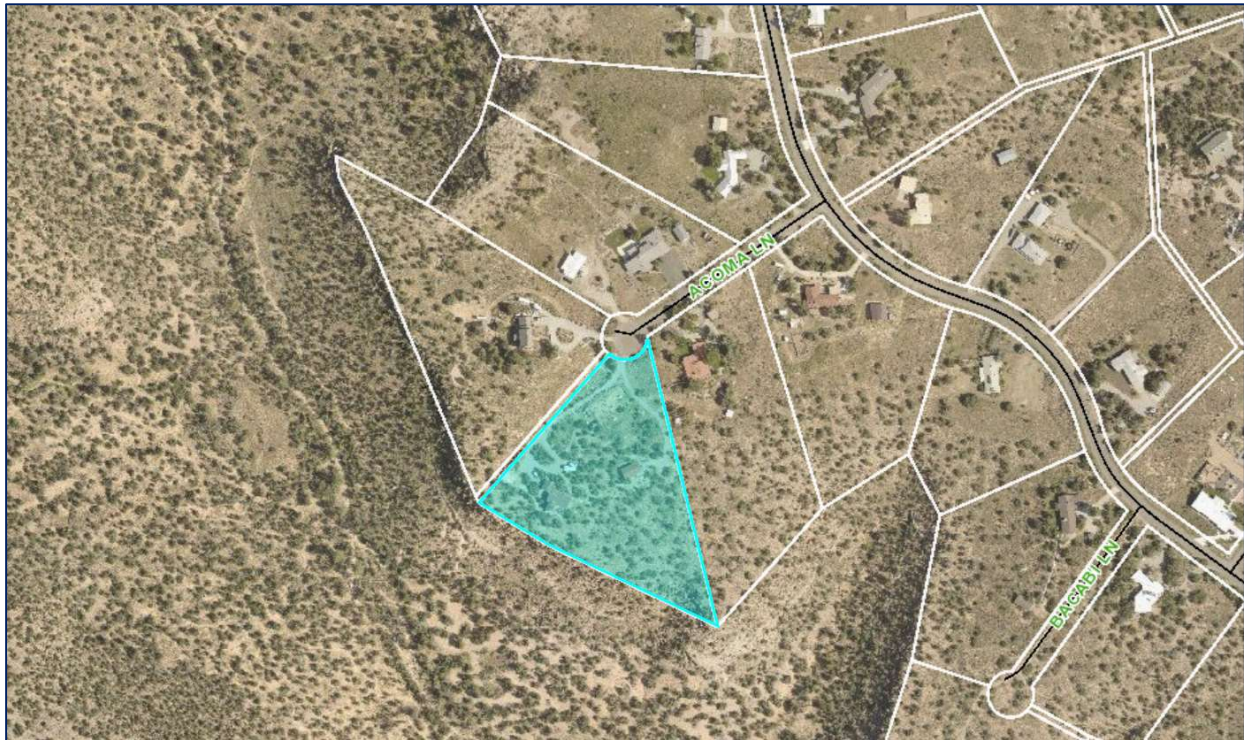
PROPERTY INFORMATION

The subject property ("Property"), located at 3 Acoma Lane, is approximately 4.24 acres in size and contains two dwelling units, addressed A and B. The primary dwelling is situated about 245-ft from the front property line, while the accessory dwelling unit is located over 300-ft from the front property line in the northwest corner of the lot.

The lot is triangular and features a curved front property line that partially defines the cul-de-sac on Acoma Lane. The lot depth varies between approximately 470-ft and 712-ft. The rear of the property borders Pajarito Canyon. On either side of the lot are residential properties, with a 16-ft wide community path and county drainage easement between 3 and 5 Acoma Lane.

The Property is zoned Residential Agricultural (RA). As described in Exhibit 1: Section 16-5(a), this zoning is intended to accommodate and preserve rural residential and agricultural uses. It supports low-density single-family residences on large lots, where residents may also engage in agricultural, horticultural, and animal husbandry activities for personal use.

Figure 2: Vicinity Map



SUMMARY

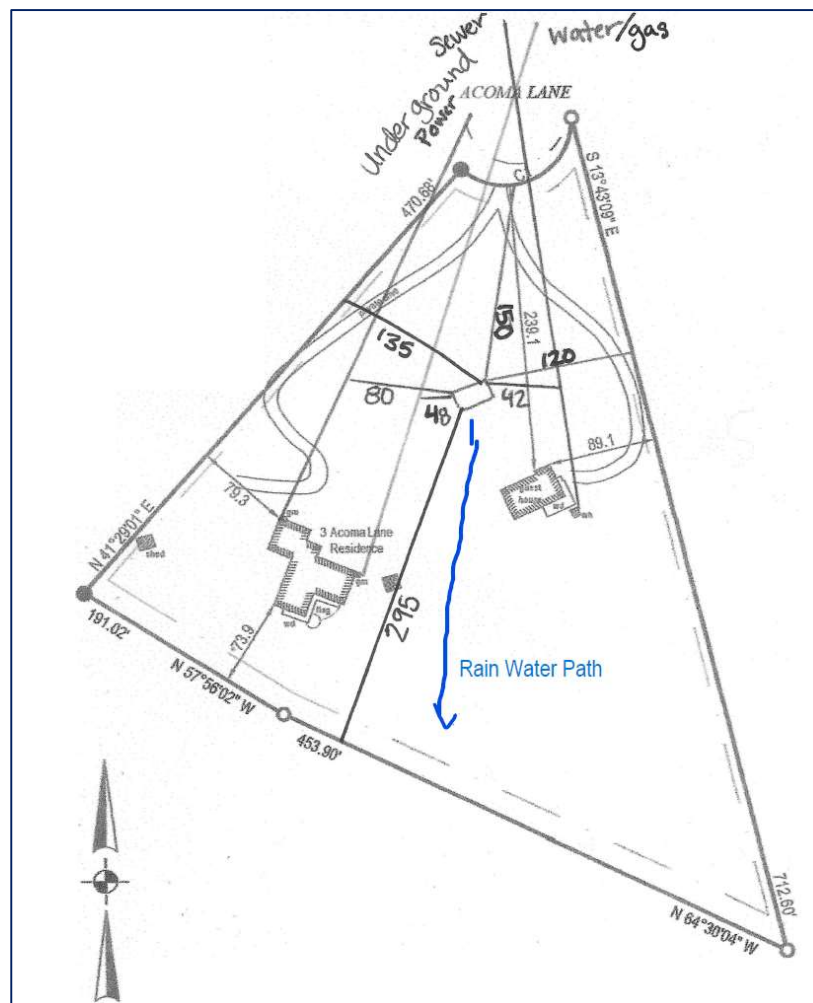
On April 18, 2025, the property owners submitted a Building Permit application (BLDR-2025-08062) to install a 720 sq. ft. metal building on a slab foundation for housing livestock. As shown in Attachment A, and Figure 3, placement is proposed to be approximately 150' from the front property line, more than 120' from either side, and 295' from the rear – situating it closer to the front property line than either dwelling. Exhibit 1: Section 16-14, Table 26: Permitted Use Table, confirms that accessory structures are permitted accessory uses in the RA zone district but are subject to the use-specific standards in Section 16-18(b). These standards limit accessory structures—excluding garages and carports—to side and rear yards. Although the proposed structure complies with the RA zone district dimensional standards, it does not meet the Accessory Structure development standards. Specifically, Section 16-18(b)(4) which states: **“No**

accessory structure may be located closer to the front property line than the main structure on any lot, except for garages and carports.”

The permit application was concurrently reviewed by multiple departments with the following results:

- Department of Public Utilities – **Approved**
- Public Works, Engineering – **Hold**, pending a submission of a drainage and grading site plan for the lot.
- Building Safety Division – **Hold**, pending a drainage plan demonstrating that roof runoff will not create a nuisance.
- Planning Division – **Denied**, due to noncompliance with the use-specific standards in Section 16-18(b)(4).

Figure 3: Proposed Site Plan



After the denial, the Planning Division and Public Works Engineering met with Lena Zielies to explain the drainage and grading requirements, the reason for denial, and potential options. The property owners decided to pursue a Variance application and voided BLDR-2025-08062. By separating the structure's placement from its foundation in the application, it allowed the foundation review to proceed independently through BLDR-2025-08080 while the Variance request is processed.

INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

The IDRC reviewed the application on May 15, 2025, and unanimously recommended it move forward to Planning and Zoning Commission for consideration. No concerns or conditions were recommended.

Members Present:

- Danyelle Valdez, Planning Manager
- Desirae Lujan, Senior Planner/Case Manager
- Jane Mathews, Senior Planner
- David Martinez, Chief Building Official
- Colorado Cordova, Fire Marshal
- James Martinez, DPU Senior Engineer/Project Manager
- Karen Henderson, PW Senior Engineer
- Armando Galbadon, Environmental Service Manager

Additionally, the Community Services Department Director and DPU Electrical Distribution Deputy Manager communicated by email that they had no concerns or recommended conditions.

PUBLIC NOTICE

The *Los Alamos County Code of Ordinances, Chapter 16 – Development Code, Sec. 16-72(c) Notifications*, sets forth the requirements for proper notice to the public for a public hearing:

- *Published and Posted Notice [16-72(c)(4)]:*
 - Notice published in a newspaper of general circulation within the County at least 14-calendar days before the meeting or hearing. ***Published May 22, 2025***
 - The posting of at least one sign on a street abutting the property that is the subject of the application – visible from the street – for at least 14-calendar days before the public meeting or hearing. ***Posted May 22, 2025***
- *Mailed Notice [16-72-(c)(5)]:*
 - Mailed notice 14 days prior to the public hearing to all owners of record as identified in the records of the County Tax Assessor or occupants of properties within 300 ft., excluding public rights-of-way, of exterior lot lines of the subject property. ***Mailed May 21, 2025***

See Attachment B: Public Notices

VARIANCE DECISION CRITERIA: Section 16-74(g) of the Los Alamos County Development Code states that a Variance shall be approved if it meets all the following criteria:

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

Applicant Response: The proposed building purpose is to house small livestock, and protect them from the predators, (cougars, bobcats and coyotes) that threaten them. By having our livestock protected and within an enclosure, we are no longer luring in the predators and such are benefiting the public safety and welfare.

Staff Response: In the staff's expert opinion, this criterion has been met because the proposed variance poses no health or safety risks. The structure will be located on a large lot – with sufficient setback from adjacent properties – and used to house livestock, which may reduce

predator activity. Its placement and use is consistent with the rural character of the RA zone and presents no public safety concerns.

b. The variance will not undermine the intent of this Code, the applicable zone district, other county adopted policies or plans or violate the building code.

Applicant Response: The property is zoned Residential-Agricultural (RA), building a barn for small livestock fits within the intended purpose of the zoning district.

Staff Response: In the staff's expert opinion, this criterion has been met because the purpose of the Development Code, as outlined in Exhibit 1: Article 1, Division 4, supports the request in the following ways:

- The proposed structure is consistent with the permitted uses in the RA zoning district, which includes agricultural and animal husbandry activities.
- The proposed location does not violate any building code provisions. The review and application of the building code will be administered during the permitting process, ensuring compliance before issuance.
- The structure complies with all dimensional standards for the RA zone, and while it does not comply with the development standards in Exhibit 1: Section 16-18(b)(4), the proposed location does not conflict with the broader goals of the Development Code or RA zoning district.

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

Applicant Response: The proposed building location is not within any easements, or in close proximity of the utilities.

Staff Response: In the staff's expert opinion, this criterion has been met because utilities are confirmed to be within the right-of-way, and no known easements or utilities are within the project location. Upon reviewing permit BLDR-2025-08062, the Department of Public Utilities approved the application as submitted, and no concerns or conditions were communicated during the IDRC review process.

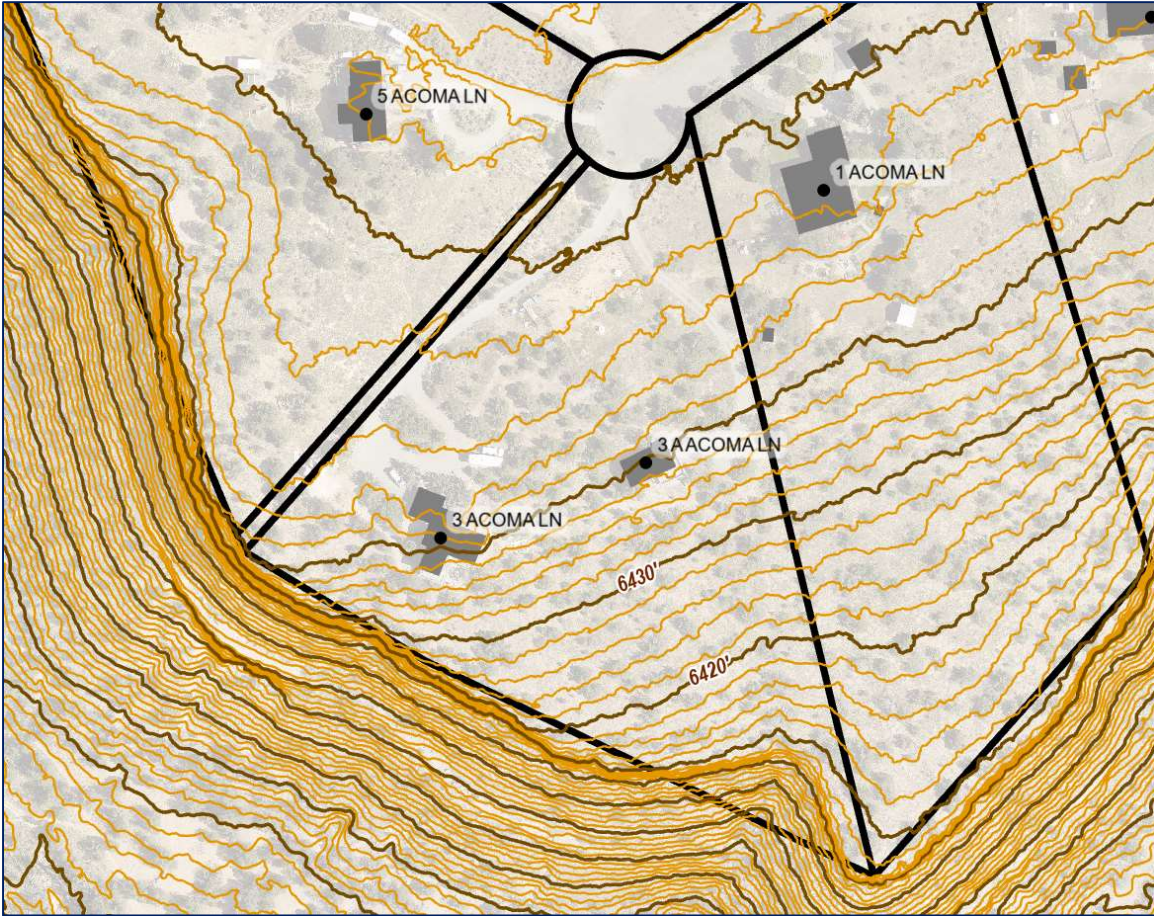
d. The variance request is caused by unusual physical characteristic or a hardship inherent in the lot or lot improvements and the peculiarity or hardship has not been self-imposed.

Applicant Response: The primary and secondary homes were built far off the front property line in order to take advantage of the canyon views. Due to the contours, and terrain of the property, the proposed site location is the furthest back from the front property line that is still buildable.

This proposed site also limits the environmental impact as it doesn't require the removal of any larger trees or shrubs.

Staff Response: In the staff's expert opinion, this criterion has been met because the request for variance is directly related to the lot's natural shape, slope, and existing development, not a self-imposed condition like building placement. As shown in Figure 4, the lot is triangular and slopes in the rear yard near the canyon edge. Combined with geological conditions and the placement of existing homes —far from the front property line — areas that meet the development standards are limited for the intended use.

Figure 4: Project vicinity, 2-ft contours (2018 data)



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

Applicant Response: The proposed location is not in close proximity to either neighbor or property lines, as such it will not impact their properties

Staff Response: In the staff's expert opinion, this criterion has been met because the proposed structure is centrally located on a large lot and set back from neighboring properties and Acoma Lane, not creating adverse impacts. During the permitting process, drainage, and proposed lighting, if any, will be reviewed and held to applicable code and county standards to not create a nuisance.

- 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.

Applicant Response: Building parameters are within the zoning intentions; the site choice minimizes all effects on community, area and neighbors.

Staff Response: In the staff's expert opinion, this criterion has been met because the variance allows for the reasonable use of the land that is consistent with the RA zoning district and physical limitations. The request seeks to place the accessory structure closer to the front property line than the main structure due to the location of existing residences and natural constraints. The structure meets all other code requirements, and the relief from the front-yard

location restriction of accessory structure development standards, is the minimum necessary easing to allow the functional use of the structure as a livestock shelter.

DRAFT MOTION

Recommended Motion, Approve:

I move to **approve** Case No. VAR-2025-0011, a request for a variance from Accessory Structure development standards, Section 16-18(b)-4, to allow the placement of a 720 sq. ft. metal accessory building to be closer to the front property line than the main structure at 3 Acoma Lane, White Rock, NM.

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 16-72(f)(2)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application, as well as the Findings of Fact and Conclusions of Law for this case. This document will be prepared by county staff based on this decision.

Alternative Motion 1, Approve with Conditions:

I move to **approve** Case No. VAR-2025-0011, a request for a variance from Accessory Structure development standards, Section 16-18(b)-4, to allow the placement of a 720 sq. ft. metal accessory building to be closer to the front property line than the main structure at 3 Acoma Lane, White Rock, NM, with the following **condition(s)**:

1. ...

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 16-72(f)(2)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application, along with the Findings of Fact and Conclusions of Law, as prepared by county staff based on this decision.

Alternative Motion 2, Deny:

I move to **deny** Case No. VAR-2025-0011, a request for a variance from Accessory Structure development standards, Section 16-18(b)-4, to allow the placement of a 720 sq. ft. metal accessory building to be closer to the front property line than the main structure at 3 Acoma Lane, White Rock, NM.

Denial is based on the Findings of Fact established at the hearing and the determination that the Applicant has failed to meet 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 16-72(f)(2)(a) of the Development Code.

I further move to authorize the Chair to sign a Final Order approving the application, along with the Findings of Fact and Conclusions of Law, as prepared by county staff based on this decision.

EXHIBITS:

1 – Los Alamos County, Chapter 16, Development Code: <https://lacnm.com/MunicipalCode>