



Los Alamos County
Community Development Department

**PLANNING & ZONING COMMISSION
STAFF REPORT**

Public Hearing Date: May 14, 2025
Subject: Variance; Case No. VAR-2025-0009
Applicant/Owner: Reed and Connie Figley, Property Owners
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-2025-0009: Reed and Connie Figley, property owners, request a variance from zone district dimensional standards to construct an addition to their home located at 151 El Gancho Street, Los Alamos, NM. Approval of the variance would allow a 52% deviation from the required 10-ft minimum interior side setback. The property, designated as BM1 064, is located within the Barranca Mesa 1 Subdivision and is zoned Single-family Residential (SFR-2).

See Attachment A: Application Submittal



Figure 1: Location Area Map, Google Airbus

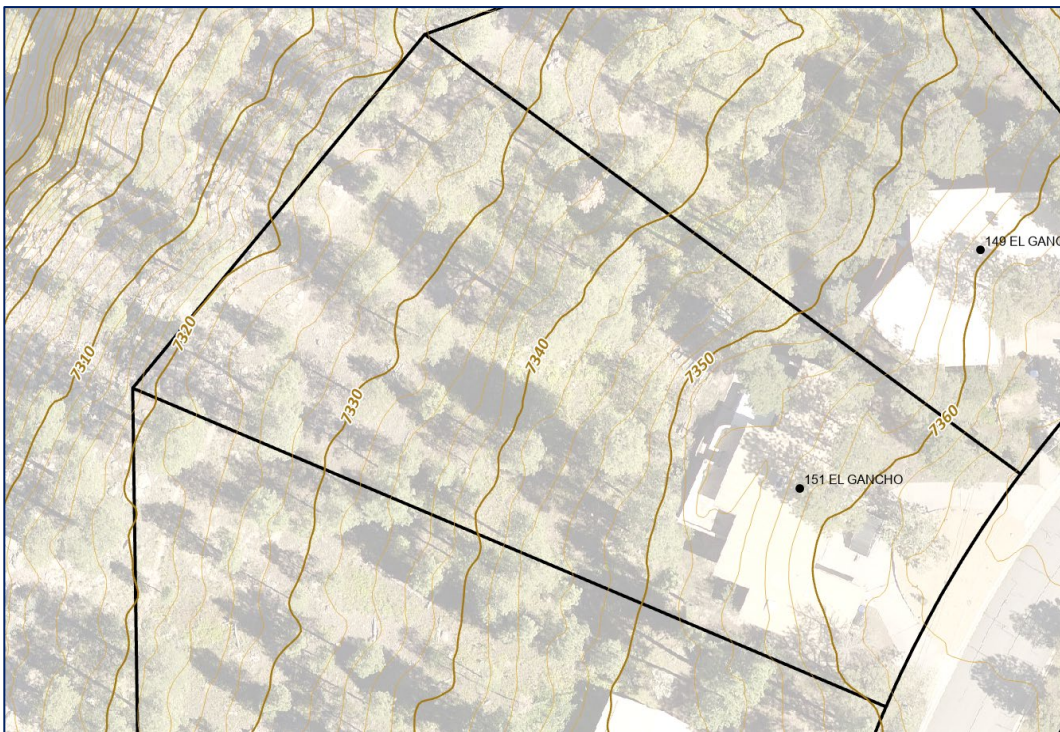
BACKGROUND

The subject property ("Property"), located at 151 El Gancho Street, is approximately 0.80 acres in size and contains a single-family residence originally constructed in 1961. The lot has an irregular rectangular shape, with frontage of approximately 95-ft along El Gancho Street and a depth ranging from approximately 262 to 290-ft. The lot slopes downward from 7,364-ft at the street to 7,320-ft at the rear, abutting county owned open space.

Figure 2: Vicinity Map



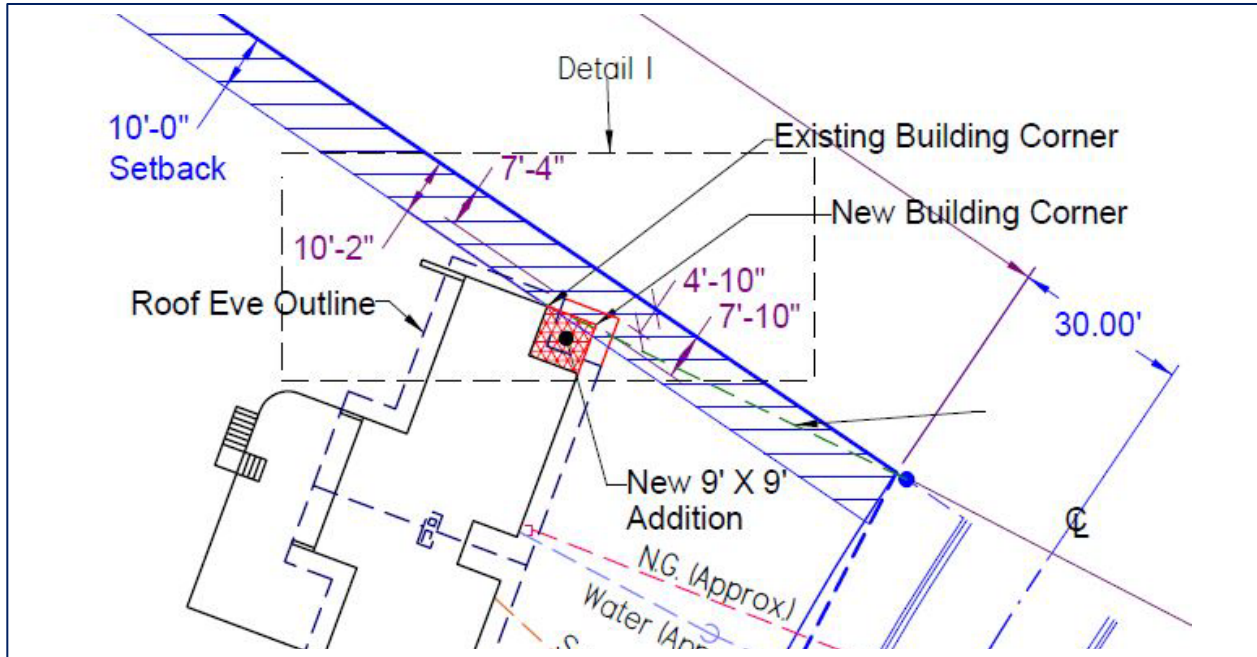
Figure 3: Topography Map, 2018 data; 2-ft contours



SUMMARY

The applicants are requesting a variance from the Single-family Residential (SFR-2) zone district standards to allow construction of a 9' X 9' bathroom addition onto the northeast corner of their existing house.

The new building corner would be approximately 7'-10" from the north side property line. This is a 2'-2" (22%) deviation into the required 10-foot side setback (north). Exhibit 1, Section 16-21, provides 2-ft projections into required setbacks for non-structural architectural features, such as eaves. However, due to the 2'-2" difference the planned 3-ft eaves would be 4'-10" from the side property line, requiring a total variance of 5'-2" (52%).



INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW

The IDRC independently reviewed the application via email. Each member submitted their recommendation along with any concerns, comments, or conditions. The committee agreed to forward the application to the Planning and Zoning Commission for consideration. The County Engineer and Electrical Distribution Manager provided comments to assist the applicant in preparing for a building permit submission.

See Attachment B: IDRC Email; Eric Ulibarri, and Stephen Marez

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 April 24, 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 April 28, 2025**

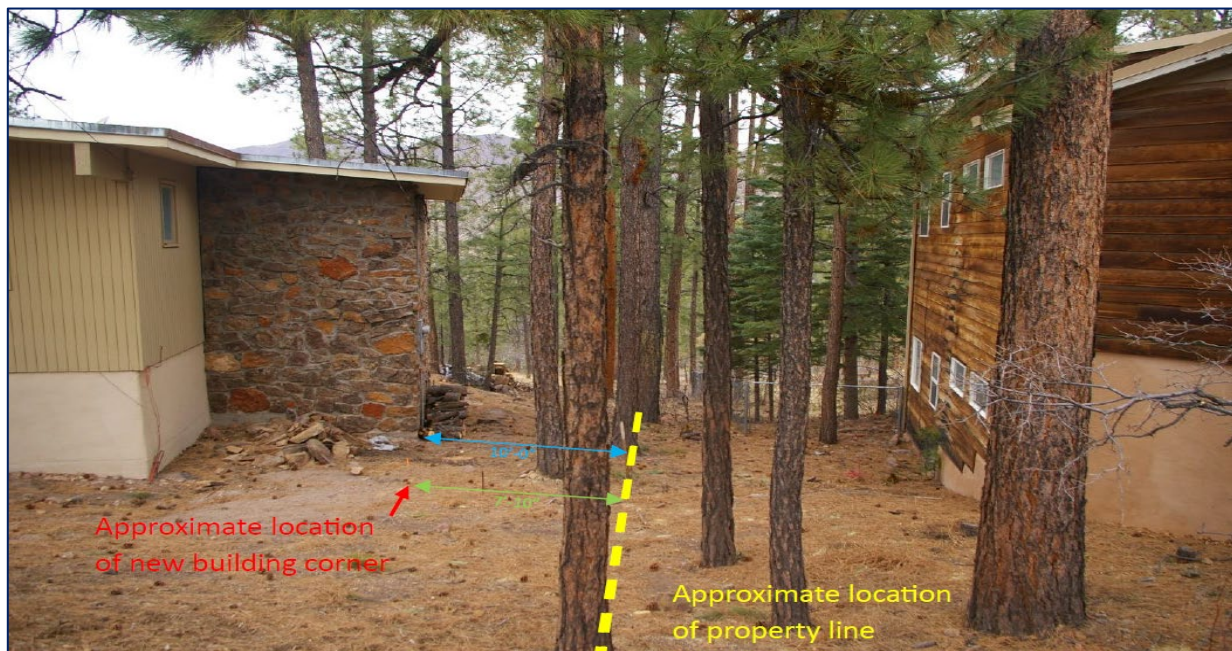
- **Mailed Notice [16-72-(c)(5)]:**
 - Mailed notice 14 days prior to the public hearing to all owners of record as identified in the records of the County Tax Assessor or occupants of properties within 300 ft., excluding public rights-of-way, of exterior lot lines of the subject property. **Mailed April 22, 2025**

See Attachment C: 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: There is currently approximately 22'-11" between the next-door neighbor's house to the north and the closest existing corner of our house. This distance will be reduced to approximately 19'-10" upon approval of the variance, which exceeds the requirement for 10-ft between structures for access of fire department. See plan submittal. (Without reference)



Attachment A: Application Submittal, Criterion A

Staff Response: In the staff's expert opinion, this criterion has been met because the proposed variance poses no identifiable health or welfare risks. The applicant reports a separation of approximately 22'-11" between 151 and 149 El Gancho Street, and the new addition will maintain a 19'-10" setback from the closest neighboring property, exceeding minimum life safety standards. Both the Fire Marshal and Chief Building Official reviewed the proposal and found no cause for concern. Furthermore, during the permitting process, the Building Safety Division will enforce all applicable codes, including those governing fire safety, fire spread index, and the use of Class A fire-rated roofing materials. These measures ensure the variance will not compromise public health, safety, or welfare.

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

Applicant Response: Granting the requested variance will promote the aims of the LA County development code set out in Article 1, Division 4. Specific sections that apply are:

- (c) Provide adequate privacy, light, and air, and otherwise mitigate adverse impacts associated with development that occurs in the county; The variance will not impact the adjoining neighbor's privacy. In fact, the addition will remove a window in the adjacent bedroom that faces the neighbor's house. The plan for the bathroom does not include any windows on that side of the home. See photo for d.
- (f) Conserve the value of buildings and land pursuant to NMSA 1978, § 3-21-5.B, and to encourage the most appropriate use of land throughout the county; If granted, this variance will increase the value of our home by adding a much needed convenience.
- (l) Preserve the natural beauty, vegetation, and topography, and prevent the pollution of air, water, and the general environment; The plan does not require any alteration of the existing vegetation or topography. The planned addition will be finished in harmony with the existing building materials.
- (m) Ensure adequate drainage and availability of utility resources and facilities; The planned addition will require a very slight alteration in the path that rain water moves around the structure, but this will be suitably and responsibly controlled. See response to e. Design and Construction of the addition will be permitted and inspected by the County in compliance with Part II, Chapter 16 of the Los Alamos County Code of Ordinances.

Staff Response: In the staff's expert opinion, this criterion has been met because the variance does not undermine the intent of the Development Code as outlined in Exhibit 1, Article I, Division 4, or any adopted policies or plans for the following reasons:

- **Preserves Zoning Intent:** The reduced side setback does not alter the purpose or character of the Single-Family Residential zone district. The property remains consistent with the low-density, neighborhood-focused development the zone is intended to support. Aside from the requested variance, all dimensional standards within Exhibit 1, Section 16-5(c) are proposed to be met.
- **Site-Specific and Reasonable:** The request is based on unique physical conditions of the lot. Granting this variance will not set a precedent that undermines the zoning standards County-wide, as each variance request is evaluated on its individual merits.
- **Protects Public Health, Safety, and Welfare:** As noted in Criterion A, the proposed variance does not adversely impact public health or safety, and all building and fire code standards will continue to be met.
- **Supports Adopted Goals and Policies:** The variance is consistent with the County's Comprehensive Plan and other adopted policies that promote reinvestment, infill development, and housing improvements — provided they do not negatively impact surrounding properties or infrastructure. This request allows reasonable use of the property in a manner consistent with these goals.

- 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: There are no utility or other easements on the side of the home for which the variance is required. The existing electrical overhead service drop will be relocated to the corner of the house, which will be coordinated with a planned upgrade to the electrical service from 150 Amps to 200 Amps. The new meter and panel will be located and installed working with the County utility to ensure a safe and compliant installation.

All other utility services are located in areas not impacted by the planned construction. See plan submittal.

Staff Response: In the staff's expert opinion, this criterion has been met because the Department of Public Utilities (DPU) confirmed there are no utility concerns. All public utilities are located within the right-of-way and on vacant county-owned property across the street. The Electrical Distribution Manager noted that an overhead electrical line must be modified to meet clearance codes. The applicants are aware and will coordinate the upgrade as stated in their application. To ensure compliance, the DPU will review the building permit before issuance.

- 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 home was built in 1961 by Angelo Georgi, a chemist at LANL, and his wife Elizabeth. They occupied the home until 2019, when Mrs. Georgi passed away. We bought the home from the Georgi's estate in 2020. With the exception of a kitchen remodel we undertook in 2021, the house exists as it was originally designed and constructed.

The homesite slopes from front to back. Thus, the main floor of the home is lower than the street elevation, and was built over a walk-out basement. The original architect needed to adapt the distinctive mid-century modern style floor plan of this house to these conditions while meeting the setback constraints imposed on the lot at the time. The notched-out corner of the building that we wish to build into was most likely created by the architect in an attempt to:

- 1) place the building as close to the front of the lot as possible
- 2) maintain a 12' clearance on the south side (for access to the back yard)
- 3) not encroach on the 10' setback on the north side of the lot
- 4) maintain a reasonable slope on the driveway

Had the area of the proposed addition been used in the original floor plan, we have used CAD to determine that the house would need to be about 5' further back on the lot in order to stay within the 10' setback. Given the slope of the lot, the home would have been even lower from the street elevation, making the driveway steeper and difficult to navigate in the winter.



Attachment A: Application Submittal, Criterion D

Staff Response: In the staff's expert opinion, this criterion has been met. The requested variance is driven by a unique physical characteristic of the lot — a significant slope that descends from the street toward the rear. As shown within Figure 3, the elevation at the façade of the home is 7,360 ft. and slopes down nearly 8-ft to the rear of the home, and 40-ft from the front to rear property line. This natural condition surely had an impact on where the home was constructed, and together with the zone's dimensional standards imposes a valid constraint on planned improvements.

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

Applicant Response: Rain water that currently flows westward between the houses to the back yard does not intercept the footprint of the proposed addition, as the natural topography provides for a wide trough that is more or less centered between the structures. We do not anticipate any substantial change to this characteristic.

Although there is none at present (the effect of which has not created erosion), a new gutter will be added to the eaves of the roof on the north side to direct runoff in a controlled manner into the existing drainage area. *See detail on plan submittal.*

As there are no plans to add windows on the north wall of the new bathroom, the next-door neighbor will not be exposed to any additional lighting. In fact, the addition will eliminate a window in the existing bedroom currently facing their property.

There are no trees or vegetation that will be impacted by the enlargement into the space. It is mainly dirt and rock. The mature evergreen trees in the area are outside of the footprint of the proposed addition.

The owner of the property next door has already stated to us that he has no objections to the terms of the variance we are requesting.



Attachment A: Application Submittal, Criterion E

Staff Response: In the staff's expert opinion, this criterion has been met because drainage and water runoff patterns will remain unchanged. The applicant states that a new gutter will be added to the north eaves, directing water into the existing runoff path between 151 and 149 El Gancho Street. During the permitting process, the Engineering Division will review drainage plans to ensure there are no adverse impacts to the applicant's structure or neighboring properties. Lastly, privacy will not be reduced. In fact, removing the north-facing window will increase the neighboring home's privacy, and new lighting is not proposed for the addition.

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: The proposed addition reduces the minimum distance from the building corner to the lot line by a maximum of 2'-10", or 28% of the minimum interior side setback required by SFR-2 zoning. The eave of the building projects approximately 2'-4" from the wall. The height of the eave above finished grade will be approximately 13'-6".

The house was built in 1961 with only a $\frac{3}{4}$ bathroom serving the Primary Bedroom, which is far too small by modern living standards. (See original floor plan drawing, right.) Nor does it afford the space that will be needed to accommodate the accessibility features we will need as we age (we are in our 50s), since we intend to retire and live in the home as long as we can. Moving the bathroom also will give us the opportunity to add a much-needed walk-in closet in the place of the existing bathroom.

From the sustainability angle, the current bathroom is outfitted with a 6-gallon per flush wallmounted toilet that cannot be readily replaced with a modern water-saving fixture because of

the antiquated propriety design of the mounting bracket/drain pipe assembly built into the wall. Because the lot slopes significantly from the front to the back, adding a new bathroom off the back side of the house would require enlarging the footprint of the walk-out basement below at North Architectural floor plan from 1961 Building Permit substantial cost, and would obstruct views of the Jemez Mountains from the primary bedroom, eliminating a very desirable feature and subtracting significant value from the home.

Without the approval for this deviation, we would either be forced to live in the house with the attendant inconvenience of the tiny primary bathroom until we could no longer make use of the existing facilities, or alternatively, to extensively remodel and add on to the back side of the house, at considerably higher expense and inconvenience.

As we have explained, we believe this is a reasonable accommodation in order to make the house more useable for us and future owners. Filling in the unoccupied 'notch' in the corner of the house is, we feel, the most convenient and cost-effective use of the allotted space, with little, if any, impact to our neighbor or the neighborhood.

Staff Response: In the staff's expert opinion, this criterion has been met because the steep slope in the rear yard makes most of the land unusable for this type of improvement. Given the constraints of the existing floor plan, alternative locations are not practical. The applicants have proposed a modest 81 sq. ft. addition that supports their home improvement goals. The requested 5'-2" side setback variance is the minimum necessary to allow a functional addition while ensuring reasonable use of the land and structure.

DRAFT MOTION

Recommended Motion, Approve:

I move to **approve** Case No. VAR-2025-0009, a request for a variance from zone district dimensional standards to construct a 9' x 9' addition located at 151 El Gancho Street, Los Alamos, NM. Approval allows the addition to be constructed 7'-10" from the north side property line, with eaves extending 3-ft to be 4'-10" from the side property line.

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-2025-0009, a request for a variance from zone district dimensional standards to construct a 9' x 9' addition located at 151 El Gancho Street, Los Alamos, NM. Approval allows the addition to be constructed 7'-10" from the north side property line, with eaves extending 3-ft to be 4'-10" from the side property line 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-2025-0009, a request for a variance from zone district dimensional standards to construct a 9' x 9' addition located at 151 El Gancho Street, Los Alamos, 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>