

Los Alamos County
Community Development Department
BOARD OF ADJUSTMENT STAFF REPORT

Public Hearing Date: June 5, 2017
Subject: Case No. WVR-2017-0039
Owners/Applicants: Reed Figley, Owner & Applicant
Case Manager: Tamara Baer, Principal Planner

Case No. WVR-2017-0039: Reed Figley owner, requests approval of a waiver to allow a five (5) foot encroachment into a required ten (10) foot side yard setback, to accommodate the placement of a 120 square foot shed. The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Article XIII, Site Development Requirements, Residential, requires a minimum side yard setback of ten (10) feet and §16-273 (a) (1) b, "Accessory buildings and structures may not be located in required side yards in any district". The property is located at 2987 Woodland Road.; in the North Community 2 Subdivision, Lot: 024, and is zoned: R-1-8 (Single-family residential).

Board Action Options

Motion Option 1:

I move that the Board of Adjustment **approve** Case No. WVR-2017-0039, a request for approval of a waiver to permit the placement of an accessory structure (shed) within a designated side yard area, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions:

1. The applicant shall obtain a Placement Permit prior to construction of the porch.

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2017-0039, with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

1. ...

I. Summary

The applicant is requesting a waiver to allow for an accessory structure (shed) to be placed within a required side yard. The placement of the shed would encroach five (5) feet into a ten (10) foot required side yard setback.

The Los Alamos County Code of Ordinances, Chapter 16 (Development Code), Section 16-273 (Accessory Buildings and Structures), prohibits accessory structures within any required side yard in any district Chapter 16, Development Code, Article XIII, Site Development Requirements, Residential, requires a ten (10) foot minimum side yard setback on one side in an R-1-8 zoning district and a five (5) foot setback on the other side. The single family residence on the property was constructed within five (5) feet on the west property line. Therefore the other side setback, on the east side, is 10 feet.

The subject property is located at 2987 Woodland Road, in the North Community 2 Subdivision. The parcel is rectangular in shape and measures approximately one hundred and sixty-four (164) feet north to south by approximately ninety-nine (99) feet east to west. The parcel is occupied by a single family residence and an attached single car garage. The applicant would like to place an accessory structure (shed) measuring ten (10) feet by twelve (12) feet, approximately twenty (20) feet behind the residence and five (5) feet from the eastern property line. No other accessory structures are located on the subject property.

The applicant states that the proposed shed location will prevent the removal of mature trees on the property and that these trees will shield the shed from the neighbors view. A letter from the adjacent property owners to the east, stating they have no objections to the request, was submitted into the record (Exhibit III).

The subject property slopes downward toward the south. The adjacent property to the south is zoned P-L (Public Land) and is part of the Los Alamos Golf Course.

II. Waiver Review Criteria

Sec. 16-157: During the course of review of any waiver request, the board of adjustment shall base its decision on all the following criteria. 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, and

Applicant Response:

The shed will be located on the east side of the property. No utilities are located on this side of the property. Also, no easements exist on this side of the property.

Staff Response:

The proposed structure will not be sited over any easements.

(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

Applicant Response:

An existing tree partially obstructs access to the shed door if it's located in accordance to the ten foot setback. Also granting the waiver will prevent the shed from obstructing views from the room in the southeast corner of the home.

Staff Response:

The proposed location of the shed will preclude the need to remove mature vegetation on the property. The subject property slopes significantly downward towards the south. The proposed location is relatively level, and will cause minimal disturbance of topography and vegetation.

Protecting the private view of the homeowner is not a consideration for the waiver.

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

Applicant Response:

The proposed location of the shed does not impact health / safety of the property in any way. All building code requirements for small sheds <120 sq ft will be adhered to in accordance with the building permit.

Staff Response:

No health or safety hazard or building code violation would be created by granting the requested waiver.

(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 only property within 100 yards of the shed that might be impacted is the home adjacent to the property line at 2967. Granting the waiver will place the shed further behind trees that screen it from their view. The shed will be unoccupied structure used for storage, so privacy, security, noise and odor concerns will not increase. There will be no exterior lighting and the shed will not be tall enough or placed in such a way as to create unwanted shadows.

Staff Response:

The shed is obscured from public view by landscaping and a 5 foot high fence. The placement of the shed should not create any significant negative physical impacts on property within 100 yards of the subject property.

III. Findings of Fact

1. This public hearing was announced by publication in the Los Alamos Daily Post, the Newspaper of Record for Los Alamos County, on Thursday May 18, 2017; and property owner notices were mailed via first class mail to all owners of real property located within 100 yards of the subject property.
2. This and adjacent properties are residential and are Zoned R-1-8 (Single Family Residential District).
3. The subject property is located in the North Community 2 Subdivision, Lot: 024, which contains 0.37± acres, or 16,117 square feet of area. The existing residential structure and garage contain approximately 2800 Ft² of footprint area, yielding a lot coverage factor of 17.5%.
4. The addition of a 12' x 10' shed will add 120 Ft² of additional lot coverage to the subject property, bringing the lot coverage to 18.2%. The maximum lot coverage percentage permitted by Section 16-537 of the Los Alamos County Development Code is 40%.
5. Chapter 16, Development Code, Article XIII, Site Development Requirements, Single-Family Residential Districts, establishes twenty-five (25) feet as the minimum required front yard setback, a minimum rear yard setback of fifteen (20) feet, and minimum side yard setbacks of five (5) feet on one side and ten (10) feet on the other.

6. The existing house is constructed approximately five (5) feet from the west property line, establishing the ten (10) foot side setback requirement on the east side of the property.
7. The placement of the proposed shed would be set back five (5) feet from the side property line to the east.
8. The Los Alamos County Development Code prohibits accessory structures, such as sheds, from being placed within any required side yard area.
9. The petition was reviewed by the Interdepartmental Review Committee on May 12, 2017. After discussing the request, the IDRC voted 6-0 (unanimously) to recommend approval.

IV. Exhibits

Exhibit I	Vicinity map/Aerial photo of the subject property
Exhibit II	Map and list of property owners of record within 100 yards of subject property
Exhibit III	Application and letter from adjacent property owner
Exhibit IV	Interdepartmental Review Committee (IDRC) comments
Exhibit VI	Photographs of subject property, Staff



2952 WOODLAND ROAD

3027
WOODLAND
ROAD

3007
WOODLAND
ROAD

2987
WOODLAND
ROAD

2967
WOODLAND
ROAD

2947
WOODLAND
ROAD

2987 Woodland Road
WVR-2017-0039

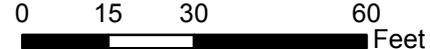
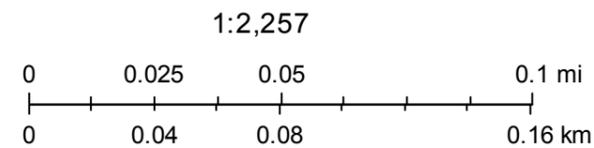


Exhibit I

2987 WOODLAND



May 2, 2017



Los Alamos County
Sources: Esri, DeLorme, USGS, NPS
Sources: Esri, USGS, NOAA

LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544

MAASSEN JOEL R & JESSICA K
2975 ARIZONA AVE
LOS ALAMOS NM 87544

MOG-BURRIS TREVOR J & BURRIS-KELLY KA
2902 WOODLAND RD
LOS ALAMOS NM 87544

COOMBS DOUGLAS F & MIYUKI T
3020 ARIZONA AVE
LOS ALAMOS NM 87544

DAWSON PATRICK J & JORDAN B
239 MAPLE DR
LOS ALAMOS NM 87544

HUTCHINSON WILLIAM B
3047 WOODLAND ROAD
LOS ALAMOS NM 87544

BOWMAN DAVID W JR & ELIZABETH L
3000 ARIZONA AVE
LOS ALAMOS NM 87544

CRUZ PATRICIA E REVOC TRUST
3042 WOODLAND ROAD
LOS ALAMOS NM 87544

LARSEN BRIAN A & SARTOR KARLA A
3027 WOODLAND
LOS ALAMOS NM 87544

RYAN ROBERT T & KATIE R
2980 ARIZONA
LOS ALAMOS NM 87544

BREWER/BERRY FAMILY TRUST
21 FROST ST
SWAN VIEW WESTERN AUSTRALIA 6056

STEINMAN DEBRA R & DAVID A
3007 WOODLAND ROAD
LOS ALAMOS NM 87544

CHAVEZ LUCILLE E
2960 ARIZONA AVE
LOS ALAMOS NM 87544

PILTCH MARTIN S
2915 ARIZONA AVE
LOS ALAMOS NM 87544

DAHLBY JOEL W & HELEN J
2967 WOODLAND ROAD
LOS ALAMOS NM 87544

DICKMAN LEE T & KYLE J
2940 ARIZONA AVE
LOS ALAMOS NM 87544

SILVESTER ROBERT L & CARVER NELL R REVOC TRUST
3022 WOODLAND ROAD
LOS ALAMOS NM 87544

HOERNUNG BRIAN & MELISSA
2947 WOODLAND ROAD
LOS ALAMOS NM 87544

CHAIN PATRICK SG
3045 ARIZONA AVE
LOS ALAMOS NM 87544

PHILLIPS EDWARD M & CLEMENTS BARBARA
2992 WOODLAND
LOS ALAMOS NM 87544

SAGA VIKKI L
2897 WOODLAND ROAD
LOS ALAMOS NM 87544

HOCKADAY ROBERT G & MARY Y
3025 ARIZONA AVE
LOS ALAMOS NM 87544

FEHLAU JENNY A
2972 WOODLAND RD
LOS ALAMOS NM 87544

VIGIL JUAN F & AMY
3062 WOODLAND ROAD
LOS ALAMOS NM 87544

BJORKLUND LYNN
2952 WOODLAND ROAD
LOS ALAMOS NM 87544

ALBRIGHT IAN L & AMY P REVOC TRUST
2995 ARIZONA AVE
LOS ALAMOS NM 87544

SCOTT ROBERT L & SHERI
2932 WOODLAND ROAD
LOS ALAMOS NM 87544

Reed Figley

WAIVER APPLICATION

Los Alamos County Community Development Department
1000 Central Ave, Suite 150, Los Alamos NM 87544
(505) 662-8120

Paid Credit Card
\$250.00

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:

Locate small residential shed five feet from property line (within ten foot setback).

Has Dogs

Address of Property to which the Waiver Request applies:

2987 Woodland Rd., Los Alamos

Zoning District: R-1-8 **Acreeage:** 0.37 **Lot Coverage:** See ILR **Related Applications (if any):**

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

Name: Reed Figley Phone: 208-867-5100 Cell #: same
Please Print

Address: 2987 Woodland Rd., Los Alamos Email: reed.figley@outlook.com

SIGNATURE

DATE

PROPERTY OWNER (If different from Applicant)

Check here if same as above

Name: _____ Phone: _____ Cell #: _____
Please Print

Address: _____ Email: _____
Owner's Address

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

Reed Figley

4/28/17

SIGNATURE

DATE

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***

The shed will be located on the east side of the property. No utilities are located on this side of the property. Also, no easements exist on this side of the property.

- (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***

An existing tree partially obstructs access to the shed door if it is located in accordance with the ten foot setback. Also, granting the waiver will prevent the shed from obstructing views from the room in the southeast corner of the home.

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

The proposed location of the shed does not impact health/safety of the property in any way. All building code requirements for small sheds <120 sq. ft. will be adhered to in accordance with the building permit.

- (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 only property within 100 yards of the shed that might be impacted is the home adjacent to the property line at 2967. Granting the waiver will place the shed further behind trees that screen it from their view. The shed will be an unoccupied structure used for storage, so privacy, security, noise and odor concerns will not increase. There will be no exterior lighting and the shed will not be tall enough or placed in such a way as to create unwanted shadows.

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.

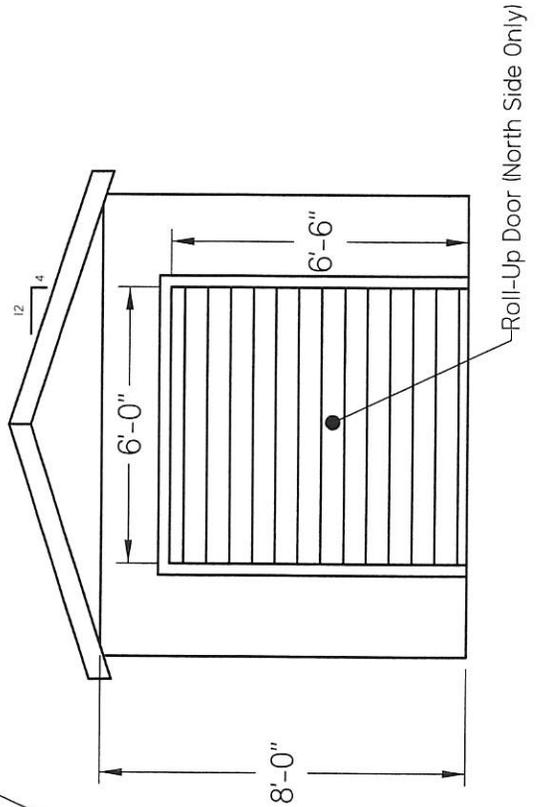
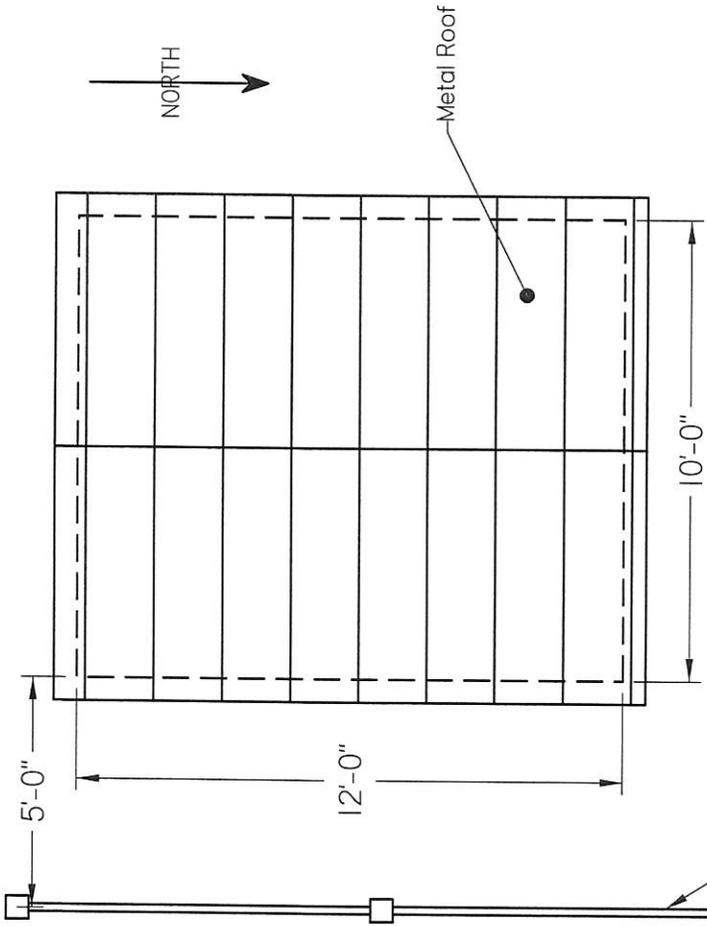
Show, dimension and label all existing and proposed easements.

Show, dimension and label all existing and proposed setbacks.

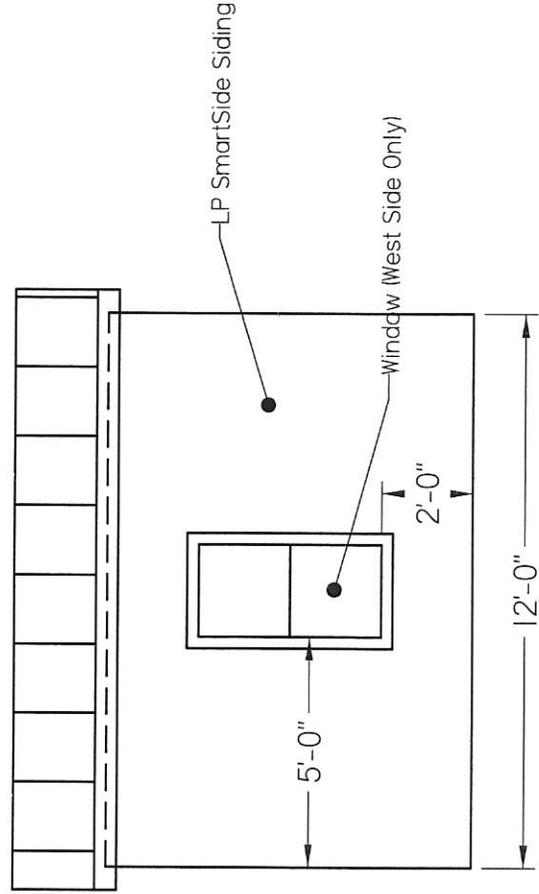
Show, dimension and label building/structure elevations.

Other. Describe: Letter from next-door neighbors stating no objection to waiver

SHED PLAN
 2987 WOODLAND ROAD
 LOS ALAMOS, NM
 REED AND CONNIE FIGLEY - HOMEOWNERS



NORTH ELEVATION
 SOUTH ELEVATION (SIMILAR)



WEST ELEVATION
 EAST ELEVATION (SIMILAR)

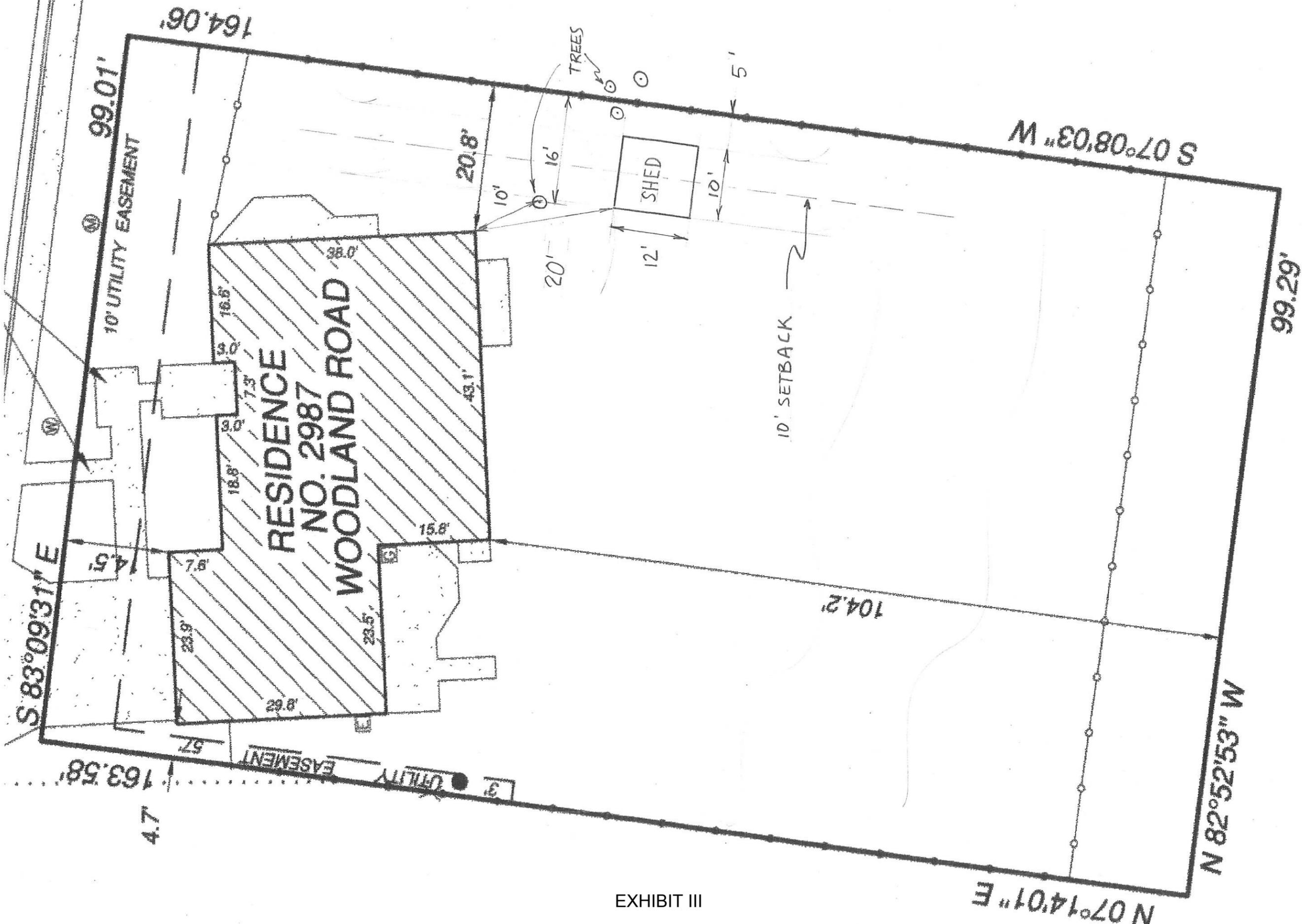


EXHIBIT III

IMPROVEMENT LOCATION REPORT

THIS IS TO CERTIFY:

TO TITLE COMPANY: STEWART SANTA FE ABSTRACT

TO UNDERWRITER: _____

TO LENDER: _____

THAT ON OCTOBER 14, 2011, I MADE AN ACCURATE INSPECTION OF THE PREMISES SITUATED AT LOS ALAMOS, LOS ALAMOS COUNTY, NEW MEXICO, BRIEFLY DESCRIBED AS:

2987 WOODLAND ROAD, LOS ALAMOS, N.M. 87544

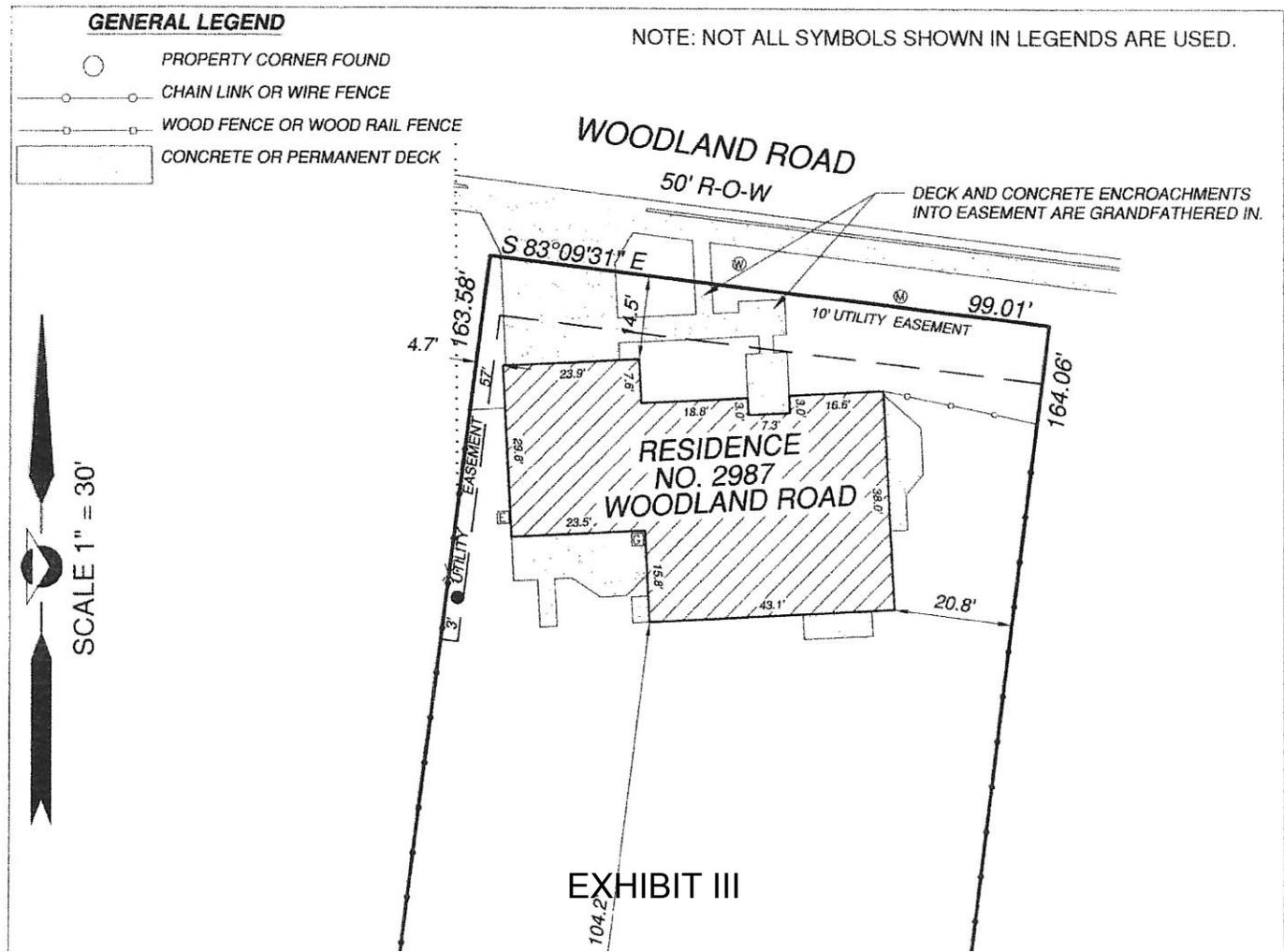
PLAT REFERENCES: Bearings, distances and/or curve data are taken from the following plat:

Lot numbered twenty four (24) in North Community No. 2 as the same is shown and dedicated on the Plat thereof, filed in the office of the County Clerk of Los Alamos County, New Mexico on November 1, 1965 in Plat Book 1, Page 69 and a grant of easement document filed on November 6, 2002 in Book 108, Page 50.

NOTE: The error of closure is one foot of error for every no error feet along the perimeter of the legal description provided.

Easements shown hereon are as listed in Title Commitment No. (NONE) provided by Title Company.

ATTENTION: THIS REPORT IS NOT FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE. THIS IS NOT A BOUNDARY SURVEY AND MAY NOT BE SUFFICIENT FOR THE REMOVAL OF THE SURVEY EXCEPTION FROM AN OWNER'S TITLE POLICY. IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE BOUNDARY SURVEY.



April 28, 2017

Joel and Helen Dahlby
2967 Woodland Rd.
Los Alamos, NM 87544

To whom it may concern:

Reed and Connie Figley, our next-door neighbors at 2987 Woodland Rd., have described to us their plans to build a garden shed in their back yard. They have asked us if we would object to the shed being built five feet from the line between our property instead of ten feet as required by Los Alamos County.

With the understanding that it results in moving the shed five feet closer to the fence between our yards, we have no objection to this request for waiver.



Joel Dahlby



IDRC REPORT

Case: WVR-2017-0039- 2987 Woodland Road

Date of Meeting: May 12, 2017

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved conditions	Denied
M. Arellano / J. Dudziak	Building	X		X		
T. Baer /	Planning	X		X		
D. Erickson	Traffic					
P. Guerrerortiz/ C. Moseley	Utilities	X		X		
A. Gurule / L. Martinez	Env. Serv.					
E. Martinez/ B. Aragon	PW	X		X		
A. Millmann / J. Naranjo	Planning	X		X		
J. Wetteland / S. Rinaldi	Fire	X		X		
OTHERS ATTENDING:						
Anita Barela	Planning					
Eric Peterson	Parks					
Jason Romero	PW					

* ~~Blue strikethrough indicates not present at meeting.~~

MOTION: J. Wetteland moved and P. Guerrerortiz seconded that the case be forwarded to the Board of Adjustment with a recommendation of **Approval**.



EXHIBIT V



EXHIBIT V