



Los Alamos County  
Community Development Department

**PLANNING & ZONING COMMISSION STAFF REPORT**

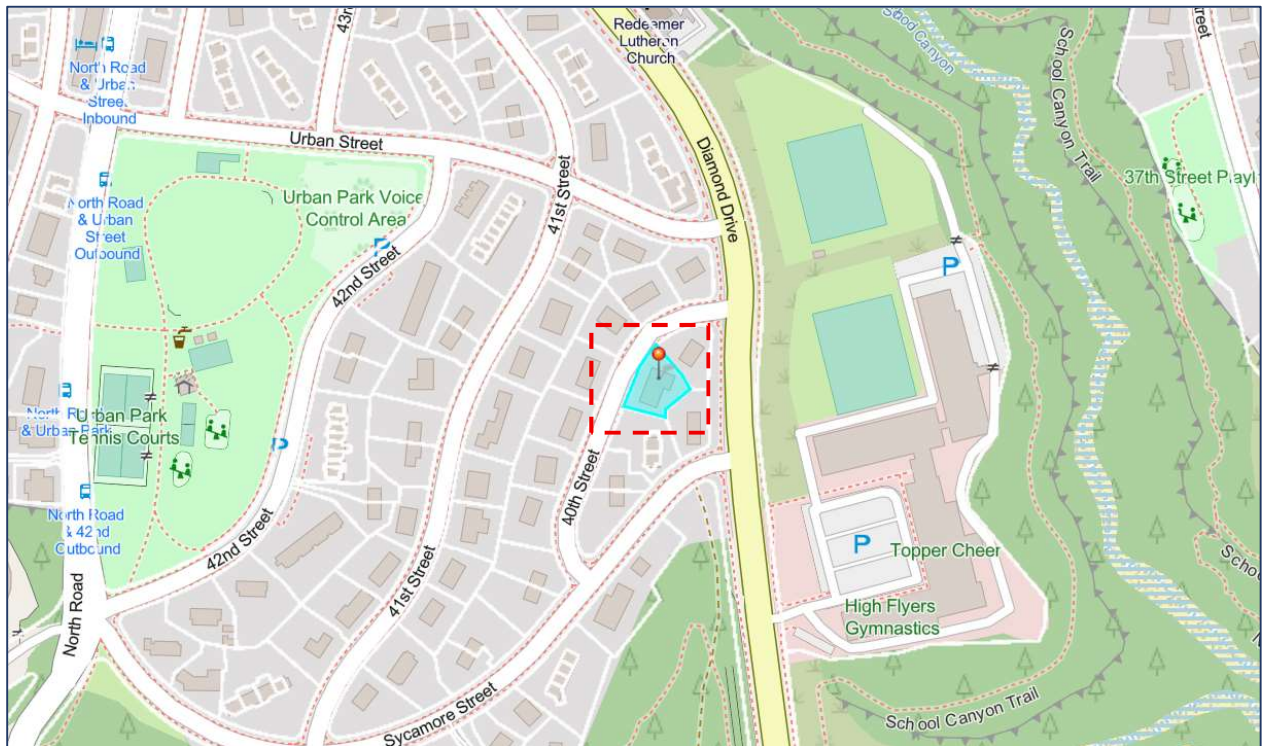
**Public Hearing Date:** April 22, 2026  
**Subject:** Case No. VAR-2025-0015  
**Owners/Applicants:** Barbara Martinez  
**Case Manager:** Desirae J. Lujan, Senior Planner

*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-2025-0015.** Barbara Martinez, property owner/applicant, requests a variance from dimensional standards to install a carport abutting the front property line, therefore creating a zero setback. The property (NC1 009), addressed as 1968 40th Street, Los Alamos, NM, is within North Community 1 Subdivision, zoned Residential-Mixed (RM-2).

**Figure 1:** Location Area Map, Google Airbus Imagery from 5/8/2023–5/28/2023; North Community1, Diamond Drive/40<sup>th</sup> Street area, Los Alamos, NM.



## Summary

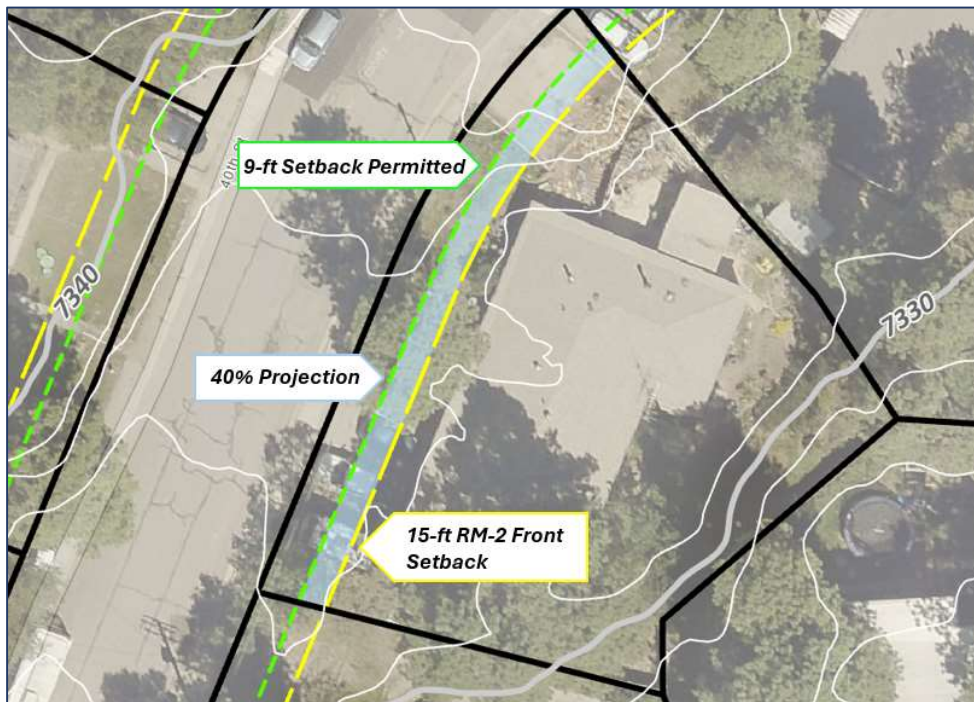
Barbara Martinez is asking for approval of a variance to install a prefabricated carport on her property that would sit directly on the front property line along 40th Street, covering the existing concrete parking pad, and creating a zero-foot front setback. The applicant is requesting a 17'x22' carport, however, the size may be reduced based on the Interdepartmental Review Committee's (IDRC) recommended Conditions of Approval (COA), and lot line verification. Regardless of size, the carport will be detached from the principal structure. The proposed carport is considered accessory structure by the Los Alamos County Development Code (Development Code).

The property is within the Residential-Mixed (RM-2) zone district which is intended to accommodate a variety of low-to-medium-density residential dwellings characterized by single-family, duplex, fourplex, and townhouses. Development Code section 16-14 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 (see Figure 2: yellow dashed line), but section 16-22 makes a special allowance for carports and permits them to occupy 40% of the required front setback (see Figure 2: light blue shaded area). This means 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. Unfortunately, the applicant has expressed that the provision still does not provide sufficient area for a carport to adequately protect her vehicle.

*Table 1: RM-2 Dimensional Standards & Proposal*

	<b>Standard</b>	<b>Proposed</b>	<b>Variance</b>
Front Setback	15'	0'	100%
Side Setback (closest)	7.5'	≥7.5'	N/A
Rear Setback	20'	N/A	N/A
Accessory Structure Height	15'	11.25'	N/A
Total Lot Coverage	40%	35%	N/A
Number of Accessory Structures	4/per lot	1	N/A

*Figure 2: Setbacks (standard-yellow, permitted-green, 40% projection area-blue); 2-ft contours*



*Figure 3: Proposed approximate location; zero front setback, 7.5-ft side setback, min.*



## Property Information

The subject property (“Property”) is approximately 0.26 acres ( $\leq 11,190$  sq. ft.) and is located within the North Community 1 neighborhood of the Los Alamos Townsite, west of the Pueblo Canyon Complex, and Diamond Drive. According to the Los Alamos County Assessor’s Office, the property contains a 2,059 sq. ft. one-story single-family dwelling built in 1949. The house is situated near the center of the lot, 22.5-ft from the front property line. As shown in Figure 2, characteristics of the lot include sloping at the north most corner—east of the proposed location—and along the rear property line. Public utilities run along 40<sup>th</sup> Street with a gas line and electrical lines existing south of the existing concrete pad, and proposed location.

The neighborhood, originally known as Group 11, was the Atomic Energy Commission’s (AEC) first housing development, created to expand the townsite northward with a variety of housing types, and designs. This development was a response to the need for additional housing and projected population growth.

*Figure 4: Google Maps Street View, July 2016 Image; Proposed Location*



### **Interdepartmental Review Committee (IDRC) Review**

The IDRC met on September 25, 2025, and voted to recommend the application move forward to the Planning and Zoning Commission. The committee stated conditions of approval (COA) for the carport. These conditions are not related to the requested zero-front setback, but to the carport's general placement. The COAs have been shared with the applicant and shall be considered as part of the construction permit review process. The Commission may decide to impose some, or all, for approval of the variance. Below are the COAs, which may affect the carport's final location, size, and installation cost.

- Anchors must be at least 3-ft from any gas line located (per the Department of Public Utilities).
- The carport must stay open on the sides (per the Department of Public Utilities). This prevents trapped gas in case of a leak. Engineering supports the condition, stating open sides also help keep sight lines clear for the neighbors.
- A carport over 200 sq. ft. and up to 600 sq. ft., requires a permanent foundation with footings (per Building Division). The applicant must show that the existing slab has footings to support anchoring, or it will require an upgrade to include them.
- Additionally, the entire carport (including footings, anchoring, and overhang) must fit within the property line. The Planning Division recommends confirming the front property line to ensure the carport can fit and meet all standards or approved variances before purchasing.

## Public Notice

The Development Code, Section 16-71: Procedures Summary Table, sets forth the notification requirements. Section 16-72(c): Notifications, establishes the notice requirements 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 on October 2, 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 on October 7, 2025.**
- Mailed Notice [16-72(c)(5)c]:
  - 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 on September 26, 2025.**

## Variance Decision Criteria

Section 16-74(g)(3) of the Development Code states that an application for a Variance shall be approved if it meets all the decision criteria. The Planning and Zoning Commission shall approve, approve with condition, or deny based on the decision criteria:

---

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

---

**Applicant Response:** I have stood on the site and noticed with the 7.5-foot side setback my neighbor would not have any impairment to his ability to back out of his driveway. Even with a zero front setback this will not impede the access to the sidewalk.

**Staff Response:** In the staff's expert opinion, this criterion has been met because public safety, health, and welfare were carefully considered during the IDRC review. A zero-front setback will not create negative impacts. To ensure the carport is safe, placement features were evaluated, and conditions will be added during the permitting and inspections process. This step will confirm that the standards are met to provide adequate protection for the applicant, neighbors, and public.

---

### 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.

---

**Applicant Response:** For my residential zone it is typical to use my existing slab for off-street parking. There is nothing unusual about my request, it is in character with my residential zoning. There are similar carports in the neighborhood that have no front setback. The building code will be applied at the building permit process.

**Staff Response:** In the staff's expert opinion, this criterion has been met because the carport is a reasonable use of the property that aligns with the neighborhood's zoning intent. The use does not compromise public safety, health, or welfare, and it does not conflict with the established residential

character of the RM-2 zone district. The IDRC thoroughly reviewed the request and set conditions to support the carport's location while protecting county infrastructure and maintaining safety. Lastly, the Building Division will apply the Building Code at time of permitting. Permits will not be issued if the application and plans do not comply.

---

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

---

***Applicant Response:*** My gas line runs under the back right corner but installing the carport will not require any digging and will not disturb the line. My neighbor's power line runs above the back right corner but is at an angle and high enough; it should not be a problem. It will never swing into the carport roof.

***Staff Response:*** In the staff's expert opinion, this criterion has been met because the Department of Public Utilities (DPU) has reviewed nearby utility lines and has no issue with a zero-front setback. However, due to a nearby gas line, anchoring a carport in the area requires a 3-ft distance from a verified gas line located. This will be a condition of approval imposed by DPU for a building permit to be issued. IDRC did not communicate concerns or intrusions onto any other easement.

---

**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.**

---

***Applicant Response:*** I would love to comply with the 15-ft. front setback if possible, but on the existing slab and 2-ft there is a 4-ft drop off. Through no fault of my own it makes it impossible for me to install my proposed carport with the front setback.

***Staff Response:*** In the staff's expert opinion, this criterion has been met because the home was situated just behind the 15-ft minimum front setback, not allowing sufficient distance for the placement of a detached carport or garage to appropriately meet the zone district standards. Additionally, the only area that could meet both the front and side setbacks is sloped, dropping 4-ft from behind the concrete pad. This is a hardship inherent by the land's natural characteristics and the 1949 development design.

---

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

---

***Applicant Response:*** I walked across the street to see the impact on my neighbor's view. They just won't be able to see my house as much. There will be no lighting in the carport. And, if there were to come a heavy snow, it will melt coming down on my yard on one side and in the 7.5-ft setback. Not in my neighbor's property.

***Staff Response:*** In the staff's expert opinion, this criterion has been met because the zero-front setback does not create adverse impacts on nearby properties. The required open-sided design preserves clear sight lines, and placement conditions ensure the carport remains within the applicant's property and appropriately distanced from utility lines. No lighting is proposed with the

installation, and standard drainage review at permitting will confirm that adjacent properties remain unaffected.

---

**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:** Even with the allowed projection of 40% and a 9-ft variance. That size carport would still not protect my vehicle fully; it would stick out.

**Staff Response:** In the staff’s expert opinion, this criterion has been met because administrative options do not provide the necessary relief from code standards to meet the homeowner’s need to fully shelter her vehicle from Los Alamos’ weather conditions. Table 2 illustrates those administrative options. The request is a reasonable adjustment that does not undermine the Development Code and provides the property owner with flexibility to accommodate a full-size carport that is compatible with the neighborhood’s history and design.

*Table 2: Administrative Options*

<b>Application</b>	<b>Allowance</b>	<b>Calculation</b>
<i>Administrative Deviation</i>	<i>Standard Setbacks at 15% reduction</i>	<i>15’-15%=12.75’</i>
<i>Administrative Deviation</i>	<i>10% for Other Numeric Standard applied to 40% projection</i>	<i>9’-10%=8.10’</i>

**Draft Motions**

**Recommended Motion, Approve:**

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 40<sup>th</sup> Street, Los Alamos, NM, directly at the front property line along 40<sup>th</sup> Street, creating a zero-foot front setback.

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.

**Alternative Motion 1, Approve with Conditions:**

I move to **conditionally 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 40<sup>th</sup> Street, Los Alamos, NM, directly at the front property line along 40<sup>th</sup> Street, creating a zero-foot front setback. Approval is made under the following conditions:

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 16-69(b)(2) and (6) of the Development Code.

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

**Alternative Motion 2, Deny:**

I move to **deny** Case No. **VAR-2025-0015**, a request by Barbara Martinez, property owner, for a Variance from the RM-2-dimensional zone district standards.

Denial is based on the findings established at the hearing and the conclusion that the Applicant has not met the decision criteria for a 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.

**References**

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