



Los Alamos County  
Community Development Department

**PLANNING & ZONING COMMISSION  
STAFF REPORT**

**Public Hearing Date:** May 14, 2025  
**Subject:** Variance; Case No. VAR-2025-0010  
**Applicant/Owner:** Joyce Nickols, representative for the Unitarian Church of Los Alamos  
**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-2025-0010:** Joyce Nickols, representative for the Unitarian Church of Los Alamos, property owners of 1738 N Sage, Los Alamos, NM, requests a variance from the Los Alamos Development Code, specifically the Accessory Structure standards, to allow the construction of a steel pergola in the front yard — within less than 40 feet of the front property line. The Development Code restricts the placement of accessory structures to the side and rear yards in any zone district. The subject property, designated as EA3 S, is located within the Eastern Area 3 Subdivision and is zoned Single-Family Residential (SFR-4).

*See Attachment A: Application Submittal*

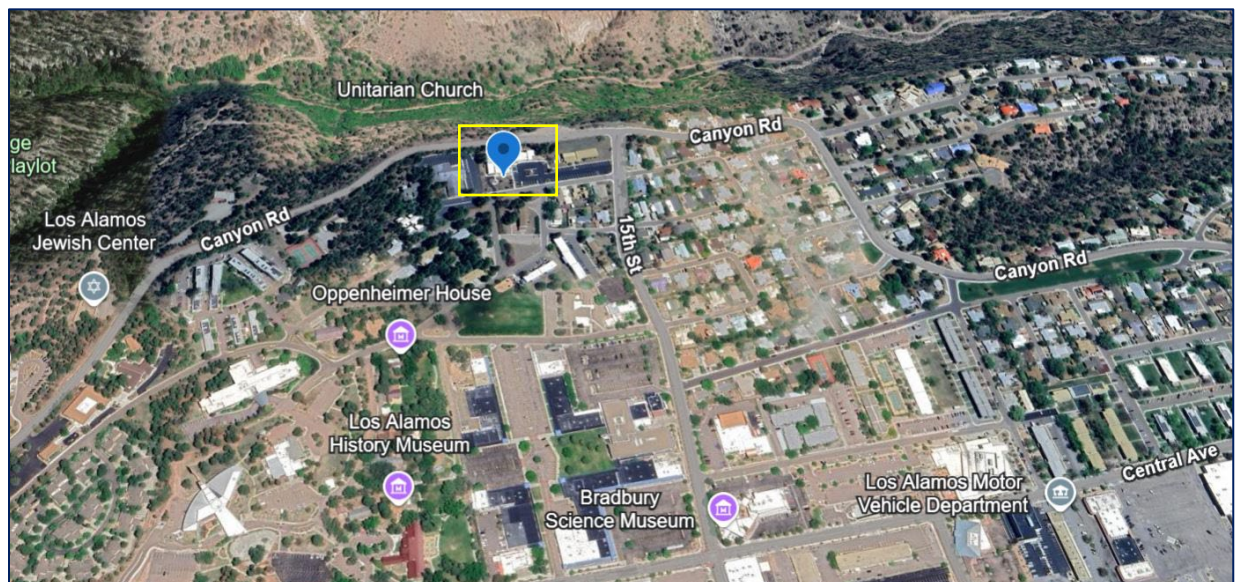


Figure 1: Location Area Map, Google Airbus

## BACKGROUND

The subject property ("Property"), located at 1738 N Sage, is approximately 1.21 acres in size and contains the religious institute known as the Unitarian Church of Los Alamos. The lot is mostly rectangular in shape, with frontage of approximately 251-ft along N Sage and a depth ranging from approximately 208 to 188-ft. The lot abuts Canyon Road on the north, The Church of Jesus Christ of Latter-Day Saints (west), and The Pajarito Masonic Lodge (east). The Property is one of four large lots in the vicinity – all institutional uses within the Single-family Residential (SFR-4) zone district. Other nearby lots are single-family residential homes.

*Figure 2: Vicinity Map*

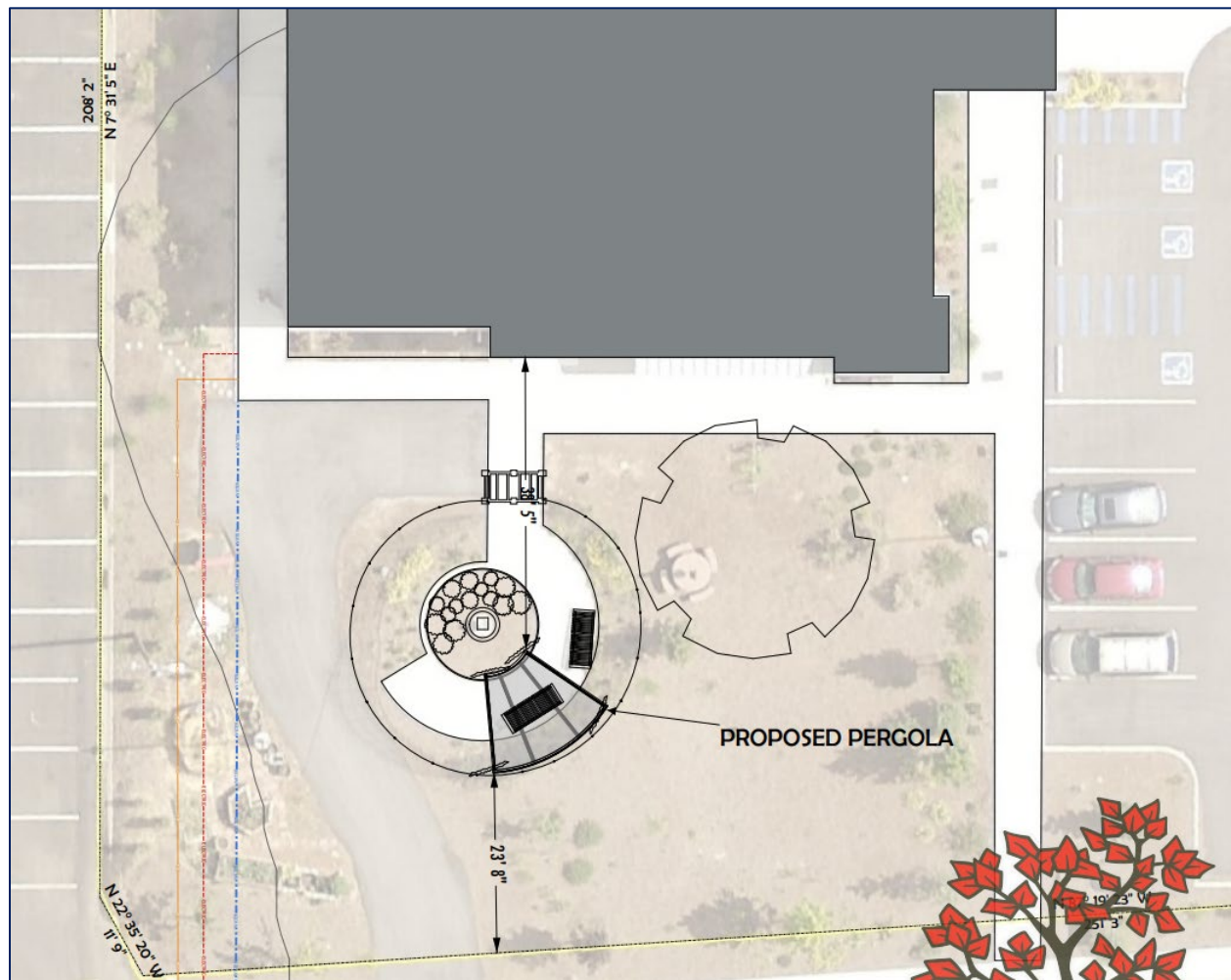


## SUMMARY

On January 27, 2025, Los Alamos Landscaping submitted an Accessory Structure Building Permit application (BLDC-2025-01077) to construct and install a custom steel pergola within the memorial garden of the Los Alamos Unitarian Church. As shown in Figure 3, the proposed pergola would be located 38'-5" in front of the main building and 23'-8" from the front property line. The pergola is an open structure, designed to stand 10'-4" at its highest point, and is intended for outdoor services, and gatherings such as weddings.



Figure 3: Submitted Site Plan; Project Area Focus



During the permit review process, the Department of Public Utilities (DPU), Building Safety Division, and Planning Division concurrently reviewed the application for compliance with applicable codes and standards. On January 27, 2025, the permit was denied by both the Building Safety Division and the Planning Division for the following reasons:

**Building Safety Division:**

- The design category and occupancy category were identified as incorrect.
- Footing details required clarification due to conflicting information in the submittal.

**Planning Division:**

- The proposed structure failed to comply with development standards outlined in Section 16-18(b), Accessory Structures, specifically the following subsections:
  - (4): No accessory structure may be located closer to the front property line than the main structure on any lot, except for garages and carports.

- (6): No other accessory structure, except for garages and carports, may be located in the front yard within 40 feet of the front property line in any zone district.

According to Exhibit 1, Article VI, Division 2, accessory structures include, but are not limited to, shade structures such as covered patios, gazebos, **pergolas**, and ramadas. Additionally, Section 16-14, Table 26: Permitted Use Table, confirms that accessory structures are permitted accessory uses in the SFR-4 zone district, but are subject to the use-specific standards of Section 16-18(b), which limits accessory structures — except garages and carports — to the side and rear yards.

Following the denial, Los Alamos Landscaping met with representatives from both divisions on February 7, 2025, to discuss possible next steps. The Building Safety Division clarified its requirements, which could be addressed during the building permit process. However, to comply with Planning Division requirements, the pergola would either need to be relocated to meet the specified standards or redesigned in a way that it no longer qualifies as an accessory structure. Otherwise, a Variance would be required to deviate from the standards—since the requested changes are not eligible under Exhibit 1: Table 52, *Table of Allowable Administrative Deviations*.

After reviewing the available options, the property owners decided to proceed with a Variance application.

#### **INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) REVIEW**

The IDRC independently reviewed the application via email. Responding members recommended the application proceed to Planning and Zoning Commission for consideration on May 14, 2025. No concerns, comments, or conditions were made.

#### **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 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:** A pergola (open structure) in the "front yard" of the church does not pose any hazards. As there is no roof and the sides are open, site lines are not obstructed and additional lighting is not required. The structure does not interfere with any existing utilities or their

access. The structure would not allow for harboring of pests or junk. The structure will also not impact any existing walkways, paths or access to the building.

**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 pergola is an open structure that will be set back 23'-8" from the front property line — well beyond the minimum visibility clearance required by Exhibit 1, Section 16-25(d). Its placement ensures that neither drivers nor pedestrians will experience obstructed sightlines, maintaining public safety while allowing reasonable use of the property.

**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:** As this is an open structure to beautify the property and enhance congregants ability to worship as they choose, it is not contrary to the intent of the County's code. This is a residential zone, but all adjacent properties are other churches or institutional use areas, with minimal residences nearby. No changes to building code are being requested and the structure would not interfere with County plans for nearby areas.

**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:

- As stated in Criterion A, the pergola does not negatively affect the health, safety, and welfare of the county.
- As stated in Criterion E, the pergola at its proposed location does not prove to create adverse impacts as it relates to privacy, and light.
- The pergola is steel, which causes no concern for fire; and it is an open structure having no effect on drainage.
- Placing a pergola in front of an institutional building, within a memorial garden, is an appropriate and logical use of the land. It fits well with the lot size, the building's orientation, and the intended use of both the lot and the structure.
- While the property is zoned for single-family use, the nearest neighboring land uses are institutional. The pergola is visually compatible with the surrounding neighborhood, fits the area's character, and complements the main structure.
- Allowing the variance provides a reasonable flexibility of regulations which encourages compatible, creative, and efficient use of land.

All dimensional standards of the SFR-4 zone are met, and the Building Safety Division will verify compliance during permit review.

**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:** Location of the pergola will not affect any utilities or easements. Access to these areas will be maintained.

**Staff Response:** In the staff's expert opinion, this criterion has been met because there are no known easements or utilities within the project location. Figure 4 illustrates locations to be within the right-of-way of N Sage, and along the east and west perimeter of the lot. Additionally, the

Department of Public Utilities approved the initial Building Permit Application (BLDC-2025-01077), and did not voice concerns, or impose conditions during the IDRC review process.

Figure 4: Utility Map



- 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:** As the church is set on the back of the lot, there is no other yard. The memorial garden is in the "front" and the pergola there will allow for shading and plant growth in that area. The property is zoned residential, but there are no residences adjacent to or across from the property. Most commercial or religious properties commonly congregate near their entrances/parking lots/etc. This is also the safer side of the property, as the back slopes down to a busier street.

**Staff Response:** In the staff's expert opinion, this criterion has been met because the request for variance is directly related to an unusual physical characteristic of the lot and existing lot improvements, rather than any self-imposed condition. The main building spans the width of the property, covering approximately 23% of the lot area, and is oriented toward the rear with a setback ranging from 19 to 31-ft from the rear property line. The rear yard slopes downward toward Canyon Road, creating additional site constraints.

Additionally, approximately 28% of the lot is designated for parking, further limiting available space. These conditions significantly restrict options for creating an outdoor gathering area. The proposed location represents a reasonable and necessary response to the lot's unique topography and configuration that takes advantage of an established garden area.

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

**Applicant Response:** The structure should have no adverse impact on other properties in the area and only serves to improve the appearance of the property and the ability for the congregation to use the area for worship. As most of the nearby properties are also institutional use areas, the request is in accordance with the use of adjacent properties.

**Staff Response:** In the staff's expert opinion, this criterion has been met because the proposed pergola does not create any significant adverse impacts on nearby properties:

- **Size and Character:** The pergola is aligned with the neighborhood and lot size, making it visually compatible with other institutional uses, and residential lots.
- **Traffic and Pedestrian Safety:** Although the pergola will be in the front yard, it is an open structure and will not block visibility for drivers or pedestrians. It will be placed outside of the sight visibility triangle, in accordance with Exhibit 1: Section 16-25(d).
- **Privacy and Use:** The pergola will not affect the privacy of nearby properties. It will enhance the existing memorial garden by providing a defined space for gatherings and adds visual appeal while providing shade from shadowed beams.
- **Drainage:** The pergola will not alter drainage patterns. The County Engineer has reviewed the proposal and expressed no concerns or conditions.

- 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:** This is a minimal request to make this property useable for outdoor worship. No requested change is being made for building codes, only for the location of this structure so that it can be in the front yard and less than 40' from the front property line.

**Staff Response:** In the staff's expert opinion, this criterion has been met because the use and location of the structure provide a meaningful benefit to the property owners and congregation, without imposing a burden on the surrounding neighborhood or broader community. Installing the pergola at the proposed location is the minimum easing of the Code requirements to allow for reasonable and functional use of the property. Also, the pergola's open and custom design complements the existing conditions and preserves the lot's curb appeal, ensuring the visual integrity of the streetscape is maintained.

## **DRAFT MOTION**

### **Recommended Motion, Approve:**

I move to **approve** Case No. VAR-2025-0010, a request for a variance from Accessory Structure standards, Section 16-18(b)-4 and 6, to allow the construction of a steel pergola in the front yard and less than 40-ft from the front property line at 1738 N Sage, Los Alamos, NM. Approval allows placement 38'-5" from the main building, and 23'-8" from the front 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-2025-0010, a request for a variance from Accessory Structure standards, Section 16-18(b)-4 and 6, to allow the construction of a steel pergola in the front yard and less than 40-ft from the front property line at 1738 N Sage, Los Alamos, NM. Approval allows placement 38'-5" from the main building, and 23'-8" from the front 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-2025-0010, Accessory Structure standards, Section 16-18(b)-4 and 6, to allow the construction of a steel pergola in the front yard and less than 40-ft from the front property line at 1738 N Sage, 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>