

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO**

Case No. VAR-2025-0009, is a request for a variance from zone district dimensional standards to construct a nine (9') foot by nine (9') foot addition to the home; approval of the variance would allow a 52% deviation from the required ten (10)-foot 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), addressed as 151 El Gancho Street, Los Alamos NM.

ORDER ON APPLICATION VAR-2025-0009

NOW COMES, the Planning and Zoning Commission ("Commission") of the Incorporated County of Los Alamos ("County"), that hereby finds as follows:

I. FINDINGS OF THE COMMISSION

The Commission finds as follows:

1. On March 28, 2025, Reed and Connie Figley, property owners ("Applicants"), submitted an application ("Application Packet") requesting approval of a variance from zone district dimensional standards to construct an addition to their home. Approval of the variance would allow a 52% deviation from the required ten (10') foot minimum interior side setback. The property is addressed as 151 El Gancho Street, Los Alamos New Mexico ("Property"). *See* PLANNING & ZONING COMMISSION STAFF REPORT by CDD Desirae J. Lujan, Senior Planner (hereafter "CDD Staff Report"), Attachment D, Page 38.
2. The Application was assigned case number VAR-2025-0009. *Id.*



LOS ALAMOS COUNTY, NM
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3. A quorum of the Commission was present at the public hearing held on May 14, 2025¹. The public hearing was open to the receipt of evidence and testimony given under oath, which was subject to cross-examination, in accordance with Section 16-72(f)(5) of the County Development Code².

4. Present for the Applicants were Reed Figley and Connie Figley, Property owners.

5. Present for the County's Community Development Department ("CDD") was Desirae J. Lujan, Senior Planner ("CDD Staff Lujan").

6. No one was present in opposition of the Application.

7. Evidence received by the Commission at the public hearing included: 1) Application Packet; 2) Public Notices; 3) CDD Staff Report; and 4) presentations, questioning, testimony from Applicants and CDD Staff Lujan.

8. The Property's legal description is BM1 064, is within the Barranca Mesa 1 Subdivision and is zoned Single-Family Residential (SFR-2). *See* CDD Staff Report Attachment D, Page 38.

9. As provided in the evidence and through testimony of Applicants and CDD Staff Lujan, the proposed variance would authorize a 52% deviation from the required ten (10') foot minimum interior side setback at the Property. *See* CDD Staff Report, Attachment D, Page 38; *see also* and testimony of CDD Staff Lujan starting at 00:52:17.

10. As provided in the CDD Staff Report and testimony of CDD Staff Lujan, notice of the public hearing was published in accordance with Section 16-72(c)(4) of the County Development Code; notice was published in the *Los Alamos Daily Post* on April 24, 2025, notice of the proposed action and public hearing was mailed via US Mail to the owners of real property within three

¹ The Video for this hearing is available at [Planning and Zoning Commission Meeting – May 14, 2025](#). All citations to testimony are from this video and is in Hour:Minute:Second format

² Available at [Municode Chapter 16](#).

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hundred (300) feet of the Property on April 22, 2025, and the notice was posted at the Property on April 28, 2025. *See* CDD Staff Report, Attachment D, Pages 40-41; *see also* Testimony of CDD Staff Lujan at 00:55:20.

11. Based on the CDD Staff Report and testimony of CDD Staff Lujan, the Application was independently reviewed by the Interdepartmental Review Committee (“IDRC”). Each member submitted their recommendation along with any concerns, comments, or conditions. The IDRC agreed to forward the application to the Commission for consideration. The County Engineer and Electrical Distribution Manager provided comments to assist the Applicants in preparing for a building permit submission. *See* CDD Staff Report, Attachment D, Page 40, and Attachment B, Page 33; *see also* Testimony of CDD Staff Lujan at 00:54:32.

12. The Commission finds the applicable review criteria, in determining whether to approve, approve with conditions, or to deny the Application (*see* § 16-69(b)(2)), is the review criteria found in Section 16-74(g)(3) of the County Development Code.

13. The Commission, having received testimony and evidence during the public hearing, finds that the Applicants have met their burden and demonstrated that the Application meets the requirements of Section 16-74(g)(3) of the County Development Code. The Commission, in support of this finding, provides the following:

a. As to review criterion (a) of Section 16-74(g)(3) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by the Applicants and CDD Staff Lujan that the proposed variance will not be contrary to public safety, health, or welfare. There is currently approximately twenty-two (22’) feet, eleven (11”) inches between the next-door neighbor’s house to the north and closest existing corner of the house. The distance will be reduced to approximately nineteen (19’) feet, ten (10”) inches upon approval of

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the variance, which exceeds the requirement for ten (10') feet between structures for access of the fire department. CDD Staff Lujan agreed and added that this criterion had been met because the proposed variance poses no identifiable health or welfare risks. 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 applicable codes, including those governing fire safety, fire spread index, and the use of Class A fire-related roofing materials. These measures ensure the variance will not compromise public health, safety, or welfare. *See* Application Packet, Attachment A, Page 15; CDD Staff Report, Attachment D, Page 41; *see also* Testimony of Applicants at 00:26:20.

b. As to review criterion (b) of Section 16-74(g)(3) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by Applicants and CDD Staff Lujan that the proposed variance will not undermine the intent of the County Development Code, the applicable zone district, other County adopted policies or plans, or violate the building code. The variance will 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. The proposed addition will remove a window in the adjacent bedroom that faces the neighbor's house. The plan for the new bathroom does not include any windows on that side of the home. This variance will increase the value of the home by adding much-needed convenience, thus conserving the value of building and land throughout the County, and to encourage the most appropriate use of land throughout the County. The variance will preserve the natural beauty, vegetation, and topography, and prevent the pollution of air, water, and the general environment, as the plan does not require any alteration of the existing vegetation or topography. The proposed addition will be finished in harmony with the

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existing building materials. The proposed addition will require a very slight alteration in the path that rainwater moves around the structure, but this will be suitably and responsibly controlled. CDD Staff Lujan agreed and added that this criterion had been met because the requested variance does not undermine the intent of the County Development Code or any adopted policies or plans. 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. The request is based on the unique physical conditions of the Property. Granting this variance will not set a precedent that undermines the zoning standards County-wide, as each variance request is evaluated on its own merits. The proposed variance does not adversely impact public health or safety, and all building and fire code standards will continue to be met. This variance is consistent with the County's Comprehensive Plan and other adopted policies that promote reinvestment, infill development, and housing improvements. This request allows reasonable use of the Property in a manner consistent with these goals. *See* Application Packet, Attachment A, Page 16; CDD Staff Report, Attachment D, Page 42; *see also* Testimony of Applicants at 00:27:37.

c. As to review criterion (c) of Section 16-74(g)(3) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by Applicants and CDD Staff Lujan that granting the variance will not cause an intrusion into any utility or other easements. There are no utility easements on the side of the home for which 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 County Utilities to ensure a safe and compliant installation. All other utility services are located in areas

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not impacted by the planned construction. CDD Staff Lujan agreed that this criterion had been met and added that 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 land across the street. The Electrical Distribution Manager noted that an overhead electrical line must be modified to meet clearance codes, of which the Applicants are aware and will coordinate the upgrade as stated in the Application. To ensure compliance, DPU will review the building permit before issuance. *See* CDD Staff Report, Attachment D, Page 43; Application Packet, Attachment A, Page 17; *see also* Testimony of Applicants at 00:30:27.

d. As to review criterion (d) of Section 16-74(g)(3) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by Applicants and CDD Staff Lujan that 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. 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 those conditions while meeting the setback constraints imposed on the lot at the time. The notched-out corner of the building that is subject to the proposed addition was most likely created by the architect in an attempt to place the building as close to the front of the lot as possible, maintain a twelve (12’) clearance on the south side (for access to the back yard), not encroach on the ten (10’) foot setback on the north side of the lot, and to maintain a reasonable slope on the driveway. Had the area of the proposed addition been used in the original floor plan, the house would have needed to be about five (5’) feet further back on the lot in order to stay within the ten (10’) foot setback. Given the slope of the lot, the home would have been even lower from the street elevation, making

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the driveway steeper and difficult to navigate in the winter. CDD Staff Lujan agreed and added that the requested variance is driven by a unique physical characteristic of the lot – a significant slope that descends from the street toward the rear. The elevation at the façade of the home is 7,360 feet, and slopes down nearly eight (8') feet to the rear of the home, and forty (40') feet 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. *See* Applicant Packet, Attachment A, Page 18; CDD Staff Report, Attachment D, Pages 43-44; *see also* Testimony of Applicants at 00:31:47.

e. As to review criterion (e) of Section 16-74(g)(3) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by Applicants and CDD Staff Lujan that the variance will not create any significant adverse impacts on properties within the vicinity. Rainwater that currently flows westward between the houses to the back yard does not intercept the footprint on the proposed addition, as the natural topography provides for a wide trough that is more or less centered between the structures. Although there is none at present, 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. There are no plans to add windows to the north wall of the new bathroom; the next-door neighbor will not be exposed to any additional lighting. In fact, the proposed addition will eliminate a window in the existing bedroom currently facing their property. The owner of the property next door has stated that he has no objections to the terms of variance requested. CDD Staff Lujan agreed and added that the drainage and water runoff patterns will remain unchanged. During the permitting process, the Engineering division will review drainage plans to ensure there are no adverse impacts to the Applicants' structure or neighboring properties. Finally, privacy will not be reduced, removing the north-facing window

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will increase the neighboring home's privacy, and new lighting is not proposed for the addition. *See* CDD Staff Report, Attachment D, Pages 44-45; Application Packet, Attachment A, Page 19; *see also* Testimony of Applicants at 00:33:36.

f. As to review criterion (f) of Section 16-74(g)(3) of the County Development Code, the Commission finds that it was demonstrated by the testimony and evidence provided by Applicants and CDD Staff Lujan that granting of the variance is the minimum necessary easing of the County Development Code requirements making possible the reasonable use of the land, structure, or building. The proposed addition reduces the minimum distance from the building corner to the lot line by a maximum of two (2') feet, ten (10") inches, or twenty-eight (28%) percent on the minimum interior side setback required by SFR-2 zoning. The eave of the building projects approximately two (2') feet, four (4") inches from the wall. The height of the eave above the finished grade will be approximately thirteen (13') feet, six (6") inches. Without the approval of this variance, the Applicants would either be forced to live in a house with the attendant inconvenience of the tiny primary bathroom until they 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. CDD Staff Lujan agreed that this criterion had been met and added that the steep slope in the rear of the yard makes most of the land unsuitable for this type of improvement. Given the constraints of the existing floor plan, alternative locations are not practical. The Applicants have proposed a modest eight-one (81 sq. ft.) square-foot addition that supports their home improvement goals. The requested five (5') foot, two (2") inch side setback variance is the minimum necessary to allow a functional addition while ensuring reasonable use of the land and structure. *See* Applicant Packet, Attachment A, Pages 20-21; CDD Staff Report, Attachment D, Pages 45-46; *see also* Testimony of Applicants at 00:35:35.

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II. ORDER

The Commission, pursuant to Section 16-72(f)(5)(c)(3), by unanimous vote, hereby finds that the Applicants have sufficiently demonstrated the necessity for a variance from the County Development Code, after full hearing and consideration, **hereby Approves Application VAR-2025-0009.**

APPROVED on this date: 6/2/2025

Benjamin Hill

Benjamin Hill,
Vice Chair of the Planning & Zoning Commission
for the Incorporated County of Los Alamos