APPLICATION FOR SPECIAL EXCEPTION
CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street, NW, Suite 300, 87102
505.924.3918

APPLICATION INFORMATION–PLEASE PRINT

PROFESSIONAL / AGENT NAME (FIRST, LAST) — TELEPHONE (INCLUDE AREA CODE) (H) ___-___-____
MAILING ADDRESS — (W) ___-___-____
CITY — STATE — ZIP CODE — (C) ___-___-____

Richard Braziel
OWNER NAME (FIRST, LAST–IF ANY) — (H) 505-848-3100
1900 Silver Ave SE
MAILING ADDRESS — (W) ___-___-____
Alb, NM 87106
CITY — STATE — ZIP CODE — (C) ___-___-____

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

1900 Silver Ave SE Albuquerque, NM 87106
STREET ADDRESS OF SPECIAL EXCEPTION — ZIP CODE
LOT(S): 6 — TRACT(S): ~~Terrace Addition~~ — BLOCK(s): 72
SUBDIVISION / ADDITION / MRGCD MAP NO: Terrace Addition
UNIFORM PROPERTY CODE: 1-015-057-413-217-42212

CRITERIA FOR DECISION– I have been given the Criteria for Decision requirements. Initial Here: RBB

EXPLANATION OF REQUEST– On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST– **ATTACH THREE (3) COPIES.** Please follow instructions on the back of this form and attach the appropriate drawings.

ACKNOWLEDGEMENT– I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

SIGNATURE — DATE

ZHE 2009080396

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1008288
APPLICATION #: 09 ZHE 80396

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☐ (ZHE01) Conditional Use
- ☐ (ZHE02) Expansion of a NonConforming Use
- ☐ (ZHE03) NonConforming Use / Status Established Building
- ☒ (ZHE04) Variance:
  - ☐ Distance ☐ Setback
  - ☒ Height ☐ Parking
  - ☐ Size ☐ Other

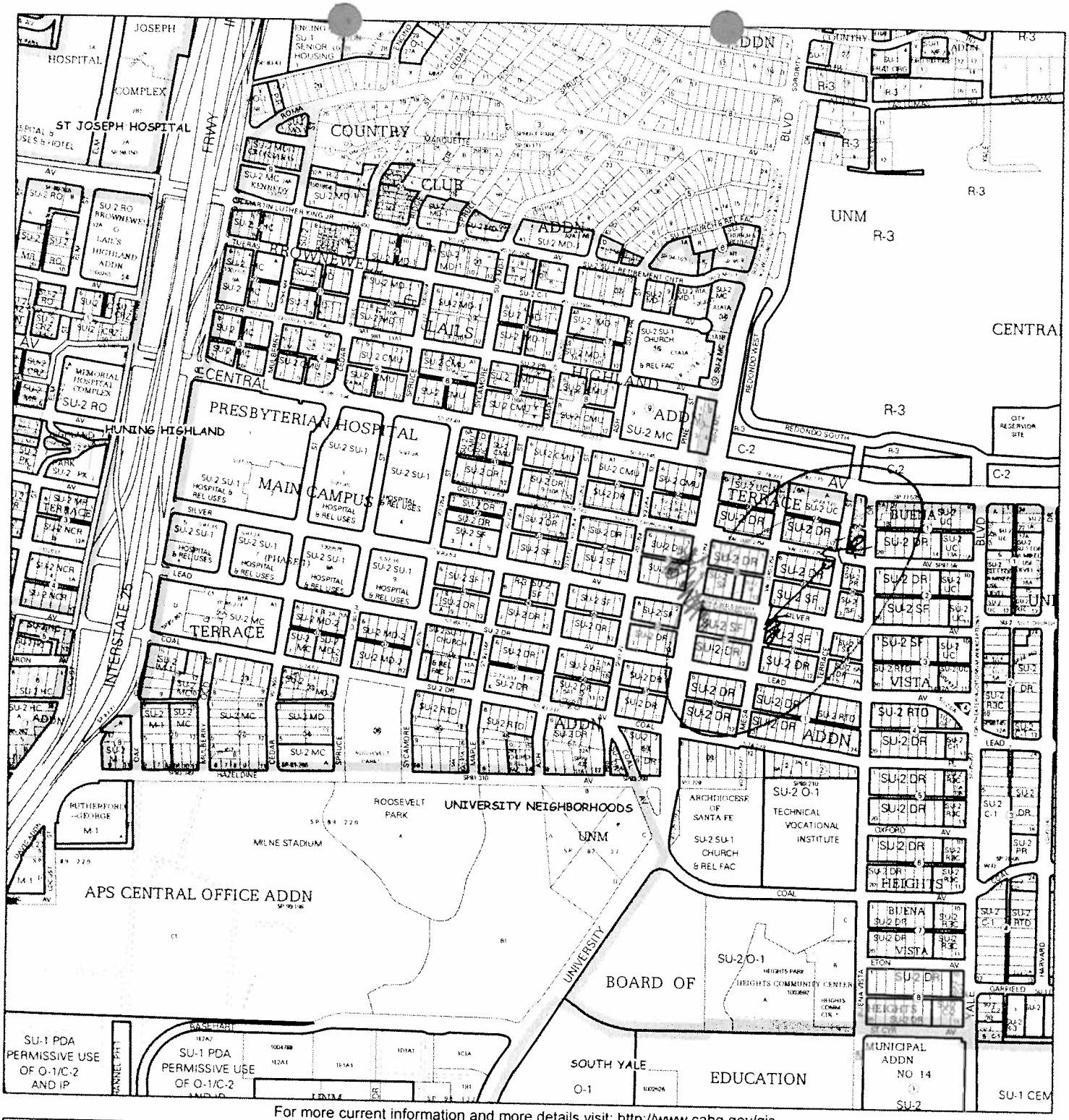
SECTION NO: 14-16-3-19(A)(2) REFERENCE SECTION NO:
(LEGAL AD) ACTION DESCRIPTION: A variance of 3 ft & 6ft 6 inches for an existing wall of 6ft with an archway of 8ft 6 inches in the required front setback
SECTOR DEVELOPMENT AREA: University Neighborhoods
ZONED: SU-2 SF
ZONE MAP PAGE: K-15
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION: 1900 Silver Ave SE
NO. OF SIGNS ISSUED: 2

Roberta Shaw — 12/4/09
APPLICATION RECEIVED BY Z E O (PRINT FULL NAME) — DATE

01-19-10
DATE OF PUBLIC HEARING

FEE: $ 145.00

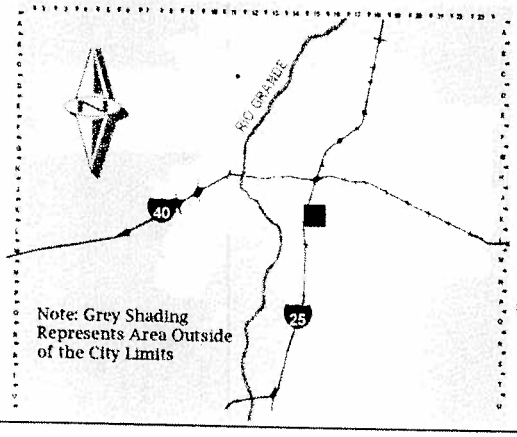
City Of Albuquerque
Treasury Division
12/4/2009 2:41PM ANNX
TRANSH 007 TRANSH 0036
RECEIPT# 00301449 $ 35.00
PERMIT: 2009080396 TRSCXG
(ARN) 441032 / 3424000 $ 45.00
Trans Amt $45.00
(CMP) 441032 / 3424000 $ 10.00
APN Fee $35.00
(ZHE) 441006 / 3451000 $ 100.00
Conflict Manag. Fee $10.00
ZHE Actions $100.00
VI $145.00
CHANGE $0.00



For more current information and more details visit: http://www.cabq.gov/gis

AGIS
Albuquerque Geographic Information System

Map amended through: 3/10/2009



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

K-15-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 750 1,500 Feet

Richard Braziel
1900 Silver Ave SE

Attachments E-1 Thru E-8
Pictures of Front of House Showing

E-1 Original wood fence

E-2 Stuccoed block wall and front stairs

E-3 West side of stairs – existing concreted retaining wall, stuccoed pilasters, and wrought iron railings

E-4 Same as E-3 but showing plantings

E-5 Same as E-3 but also showing 4' high retaining wall at sidewalk

E-6 Landing inside front gate

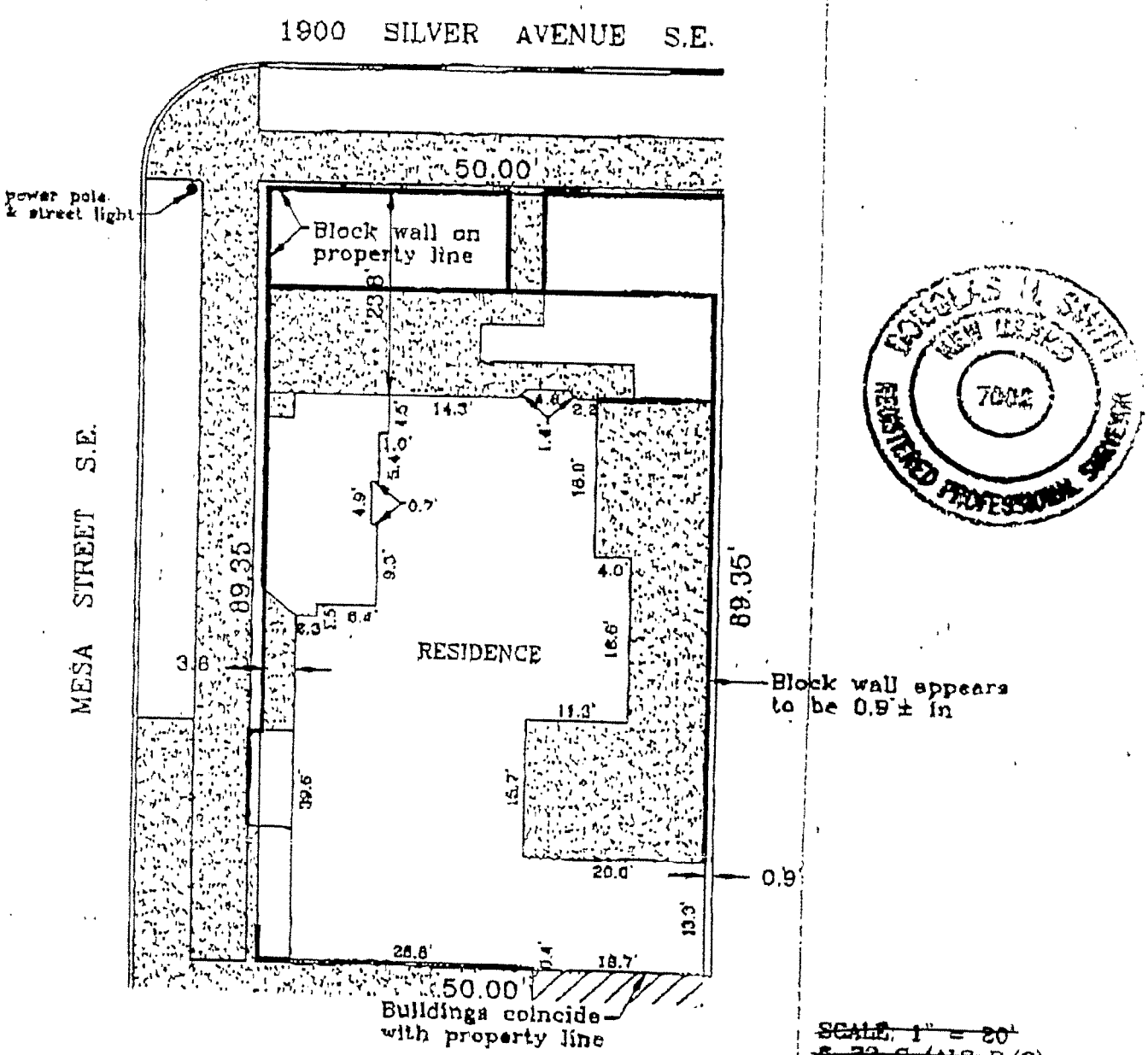
E-7 Arched gate and 8.5' archway

E-8 Front of house 12/1/09

EXHIBITS

Exhibit I	Zone Atlas Page K-15-Z
Exhibit II	Enlargement of Zone Atlas Page K-15-Z
Exhibit III	Drawing – Side View Facing South
Exhibit IV	Drawing – Side View Facing East
Exhibit V	Drawing – Plan View

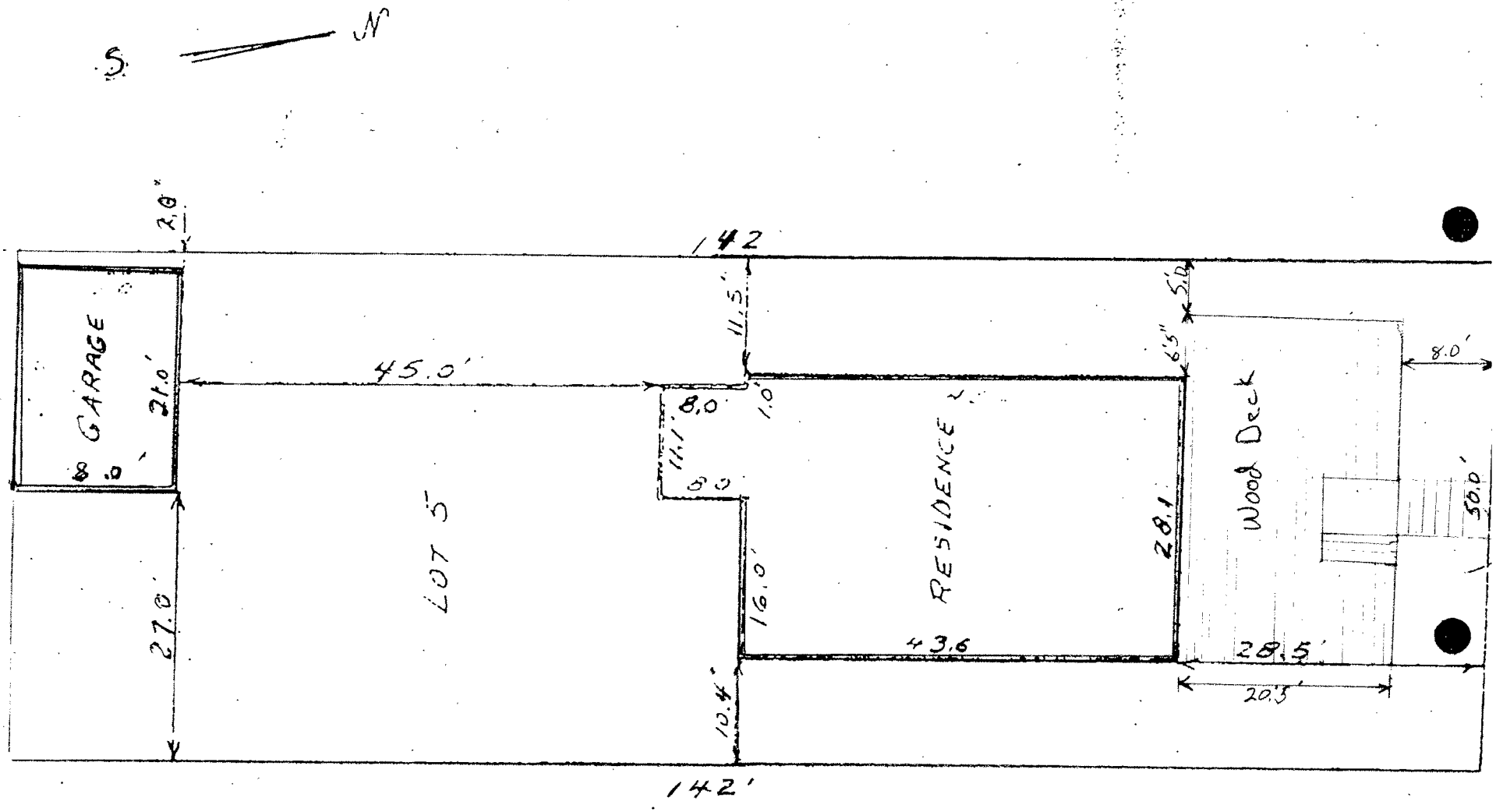
Attachment A



~~SCALE: 1" = 20'~~
~~S-72 C (ALS R/C)~~

23.8' INSIDE RETAINING WALL TO HOUSE
0.9' RETAINING WALL THICKNESS
0.9' PLANTING STRIP BETWEEN SIDEWALK & RETAINING WALL
25.6

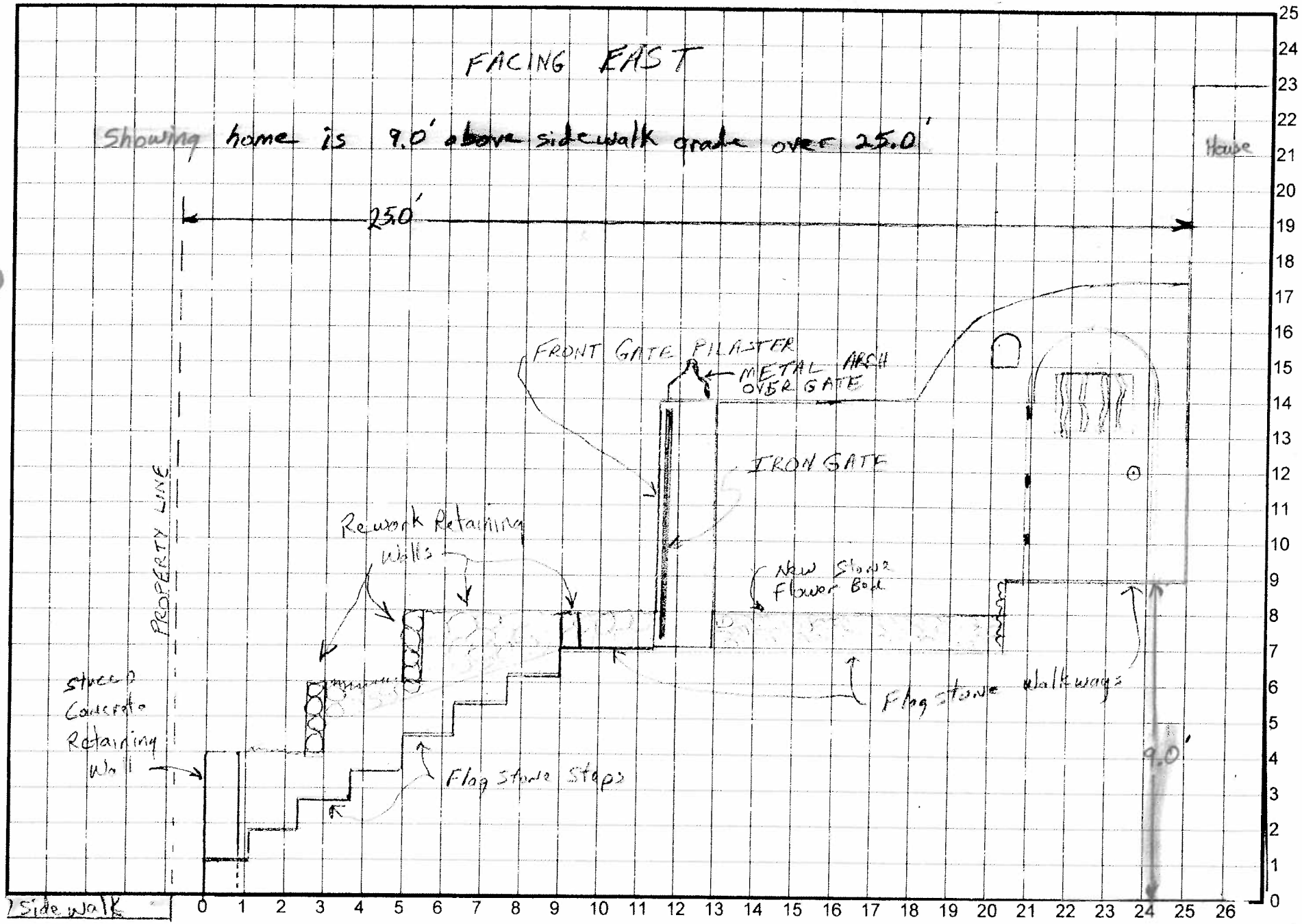
Attachment B



That to the best of my knowledge and belief the boundaries of the land are as shown on the sketch above and the improvements existing within the boundaries thereof fall as indicated on the sketch above.

1900 SILVER

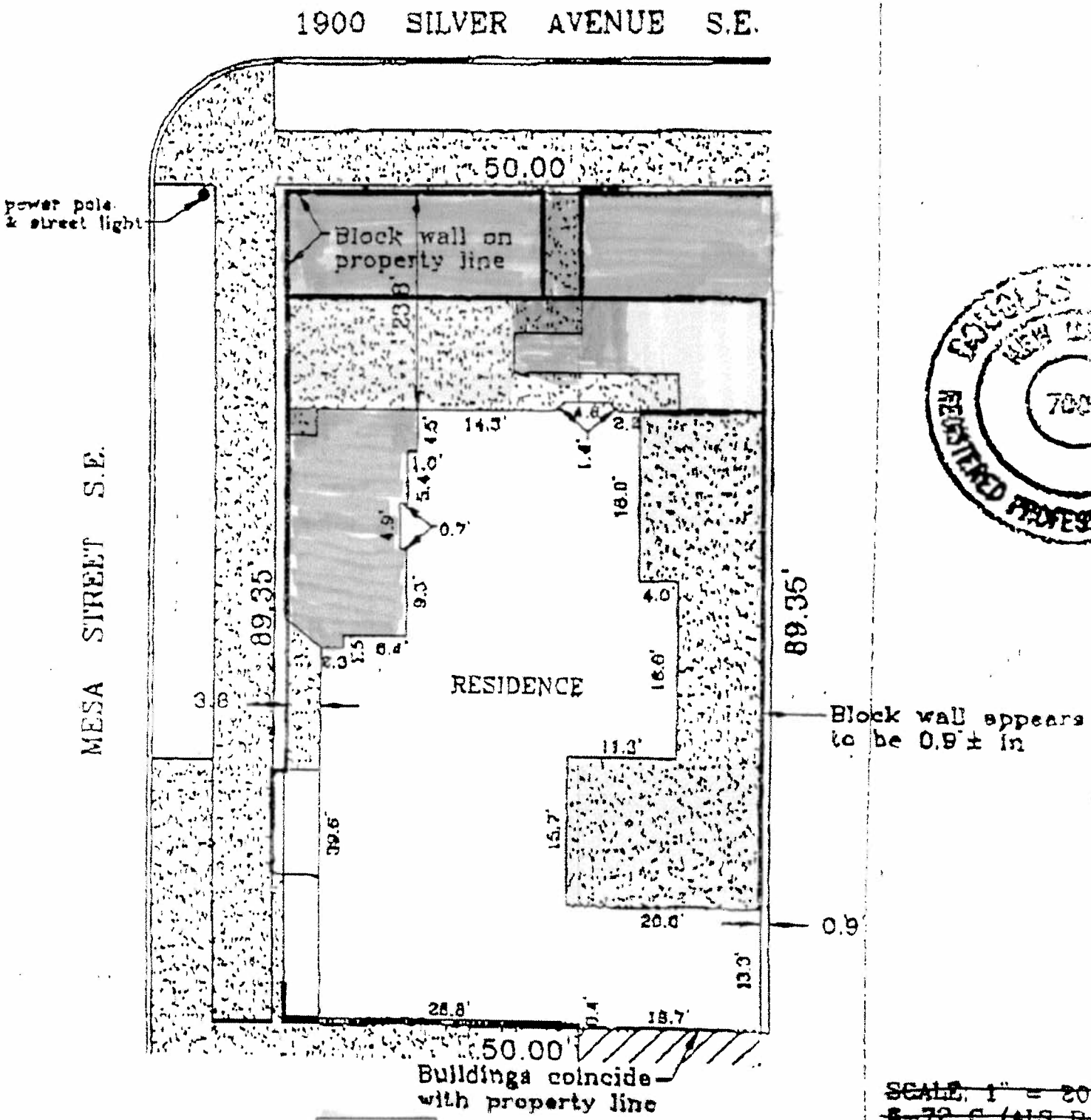
Attachment C



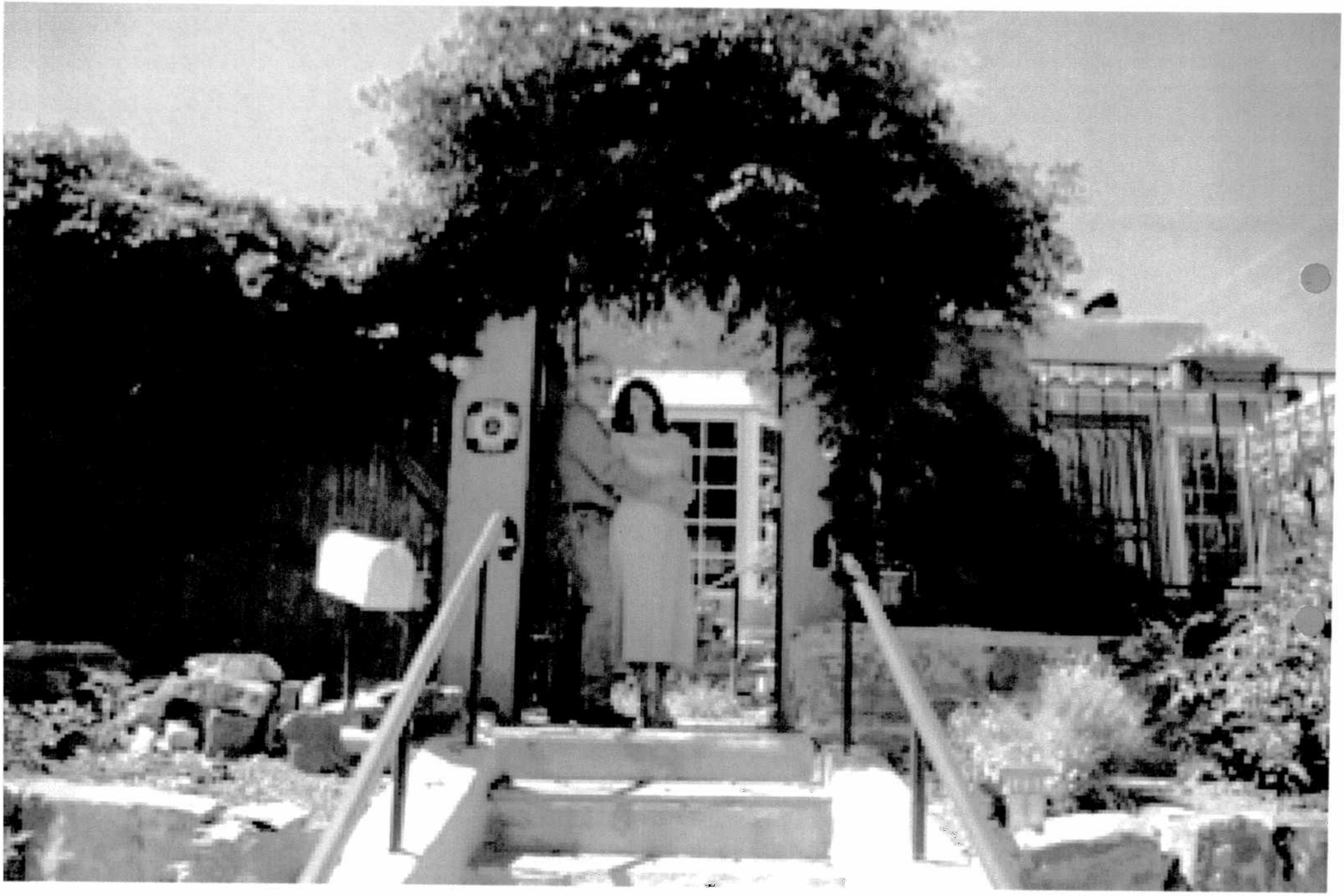
Attachment D

Usable Level Outdoor Area

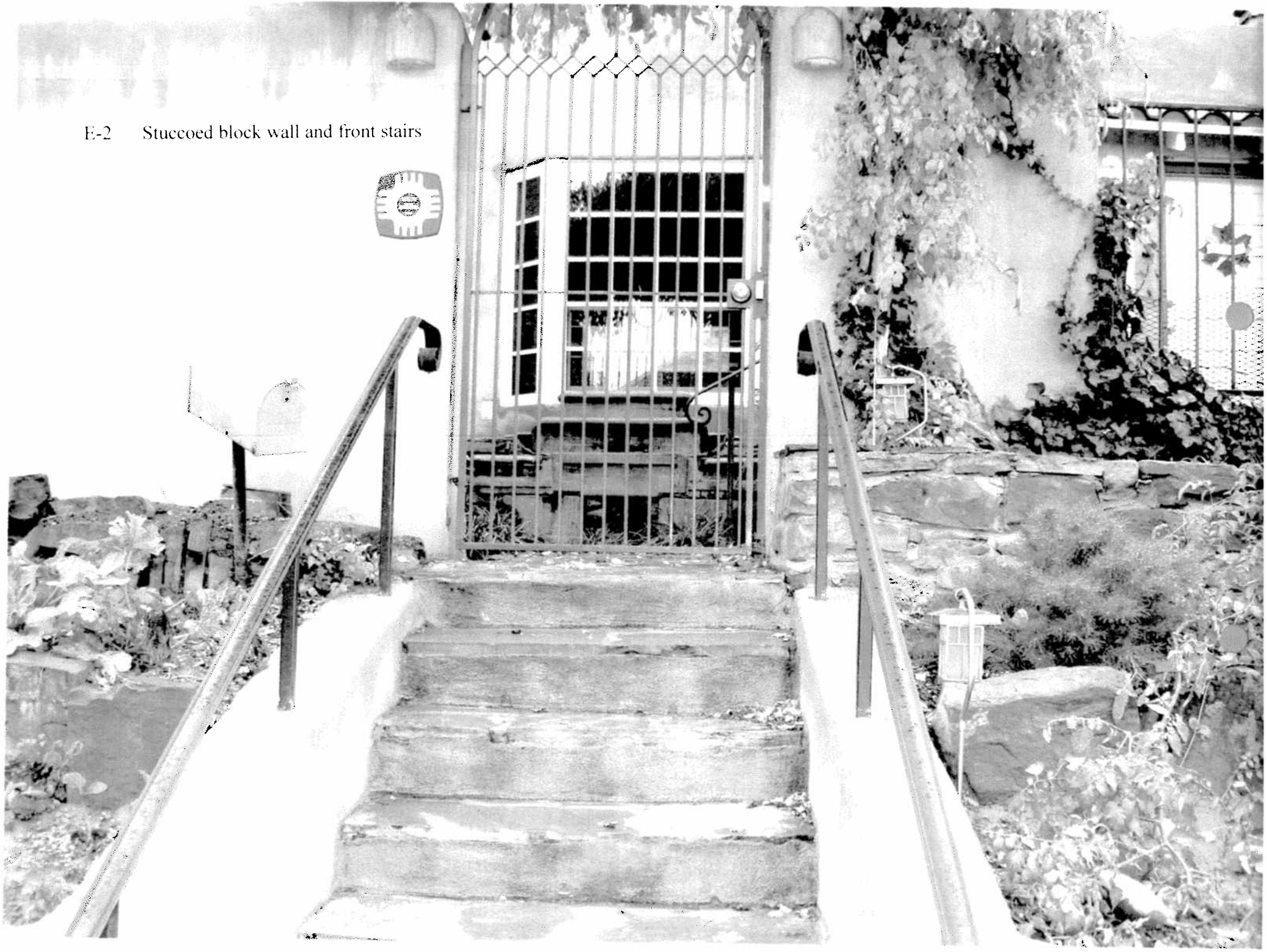
Description	Deep	Wide	Sq Ft	% of Total
South East Side Patio	15.7	20.0	314	25.0%
North East Side Patio	18.9	12.4	234	18.7%
Front Private Patio	15.0	13.0	195	15.5%
Front Open Patio	16.0	32.0	512	40.8%
		Total	1255	



E-1 Original wood fence

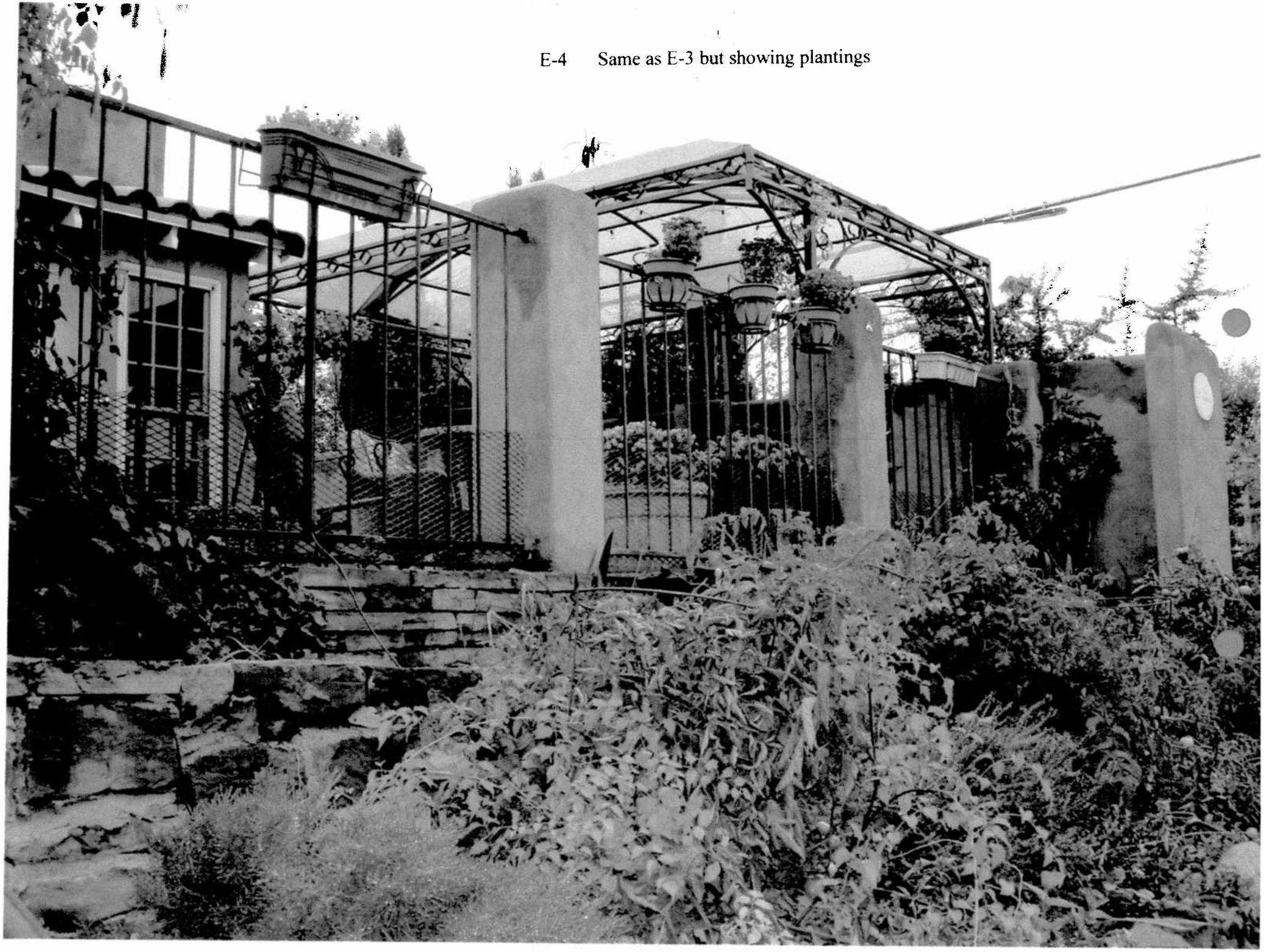


E-2 Stuccoed block wall and front stairs



E-3 West side of stairs – existing concreted retaining wall, stuccoed pilasters, and wrought iron railings

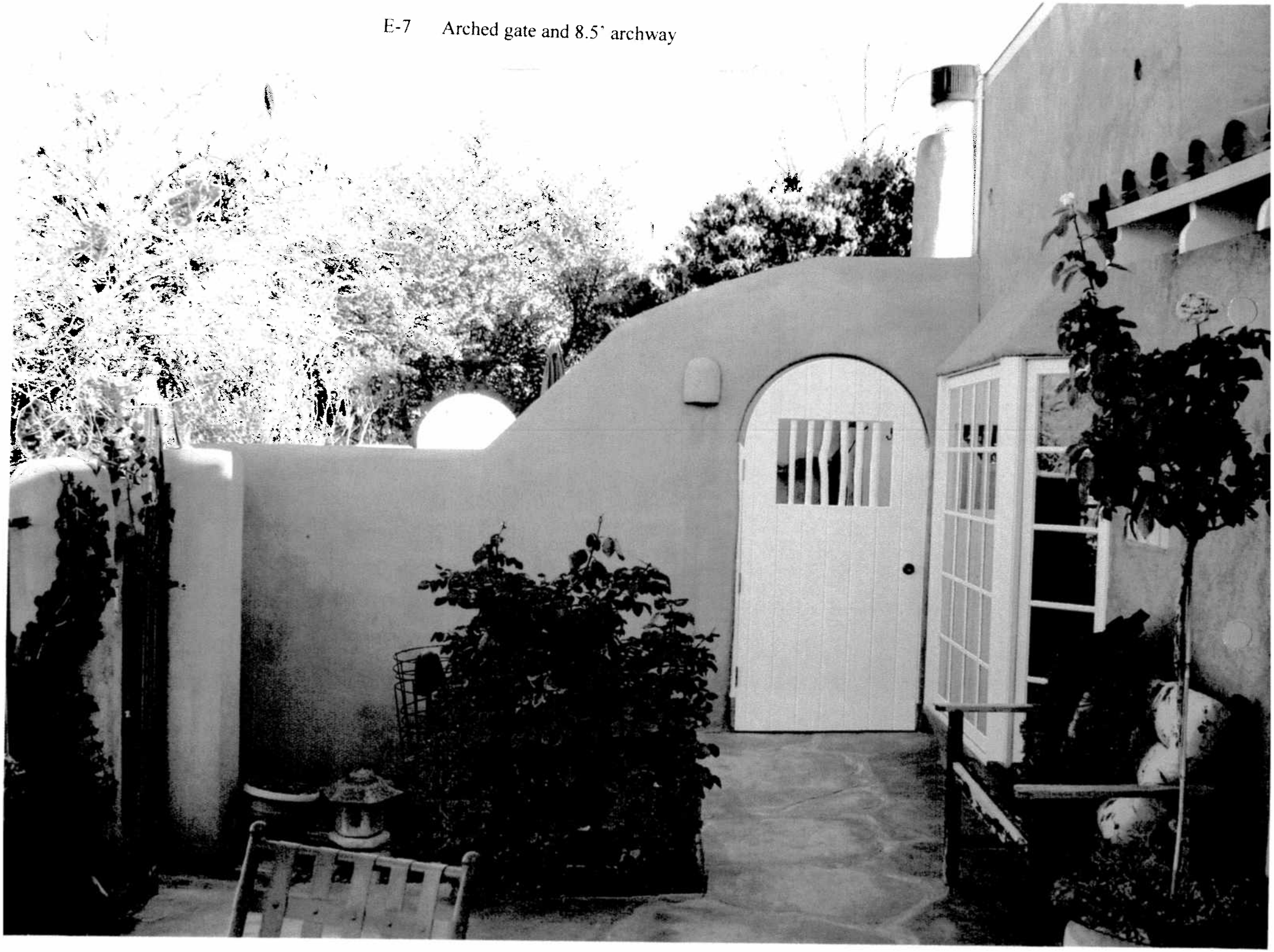
E-4 Same as E-3 but showing plantings



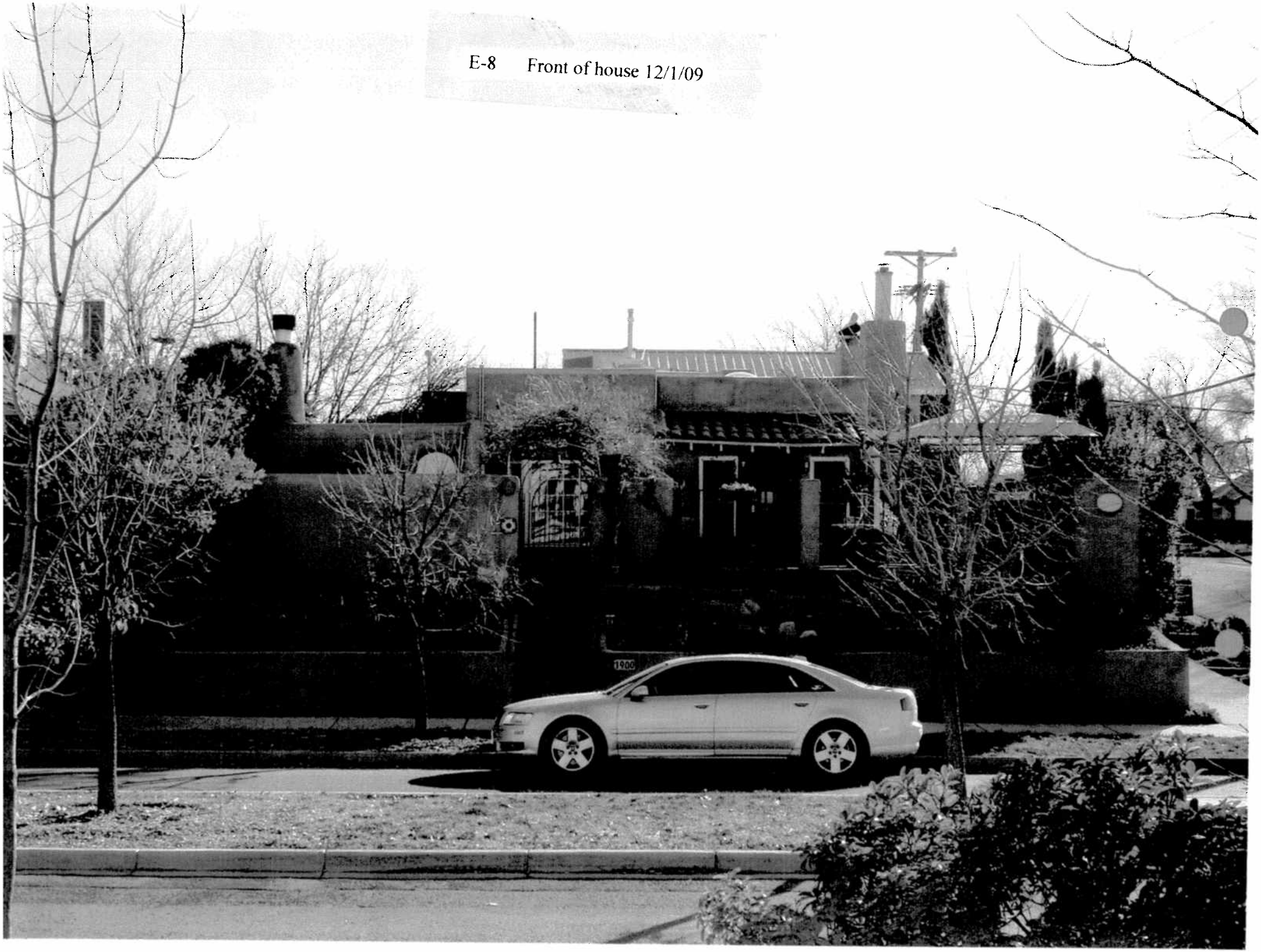
E-5 Same as E-3 but also showing 4' high retaining wall at sidewalk

E-6 Landing inside front gate

E-7 Arched gate and 8.5' archway

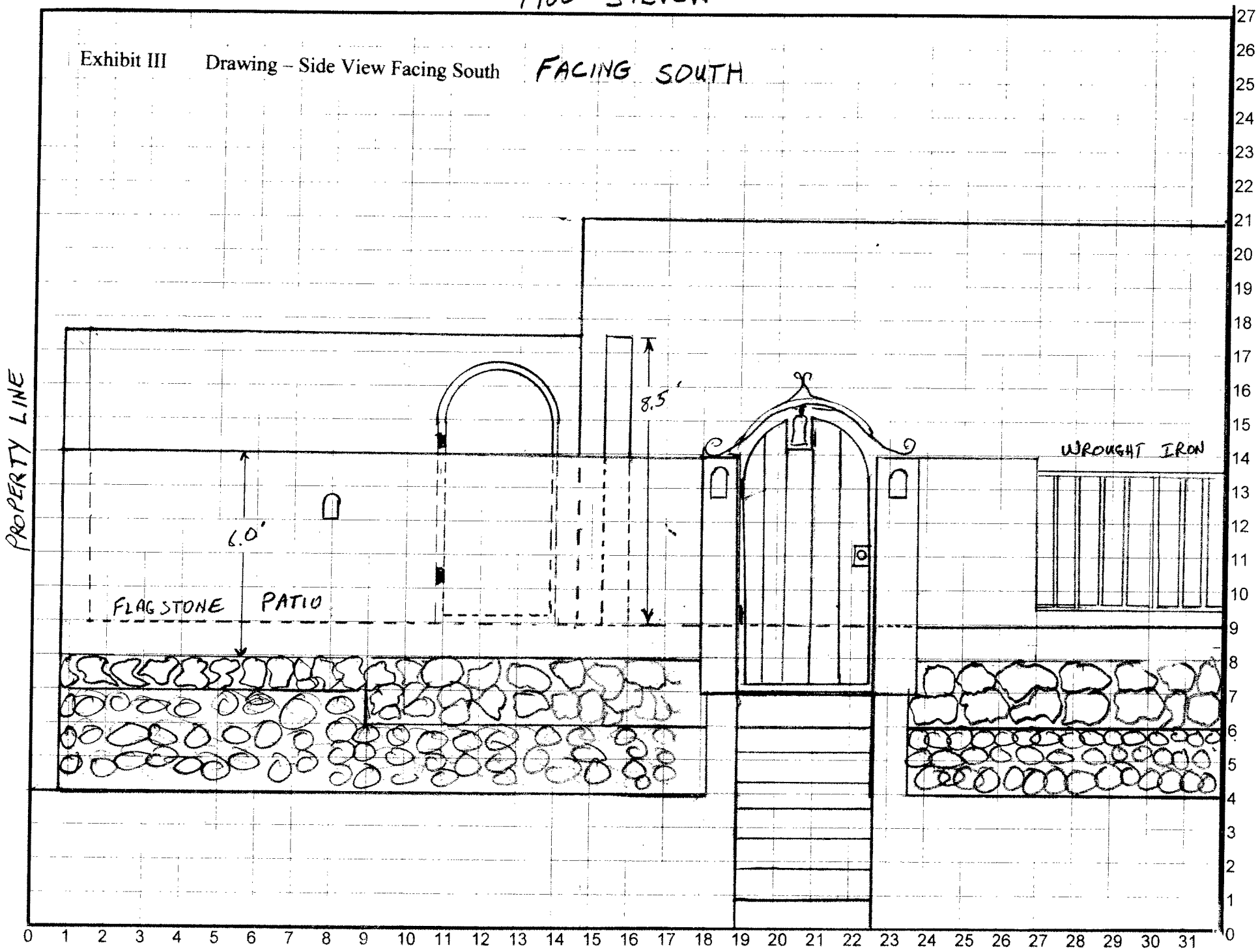


E-8 Front of house 12/1/09



1900 SILVER

Exhibit III Drawing – Side View Facing South FACING SOUTH



1900 SILVER

Exhibit IV Drawing – Side View Facing East

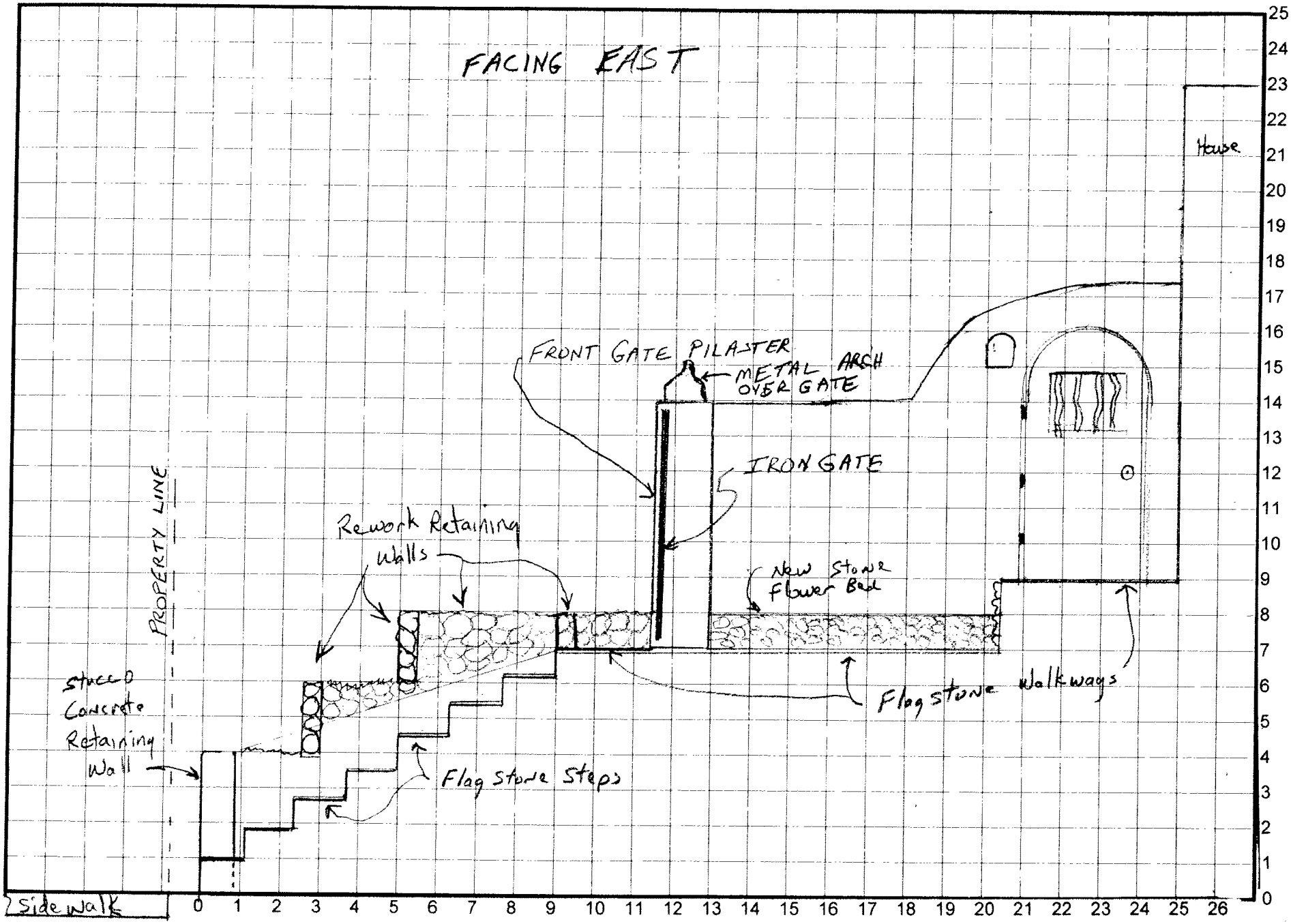
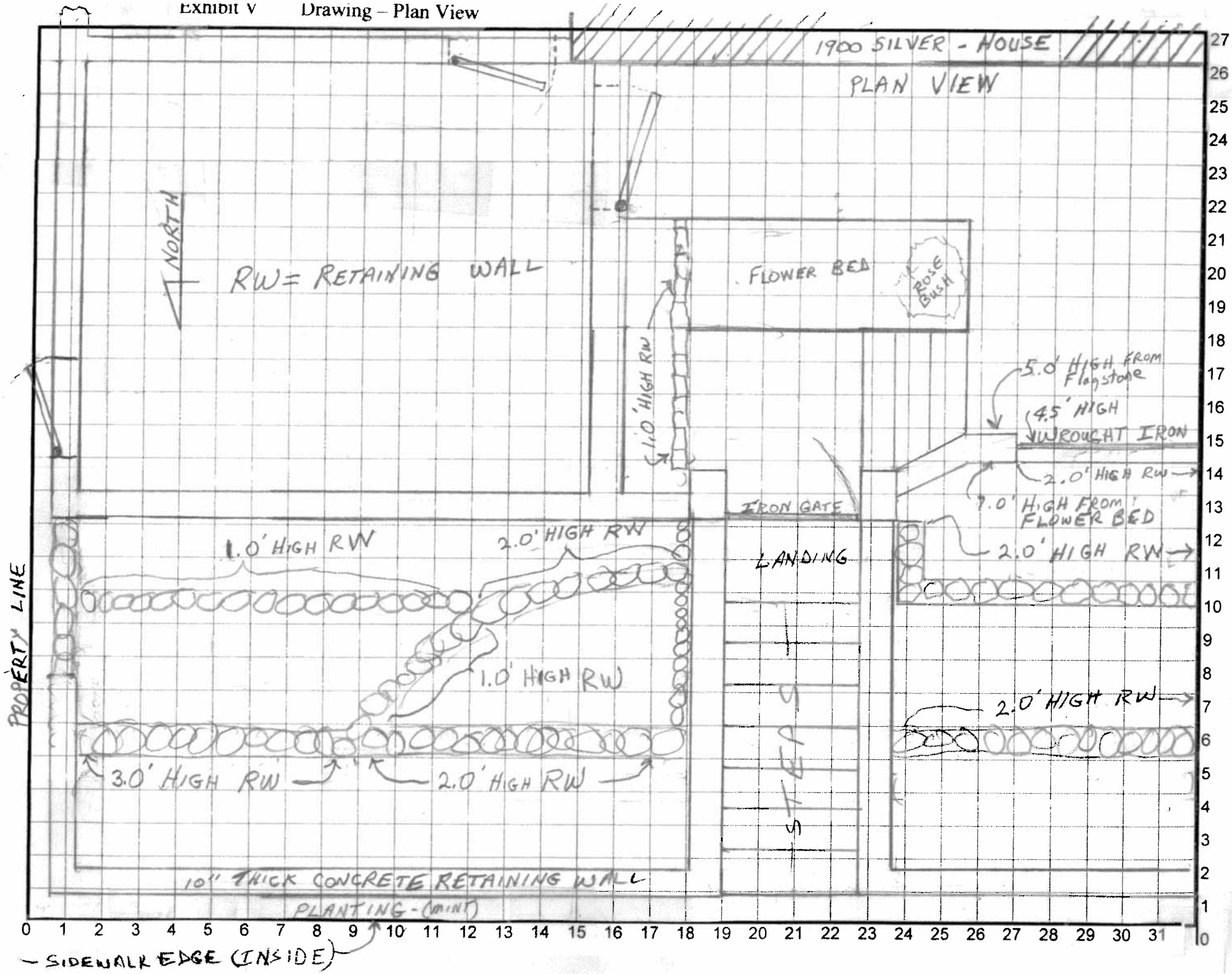


Exhibit V Drawing – Plan View



Request for Variance

Owner-Resident: Richard Braziel
Parcel Address: 1900 Silver Avenue SE
Variance Request: Approval for a 6.0' Wall with an 8.5' Archway in Front 20' Setback

Part A – The Parcel is Exceptional

The parcel at 1900 Silver Avenue ("1900 Silver") is exceptional compared with other parcels in the vicinity for the following reasons:

1) 1900 Silver is significantly smaller than other parcels in the vicinity. Other parcels are 60% to 210% larger.
   a. 1900 Silver was legally subdivided in the 1960's removing the entire backyard area so that the home is coincident with the rear property line. This caused 1900 Silver to be only 4,468 square feet. *See Attachment A*
   b. The surrounding parcels are significantly larger as shown below:
      i. 1902 Silver Avenue is the parcel adjoining the east property line. It is 7,000 square feet which is 1.6 times as large as 1900 Silver. *See Attachment B*
      ii. 1828 Silver Avenue is the parcel directly west of 1900 Silver. It is 10,500 square feet which is 2.4 times as large.
      iii. 1901 Silver Avenue is the parcel located directly north of the property. It is 14,000 square feet which is 3.1 times as large.
2) The level outdoor area of 1900 Silver is further reduced because the property is sloping.
   a. 1900 Silver has a 9.0' vertical drop from the front of the home to the inside edge of the sidewalk which is 25.0' from away the home. This is an average slope of 4.3" per foot. *See Attachment C*
   b. The slope reduces the usable level outdoor area to only 1,255 square feet. *See Attachment D*
3) The lot has no back yard and no access to the alley.

Part B – Literal Enforcement Would Result in Unnecessary Hardship

1) Loss of Use
   a. Because of the small size and slope of 1900 Silver every bit of the outdoor living area is being used to its fullest potential.
   b. The six foot wood fence that had existed in the exact location and at the exact height of the wall for which this variance is requested created a private, usable patio. This area will become unusable without this wall
2) Loss of Security
   a. The front exterior of the home has an attractive combination of wrought iron, stucco walls, and a locking gate with a door bell which provides significant home security.

b. This was originally designed and installed several decades ago by former long term owner-resident Frank Bowen to provide security after he experienced a number of burglaries.
c. The applicant is a single man who travels frequently and who purchased the home due in part to its secure nature.
d. Without a secure barrier the applicant will be unable to keep high quality patio furniture and accessories on the front patio, thereby reducing the usability and enjoyment of the entire front area.

Part C – This Variance is Appropriate and Justified

1) The stucco block wall in question is 12.2' from the front property line. It is 6.0' high on the street side with an archway 8.5' at its highest point. The wall is 5.0' high on the inside. This is the minimum needed to provide security and privacy. The wall contains electrical conduit and conductor for outdoor lights on both the inside and outside of the wall and gate which contributes to the security and safety of the neighborhood as well as the home.
2) The wall is attractive and is in harmony with the materials and design of the existing home. As a more attractive replacement for the former solid wood fence it enhances rather than detracts from the curb appeal. Since it is significantly set back from the front property line (12.2') and stands in the same location and has the same height as the original fence the new wall will not interfere with the enjoyment of other land in the vicinity.
3) Neighbors have expressed their support of this project and feel that it will increase their property values.
4) The requested variance is consistent with the spirit of the zoning ordinance in that adds to safety, security, encourages the most appropriate use of the land, conserves the value of the property, and enhances the appearance of the landscape. *See Attachment E-1 Thru E-8*

§ 14-16-3-19 GENERAL HEIGHT AND DESIGN REGULATIONS FOR WALLS, FENCES AND RETAINING WALLS.

(A) *Height Regulations.*

(1) A wall, fence, retaining wall, or vertical combination of these (the "wall") that does not face a public street right-of-way, a public park, open space, or designated trails (the "public side") and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed eight feet in height above the abutting grade on the lower side within the required side or rear yard or three feet in height above the abutting grade on the lower side within the required front yard.

(b) Where contiguous to non-residential property, it does not exceed ten feet in height above the abutting grade on the residential side except in the required front-yard setback.

(c) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially zoned lot, a wall, fence retaining wall, or vertical combination of these does not exceed three feet in height within ten feet of the right-of-way line. The height of the wall shall be measured from the abutting grade on the street side or the abutting front yard grade whichever is most restrictive. However, a conditional use may be approved for a higher wall or fence.

(d) On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these does not exceed three feet in height above the abutting grade on the lower side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.

(2) A wall, fence, retaining wall, or vertical combination of these that face a public street right-of-way, a public park, open space, or designated trail and is in a residential zone may be built within a required setback, provided:

(a) It does not exceed three feet in height above the abutting grade on the street side and 11 feet in height above the abutting grade on the private side within the required front yard: or shall not exceed six feet in height above the abutting grade on the street side and 14 feet in height above the abutting grade on the private side within the required side or rear yard, except:

1. Any combination of a wall, fence and retaining wall height along the required side or rear yard that exceeds six feet in height above the abutting grade on the public side in order to retain higher ground on the private property side may be constructed up to eight feet in height; such wall shall not exceed six feet in height from the abutting grade on the private property side of the wall. The design of this wall combination shall include at least two of the façade design treatments specified in Section § 14-16-3-19 (B) (2) (b) and the design shall be consistent with the remainder of this section;

2. A wall, fence and retaining wall or a combination of these shall have no segment rising more than six feet in height visible from the public street right-of-way. A minimum horizontal distance of four feet shall separate the vertical height segments. The top-most segment may be constructed up to eight feet in height provided the wall

ZONE GRID

No Features found.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNI
1	101505741321742212	BRAZIEL RICHARD ALLEN & JEANETTA ARNDELL BRAZIEL CO-TR BRAZIEL TRUST	1900 SILVER AVE SE	ALBUC

ZONING

Rec	ZONING	DESCRIPTION
1	SU-2	SF

ZONE GRID

Rec	ZONE ATLAS GRID
1	K15

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	1900	SILVER	AV	SE	6	72	TERRACE ADDN	ABQ148163

ZONE GRID

No Features found.

ZONE GRID

No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIAT
1	SILVER HILL	R

SECTOR PLANS

Rec	SECTOR PLAN NAME
1	UNIVERSITY NEIGHBORHOODS

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	BENTON	3

ZONING HEARING EXAMINER'S SPECIAL EXCEPTION APPLICATION CHECKLIST

TO APPLY FOR A SPECIAL EXCEPTION, THE FOLLOWING DOCUMENTS MUST BE SUBMITTED (PLEASE CHECK BOX):

- [x] Three (3) copies of the site plan.
- [x] Drawing showing the following:
  - a. All dimension of property and buildings and all structures on adjoining lots that are within 25 feet of the proposed Special Exception.
  - b. If the Special Exception request is a variance, please show clearly the point of variance and the height, width, and any appropriate dimensions of structures and/or parking spaces.
- [x] Letter stating why applicant is requesting this Special Exception, based on the Criteria for Decision Requirements.
- [x] Zone Atlas page with parcel **clearly marked**.
- [x] Copy of Ordinance, referencing Section Number that pertains to request.
- [x] Traffic Engineering Review – Any request for constructing a structure (carport, wall/fence, shade structure, etc.) in the front and street side yard must contact the Traffic Engineer.
- [x] Applicant is strongly encouraged to go to Office of Neighborhood Coordination (Plaza del Sol, Basement) to obtain names of Neighborhood Associations that may be affected by this request.
- [x] Yellow Signs – Sign must be posted in a conspicuous location fifteen (15) days prior to the hearing. Failure to do so may result in a deferral (delay of hearing).
- [x] If applicant requires an **INTERPRETER**, check box in KIVA.
- [x] Applicant received Special Exception Booklet.

Enforcement Officer Roberta Shaw
(PLEASE PRINT NAME)

Date: 12/4/09

PLEASE ATTACH THIS FORM TO THE ORIGINAL APPLICATION FOR ZHE OFFICE