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

TELEPHONE (INCLUDE AREA CODE)

PROFESSIONAL / AGENT NAME (FIRST, LAST) _____ (H) ___-___-____

MAILING ADDRESS _____ (W) ___-___-____

CITY _____ STATE _____ ZIP CODE _____ (C) ___-___-____

OWNER NAME (FIRST, LAST–IF ANY): HEATH + MARGARET BOBB (H) 505-890-6751

MAILING ADDRESS: PO BOX 93005 (W) 505-280-4398 (H)

CITY: ALBUQUERQUE STATE: NM ZIP CODE: 87199-3005 (C) 505-228-3388 (M)

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION: 8601 BRANDYWINE RD NE ALBUQUERQUE, NM ZIP CODE: 87111

LOT(S): 26 TRACT(S): _____ BLOCK(s): 13

SUBDIVISION / ADDITION / MRGCD MAP NO: CHERRY HILLS UNIT 2

UNIFORM PROPERTY CODE: 102006 211942 220101

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

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: Heath Bobb DATE: 2/2/2010

2010080024

----------ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY----------

PROJECT #: 1008170 **APPLICATION #:** 10 ZHE 80024

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. 14-16-3-3(B)(2)(b) REFERENCE SECTION NO: _____

(LEGAL AD) ACTION DESCRIPTION: a variance of 7' to the required 20' side yard setback for a proposed accesory building

SECTOR DEVELOPMENT AREA: _____

ZONED: R-1 ZONE MAP PAGE: E-20 NO. OF SIGNS ISSUED: 2

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION: 8601 Brandywine Rd. NE

FEE: $ 145.00

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME): David Kilpatrick DATE: 2-2-2010

DATE OF PUBLIC HEARING: 03-16-10

(APN) 441018 / 4971000 $ 35.00

(CMP) 441032 / 3424000 $ 10.00

(ZHE) 441006 / 3451000 $ 100.00

SUPPLEMENTAL SHEET FOR SPECIAL EXCEPTION APPLICATION

PROJECT #: 1008120

APPLICATION #: 10 ZHE 20025

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

SECTION NO. 14-16-3-3 (B) (e)

REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION A variance of 2' to the required 10' separation from a dwelling for a proposed accessory building

---

PROJECT #: _____

APPLICATION #: ___ ZHE _____

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

SECTION NO. _____

REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION _____

PROJECT #: _____

APPLICATION #: ___ ZHE _____

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

SECTION NO. _____

REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION _____

PROJECT #: _____

APPLICATION #: ___ ZHE _____

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

SECTION NO. _____

REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION _____

PROJECT #: _____

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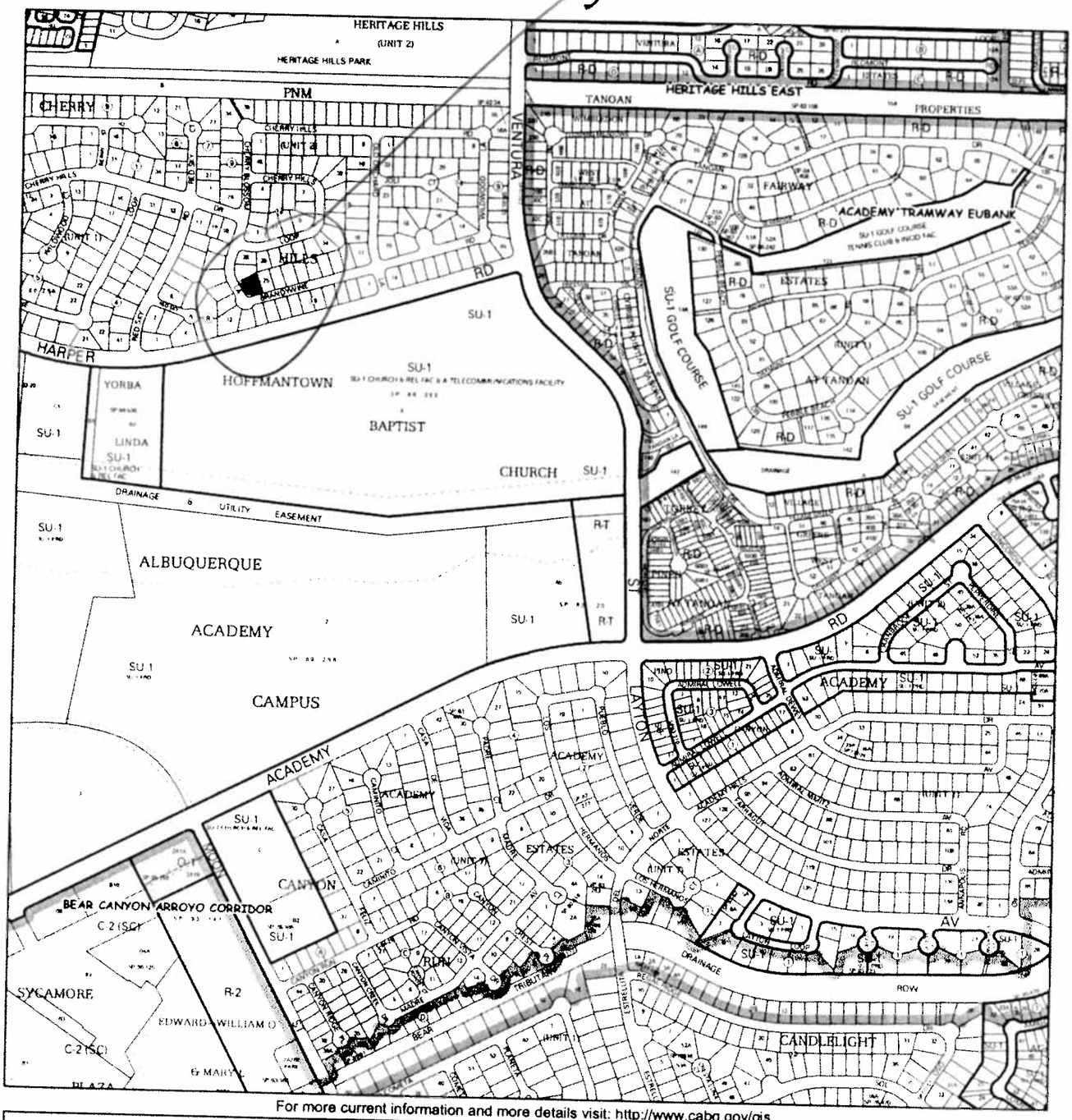
  - ☐ Height
  - ☐ Size
  - ☐ Setback
  - ☐ Parking
  - ☐ Other

SECTION NO. _____

REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION _____

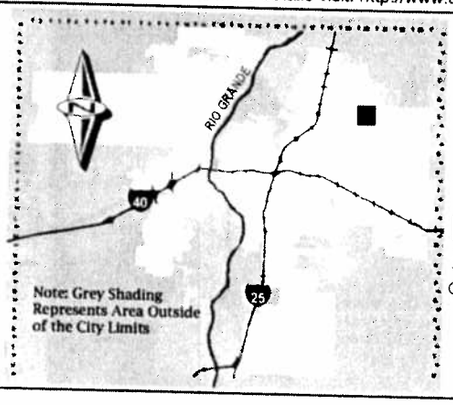
Site



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

AGIS
Albuquerque Geographic Information System

Map amended through: 6/5/2009



Zone Atlas Page:

E-20-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

(2) Accessory Structures.

(a) Unless approved under a Site Development Plan, an accessory building on a lot, the principal use of which is a house or town house, shall not be located in the required front yard setback and shall not occupy over 25% of the side-plus-rear-yards. An accessory structure in any required yard shall not exceed either 18 feet in height, or any applicable height limitations imposed by division (A)(7) of this section, except if it is in a required side-yard setback on a corner, it shall not exceed the height of the fence allowed by (A)(4) of this section.

(b) On a corner lot, the rear yard of which abuts the front yard of a residentially-zoned lot, an accessory building shall comply with the same side-yard setback on the street side as the principal building.

(c) An accessory structure which is not covered by division (b) above has no required setback from a lot line, except that an accessory structure used as a garage for off-street parking with access to an alley shall be set back a minimum of five feet from the alley.

(d) An accessory building that is 80 square feet in area or smaller and six feet in height, or smaller, must be at least five feet from another accessory building without living quarters on abutting lots and at least 10 feet from a dwelling or accessory living quarters on abutting lots.

(e) An accessory building that is larger in area or height than an accessory building as described in division (d) above must be at least five feet from any other accessory building without living quarters and at least 10 feet from any dwelling or accessory living quarters.

(f) No accessory building may extend across the width of the rear or side yard unless a passage of at least five feet is provided at some point along the width.

(g) An accessory building may be connected to the principal building with a roof, provided that at least two sides of the connecting structure are not enclosed with a material other than that necessary for roof supports. The roof shall be located at least as far from the side lot lines as is the principal building.

(h) Accessory swimming pools may occupy any part of the yard, provided they are not closer than five feet to a lot line or building and provided they are surrounded by a duly approved wall or fence at least six feet high. Alternatively, accessory swimming pools shall be surrounded by a barrier that complies with Section AG105 of the 2003 International Residential Code and shall be equipped with a powered safety cover that complies with ASTM F1346-91(2003), Standard Performance Standards for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs; each to be certified for compliance by a professional swimming pool contractor, registered architect or registered engineer in plan submittals for a swimming pool. (But note division (A)(4) of this section).

(3) A use allowed in a zone shall not be carried on in a vehicle, including a trailer, unless such vehicle's use is specifically allowed in that zone. However, this does not limit vehicles' use for transportation and temporary storage.
('74 Code, § 7-14-40C; Am. Ord. 35-1995; Am. Ord. 29-2004; Am. Ord. 29-2005; Am. Ord. 044-2005)

(b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building façade and driveways and off-street parking areas cover no more than 60% of he area of the front yard.

(3) On a corner lot, the side-yard setback adjacent to the side of the street shall be as follows:

(a) If the rear yard abuts the front yard of a residentially-zoned lot, not less than 20 feet.

(b) If division (3)(a) does not apply, not less than ten feet.

(4) Side-yard setbacks which are interior, i.e., measured from side lots lines which are not adjacent to streets, shall be either:

(a) Not less than five feet on each side if the lot width (see definition in § 14-16-1-5) is 65 feet or less. The setback on one side shall increase one foot for every one foot incremental increase in lot width to a maximum side setback of ten feet (thus, if lot width is 70 feet or more, the minimum side setbacks are ten feet on one side and five feet on the other);

(b) There shall be one side-yard setback of not less than ten feet on one side. The other side-yard setback shall be at least five feet, except that it may be reduced or eliminated if the owner of the abutting lot agrees in writing to permanently bind his lot to not have a house closer than ten feet to the areas allowed for a house on the subject lot, and the agreement is included with the application for a building permit. The agreement shall be filed by the owners with the Planning Director after being recorded with the County Clerk. In no case shall the distance between two residential buildings be less than 10 feet; or

(c) For lots where a common, interior side lot line is oriented more than 60° from due north-south, the minimum side-yard setback on the northerly side of the common lot line shall be as follows:

1. Not less than 15 feet if the immediately adjacent side yard setback is less than five feet;

2. Not less than ten feet if the immediately adjacent side yard setback is five feet or more.

3. Provided the provisions of divisions (a) and (b) above shall apply if:

i. For irregularly shaped lots, setback lines allow one side of the house on the irregularly shaped to be oriented 30° or more from due north-south, and which allow solar access equal to or greater than the provisions of division 1. or 2. above; or

ii. The owner of the property on the northerly side of the common lot line agrees in writing to permanently waive the requirement of the 15 foot side yard originally required to protect that property's solar access. The agreement must be included with the application for a building permit, if applicable, and shall be filed by the owners with the Planning Director after being recorded with the County Clerk.

4. Unless waived pursuant to division 3.ii above, in no case shall the distance between two residential buildings be less than 15 feet.

5. Setback lines shall be as indicated on the final plat (either by note, reference, or dimension) not inconsistent with this division (E).

ZONE GRID
No Features found.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	PROPERTY CLASS	TAX DISTRICT	
1	102006211942220101	HASTINGS BRADLEY C & KIMBERLY L	PO BOX 11233	ALBUQUERQUE	NM	87192	R	A1A	* C

ZONING

Rec	ZONING	DESCRIPTION
1	R-1	

ZONE GRID

Rec	ZONE ATLAS GRID
1	E20

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	8601	BRANDYWINE	RD	NE	26	13	CHERRY HILLS UNIT 2	ABQ36511

ZONE GRID
No Features found.

ZONE GRID
No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONST
1	CHERRY HILLS CIVIC	R

ZONE GRID
No Features found.

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	WINTER	4

ZIPCODES

Rec	ZIPCODE
1	87111

ZONE GRID
No Features found.

2-1-2010

TO: City of Albuquerque Zoning
Board Members

FROM: Heath and Margaret Bobb
8601 Brandywine Rd NE
Albuquerque, NM 87111

Dear Zoning Board Members,

We are writing this letter to request a variance for separation and setback so that we may build a detached garage in our back/side yard. Attached are drawings and specific measurements to refer to. Please note that we live on a corner lot, and part of our backyard wall is adjacent to part of our neighbor's front yard. The size of the garage would be 16 feet by 26 feet and rectangular in size. It would match the style of the existing house which is pitched roof (one floor) on a concrete footing.

Regarding the separation, zoning requires a separation of 10 feet between the existing house and the garage we want to build. Based on the size of the garage we would like to build, there would be only 8 to 9 feet between the house and the proposed garage. We are requesting a separation variance to allow this 8 to 9 foot separation.

Regarding the setback, zoning has special requirements for houses like ours whose backyard wall runs along the neighbor's front yard. The side of the garage would be approximately 13 feet from our side (west) property line, and 3 feet from the block wall which runs north/south on this side of the property. We are asking that you allow this amount of setback, and are confident that when you look at the drawings and the property, you will see that it does not create any line-of-sight hazards or nuisances.

We justify these requests based on the fact that our lot (property) is considered exceptional. The lot is situated on the corner of 2 streets (Brandywine Rd and Cherry Blossom), but the corner is not square. Also, the lot is odd-shaped in that it has odd angles and is not square either. We feel that this creates an unnecessary hardship that limits us to make use of this very large side/back yard area.

Thank you for your consideration in this matter. You are welcome to come view the area if you like. Please feel free to contact us if you have any questions or concerns.

Sincerely,

Heath Bobb M Bobb

Heath and Margaret Bobb
890-6751

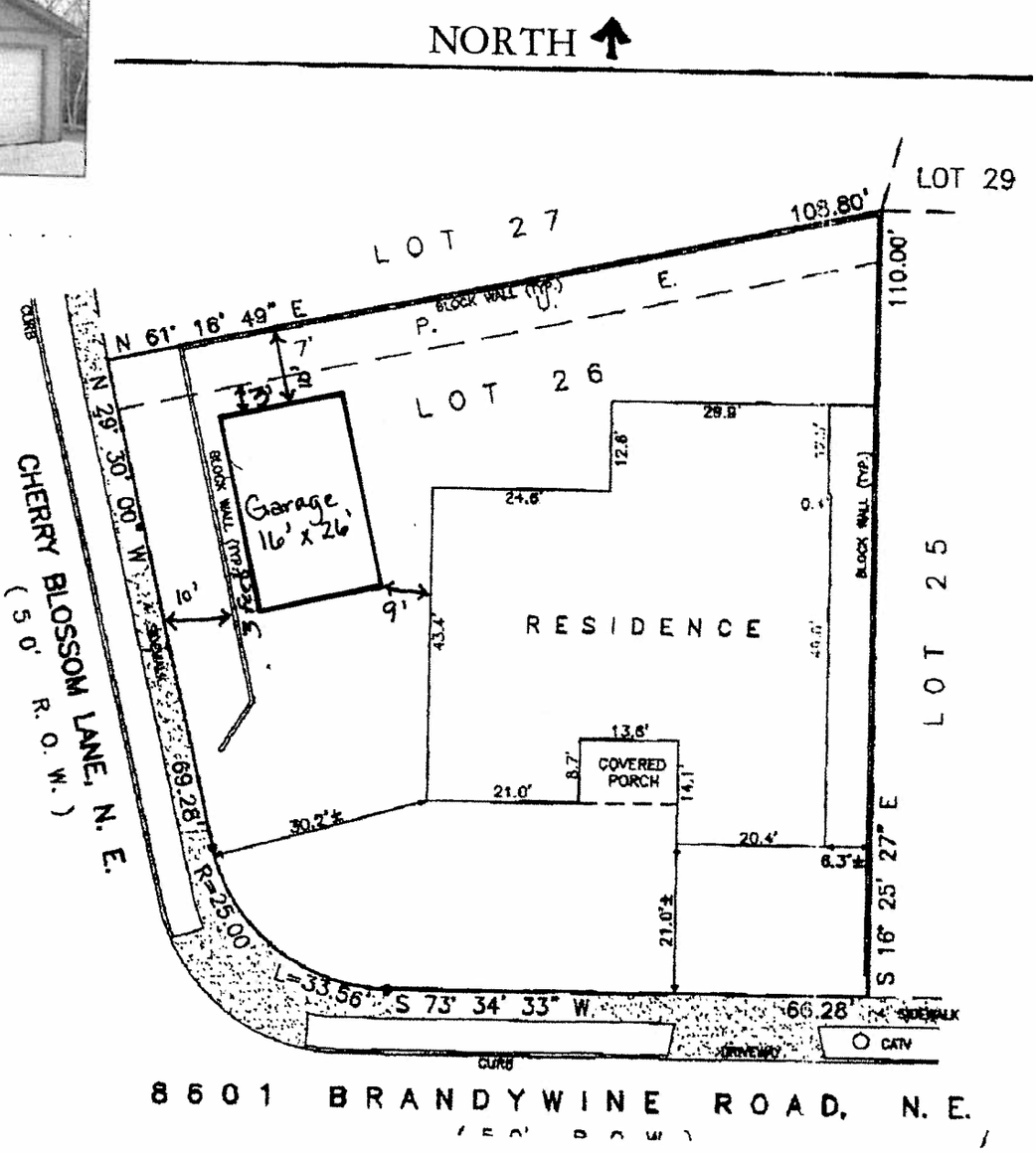
PROPERTY DESCRIPTION: 8601 Brandywine Rd NE

Lot Numbered twenty-six (26) in block numbered thirteen (13) of Cherry Hills Unit 2, a subdivision of the City of Albuquerque, Bernalillo County, New Mexico, on September 15, 1977.

The back of garage would face North. It would be 10 feet from the back (North) wall and would run parallel to the back block wall.

The West side of the garage would run parallel to the West block wall and would be +-13 feet from the property line and 3 feet from the block wall erected on the property. Setback request concerns this side.

The East side of the garage would sit at an odd angle to the house. The front (SE) corner of the garage would come within only 9 feet (rather than 10 feet) of the house. The separation request concerns this side.

The front of the garage would face south which is the direction the front of the house faces.

Ranch