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)

Jack's High Country Inc. (Jack Spilman Pres.)
PROFESSIONAL / AGENT NAME (FIRST, LAST) (H) ___-___-____

8953 2nd NW
MAILING ADDRESS (W) 505-898-3707

Albuquerque New Mexico 87114
CITY STATE ZIP CODE (C) ___-___-____

Shawnee Pedroncelli
OWNER NAME (FIRST, LAST–IF ANY) (H) ___-___-____

4501 3rd ST NW
MAILING ADDRESS (W) 505-346-7828

Albuquerque New Mexico 87107
CITY STATE ZIP CODE (C) 505-250-0241

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

4501 3rd St NW
STREET ADDRESS OF SPECIAL EXCEPTION 87107
ZIP CODE

12-A
LOT(S) TRACT(S) Two
BLOCK(s)

Gardner addition Sec. 5 Twnshp 10 North Range 3 East NMPM
SUBDIVISION / ADDITION / MRGCD MAP NO

1014060440428121 02 City of Albuq., Bern County NM January 2010
UNIFORM PROPERTY CODE

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

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 2010080080

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

PROJECT #: 1008232 **APPLICATION #:** 10ZHE80080

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. 14-16-2-6(D)(2)(a) REFERENCE SECTION NO:

(LEGAL AD) ACTION DESCRIPTION A variance of 950 square feet to the minimum lot area requirement of 5,000 square feet

SECTOR DEVELOPMENT AREA: Los Griegos

ZONED: R-1 ZONE MAP PAGE: G-14 NO. OF SIGNS ISSUED: 2

4501 3rd St NW
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

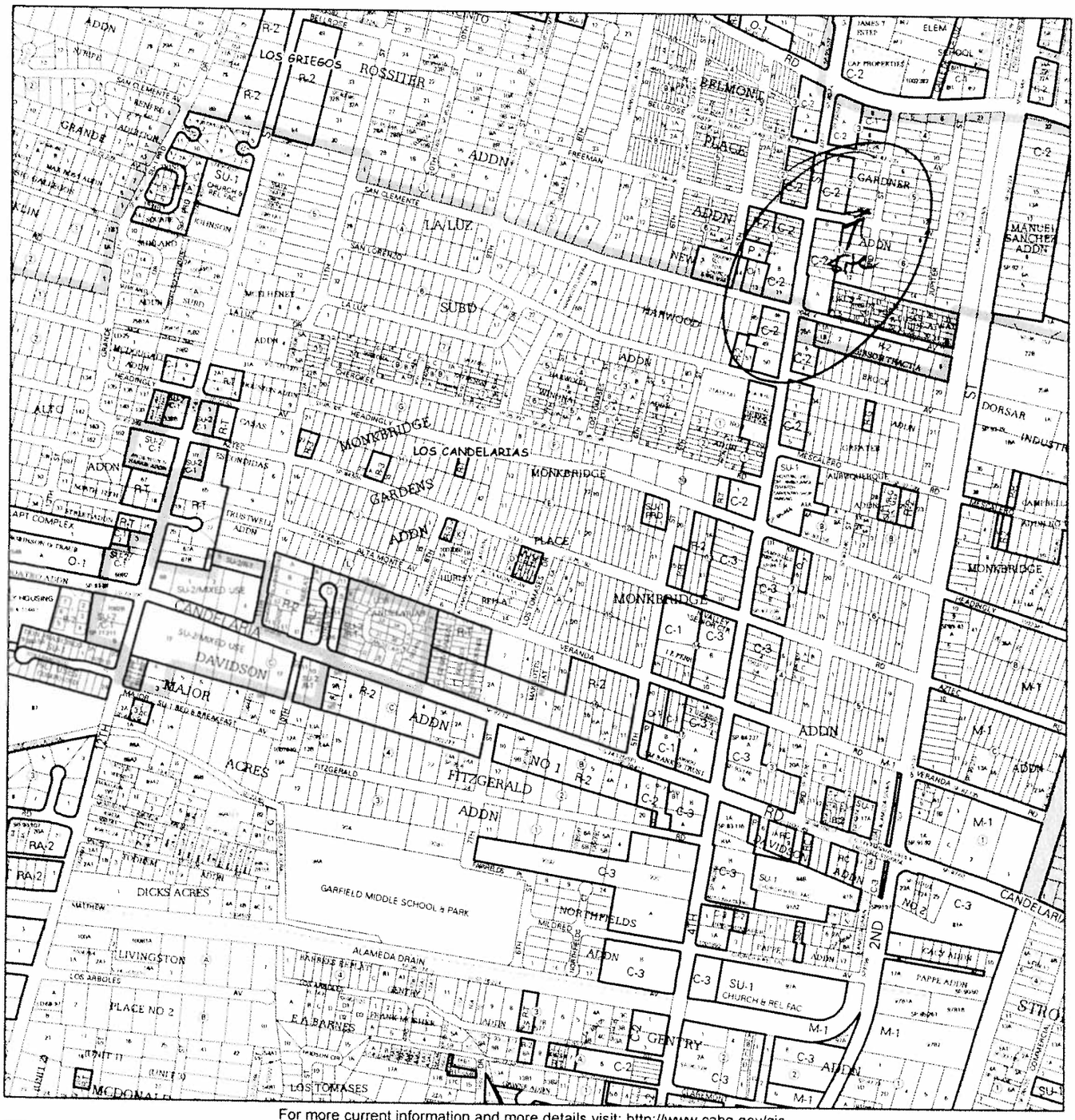
FEE: $ 145.00

Roberta Shaw 3/12/2010
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) DATE

04-20-10
DATE OF PUBLIC HEARING

City Of Albuquerque
(APN) 441018 / 4971000 $ 35.00
(CMP) 441032 / 3424000 $ 10.00
(ZHE) 441006 / 3451000 $ 100.00

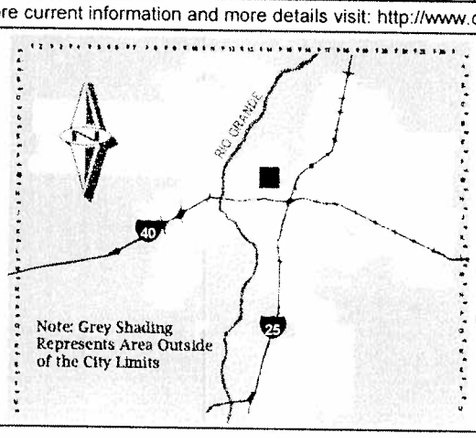
3/12/2010 2:15PM
WS# 006 TRANS# 0015
RECEIPT# 0012748 0012748
PERMIT# 2010080080 TRGLJB
Trans Amt $145.00
APN Fee $35.00
Conflict Manag. Fee $10.00
ZHE Actions $100.00
CK $145.00
CHANGE $0.00



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

AGIS
Albuquerque Geographic Information System

Map amended through: 3/10/2009



Zone Atlas Page:

G-14-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

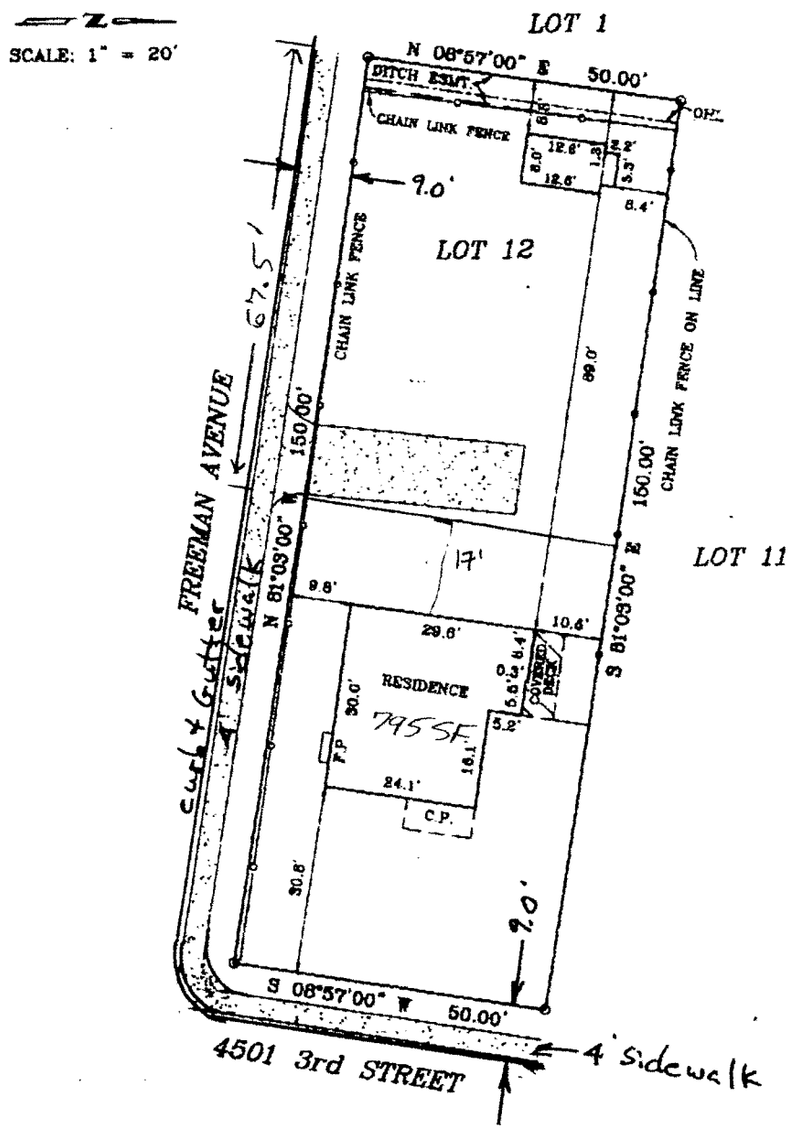
0 750 1,500 Feet

10-0057

SURVEYOR'S INSPECTION REPORT

-EXHIBIT-

THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE.



LEGAL DESCRIPTION

Lot numbered Twelve (12) in Block numbered Two (2) of the Gardner Addition, Albuquerque, New Mexico, as the same is shown and designated on the Plat filed on the office of the County Clerk of Bernalillo County, New Mexico, on March 28, 1940.

LI00-0051
00030090JG
PEDRONCELLI
STEWART TITLE COMPANY

HALL ENGINEERING COMPANY INC.
ENGINEERING•SURVEYING•PLANNING•CONSTRUCTION
1116 2ND ST., N.W. ALBUQUERQUE, NEW MEXICO 87102
PHONE: (505) 846-7622

259-0612 cell
Joe

Jack's High Country Inc.
8953 2nd N.W.
Albuquerque, NM 87114
(505) 898-3707

To: City of Albuquerque Zoning Board

Re: 4501 3rd Street N.W., Lot 12, Block 2 Gardner Addition

Dear: Members

We are coming before you to request a variance for lot size.

This is based on the following findings:
The Lot is much longer city "lots" at 150 feet. The back portion of the property is not in use and creates a hardship for the owners in taking care of such a large property. One block North of this property, Lot 9, Block 3 was allowed to be divided into lots 9-A & 9-B, which was recorded on August 21, 1987. This property is identical in size to ours. Also, 1 block South of our property subdivision named Del's Hide-away Park having lot sizes of 2300 square feet which was recorded on May 11, 2004 which was allowed. We feel our variance is fitting with the surrounding properties. If the variance were approved, it would allow the vacant property to be sold and would take the hardship off our client.

If there are any questions please feel free to contact me.

Sincerely,

Jack Spilman

from the edge of the street pavement, whichever is more restrictive;

2. The portion of the wall or fence which is more than three feet above the adjacent curb top is essentially an open fence which permits good visibility through it; or

3. On a corner lot, the rear yard of which is contiguous to the front yard of a residentially-zoned lot, and the wall or fence is not in the required front yard setback.

(a) The Zoning Hearing Examiner shall not approve a wall or fence unless the Traffic Engineer finds that the specific plan approved would not be a hazard to traffic visibility.

(b) Wire fences over three feet high and in setback areas are not normally considered to be in harmony with a residential streetscape.

(C) ***Height.*** Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code and antenna as provided in division (A) of this section.

(D) ***Lot Size.***

(1) Except as provided in division (2) and (3) below, minimum lot area shall be 6,000 square feet. Minimum lot width shall be 60 feet.

(2) (a) Lot standards in subdivisions for which plats are submitted after February 1, 1981, shall be:

1. Minimum lot area of 5,000 square feet.

2. Minimum lot width of 50 feet.

(b) Provided, however, that these standards rather than the standards indicated in division (1) above shall apply only where the Planning Director finds that such a lot size will not depart from a pattern of larger developed lots, which pattern constitutes the established character of the neighborhood.

(3) Lot standards for Family Housing Development subdivisions, which meet the requirements set forth in the Family Housing Development Ordinance or for a lot with vehicle access only to the rear yard from an alley or for a lot with a detached garage located in the rear yard and accessed by a driveway with a maximum width of 12 feet in the front yard and in the side yard abutting the side of the dwelling, shall be:

(a) Minimum lot area of 4,000 square feet.

(b) Minimum lot width of 40 feet.

(E) ***Setback.*** The following regulations apply, except as provided in § 14-16-3-3:

(1) There shall be a front yard setback of not less than 20 feet.

(2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 15 feet:

(a) There is no front yard driveway and vehicle access is only to the rear yard from an alley, or

ZONE GRID

No Features found.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	PROPERTY CLASS	TAX DISTRICT	LEGAL
1	101406044042812102	PEDRONCELLI SHAWNEE M	4501 3RD ST NW	ALBUQUERQUE	NM	87107	R	A1AM	* 012 002GARDNER AD

ZONING

Rec	ZONING	DESCRIPTION
1	R-1	

ZONE GRID

Rec	ZONE ATLAS GRID
1	G14

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	4501	3RD	ST	NW	12	2	GARDNER ADDN	ABQ65686

ZONE GRID

No Features found.

ZONE GRID

No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONSTATUS
1	GREATER GARDNER	R

SECTOR PLANS

Rec	SECTOR PLAN NAME
1	LOS GRIEGOS

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	Debbie O'Malley	2

ZIPCODES

Rec	ZIPCODE
1	87107

ZONE GRID

No Features found.

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: 3/12/2010

PLEASE ATTACH THIS FORM TO THE ORIGINAL APPLICATION FOR THE OFFICE