ORIGINAL

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 Loer
PROFESSIONAL / AGENT NAME (FIRST, LAST) — (H) 505-821-6928

7308 General Kearny Dr. NE
MAILING ADDRESS — (W) 505-553-5887

Albuquerque NM 87109
CITY STATE ZIP CODE — (C) 505-553-5887

Same
OWNER NAME (FIRST, LAST–IF ANY) — (H) Same

MAILING ADDRESS — (W) ___-___-____

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

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

7308 General Kearny Dr NE — 87109
STREET ADDRESS OF SPECIAL EXCEPTION — ZIP CODE

#22 — 5
LOT(S) — TRACT(S) — BLOCK(s)

Heritage East U. 1
SUBDIVISION / ADDITION / MRGCD MAP NO

Parcel # 1 020 063 291 132 41625
UNIFORM PROPERTY CODE

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

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

Jack E. Loer — 4.10.10
SIGNATURE — DATE

2010080159

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

PROJECT #: 1008310 **APPLICATION #:** 10 ZHE 80159

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(B)(7) REFERENCE SECTION NO: 14-16-2-14(C) Def 14-16-2-9(B)(1) REF

(LEGAL AD) ACTION DESCRIPTION Conditional use to allow allow message therapy in a R-D ZONE

SECTOR DEVELOPMENT AREA: Heritage Hills EAST

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

7308 General Kearing Dr NE
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

FEE: $ 145.00

Michael Anaya — 04-12-10
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) — DATE

05-18-10
DATE OF PUBLIC HEARING

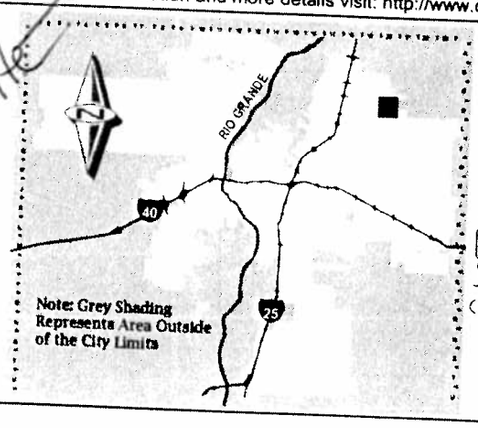
City Of Albuquerque
(APN) 441018 / 4971000 $ 35.00
(CMP): 441032 / 3424000 $ 10.00
(ZHE) 441006 / 3451000 $ 100.00

4/13/2010
WS# 007 TRANS# 0005
RECEIPT# 00
PERMIT# 2010080159 TRSASR
Trans Amt $145.00
APN Fee $35.00
Conflict Manag. Fee $10.00
ZHE Actions $100.00
CK $145.00
CHANGE $0.00
Thank You

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

AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

D-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 Contour
- Wall Overlay Zone

0 750 1,500 Feet

§ 14-16-2-14 R-D RESIDENTIAL AND RELATED USES ZONE, DEVELOPING AREA.

This zone permits a mixture of dwelling unit types and incidental related commercial activities.

(A) Permissive Uses.

(1) Permissive uses when pursuant to a Sector Development Plan adopted by the Planning Commission, and to a Site Development Plan and a Landscaping Plan approved by the Planning Director:

(a) Uses permissive in the R-3 zone.

(b) Permissive uses in the C-1 zone, except shopping centers. Such incidental commercial uses shall not exceed 15% of the R-D zone covered by a given Sector Development Plan.

(c) Mobile home development.

(B) Permissive uses when pursuant only to a Sector Development Plan, adopted by the Planning Commission: uses permissive in the R-T zone, subject to all controls of the R-T zone.

(C) Permissive uses, in areas not covered by an adopted Sector Development Plan, but pursuant to a Site Development Plan and Landscaping Plan approved by the Planning Director: uses permissive in the R-T zone, subject to all controls of the R-T zone.

(D) Permissive uses in areas not covered by an adopted Sector Development Plan or more detailed plan: uses permissive in the R-1 zone, subject to all controls of the R-1 zone.

(E) Conditional Uses.

(1) Uses conditional in the R-1 zone when the area is not covered by an adopted Sector Development Plan.

(2) Uses conditional in the R-3 zone when the area is covered by an adopted Sector Development Plan.

(3) Uses conditional in the C-1 zone on commercial locations approved by a Sector Development Plan.

(F) Open Space.

(1) Two thousand four hundred or more square feet of open space per dwelling shall be preserved. Of the total 2,400 square feet, the following minimum amounts shall be usable open space on the lot with the dwelling: 200 square feet for each efficiency or one-bedroom dwelling; 250 square feet for each two-bedroom dwelling, and 300 square feet for each dwelling containing three or more bedrooms. The remaining requirement may be met by the alternatives listed in § 14-16-3-8(A) of this Zoning Code.

(2) When an aggregate of two or more dwelling units is constructed on any given lot, the development shall include landscaping of the ground-level usable open space planted and maintained according to a landscaping plan approved by the Zoning Enforcement Officer.

§ 14-16-2-9 R-T RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas.

(A) Permissive Uses.

(1) Uses permissive in the R-1 zone, except:

(a) Agricultural animal keeping (see § 14-16-2-6(A)(2)(b)) is not permitted;

(b) Front yard parking of recreational vehicles (§ 14-16-2-6(A)(2)(h)3.) is not permitted;

(c) Hobby breeders (see § 14-16-2-6(A)(2)(k)) are not permitted; and

(d) Houses are not limited to one per lot.

(2) Townhouses.

(B) Conditional Uses. Uses conditional in the R-1 zone.

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

(D) Lot Size.

(1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 2,200 square feet per dwelling unit; minimum lot width shall be 22 feet per dwelling unit.

(2) For a townhouse in a Family Housing Development or for a townhouse with vehicle access only to the rear yard from an alley, minimum lot area shall be 1,760 square feet; minimum lot width shall be 18 feet.

(3) For a house, except as provided in division (4) below, minimum lot area shall be 3,600 square feet per dwelling unit; minimum lot width shall be 36 feet.

(4) For a house in a Family Housing Development or for a house 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, minimum lot area shall be 2,880 square feet; minimum lot width shall be 29 feet.

(E) Setback.

(1) There shall be a front-yard setback of not less than 15 feet except driveways shall be not less than 20 feet long.

(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 10 feet:

(a) Vehicle access is only to the rear yard from an alley, or

(7) Health care, including physicians, massage, therapy, etc. (but not nursing homes), as physically limited under home occupations.

(8) Public library.

(9) Public utility structure which is not permissive.

(10) Recreational facility (non-profit), such as community center, swimming pool, tennis club.

(11) Second kitchen within a house, provided:

(a) The kitchen is incidental to occupancy of the entire house in common by members of one family (as herein defined); that, in fact, there would not be two separate and distinct dwelling units, each exclusively occupied by some family members.

(b) If such use is approved, the Zoning Hearing Examiner shall record the terms of the action with the County Clerk, together with a signed acceptance of such terms by the owners. The terms of the city action shall run with the land.

(12) Shade structure including a covered patio, a gazebo, a pergola, a ramada or similar roofed structure, either detached or attached, in the required rear yard setback area, provided:

(a) No part is within three feet of a property line.

(b) No building wall is ever built within the required setback area.

(c) No more than 50% of the required rear yard setback area is covered by a roof.

(d) The structure shall not exceed 12 feet in height nor shall it exceed the height of the principal building on the site.

(e) A second floor deck is prohibited.

(f) The specific structure proposed is in harmony with the building site and with surrounding sites.

(13) Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year. Incidental signs may also be approved.

(14) Walls, fences, and retaining walls, in a setback area where height is normally limited to three feet, up to five feet high when less than ten feet from the property line, and up to six feet high when ten or more feet from the property line, provided:

(a) It is attractive and in harmony with its site, the style of the wall or fence blending architecturally with the adjacent residences and with the general streetscape, it is consistent with the requirements of Section § 14-16-3-19,and it is at least one of the following:

1. At least 11 feet from the public sidewalk or planned public sidewalk location, or 14 feet

Jack Loer ◆ LMT NM #5579, HHP

Touch & Healing
Massage Therapy

Touching lives...
Healing bodies...
Opening self-awareness

April 12, 2010

City of Albuquerque Zoning Enforcement Division
600 2nd Street NW, 7th Floor
Albuquerque, NM 87102

To Zoning Division:

This is my request for a Conditional Use for my business, Touch & Healing Massage Therapy, located at 7308 General Kearny Dr. NE Albuquerque NM, 87109. I have an Associate Degree in Massage Therapy and have practiced massage therapy for 9 years, previously in California; and I have held a NM state license and a city business license from 2007-2010. I have worked as a contractor for Southwest Orthopaedic Physical Therapy for 2 years and would like to have a conditional use permit so I can see private clients in my home.

My business will not be injurious to adjacent properties, the neighborhood, or the community; and will not be significantly damaged by surrounding structures or activities. My business is confined to one bedroom studio within the current structure of our home. As a small business, I see only 2-4 clients per week; and sometimes there are no clients in a given week. My clients use street parking - one car at a time. I use yellow page advertising and word-of-mouth referrals to obtain clients and will not use signs on the property.

I have attached a supplemental letter with names and signatures of my neighbors that indicates they have been informed of my conditional use application and have no objections to my home business.

Sincerely,

Jack Loer, LMT NM #5579
attach

7308 General Kearny Dr. NE ◆ Albuquerque, NM 87109
☎ 505.553.5887 ✉ TouchandHealing@comcast.net ◆ www.TouchandHealing.com

Jack Loer ◆ LMT NM #5579, HHP

Touch & Healing
Massage Therapy

Touching lives...
Healing body...
Opening self-awareness

April 12, 2010

City of Albuquerque Zoning Enforcement Division
600 2nd Street NW, 7th Floor
Albuquerque, NM 87102

To Zoning Division:

This is a supplement to my request for a Conditional Use for my business, Touch & Healing Massage Therapy, located at 7308 General Kearny Dr. NE Albuquerque NM, 87109. The list of names and addresses of my neighbors below signifies that they have been informed of my request and have no objections to my home business.

Name	Address	Signature
David Latham	7309 Gen Kearny Dr.	[signature]
PETE TAGLIAFERRI	7300 GEN KEARNY DR.	[signature]
Kanita Chand	7305 GEN KEARNY DR. NE	[signature]
Mark Burkhardt	7312 Gen Kearny Dr NE	[signature]
K V Sang	7315 Gen Kearny NE	[signature]
DANIEL BORREGO	7304 GEN KEARNY DR NE	[signature]

Sincerely,

[signature]

Jack Loer, LMT NM #5579

417 Rock Creek Park Ave NE ◆ Albuquerque NM 87123
☎ 505.553.5687 ✉ TouchandHealing@comcast.net ◆ www.TouchandHealing.com

*** THIS IS NOT AN INVOICE ***

FACILITY ID#: FA0073695

Program ID	Effective From Date	Effective To Date
BUSINESS REGISTRATION	03/01/2010	02/28/2011

CITY OF ALBUQUERQUE
P.O. BOX 17
ALBUQUERQUE, NM 87103

JACK LOER

TOUCH & HEALING MASSAGE THERAPY
7308 GENERAL KEARNY DR NE
ALBUQUERQUE, NM 87109

CITY OF ALBUQUERQUE

TOUCH & HEALING MASSAGE THER
7308 GENERAL KEARNY DR NE
ALBUQUERQUE, NM 87109

Facility No.: FA0073695

"Albuquerque, Open for Business"

RECORD ID	PROGRAM DESCRIPTION	PROGRAM IDENTIFIER	Effective Dates From	Effective Dates Through
PT0084424	Business Registration Receipt	BUSINESS REGISTRATION	03/01/2010	02/28/2011

HAVING COMPLIED WITH THE FEE REQUIREMENTS OF CHAPTER 13 ARTICLE 1 OF THE REVISED ORDINANCES

REGISTRATION OR LICENSING WITH THE CITY OF ALBUQUERQUE AND PAYMENT OF FEES DOES NOT CONSTITUTE A WAVER OF ANY REQUIREMENTS OR PROVISIONS CONTAINED IN ANY LAW.

THE ACTIVITY/BUSINESS PROPOSED TO BE CONDUCTED AT ANY LOCATION WITHIN THE CITY SHALL BE APPROVED BY THE CITY'S ZONING ENFORCEMENT OFFICER PRIOR TO COMMENCING THE ACTIVITY/BUSINESS

Consumer Health Protection Division
768-2738

Treasury Division
768-3354

POST IN A CONSPICUOUS PLACE

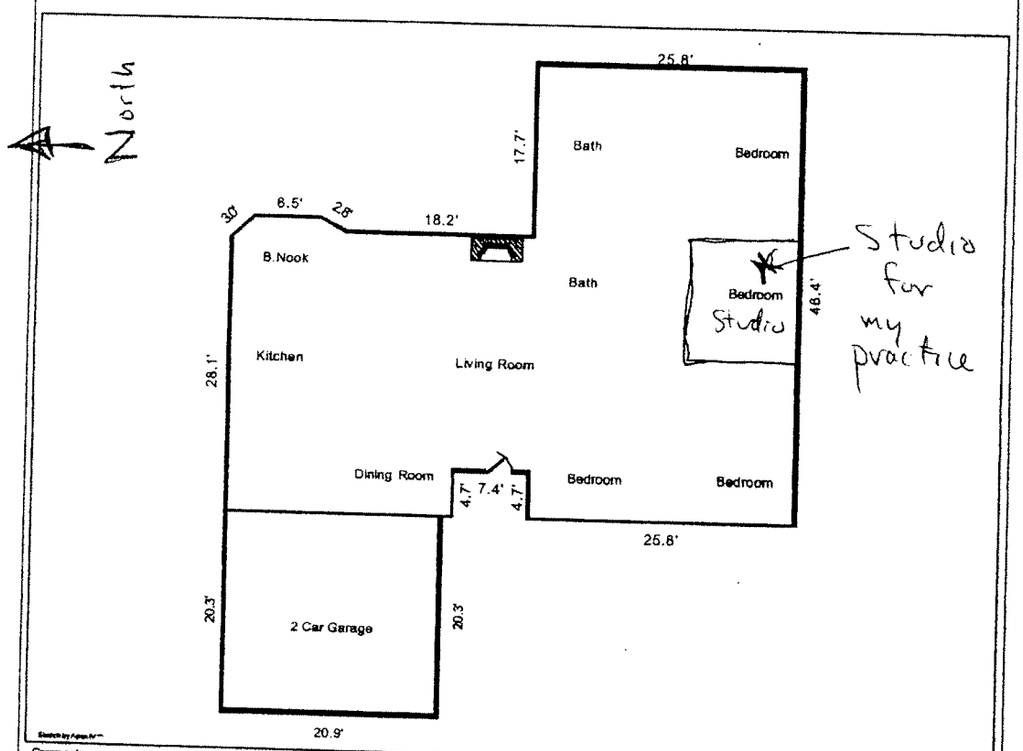
I017.rpt V 1.0

4/6/2010 File Copy

SKETCH ADDENDUM

File No: LCH06194

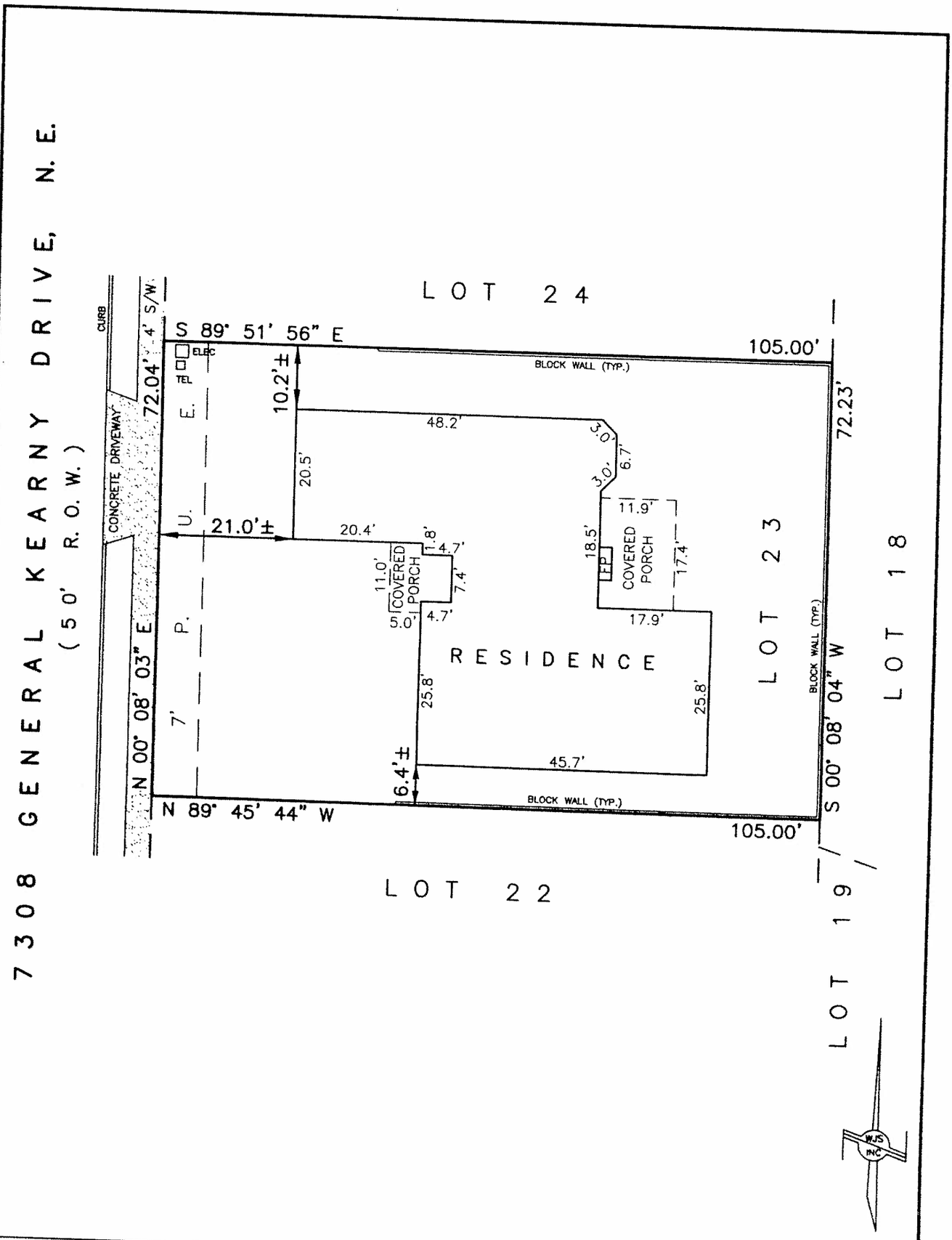
Borrower Yamato
Property Address 7308 General Kearney Dr. NE
City Albuquerque County Bernalillo State NM Zip Code
Lender/Client Market Value



Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	2018.0	2018.0
GAR	Garage	424.3	424.3
Net LIVABLE Area		(Rounded)	2018

LIVING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
	25.8 x 46.4	1198.3
0.5 x	2.2 x 2.0	2.2
0.5 x	2.4 x 1.4	1.7
	1.4 x 6.5	9.1
	0.6 x 8.9	5.8
	11.1 x 28.1	312.4
	10.8 x 28.7	310.5
	7.4 x 24.0	177.9
8 Items	(Rounded)	2018



IMPROVEMENT LOCATION REPORT SKETCH

JOB NO.:	ILR-9-07-2006	BUYER:	YAMATO	SCALE:	1" = 20'
		LOT:	23		
		BLOCK:	5		
		SUBDIVISION:	HERITAGE EAST U. 1		
		TITLE CO.:	FIDELITY		
		GF NO.:	06-1068125-B-CMS		
		DATE:	9/05/2006		
		DRAWN BY:	TDJ		
		PAGE NO.:	2 OF 2		

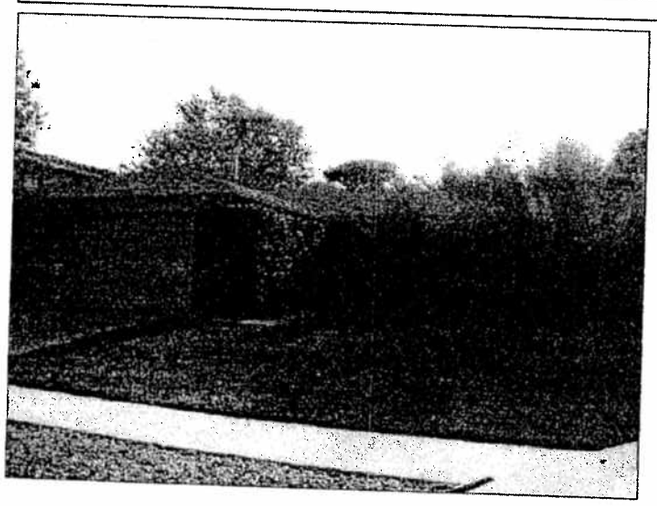
WAYJOHN SURVEYING INC
330 Louisiana Blvd., NE Albuquerque, NM 87108
Phone: (505) 255-2052 Fax: (505) 255-2887

THOMAS D. JOHNSTON
NEW MEXICO
14269
REGISTERED LAND SURVEYOR

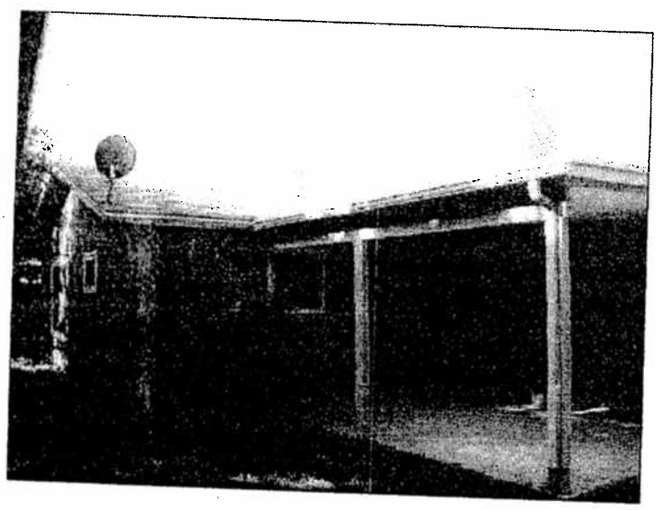
SUBJECT PHOTOGRAPH ADDENDUM

LCH06194

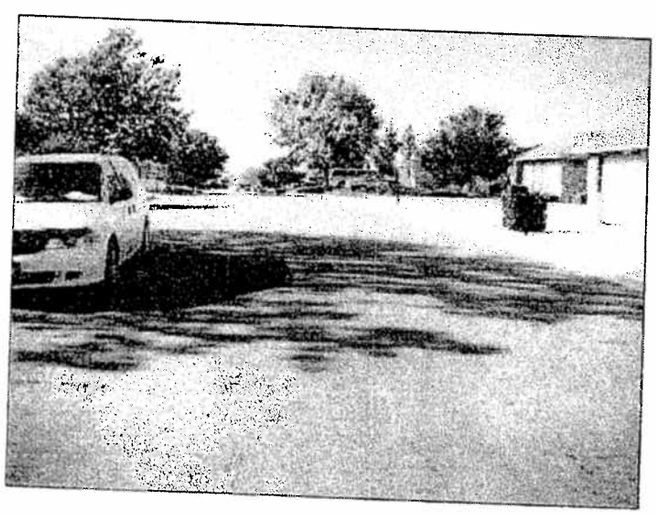
Borrower Yamato
Property Address 7308 General Kearney Dr. NE
City Albuquerque County Bernalillo State NM Zip Code
Lender/Client Market Value



FRONT OF
SUBJECT PROPERTY



REAR OF
SUBJECT PROPERTY



STREET SCENE

ZONE GRID

No Features found.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	PROPERTY CLASS	DIS
1	102006329113241625	YAMATO FAMILY TRUST	7308 GENERAL KEARNY DR NE	ALBUQUERQUE	NM	87109	R	A1/

ZONING

Rec	ZONING	DESCRIPTION
1	R-D	

ZONE GRID

Rec	ZONE ATLAS GRID
1	D20

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	7308	GENERAL KEARNY	DR	NE	23	5	HERITAGE EAST UNIT 1	ABQ31105

ZONE GRID

No Features found.

ZONE GRID

No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIO
1	HERITAGE EAST	R

SECTOR PLANS

Rec	SECTOR PLAN NAME
1	HERITAGE HILLS EAST

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	Brad Winter	4

ZIPCODES

Rec	ZIPCODE
1	87109

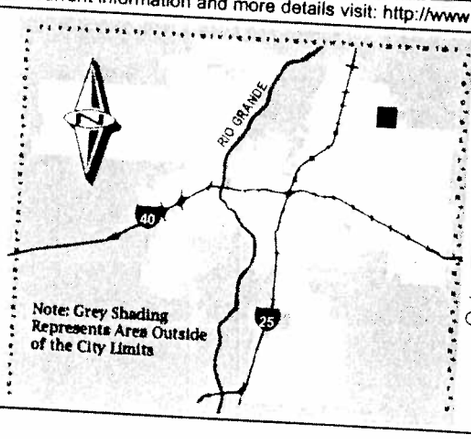
ZONE GRID

No Features found.

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

AGIS
Albuquerque Geographic Information System

Map amended through: 2/4/2010



Zone Atlas Page:

D-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 Contour
- Wall Overlay Zone

0 750 1,500 Feet

§ 14-16-2-14 R-D RESIDENTIAL AND RELATED USES ZONE, DEVELOPING AREA.

This zone permits a mixture of dwelling unit types and incidental related commercial activities.

(A) Permissive Uses.

(1) Permissive uses when pursuant to a Sector Development Plan adopted by the Planning Commission, and to a Site Development Plan and a Landscaping Plan approved by the Planning Director:

(a) Uses permissive in the R-3 zone.

(b) Permissive uses in the C-1 zone, except shopping centers. Such incidental commercial uses shall not exceed 15% of the R-D zone covered by a given Sector Development Plan.

(c) Mobile home development.

(B) Permissive uses when pursuant only to a Sector Development Plan, adopted by the Planning Commission: uses permissive in the R-T zone, subject to all controls of the R-T zone.

(C) Permissive uses, in areas not covered by an adopted Sector Development Plan, but pursuant to a Site Development Plan and Landscaping Plan approved by the Planning Director: uses permissive in the R-T zone, subject to all controls of the R-T zone.

(D) Permissive uses in areas not covered by an adopted Sector Development Plan or more detailed plan: uses permissive in the R-1 zone, subject to all controls of the R-1 zone.

(E) Conditional Uses.

(1) Uses conditional in the R-1 zone when the area is not covered by an adopted Sector Development Plan.

(2) Uses conditional in the R-3 zone when the area is covered by an adopted Sector Development Plan.

(3) Uses conditional in the C-1 zone on commercial locations approved by a Sector Development Plan.

(F) Open Space.

(1) Two thousand four hundred or more square feet of open space per dwelling shall be preserved. Of the total 2,400 square feet, the following minimum amounts shall be usable open space on the lot with the dwelling: 200 square feet for each efficiency or one-bedroom dwelling; 250 square feet for each two-bedroom dwelling, and 300 square feet for each dwelling containing three or more bedrooms. The remaining requirement may be met by the alternatives listed in § 14-16-3-8(A) of this Zoning Code.

(2) When an aggregate of two or more dwelling units is constructed on any given lot, the development shall include landscaping of the ground-level usable open space planted and maintained according to a landscaping plan approved by the Zoning Enforcement Officer.

§ 14-16-2-9 R-T RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas.

(A) ***Permissive Uses.***

(1) Uses permissive in the R-1 zone, except:

(a) Agricultural animal keeping (see § 14-16-2-6(A)(2)(b)) is not permitted;

(b) Front yard parking of recreational vehicles (§ 14-16-2-6(A)(2)(h)3.) is not permitted;

(c) Hobby breeders (see § 14-16-2-6(A)(2)(k)) are not permitted; and

(d) Houses are not limited to one per lot.

(2) Townhouses.

(B) ***Conditional Uses.*** Uses conditional in the R-1 zone.

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

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

(1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 2,200 square feet per dwelling unit; minimum lot width shall be 22 feet per dwelling unit.

(2) For a townhouse in a Family Housing Development or for a townhouse with vehicle access only to the rear yard from an alley, minimum lot area shall be 1,760 square feet; minimum lot width shall be 18 feet.

(3) For a house, except as provided in division (4) below, minimum lot area shall be 3,600 square feet per dwelling unit; minimum lot width shall be 36 feet.

(4) For a house in a Family Housing Development or for a house 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, minimum lot area shall be 2,880 square feet; minimum lot width shall be 29 feet.

(E) ***Setback.***

(1) There shall be a front-yard setback of not less than 15 feet except driveways shall be not less than 20 feet long.

(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 10 feet:

(a) Vehicle access is only to the rear yard from an alley, or

(7) Health care, including physicians, massage, therapy, etc. (but not nursing homes), as physically limited under home occupations.

(8) Public library.

(9) Public utility structure which is not permissive.

(10) Recreational facility (non-profit), such as community center, swimming pool, tennis club.

(11) Second kitchen within a house, provided:

(a) The kitchen is incidental to occupancy of the entire house in common by members of one family (as herein defined); that, in fact, there would not be two separate and distinct dwelling units, each exclusively occupied by some family members.

(b) If such use is approved, the Zoning Hearing Examiner shall record the terms of the action with the County Clerk, together with a signed acceptance of such terms by the owners. The terms of the city action shall run with the land.

(12) Shade structure including a covered patio, a gazebo, a pergola, a ramada or similar roofed structure, either detached or attached, in the required rear yard setback area, provided:

(a) No part is within three feet of a property line.

(b) No building wall is ever built within the required setback area.

(c) No more than 50% of the required rear yard setback area is covered by a roof.

(d) The structure shall not exceed 12 feet in height nor shall it exceed the height of the principal building on the site.

(e) A second floor deck is prohibited.

(f) The specific structure proposed is in harmony with the building site and with surrounding sites.

(13) Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year. Incidental signs may also be approved.

(14) Walls, fences, and retaining walls, in a setback area where height is normally limited to three feet, up to five feet high when less than ten feet from the property line, and up to six feet high when ten or more feet from the property line, provided:

(a) It is attractive and in harmony with its site, the style of the wall or fence blending architecturally with the adjacent residences and with the general streetscape, it is consistent with the requirements of Section § 14-16-3-19,and it is at least one of the following:

1. At least 11 feet from the public sidewalk or planned public sidewalk location, or 14 feet