



HEARING ON SPECIAL EXCEPTIONS
TO THE COMPREHENSIVE CITY ZONING CODE

ZONING HEARING EXAMINER'S AGENDA

TUESDAY, FEBRUARY 19, 2013 9:00 A.M.
PLAZA DEL SOL HEARING ROOM
BASEMENT LEVEL
600 SECOND STREET NW
(ON THE NORTHEAST CORNER OF 2ND STREET AND ROMA NW)

STAFF

Joshua J. Skarsgard Esq., Zoning Hearing Examiner

Randall Falkner, Planner

Vanessa F. King, Administrative Hearing Office Liaison

For Inquiries Regarding This Agenda, Please Call Vanessa F. King at (505) 768-4503.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Joshua J. Skarsgard, Esq.

Office of Administrative Hearings

P.O. Box 1293

Albuquerque, NM 87103

NOTICE TO PEOPLE WITH DISABILITIES: *If you have a disability and you require special assistance to participate in this hearing, please contact Vanessa F. King at (505) 768-4503.*

INTERPRETER REQUIRED:

- | | | | |
|----|------------------|------------------|---|
| 1. | *IR* 12ZHE-80365 | Project# 1009498 | FLOR KARIME GUADERRAMA request(s) a special exception to Section 14-16-2-8(B)(1) and 14-16-2-6(B)(5): a CONDITIONAL USE for a proposed daycare for up to 12 children for all or a portion of Lot(s) 59, BRIAR RIDGE AT VENTANA RANCH zoned R-LT, located on 7723 STADLER AV NW (B-9) |
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NO DECISION ISSUED.

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| 2. | *IR* 12ZHE-80390 | Project# 1009538 | VALENTIN TERRAZAS request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow an existing 5' wall in the front yard setback area for all or a portion of Lot(s) B, SOUTH BROADWAY zoned SU-2 MR, located on 2117 JOHN ST SE (L-14) |
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APPROVED WITH CONDITIONS.

OLD BUSINESS:

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| 3. | 12ZHE-80322 | Project# 1009466 | WESTERN REFINING SOUTHWEST, INC., (STEVEN REINHART OR JERRY A. HAMM) request(s) a special exception to Section 14-16-2-17(B)(15): a CONDITIONAL USE to allow retail sale of alcoholic drinks for consumption off premises for all or a portion of Lot(s) 3,4,5, Block(s) 8, FARR-FRECERICK A ADDN zoned C-2, located on 7011 LOMAS BLVD NE (J-18) |
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DEFERRED 3/19/13.

4. **12ZHE-80377** **Project# 1008124** **MURPHY OIL USA INC., GREGORY WILSON (JERRY HAMM, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(18): a **CONDITIONAL USE** to allow retail sales of alcoholic beverages for consumption off premise for all or a portion of Lot(s) A1A1, Block(s) A1A1, **AMERICAN SQUARE** zoned C-2, located on **3535 MENAUL BLVD NE** (H-16)
DEFERRED 3/19/13.
5. **12ZHE-80362** **Project# 1009495** **JEFFREY MACE & KARIN PHAM** request(s) a special exception to Section 14-16-2-6(B)(7): a **CONDITIONAL USE** to allow a proposed home occupation for massage therapy, acupuncture and yoga for all or a portion of Lot(s) 3, Block(s) 12, **ACADEMY PLACE UNIT 5** zoned R-1, located on **10408 MALAGUENA LN NE** (E-21)
MATTER CONTINUED.

NEW BUSINESS:

6. **13ZHE-80394** **Project# 1009547** **ED BURCH** request(s) a special exception to Section 14-16-2-19(C)(1) of the North Interstate 25 Sector Development Plan: a **VARIANCE** of 14'5" to the structure height requirement within the 45 degree angle plane for a proposed addition for all or a portion of Lot(s) 31, Block(s) 33, zoned SU-2 IP or SU-2 NC, located on **6009 CARMEL AVE NE** (C-18)
DEFERRED 3/19/13.
7. **13ZHE-80395** **Project# 1009547** **ED BURCH** request(s) a special exception to Section 14-16-2-19(E)(3) of the North Interstate 25 Sector Development Plan: a **VARIANCE** of 4'8" to the 10' rear yard required setback requirement for a proposed addition for all or a portion of Lot(s) 31, Block(s) 33, zoned SU-2 IP or SU-2 NC, located on **6009 CARMEL AVE NE** (C-18)
DEFERRED 3/19/13.
8. **13ZHE-80396** **Project# 1009547** **ED BURCH** request(s) a special exception to Section 14-16-3-10(E)(3)(6) of the North Interstate 25 Sector Development Plan: a **VARIANCE** 6' to the 6' side landscaping buffer to allow a proposed addition for all or a portion of Lot(s) 31, Block(s) 33, zoned SU-2 IP or SU-2 NC, located on **6009 CARMEL AVE NE** (C-18)
DEFERRED 3/19/13.
9. **13ZHE-80397** **Project# 1009547** **ED BURCH** request(s) a special exception to Section 14-114-16-3-10(E)(3)(C) of the North Interstate 25 Sector Development Plan: a **VARIANCE** of 6' to the 6' rear yard landscaping buffer to allow a proposed addition for all or a portion of Lot(s) 31, Block(s) 33, zoned SU-2 IP or SU-2 NC, located on **6009 CARMEL AVE NE** (C-18)
DEFERRED 3/19/13.
10. **13ZHE-80401** **Project# 1009551** **NICK SANCHEZ (JIM DUNCAN, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(3)(a): a **VARIANCE** of 10' to the required 10' front landscape buffer for an existing addition for all or a portion of Lot(s) N3, Block(s) N, **COLES INDUSTRIAL NO. 2** zoned M-1, located on **3401 VASSAR DR NE** (G-16)
APPROVED WITH CONDITIONS.
11. **13ZHE-80402** **Project# 1009551** **NICK SANCHEZ (JIM DUNCAN, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(3)(b): a **VARIANCE** of 6' to the required 6' south side yard landscape buffer for an existing addition for all or a portion of Lot(s) N3, Block(s) N, **COLES INDUSTRIAL NO. 2** zoned M-1, located on **3401 VASSAR DR NE** (G-16)
APPROVED WITH CONDITIONS.

12. **13ZHE-80403** **Project# 1009551** **NICK SANCHEZ (JIM DUNCAN, AGENT** request(s) a special exception to Section 14-16-3-10(E)(3)(b): a VARIANCE of 6' to the required 6' north landscape buffer for a proposed addition for all or a portion of Lot(s) N3, Block(s) N, COLES INDUSTRIAL NO. 2 zoned M-1, located on **3401 VASSAR DR NE (G-16)**
APPROVED WITH CONDITIONS.
13. **13ZHE-80410** **Project# 1009557** **DAN D. AND ADELINE S. CHAVEZ** request(s) a special exception to Page 5 C.3 of the 2010 Downtown Sector Development Plan: a VARIANCE of 3' to the required 3' west side landscape buffer for an existing parking lot for all or a portion of Lot(s) 87-94, Block(s) 8, ARMIJO--PERFECTO BROTHERS ADDN zoned SU-3 GOV/FIN/HOSPITALITY FOCUS, located on **615 MARQUETTE AVE NW (J-14)**
DEFERRED 3/19/13.
14. **13ZHE-80411** **Project# 1009557** **DAN D. AND ADELINE S. CHAVEZ** request(s) a special exception to Page 5 C.3 of the 2010 Downtown Sector Development Plan: a VARIANCE of 3' to the required 3' south side landscape buffer for an existing parking lot for all or a portion of Lot(s) 87-94, Block(s) 8, ARMIJO--PERFECTO BROTHERS ADDN zoned SU-3 GOV/FIN/HOSPITALITY FOCUS, located on **615 MARQUETTE AVE NW (J-14)**
DEFERRED 3/19/13.
15. **13ZHE-80418** **Project# 1009561** **PARKING COMPANY OF AMERICA-ALBUQUERQUE, LLC., (DANIEL CHAVEZ, AGENT)** request(s) a special exception to Page 5, Paragraph 3 of the 2010 Downtown Sector Development Plan: a VARIANCE of 3' to the required 3' west side landscape buffer for all or a portion of Lot(s) 18-24, Block(s) 2, ARMIJO--PERFECTO BRO ADDN zoned SU-3 GOV/FIN/HOS FOCUS, located on **600 MARQUETTE AVE NW (J-14)**
DEFERRED 3/19/13.
16. **13ZHE-80420** **Project# 1009561** **PARKING COMPANY OF AMERICA-ALBUQUERQUE, LLC., (DANIEL CHAVEZ, AGENT)** request(s) a special exception to Page 5, Paragraph 2 of the 2010 Downtown Sector Development Plan: a VARIANCE of 12 trees to the required 12 street trees for all or a portion of Lot(s) 18-24, Block(s) 2, ARMIJO--PERFECTO BRO ADDN zoned SU-3 GOV/FIN/HOS FOCUS, located on **600 MARQUETTE AVE NW (J-14)**
DEFERRED 3/19/13.
17. **13ZHE-80421** **Project# 1009561** **PARKING COMPANY OF AMERICA-ALBUQUERQUE, LLC., (DANIEL CHAVEZ, AGENT)** request(s) a special exception to Page 5, Paragraph 2 of the 2010 Sector Development Plan: a VARIANCE of 6 trees to the required 6' parking lot trees for all or a portion of Lot(s) 18-24, Block(s) 2, ARMIJO--PERFECTO BRO ADDN zoned SU-3 GOV/FIN/HOS FOCUS, located on **600 MARQUETTE AVE NW (J-14)**
DEFERRED 3/19/13.
18. **13ZHE-80423** **Project# 1009564** **XAVIER NUNO-WHELAN** request(s) a special exception to Section 14-16-3-16(D)(1): a VARIANCE of 5' to the required 15' front setback for proposed new construction in the front yard setback area for a new home for all or a portion of Lot(s) 2AP1, SYDNEY PLACE zoned RA-2 (PCD), located on **2040 SIDNEY LN NW (G-13)**
DEFERRED 3/19/13.
19. **13ZHE-80424** **Project# 1009564** **XAVIER NUNO-WHELAN** request(s) a special exception to Section 14-16-3-16(D)(2): a VARIANCE of 5' to the required 15' rear setback for proposed new construction for a new home for all or a portion of Lot(s) 2AP1, SYDNEY PLACE zoned RA-2 (PCD), located on **2040 SIDNEY LN NE (G-13)**
DEFERRED 3/19/13.

*******LUNCH BREAK*******

HEARING WILL RESUME PROMPTLY
AT 1:30 P.M. WITH ITEM #20

IF YOU ARE AGENDA ITEMS 20-38

PLEASE COME TO THE HEARING AT 1:30 P.M.

20. **13ZHE-80413** **Project#** **PATSY PAYNTER** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1): a **CONDITIONAL USE** to allow an existing 4'6" fence in the front yard setback area for all or a portion of Lot(s) 13, Block(s) 9, **HOMESTEAD HILLS** zoned R-1, located on **5224 TERRITORIAL RD NW** (D-11)
1009559
- APPROVED WITH CONDITIONS.**
21. **13ZHE-80414** **Project#** **PATSY PAYNTER** request(s) a special exception to Section 14-16-2-6(E)(1): a **VARIANCE** of 20' to the 20' front yard setback to allow an existing carport for all or a portion of Lot(s) 13, Block(s) 9, **HOMESTEAD HILLS** zoned R-1, located on **5224 TERRITORIAL RD NW** (D-11)
1009559
- APPROVED WITH CONDITIONS.**
22. **13ZHE-80415** **Project#** **PATSY PAYNTER** request(s) a special exception to Section 14-16-2-6(E)(4)(a): a **VARIANCE** of 5' to the 5' side yard setback to allow an existing carport for all or a portion of Lot(s) 13, Block(s) 9, **HOMESTEAD HILLS** zoned R-1, located on **5224 TERRITORIAL RD NW** (D-11)
1009559
- APPROVED WITH CONDITIONS.**
23. **13ZHE-80416** **Project#** **MERIDETH HMURA (SUSAN T. PRICE, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(1): a **VARIANCE** of 2' to the required 20' front yard setback area for a proposed addition all or a portion of Lot(s) A, Block(s) 13, **LOMA VISTA ADDN** zoned R-1, located on **1012 DARTHMOUTH DR NE** (J-16)
1009560
- APPROVED.**
24. **13ZHE-80417** **Project#** **MERIDETH HMURA (SUSAN T. PRICE, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(3)(a): a **VARIANCE** of 2.6" to the required 20' side yard setback on a corner lot for a proposed addition all or a portion of Lot(s) A, Block(s) 13, **LOMA VISTA ADDN** zoned R-1, located on **1012 DARTHMOUTH DR NE** (J-16)
1009560
- APPROVED.**
25. **12ZHE-80389** **Project#** **RANDOLPH PROJECT, LLC., (JAKE BORDENAVE, AGENT)** request(s) a special exception to Section 14-16-2-19(D): a **VARIANCE** of .16 acres to the minimum lot size of .5 acres for a proposed lot area for all or a portion of Lot(s) 12A, **NZ COMMERCIAL OFFICE CENTER** zoned IP, located on **1711 RANDOPLH RD SE** (M-15)
1009536
- APPROVED WITH CONDITIONS.**
26. **13ZHE-80400** **Project#** **JEFFREY B. WEST** request(s) a special exception to Section 14-16-2-6(E)(5)(a): a **VARIANCE** of 10' to the required 15' rear yard setback area for a proposed addition for all or a portion of Lot(s) 20, Block(s) 10, **LA HACIENDA ADDN** zoned R-1, located on **715 MORNINGSIDE DR NE** (J-17)
1009550
- APPROVED WITH CONDITIONS.**

27. **13ZHE-80404** **Project# 1009553** **MARIAH JEFFERSON** request(s) a special exception to Section 14-16-2-6(B)(12), 14-16-2-12(B)(1)REF and 14-16-2-11(B)(1)REF: a CONDITIONAL USE to allow a proposed covered patio in the rear yard setback area for all or a portion of Lot(s) 19-P1, Block(s) B, SUN TERRACE ESTATES zoned R-3, located on **6019 CARDIGAN CT NW** (E-11)
APPROVED WITH CONDITIONS.
28. **13ZHE-80405** **Project# 1009553** **MARIAH JEFFERSON** request(s) a special exception to Section 14-16-2-6(14)(a)(2), 14-16-2-12(B)(1)REF and 14-16-2-11(B)(1)REF: a CONDITIONAL USE to allow a proposed 5' wall in the front yard setback area for all or a portion of Lot(s) 19-P1, Block(s) B, SUN TERRACE ESTATES zoned R-3, located on **6019 CARDIGAN CT NW** (E-11)
DEFERRED 3/19/13.
29. **13ZHE-80407** **Project# 1009554** **DAVID COLBERT** request(s) a special exception to Section 14-16-2-6(B)(14) and Page 100 B of the Sawmill Wells Park Sector Development Plan: a CONDITIONAL USE for a proposed wall to be up to 5' in the front yard setback area for all or a portion of Lot(s) 11, Block(s) 3, ANDERSON ADDN NO. 2 zoned S-R, located on **1320 8TH ST NW** (J-14)
DEFERRED 3/19/13.
30. **13ZHE-80408** **Project# 1009555** **STEVEN PEREA (ANTHONY TRUJILLO, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(12) and 14-16-2-9(B): a CONDITIONAL USE to allow a proposed patio cover in the rear yard setback area for all or a portion of Lot(s) 50, PARADISE SKIES UNIT 1 zoned R-T, located on **10754 GEMINI CT NW** (A-11)
DEFERRED 3/19/13.
31. **12ZHE-80391** **Project# 1009540** **MARK L. PERRY** request(s) a special exception to Section 14-16-2-18(B)(8): a CONDITIONAL USE to allow the existing storage of vehicles outdoors as a principal use where vehicles are typically not moved for one week or more for all or a portion of Lot(s) 25, Block(s) 20, EAST CENTRAL BUSINESS ADDN. zoned SU-2 C-3, located on **329 MURIEL ST NE** (K-21)
APPROVED.
32. **12ZHE-80392** **Project# 1009540** **MARK L. PERRY** request(s) a special exception to Section 14-16-2-18(B)(3): a CONDITIONAL USE to allow the existing use of building material storage or sales for all or a portion of Lot(s) 25, Block(s) 20, EAST CENTRAL BUSINESS ADDN. zoned SU-2 C-3, located on **329 MURIEL ST NE** (K-21)
APPROVED.
33. **12ZHE-80393** **Project# 1009540** **MARK L. PERRY** request(s) a special exception to Section 14-16-2-18(B)(4): a CONDITIONAL USE to allow the existing use of construction contractors equipment storage or contractors plant for all or a portion of Lot(s) 25, Block(s) 20, EAST CENTRAL BUSINESS ADDN. zoned SU-2 C-3, located on **329 MURIEL ST NE** (K-21)
APPROVED.
34. **13ZHE-80398** **Project# 1009548** **JOHNATHAN POHL** request(s) a special exception to Section 14-16-2-16(B)(6) and Page 4, Paragraph B1 of the Huning Highland Sector Development Plan: a CONDITIONAL USE for an existing drive-up service window for all or a portion of Lot(s) 11 & 12, Block(s) 22, HUNING HIGHLANDS ADDN zoned SU-2 CRZ, located on **501 CENTRAL AVE NE** (K-14)
DEFERRED 3/19/13.

35. **13ZHE-80409** **Project# 1009556** **I & J INVESTMENTS, LLC., (MYERS, OLIVER & PRICE, P.C., JOHN A. MYERS, AGENT)** request(s) a special exception to Section 14-16-2-20(B)(5): a CONDITIONAL USE to allow proposed retailing in a M-I zone for all or a portion of Lot(s) A, FRIEDMAN zoned M-1, located on **4701 LINCOLN RD NE (F-17)**
APPROVED.
36. **13ZHE-80412** **Project# 1009558** **CLINTON TRAFTON (PATRICIA AVILA, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(13)(c): a CONDITIONAL USE to allow outside activity for a proposed volleyball court for all or a portion of Lot(s) A-1, HINDI zoned C-2 OR NFTOD, located on **1620 4TH ST NW (J-14)**
WITHDRAWN BY APPLICANT.
37. **13ZHE-80419** **Project# 1009562** **BISTRO CONCEPTS, LLC., d/b/a B2B BISTRONOMY (KALM LAW FIRM, KARL KALM, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(19) and Page 90, 1. General Rules of the Nob Hill Highland Sector Development Plan: a CONDITIONAL USE to allow a proposed brewery in the CCR-1 zone for all or a portion of Lot(s) 8, Block(s) 2, MONTE VISTA ADDN zoned CCR-1, located on **3118 CENTRAL AVE SE (K-16)**
DEFERRED 3/19/13.
38. **13ZHE-80422** **Project# 1009563** **ROBERT CRONIN (VINCE ACCARDI, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(5) and Page 96, 1. General Rules of the Nob Hill Highland Sector Development Plan: a CONDITIONAL USE to allow a proposed assisted senior living facility for 18 residents for all or a portion of Lot(s) B, Block(s) 37, BUENA VIEW ADDN zoned CCR-3, located on **303 SAN MATEO BLVD NE (K-17)**
APPROVED.