



HEARING ON SPECIAL EXCEPTIONS  
TO THE COMPREHENSIVE CITY ZONING CODE

**ZONING HEARING EXAMINER'S AGENDA**

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

**STAFF**

*Joshua J. Skarsgard, Esq., Zoning Hearing Examiner*  
*Randall Falkner, Planner*  
*Vanessa F. King, Administrative Hearing Office Liaison*

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

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**PLEASE ADDRESS ALL CORRESPONDENCE TO:**

*Joshua J. Skarsgard, Esq.*  
*Office of Administrative Hearings*  
*P.O. Box 1293*  
*Albuquerque, NM 87103*

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**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.*

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**OLD BUSINESS:**

- |    |                    |                             |   |
|----|--------------------|-----------------------------|---|
| 1. | <b>12ZHE-80322</b> | <b>Project#<br/>1009466</b> | <b>WESTERN REFINING SOUTHWEST INC., (STEVEN REINHART OR JERRY A. HAMM)</b> 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-FREDERICK A ADDN zoned C-2, located on <b>7011 LOMAS BLVD NE</b> (J-18)<br><br><b>DENIAL.</b>        |
| 2. | <b>12ZHE-80377</b> | <b>Project#<br/>1008124</b> | <b>MURPHY OIL USA INC., GREGORY WILSON (JERRY HAMM, AGENT)</b> 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 premises for all or a portion of Lot(s) A1A1, Block(s) A1A1, AMERICAN SQUARE zoned C-2, located on <b>3535 MENAUL BLVD NE</b> (H-16)<br><br><b>DEFERRED 4/16/13.</b>           |
| 3. | <b>13ZHE-80394</b> | <b>Project#<br/>1009547</b> | <b>ED BURCH</b> 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 <b>6009 CARMEL AVE NE</b> (C-18)<br><br><b>APPROVAL.</b> |

4. **13ZHE-80395**      **Project#** **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)**  
**1009547**  
**APPROVAL.**
5. **13ZHE-80396**      **Project#** **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)**  
**1009547**  
**APPROVAL.**
6. **13ZHE-80397**      **Project#** **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)**  
**1009547**  
**APPROVAL.**
7. **13ZHE-80410**      **Project#** **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)**  
**1009557**  
**DEFERRED 4/16/13.**
8. **13ZHE-80411**      **Project#** **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)**  
**1009557**  
**DEFERRED 4/16/13.**
9. **13ZHE-80418**      **Project#** **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)**  
**1009561**  
**DEFERRED 4/16/13.**
10. **13ZHE-80420**      **Project#** **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)**  
**1009561**  
**DEFERRED 4/16/13.**
11. **13ZHE-80421**      **Project#** **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)**  
**1009561**  
**DEFERRED 4/16/13.**

12. **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 SYDNEY LN NW** (G-13)  
**DENIAL.**
13. **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 SYDNEY LN NE** (G-13)  
**APPROVAL.**
14. **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)  
**WITHDRAWN BY APPLICANT.**
15. **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 4/16/13.**

\*\*\*\*\***LUNCH BREAK**\*\*\*\*\*

**HEARING WILL RESUME PROMPTLY**  
**AT 1:30 P.M. WITH ITEM #16**

**IF YOU ARE AGENDA ITEMS 16-35**

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

**NEW BUSINESS:**

16. **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)  
**APPROVAL WITH CONDITIONS.**
17. **13ZHE-80444** **Project# 1009554** **DAVID COLBERT** request(s) a special exception to Section pg 93(5)(5J) of the Sawmill Wells Park Sector Development Plan: a VARIANCE of 2' 6" to allow a proposed 5' 6" fence along the corner side yard 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)  
**APPROVAL WITH CONDITIONS.**

18. **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 4/16/13.**
19. **13ZHE-80443** **Project# 1009562** **BISTRO CONCEPTS, LLC., d/b/a B2B BISTRONOMY (KALM LAW FIRM, KARL KALM, AGENT)** request(s) a special exception to Page 3, Section 1. (B)(B) of the Nob Hill Highland Sector Development Plan: a CONDITIONAL USE for alcoholic sales of beer for off premise consumption 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 4/16/13.**
20. **12ZHE-80243** **Project# 1009385** **JOHN PACHECO** request(s) a special exception to Section Page 45 of the South Broadway Sector Development Plan and 14-16-2-6(E)(1): a VARIANCE of 11' 6" to the required 20' front yard setback for an existing porch for all or a portion of Lot(s) 2, Block(s) 14, LOWER BROADWAY ADDN zoned SU-2 MR, located on **2706 WILLIAM ST SE** (M-14)  
**APPROVAL.**
21. **13ZHE-80427** **Project# 1009575** **JOSE ESTRADA JR** request(s) a special exception to Section 14-16-2-16(B)(13): a CONDITIONAL USE for an existing outside display of rims and tires for all or a portion of Lot(s) 23, Block(s) 16, ALTAMONT ADDN zoned C-1, located on **5200 COMANCHE RD NE** (G-17)  
**DEFERRED 4/16/13.**
22. **13ZHE-80428** **Project# 1009575** **JOSE ESTRADA JR** request(s) a special exception to Section 14-16-2-16(B)(13): a CONDITIONAL USE for existing outside storage of used tires in a 20' trailer for all or a portion of Lot(s) 23, Block(s) 16, ALTAMONT ADDN zoned C-1, located on **5200 COMANCHE RD NE** (G-17)  
**DEFERRED 4/16/13.**
23. **13ZHE-80436** **Project# 1009587** **LORD CONSTRUCTORS INC., (CONSENSUS PLANNING, INC., JAMES K. STROZIER, AGENT)** request(s) a special exception to Section 14-16-2-19(A)(25)(c)(1)(b) and 14-16-2-22(F): a VARIANCE of 50 sq ft to the maximum allowed 100 sq ft sign area for a proposed 150 sq ft freestanding sign for all or a portion of Lot(s) 185-A, TOWN OF ATRISCO GRANT AIRPORT UNIT zoned SU-1/ IP, located on **NORTH CORNER OF FORTUNA RD NW AND I-40 (GALLATIN NW)** (J-10)  
**APPROVED WITH CONDITIONS.**
24. **13ZHE-80437** **Project# 1009587** **LORD CONSTRUCTORS INC., (CONSENSUS PLANNING, INC., JAMES K. STROZIER, AGENT)** request(s) a special exception to Section 14-16-2-19(A)(25)(d)(1): a VARIANCE of 9' to the maximum allowed 26' height limit for a proposed 35' high freestanding sign for all or a portion of Lot(s) 185-A, TOWN OF ATRISCO GRANT AIRPORT UNIT zoned SU-1/ IP, located on **NORTH CORNER OF FORTUNA RD NW AND I-40 (GALLATIN NW)** (J-10)  
**APPROVED WITH CONDITIONS.**
25. **13ZHE-80425** **Project# 1009569** **GRETCHEN WELCH** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to the allowed 3' for an existing 6' fence in the front yard setback area for all or a portion of Lot(s) 8, Block(s) 7, BROADMOOR ADDN zoned R-1, located on **303 FONTANA PL NE** (K-17)  
**DEFERRED 4/16/13.**

26. **13ZHE-80433** **Project# 1009584** **MIKE WINKLER (HABITATION INC., HOLLY ARROYO, AGENT)** request(s) a special exception to Section 14-16-3-19(A)(3)(a): a VARIANCE of 5' to the allowed 3' height for a proposed fence within 5' of the public right-of-way for all or a portion of Lot(s) 8, Block(s) 1, INDIAN REST ADDN zoned C-3, located on **3101 AZTEC RD NE (G-16)**  
**APPROVED WITH CONDITIONS.**
27. **13ZHE-80432** **Project# 1009581** **LES RAMIREZ (SEMLER CONSTRUCTION, LLC., JOSEPH SEMLER, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(4)(a) and 14-16-3-3(A)(3)(b): a VARIANCE of 2' to the required 5' sideyard setback for a proposed addition for all or a portion of Lot(s) 18, Block(s) 37, UNIVERSITY HEIGHTS zoned R-1, located on **413 BRYN MAWR DR SE (K-16)**  
**DEFERRED 4/16/13.**
28. **13ZHE-80429** **Project# 1009578** **MICHELLE ARTHUR (TALLEY AND ASSOCIATES, LLC., SEAN TALLEY, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 2.5' to the required 5' sideyard setback for an existing addition for all or a portion of Lot(s) 16, Block(s) 5, PARKLAND HILLS ADDN zoned R-1, located on **615 PARKLAND CIRCLE SE (L-16)**  
**PENDING.**
29. **13ZHE-80440** **Project# 1009590** **RICHARD GUIDICE (RANDY SCHMILLE D/B/A DESERT WEST DEVELOPMENT, AGENT)** request(s) a special exception to Section 14-16-2-5(E): a VARIANCE of 11' to the minimum 25' rear yard setback requirement for a proposed addition for all or a portion of Lot(s) 5-P2, CAMPBELL FARM zoned RA-2, located on **3512 CAMPBELL FARM LA NW (G-13)**  
**DEFERRED 4/16/13.**
30. **13ZHE-80435** **Project# 1009586** **JACQUELINE KEEPERS** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1): a CONDITIONAL USE to allow a proposed 5' wall in the front setback area 14' back from curb face for all or a portion of Lot(s) 12, Block(s) 10, BROADMOOR ADDN zoned R-1, located on **401 WASHINGTON ST NE (K-17)**  
**DEFERRED 4/16/13.**
31. **13ZHE-80438** **Project# 1009588** **ANTHONY SANCHEZ** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow a proposed 5' wall in the front setback area for all or a portion of Lot(s) 27, WOODLAND zoned R-1, located on **731 MENAUL BLVD NW (H-14)**  
**APPROVED WITH CONDITIONS.**
32. **13ZHE-80431** **Project# 1009580** **MIG YANG PETERSON (AUSTIN'S CARPORTS, GILBERT AUSTIN, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the sideyard setback for all or a portion of Lot(s) 13, Block(s) 12, ELDER HOMESTEAD ADDN zoned R-1, located on **6515 ROSS AVE SE (L-18)**  
**APPROVED WITH CONDITIONS.**
33. **13ZHE-80430** **Project# 1009579** **ELIZABETH DOLPH** request(s) a special exception to Section 14-16-2-6(B)(5): a CONDITIONAL USE for a proposed family day care for up to 12 children for all or a portion of Lot(s) 26, Block(s) 52, PRINCESS JEANNE PARK ADDN zoned R-1, located on **10901 PRINCESS JEANNE AV NE (J-21)**  
**APPROVED WITH CONDITIONS.**

34. **13ZHE-80434** **Project# 1009585** **PERCY LEYBA (SUSAN T. PRICE, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(7): a **CONDITIONAL USE** to allow an apartment in a C-2 zone for all or a portion of Lot(s) 20-23, Block(s) 3, MESA VERDE ADDITION zoned C-2, located on **130 TENNESSEE ST NE (K-19)**  
**APPROVED WITH CONDITIONS.**
35. **13ZHE-80442** **Project# 1009592** **MURPHY OIL USA (ZANE ROSS, AGENT)** request(s) a special exception to Section 14-16-2-16(B)(A)(8)(K)(2)(a): a **CONDITIONAL USE** to allow more than 8 vehicle fueling positions for a proposed gas station for all or a portion of Lot(s) 22, 23, 24 and 1, 2, 3, Block(s) 8, BARRON BURG HEIGHTS MENDELSBERGS REPLAT zoned C-1, located on **600 SAN MATEO BLVD SE (L-17)**  
**DEFERRED 4/16/13.**