



HEARING ON SPECIAL EXCEPTIONS  
TO THE COMPREHENSIVE CITY ZONING CODE

**ZONING HEARING EXAMINER'S AGENDA**

TUESDAY, MAY 21, 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, City Hearing Monitor*

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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>13ZHE-80442</b> | <b>Project#<br/>1009592</b> | <b>MURPHY OIL USA (ZANE ROSS, AGENT)</b> 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 <b>600 SAN MATEO BLVD SE (L-17)</b>                               |
| 2. | <b>13ZHE-80410</b> | <b>Project#<br/>1009557</b> | <b>DAN AND ADELIN S. CHAVEZ (RON TAYLOR, AGENT)</b> 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 <b>615 MARQUETTE AVE NW (J-14)</b>  |
| 3. | <b>13ZHE-80411</b> | <b>Project#<br/>1009557</b> | <b>DAN AND ADELIN S. CHAVEZ (RON TAYLOR, AGENT)</b> 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 <b>615 MARQUETTE AVE NW (J-14)</b> |

4. **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)**
5. **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)**
6. **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)**
7. **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)**
8. **12ZHE-80362** **Project# 1009495** **JEFFREY MACE AND 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)**
9. **13ZHE-80426** **Project# 1009574** **ALICE E. POWSNER** request(s) a special exception to Section 14-16-2-6(B)(7): a CONDITIONAL USE to allow a consultation office for phychotherapy for all or a portion of Lot(s) B, Block(s) 12, LOMA VISTA ADDN zoned R-1, located on **3004 SUMMIT PL NE (J-16)**
10. **13ZHE-80439** **Project# 1009589** **MARK O. LEE** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the required front yard setback area for all or a portion of Lot(s) 39A, Block(s) 90, SNOW HEIGHTS ADDN zoned R-1, located on **11209 ELVIN AVE NE (H-21)**
11. **13ZHE-80451** **Project# 1009608** **DARCY BULAND DE VALLEJOS** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow an existing 6' fence in the required front yard setback area for all or a portion of Lot(s) 20, Block(s) 6, AZTEC ADDN NO 1 zoned R-1, located on **9101 COTTONWOOD RD NE (G-20)**
12. **13ZHE-80480** **Project# 1009628** **NASER ALIKHANI (ROBERT L. LUCERO, AGENT)** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to the allowed 3' height for a proposed wall in the front yard setback area for all or a portion of Lot(s) 6, FOUR HILS VILLAGE 21ST INSTALLMENT zoned R-1, located on **1200 HIDEAWAY LANE SE (M-23)**

### **NEW BUSINESS:**

13. **13ZHE-80484** **Project# 1009632** **BOB OR KAREN MORTINSEN (LANDSCAPE SOLUTIONS, RICK GARCIA, AGENT)** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 1'8" to the allowed 3' height for a proposed wall in the front yard setback for all or a portion of Lot(s) 12, ACADEMY HILLS UNIT 3 zoned R-1, located on **6201 CONCORDIA RD NE (E-21)**

14. **13ZHE-80486**      **Project#**      **ANN AND NATHANIEL ESTRADA** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE of 2.5' to the 3' maximum wall height in the front yard setback area to allow an existing 5.5' fence for all or a portion of Lot(s) 30, Block(s) 74, WESTGATE HEIGHTS ADDN UNIT 3 zoned R-D, located on **1332 MICHELLE ST SW** (M-9)  
**1009635**
15. **13ZHE-80491**      **Project#**      **HASEEB KABIR** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 1' 5" to the 3' allowed for existing solid wall in the front yard setback for all or a portion of Lot(s) 9, Block(s) 1, LA ULTIMA DE LAD CIUDAD UNIT 1 zoned SU-1 PRD, located on **2005 CIRCULO DEL MONTE NE** (H-23)  
**1009649**
16. **13ZHE-80498**      **Project#**      **IDA DUBRAY** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3'3" to allow an existing wall in the front yard setback for all or a portion of Lot(s) 5, Block(s) 61, WESTGATE HEIGHTS ADDN. UNIT NO. 1 zoned R-1, located on **10000 DEL REY RD SW** (M-9)  
**1009655**
17. **13ZHE-80499**      **Project#**      **IDA DUBRAY** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow an existing 6' wall in the side yard setback that is contiguous to a front yard for all or a portion of Lot(s) 5, Block(s) 61, WESTGATE HEIGHTS ADDN. UNIT NO. 1 zoned R-1, located on **10000 DEL REY RD SW** (M-9)  
**1009655**
18. **13ZHE-80509**      **Project#**      **VIVIAN ARVISO AND (SAM) PHILIP DELOVIA** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to the wall height requirement to replace an existing fence in the front yard setback for all or a portion of Lot(s) B, Block(s) 8, VISTA LARGA zoned R-1, located on **1534 STANFORD DR NE** (J-16)  
**1009665**
19. **13ZHE-80510**      **Project#**      **VIVIAN ARVISO AND (SAM) PHILIP DELOVIA** request(s) a special exception to Section 14-16-3-19(A)(2)(b): a CONDITIONAL USE to allow a proposed 4' wall in the side yard setback on a corner lot for all or a portion of Lot(s) B, Block(s) 8, VISTA LARGA zoned R-1, located on **1534 STANFORD DR NE** (J-16)  
**1009665**
20. **13ZHE-80497**      **Project#**      **SHARON BROCK** request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 2' to the maximum 8' high wall for an existing 10' wall in the rear yard setback for all or a portion of Lot(s) 7, Block(s) 17, THOMAS ADDN zoned R-1, located on **3932 GARCIA ST NE** (G-20)  
**1009654**
21. **13ZHE-80500**      **Project#**      **JAMES A. PETERSON (DAC ZONING AND LAND USE SERVICES, AGENTS)** request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3' 6" to the allowed 8" height for a wall in the rear yard setback for all or a portion of Lot(s) C1A & B4, Block(s) 10, VISTA LARGA zoned R-1, located on **2300 HANNETT AVE NE** (J-16)  
**1009656**
22. **13ZHE-80501**      **Project#**      **JAMES C. PETERSON "JC" (DAC ZONING AND LAND USE SERVICES, AGENTS)** request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3'6" to the allowed 8' height for a wall in the rear yard setback for all or a portion of Lot(s) A1A, Block(s) 15, VISTA LARGA zoned R-1, located on **1401 HARVARD DR NE** (J-16)  
**1009658**
23. **13ZHE-80492**      **Project#**      **ROSS & JEAN VAN DUSEN** request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 1' to the 10' side yard setback required for a proposed addition for all or a portion of Lot(s) 27, Block(s) 8, Tract(s) A,B,C OF 1, MATTHEW MEADOW zoned RA-2, located on **1308 CAMINO ECUESTRE NW** (G-13)  
**1009650**
24. **13ZHE-80494**      **Project#**      **JOE N. VALDEZ III** request(s) a special exception to Section 14-16-3-3(B)(2)(e): a VARIANCE of 4'4" to the required 10' separation from a dwelling unit for a proposed accessory unit for all or a portion of Lot(s) 19, Block(s) C, CHAMISA POINTE UNIT 2 zoned R-D 15 DU/A, located on **1401 DESERT BLOOM CT NW** (H-10)  
**1009652**

25. **13ZHE-80495**      **Project#** **JOE N. VALDEZ III** request(s) a special exception to Section 14-16-3-3(B)(2)(a): a VARIANCE of 6' to the allowed 6' height for a proposed accessory building for all or a portion of Lot(s) 19, Block(s) C, CHAMISA POINTE UNIT 2 zoned R-1, located on **1401 DESERT BLOOM CT NW** (H-10)  
**1009652**

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

**HEARING WILL RESUME PROMPTLY**  
**AT 1:30 P.M. WITH ITEM #26**

**IF YOU ARE AGENDA ITEMS 26-47**

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

26. **13ZHE-80508**      **Project#** **SHANZE WANG** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow a proposed 5' wall/fence in the front setback area for all or a portion of Lot(s) 17, Block(s) 2, Tract(s) 3, N ABQ ACRES UNIT 3 zoned R-D 3DU/A, located on **9051 OAKLAND AV NE** (C-20)  
**1009664**
27. **13ZHE-80512**      **Project#** **GLORIA GARCIA** request(s) a special exception to Section Page 40, South Martineztown RG, 14-16-2-10(B) and 14-16-2-6(B)(14): a CONDITIONAL USE for a proposed 4" chain link fence in the front yard setback area for all or a portion of Lot(s) 25, MARTINEZTOWN PLAN 5 zoned SM RG, located on **601 ARNO ST NE** (J-14)  
**1009667**
28. **13ZHE-80513**      **Project#** **GLORIA GARCIA** request(s) a special exception to Section Page 40, South Martineztown RG, and Section 14-16-3-19(1)(C)(A): a CONDITIONAL USE for an existing fence up to 6" in the side yard setback area for all or a portion of Lot(s) 25, MARTINEZ TOWN PLAN 5 zoned SM RG, located on **601 ARNO ST NE** (J-14)  
**1009667**
29. **13ZHE-80493**      **Project#** **MARJORY MARTINEZ (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 front yard setback for all or a portion of Lot(s) A, Block(s) L, CLOUDVIEW ESTATES zoned R-1, located on **12508 TURQUOISE TRL NE** (K-22)  
**1009651**
30. **13ZHE-80489**      **Project#** **ISIDRO JIMENEZ (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 front yard setback area for all or a portion of Lot(s) 39, Block(s) 118A, PRINCESS JEANNE PARK ADDN zoned R-1, located on **11632 MOCHO PL NE** (K-21)  
**1009646**
31. **13ZHE-80490**      **Project#** **MARIO R. VALDEZ (AUSTIN'S CARPORTS, GILBERT AUSTIN, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE for a proposed carport in the front yard setback for all or a portion of Lot(s) 6, Block(s) 54, SNOW HEIGHTS ADDITION zoned R-1, located on **10020 MATTHEW AV NE** (H-21)  
**1009647**
32. **13ZHE-80504**      **Project#** **BRYAN DYKSTRA (ERIC SPURLOCK, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(3)(a): a VARIANCE of 13'9" to the required 20' side yard setback for a proposed addition for all or a portion of Lot(s) 23, KEYSTONE ADDITION zoned R-1, located on **4108 KATHRYN AV SE** (L-17)  
**1009661**

33. **13ZHE-80505** **Project# 1009661** **BRYAN DYKSTRA (ERIC SPURLOCK, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the front yard setback for all or a portion of Lot(s) 23, KEYSTONE ADDITION zoned R-1, located on **4108 KATHRYN AV SE** (L-17)
34. **13ZHE-80506** **Project# 1009662** **CHARLES GLASS (TRACY PETERSEN, AGENT)** request(s) a special exception to Section 14-16-2-14(B) and 14-16-2-9(E)(4)(a): a VARIANCE of 2' 6" to the required 15' rear yard setback for a proposed addition for all or a portion of Lot(s) 24, VINEYARD COURT ESTATES zoned R-D, located on **8200 GRAPE ARBOR CT NE** (C-20)
35. **13ZHE-80496** **Project# 1009653** **PASCHICH WRISTEN** request(s) a special exception to Section Page 98 A.4.C. of the Sawmill Wells Park Sector Development Plan: a VARIANCE of 552' to the required 600' separation between townhouse developments for proposed townhouses for all or a portion of Lot(s) 3-6, Block(s) 2, SUMMER GARDEN ADDN zoned S-R, located on **1506 SUMMER AV NW** (J-13)
36. **13ZHE-80503** **Project# 1009660** **CRAIG AND INOLA DOOLITTLE** request(s) a special exception to Section 14-16-3-3(B)(2)(e): a VARIANCE of 6'4" to the required 10' separation of buildings for a proposed shed for all or a portion of Lot(s) 121, SHENANDOAH ESTATES PHASE 2 zoned R-LT, located on **4512 MARTINSBURG RD NW** (C-12)
37. **13ZHE-80488** **Project# 1009639** **JOE KRAFT (MIGUEL GARCIA, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the required front yard setback for all or a portion of Lot(s) 162, HOMESTEAD HILLS NORTH zoned R-1, located on **7935 INDEPENDENCE RD NW** (D-11)
38. **13ZHE-80502** **Project# 1009659** **DOUGLAS SPENCE** request(s) a special exception to Section 14-16-2-14(B) and 14-16-2-6(B)(12): a CONDITIONAL USE to allow a proposed covered patio in the rear yard setback for all or a portion of Lot(s) 23A, Block(s) B, ROYAL OAK UNIT 2 zoned RD, located on **12517 ROYAL RIDGE CT NE** (F-22)
39. **13ZHE-80487** **Project# 1009637** **CRAIG GONZALES** request(s) a special exception to Section 14-16-3-3(4)(a)(3): a CONDITIONAL USE to allow a proposed 5'5" wall in the rear and side yard setback for all or a portion of Lot(s) 7-P1, Block(s) 3, RIVERTON zoned R-LT, located on **4410 HILLCREST AVE NW** (D-12)
40. **13ZHE-80518** **Project# 1009671** **DANIEL LUDWIG** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1): a CONDITIONAL USE for a proposed 5' high adobe wall in the front yard setback area for all or a portion of Lot(s) 26, Block(s) 2, FIRST UNIT OF VICTORY ADDN zoned R-1, located on **812 VASSAR DR SE** (L-16)
41. **13ZHE-80514** **Project# 1009668** **RAMIRO DURON** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow a proposed 5' wall in the front yard setback area for all or a portion of Lot(s) 22, Block(s) 1, NORTH CARLISLE ADDN zoned R-1, located on **3615 MORNINGSIDE DR NE** (G-17)
42. **13ZHE-80485** **Project# 1009633** **21<sup>ST</sup> CENTURY PUBLIC ACADEMY (JIM RICHARDSON, AGENT)** request(s) a special exception to Section 14-16-2-20(B)(6): a CONDITIONAL USE to allow activities in a tent in a M-1 zone for all or a portion of Lot(s) 4A1, Block(s) A, INTERSTATE INDUSTRIAL TRACT UNIT 1 zoned M-1, located on **6805 ACADEMY PARKWAY WEST NE** (E-16)
43. **13ZHE-80511** **Project# 1009666** **CSD HOLDINGS INC., JAY REMBE** request(s) a special exception to Section 14-16-2-17(B)(13)(e) of the North 4<sup>th</sup> Street Corridor Sector Development Plan: a CONDITIONAL USE to allow outdoor vehicle storage as a principal business where vehicles are typically not moved for a week or more for all or a portion of Lot(s) 1-4/5-9, Block(s) 4/5, PARIS ADDITION/ANDERSON ADDITION zoned C-2 OR SU- 2 NFTOD, located on **1400 4TH ST NW** (J-14)

44. **13ZHE-80515** **Project# 1009669** **MICHAEL MULL SOHAIL (HENRY JAKE FOREMAN, AGENT)** request(s) a special exception to Section 14-16-2-19(B) and 14-16-2-20(B)(5): a CONDITIONAL USE for a proposed retailing which is not permissive for all or a portion of Lot(s) B, Block(s) 17, N ABQ ACRES TRACT A UNIT B zoned SU-2 IP, located on **8212 PAN AMERICAN FREEWAY NE (C-18)**
45. **13ZHE-80516** **Project# 1009670** **PASEO PAVILLION @ SECOND STREET LLC., (TRISH LOPES, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(4)(c): a VARIANCE of 6' to the minimum required 6' high opaque wall or fence requirement to screen the parking/circulation area from the adjacent wall for separating a proposed commercial site from a residential site for all or a portion of Lot(s) E, ST. ANTHONY ORPHANAGE zoned R-1, located on **1120 INDIAN SCHOOL RD NW (H-13)**
46. **13ZHE-80517** **Project# 1009670** **PASEO PAVILLION @ SECOND STREET LLC., (TRISH LOPES, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(4)(a): a VARIANCE of 10' to the minimum required 10' landscaping strip along a residential/non residential boundary for all or a portion of Lot(s) E, ST. ANTHONY ORPHANAGE zoned R-1, located on **1120 INDIAN SCHOOL RD NW (H-13)**
47. **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 premises 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)**