



HEARING ON SPECIAL EXCEPTIONS
TO THE COMPREHENSIVE CITY ZONING CODE

ZONING HEARING EXAMINER'S AGENDA

TUESDAY, MARCH 21, 2006

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

Roberto Albertorio, Esq., Zoning Hearing Examiner

Tom Rojas, Deputy Zoning Hearing Examiner

Vacant, Administrative Assistant

For Inquiries Regarding This Agenda, Please Call Tom Rojas at (505) 924-3938.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Roberto Albertorio, Esq.

COA Planning Department, ZHE Division, 3^d Floor

600 Second Street NW

Albuquerque, NM 87102

NOTICE TO PEOPLE WITH DISABILITIES: *If you have a disability and you require special assistance to participate in this hearing, please contact Tom Rojas at (505) 924-3938.*

OLD BUSINESS:

- | | | | |
|----|----------------------|----------------|---|
| 1. | 05ZHE – 01766 | 1004553 | RONALD SAUVE request(s) a special exception to Section 14. 16. 2. 6. (B). (3).: a CONDITIONAL USE to allow for a carport in the front yard setback area on all or a portion of Lot(s) 18, Block(s) 10, Rebonito Addition, zoned R-1 and located at 1605 SINGLETARY DR NE (J-23) |
| | 1) 127 | | DENIED. |
| 2. | 05ZHE – 01913 | 1004609 | LARRY & ANITA BLACK request(s) a special exception to Section 14. 16. 2. 6. (B). (12). (2).: a CONDITIONAL USE to allow for a shade structure in the rear yard setback area on all or a portion of Lot(s) 6, Block(s) 49, Knolls of Paradise Hills Addition, zoned R-1 and located at 4620 ARLINGTON AVE NW. (B-12) |
| | 1) 380 | | APPROVED WITH CONDITIONS. |

3. **05ZHE – 01662** **1004520** **MARION & FRANK KESSEL** request(s) a special exception to Section 14. 16. 2. 6. (B). 14.: a **CONDITIONAL USE** to allow for a wall over 3 feet in height in the front yard setback area on all or a portion of Lot(s) 19, Block(s) 14, Grande Height Addition, zoned R-1 and located at **409 MORNINGSIDE DR SE (K-17)**
1) 589
1) 3502
2) 1
DEFERRED TO APRIL 18, 2006.
4. **05ZHE – 01457** **1004426** **JOSE GOMEZ** request(s) a special exception to Section 14. 16. 2. 6. (B). (14): a **CONDITIONAL USE** to allow for a wall over 3 feet in height in the front yard setback area on all or a portion of Lot(s) 12, Block(s) 5, Loma Verde Addition, zoned R-3 and located at **7800 DOMINGO RD NE (K-19)**
1) 672
DENIED FOR FAILURE TO APPEAR.
5. **05ZHE – 01825** **1004568** **STEVE GUTIERREZ** request(s) a special exception to Section 14. 16. 2. 6. (B). (14). (a): a **CONDITIONAL USE** to allow for wall over 3 feet in height in the front yard setback area on all or a portion of Lot(s) 7, Block(s) 5, Skyviews West Addition, zoned R-1 and located at **305 NEAL LN SW (K-10)**
1) 695
APPROVED WITH CONDITIONS.
6. **05ZHE – 01878** **1004598** **YALE APARTMENTS, LLC** request(s) a special exception to Section 14. 16. 2. 17. (B). (6): a **CONDITIONAL USE** to allow for dwelling units in a C-2 zone on all or a portion of Block(s) 72, Fairview Addition, zoned C-2 and located at **1208 YALE BLVD. SE (L-15)**
1) 792
DEFERRED UNTIL FURTHER NOTICE PENDING NEW GUIDANCE FROM CITY COUNCIL.
7. **06ZHE – 00005** **1004616** **CARTER GROTEBECK** request(s) a special exception to Section 14. 16. 2. 6. (E). 4. a.: a **VARIANCE** of 4 feet to the 5 foot side yard setback area requirement AND Section 14. 16. 3. 3. (B). (2). (e): a **VARIANCE** of 8 feet to the 10 foot distance separation between dwelling and accessory building on all or a portion of Lot(s) 25, Block(s) 5, Country Club Addition, zoned R-1 and located at **1626 ROMA AVE NE (K-15)**
06ZHE – 00006
1) 1303
APPROVED.
8. **06ZHE – 00011** **1004617** **TONY B. GUTIERREZ** request(s) a special exception to Section 14. 16. 2. 17. (B). (6): a **CONDITIONAL USE** to allow for dwelling units in a C-2 zone on all or a portion of Lot(s) 100, La Victoria Addition, zoned C-2 and located at **351 YUCCA DR. NW (J-11)**
2) 193
APPROVED WITH CONDITIONS.
9. **06ZHE – 00046** **1004636** **INTERSTATE DEV. CO. INC.** request(s) a special exception to Section 14. 16. 2. 15. (E). (1): a **VARIANCE** of 5 feet to the 5 foot front yard setback area requirement AND Section 14. 16. 2. 17. (E). (2). (b): a **VARIANCE** of 5 feet to the 5 foot side yard setback area requirement AND Section 14. 16. 2. 17. (E). (2). (c): a **VARIANCE** of 15 feet to the 15 foot rear yard setback area requirement on all or a portion of Lot(s) 13-24, Block(s) 6, Romero Addition, zoned C-2 and located at **1121 4TH ST NW (J-14)**
06ZHE – 00047
06ZHE – 00048
2) 782
APPROVED WITH CONDITIONS.

NEW BUSINESS:

10. **06ZHE – 00154** **1004192** **HUGO BARRAZA** request(s) a special exception to Section 14. 16. 2. 6. (E). (1).: a VARIANCE of 11 feet to the 20 foot front yard setback area requirement on all or a portion of Lot(s) 1, Tract(s) 6, Torreon Addition, zoned SU-2/MR and located at **908 ANDERSON AVE SE** (L-14)
- 1) 2057 **APPROVED.**
11. **06ZHE – 00182** **1004018** **JAMES TILLEY** request(s) a special exception to Section 14. 16. 2. 6. (E). (1).: a VARIANCE of 5 feet 7 inches to the 20 foot front yard setback area requirement on all or a portion of Lot(s) 8, Block(s) 11 A, Country Club Addition, zoned R-1 and located at **632 CEDAR ST NE** (J-15)
- 2) 1194 **DEFERRED TO APRIL 18, 2006.**
12. **06ZHE – 00184** **1004692** **MARGARET & DAVID GABALDON** request(s) a special exception to Section 14. 16. 2. 6. (E). (1).: a VARIANCE of 18 feet to the 20 foot front yard setback area requirement on all or a portion of Lot(s) 1, Block(s) 2, Anayas Duranes Addition, zoned R-1 and located at **2100 SAN VENITO PL NW** (H-13)
- 2) 2374
3) 2020 **APPROVED.**
13. **06ZHE – 00148** **1004678** **OSCAR J. SUAREZ** request(s) a special exception to Section 14. 16. 2. 6. (E). (3). (b).: a VARIANCE of 5 feet to the 10 foot street side setback area requirement on all or a portion of Lot(s) 9, Block(s) 47, Academy Acres Addition, zoned R-1 and located at **7105 CHRISTY AVE NE** (E-19)
- 2) 2814 **APPROVED.**
14. **06ZHE – 00183** **1004691** **BRAD & DONNA JACOBSEN** request(s) a special exception to Section 14. 16. 2. 6. (E). (3). (a).: a VARIANCE of 12 feet 10 inches to the 20 foot side yard setback area requirement on a corner lot on all or a portion of Lot(s) 1, Block(s) 25, Inez Addition, zoned R-1 and located at **8316 CUTLER AVE NE** (H-19)
- 2) 2986 **APPROVED.**
15. **06ZHE – 00166** **1004683** **FRANK JULIAN MORALES** request(s) a special exception to Section 14. 16. 2. 6. (E). (5).: a VARIANCE of 4 feet 8 inches to the 15 foot rear yard setback area requirement on all or a portion of Lot(s) 16, Block(s) 1, Tract(s) A, Kensington Subdivision, zoned R-D and located at **6328 KESWICK PL NW** (H-10)
- 2) 3578
3) 1 **APPROVED.**
16. **06ZHE – 00199** **1002688** **JANET GAIL BUTLER** request(s) a special exception to Section 14. 16. 2. 23. (A). Reference Section 14. 16. 2. 6. (E). (5). (a).: a VARIANCE of 10 feet to the 15 foot rear yard setback area requirement on all or a portion of Lot(s) 7, Block(s) 5, Luna Place Addition, zoned SU-2/SF and located at **520 LUNA BLVD NW** (J-13)
- 3) 59 **APPROVED.**
17. **06ZHE – 00181** **1004690** **RANDON E. & EVELLE M. FIERRO LITTLE** request(s) a special exception to Section 14. 16. 2. 9. (E). (4). (a). Reference Tower/Unser Sector Plan, Page 57, Section 3. & Page 65, Section B.: a VARIANCE of 6 feet to the 15 foot rear yard setback area requirement on all or a portion of Lot(s) 4 P-1, Block(s) 7, Sunrise Terrace Addition, zoned R-D and located at **816 HALTER DR SW** (L-8)
- 3) 162 **APPROVED.**

18. 06ZHE – 00167 1004684 **ARTURO GUTIERREZ** request(s) a special exception to Section 14. 16. 3. 3. (A). (4). (b). 1. Reference South Broadway Sector Plan, Page 45: a VARIANCE of 2 feet 6 inches to allow for a wall 5 feet 6 inches high in the front yard setback area on all or a portion of Lot(s) 5, Block(s) C, South Broadway Acres Addition, Unit 1, zoned SU-2/LCR and located at **2826 BROADWAY BLVD SE** (M-14)
3) 509
DEFERRED TO APRIL 18, 2006.
19. 06ZHE – 00191 1004728 **BARON'S RUN LLC** request(s) a special exception to Section 14. 16. 3. 19. (A). (1). (a). & (2). (a). 1. Reference Section 14. 16. 2. 14.: a VARIANCE of 3 feet 3 inches to the 8 foot height allowance for an 11 foot 3 inch high wall in the rear yard on all or a portion of Lot(s) 14, Block(s) 11, Tract(s) 1, North Albuquerque Acres Addition, zoned R-D and located at **9219 LEXIE LANE NE** (B-19)
2) 734
DEFERRED TO APRIL 18, 2006.
20. 06ZHE – 00192 1004730 **BARON'S RUN LLC** request(s) a special exception to Section 14. 16. 3. 3. (A). (4). (a). 1. Reference Section 14. 16. 2. 14.: a VARIANCE of 3 feet to the 3 foot wall height allowance for a 6 foot high wall in the front yard setback area on all or a portion of Lot(s) 17 & 18, Block(s) 11, Tract(s) 1, North Albuquerque Acres, Unit 3, zoned R-D and located at **9200 LEXIE LANE NE** (B-19)
2) 756
DEFERRED TO APRIL 18, 2006.
21. 06ZHE – 00205 1004704 **3958 MONTGOMERY ASSOCIATES, LLC** request(s) a special exception to Section 14. 16. 3. 3. (A). (4). (a). 1.: a VARIANCE of 3 feet to the 3 foot wall height allowance for a 6 foot high wall in the front yard setback area on all or a portion of Tract(s) B, Carlmont Addition, zoned R-3 and located at **3958 MONTGOMERY BLVD. NE** (G-17)
3) 621
APPROVED WITH CONDITIONS.
22. 06ZHE – 00206 1004705 **CANYON POINT ASSOCIATES, LLC** request(s) a special exception to Section 14. 16. 3. 3. (A). (4). (a). 1.: a VARIANCE of 3 feet to the 3 foot wall height allowance for a 6 foot high wall in the front yard setback area on all or a portion of Tract(s) 2, Dorado Village Addition, zoned R-2 and located at **301 WESTERN SKIES DRIVE SE** (L-22)
3) 621
3) 1061
APPROVED WITH CONDITIONS.
23. 06ZHE – 00180 1004689 **DR HORTON HOME BUILDERS** request(s) a special exception to Section 14. 16. 2. 8. (E). (5).: a VARIANCE of 10 inches to the required 10 foot separation distance between dwellings on all or a portion of Lot(s) 20 P-1, Block(s) 17, Blossom Ridge Addition, zoned R-LT and located at **8919 LOWER MEADOW TRL SW** (P-9)
3) 1118
3) 2354
DEFERRED TO APRIL 18, 2006.
24. 06ZHE – 00170 1004685 **CANDELARIA VILLAGE, LLC / W. T. CANIGLIA** request(s) a special exception to Section 14. 16. 2. 6. (D). (2). (a). 2.: a VARIANCE of 8 feet 4 inches to the 50 foot lot width requirement on all or a portion of Lot(s) 38 P-1, Candelaria Village Addition, zoned R-1 and located at **1459 VALLE LANE NW** (G-13)
2) 3500
WITHDRAWN BY APPLICANT.

25. 06ZHE – 00187 1004695 SHEFFIELD PARTNERS LLC request(s) a special exception to Section 14. 16. 2. 11. (F).: a VARIANCE of .23 to the permitted .50 floor area ratio to allow for a floor area density of .73 AND Section 14. 16. 2. 11 (E). (4). (a).: a VARIANCE of 15 feet to the 15 foot rear yard setback area requirement AND Section 14. 16. 2. 11. (E). (5).: a VARIANCE of 10 feet to the 10 foot separation requirement between apartment buildings on all or a portion of Lot(s) 3 A, Block(s) 3, Granada Heights Addition, zoned R-2 and located at **201 ALISO DR SE (K-17)**
- 3) 1272 DEFERRED TO APRIL 18, 2006.
26. 06ZHE – 00190 1004696 SHEFFIELD PARTNERS LLC request(s) a special exception to Section 14. 16. 2. 11. (F). (1).: a VARIANCE of .23 to the permitted .50 floor area ratio to allow for a floor area density of .73 on all or a portion of Lot(s) 4, Block(s) 3, Granada Heights Addition, zoned R-2 and located at **207 ALISO DR SE (K-17)**
- 3) 1272 DEFERRED TO APRIL 18, 2006.
27. 05ZHE – 01866 1004590 FOUR HILLS TRACT 1, LLC request(s) a special exception to Section 14. 16. 2. 17. (B). (6).: a CONDITIONAL USE to allow for dwellings in a C-2 zone on all or a portion of Lot(s) 1 B 2, Four Hills Village Shopping Center Comp, zoned C-2 and located at **13440 WENONAH AVE SE (L-23)**
- (OLD BUSINESS)
- 3) 1917 DEFERRED FOR 6 MONTHS AT AGENT/ OWNERS' REQUEST.

*****END OF MORNING SESSION*****

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

HEARING WILL RESUME PROMPTLY
AT 1:30 P.M. WITH ITEM #28

IF YOU ARE AGENDA ITEMS #28 THRU #42
PLEASE COME TO THE HEARING AT 1:30 P.M.

28. 06ZHE – 00061 1004643 OSCAR GARCIA request(s) a special exception to Section 14. 16. 4. 13. (A). (1).: a EXPANSION NONCONFORMING USE to allow for a status established building in a R-1 zone on all or a portion of Lot(s) 24, Nursery Addition, zoned R-1 and located at **1349 YOUNG AVE SW (L-13)**
- 3) 2367 APPROVED WITH CONDITIONS.
29. 06ZHE – 00195 1004699 ADRIANA KAJON & VICKIE SHIELDS request(s) a special exception to Section 14. 16. 2. 6. (B). (14). (a). 1.: a CONDITIONAL USE to allow for a wall over 3 feet in height in the front yard setback area on all or a portion of Lot(s) 4 A & 5, Block(s) 25, Ridgecrest Addition, zoned R-1 and located at **1611 RIDGECREST DR. SE (L-17)**
- 3) 2555 APPROVED.

30. **06ZHE – 00204** **1004703** **CHRISTOPHER SHEPHERD** request(s) a special exception to Section 14. 16. 2. 6. (B). (11). (a): a **CONDITIONAL USE** to allow for a second kitchen in a R-1 zone on all or a portion of Lot(s) 28, Block(s) 28, Snowheights Addition, zoned R-1 and located at **2112 ALTEZ ST. NE** (H-20)
- 3) 2858 **APPROVED WITH CONDITIONS.**
31. **06ZHE – 00171** **1004686** **JOHN G. GARCIA** request(s) a special exception to Section 14. 16. 2. 6. (B). (1): a **CONDITIONAL USE** to allow for an accessory living quarters in a RA-2 zone on all or a portion of Lot(s) 5, Block(s) C, Luke Subdivision, zoned RA-2 and located at **1931 CHEROKEE RD NW** (G-13)
- 3) 3011 **APPROVED WITH CONDITIONS.**
32. **06ZHE – 00082** **1004656** **EDITA FRANKEL** request(s) a special exception to Section 14. 16. 2. 6. (B). (5): a **CONDITIONAL USE** to allow for a family day care home for up to 12 children on all or a portion of Lot(s) 27, Block(s) 1, Zuni Addition, zoned R-1 and located at **7504 MORROW AVE NE** (H-19)
- 3) 3275 **APPROVED WITH CONDITIONS.**
33. **06ZHE – 00193** **1004697** **JENNIFER DEWIG** request(s) a special exception to Section 14. 16. 2. 6. (B). (5). Reference Section 14. 16. 2. 9. (B): a **CONDITIONAL USE** to allow for a family day care home (up to 12 children) in a R-T zone on all or a portion of Lot(s) 18 P-1, Block(s) 5, Park Hill Addition, Unit 2, zoned R-T and located at **6140 RED ROCK PARK AVE NW** (A-11)
- 3) 2330 **DEFERRED TO APRIL 18, 2006.**
34. **06ZHE – 00194** **1004698** **RORI SMITH** request(s) a special exception to Section 14. 16. 2. 6. (B). (7): a **CONDITIONAL USE** to allow for massage therapy as a home occupation in a residential zone on all or a portion of Lot(s) 13, Block(s) 7, Paradise Heights Addition, Unit 1, zoned R-1 and located at **4809 DODGE CT NW** (A-12)
- 3) 3694
4) 25 **APPROVED WITH CONDITIONS.**
35. **06ZHE – 00120** **1004668** **AMARILLO DIAMOND LTD** request(s) a special exception to Section 14. 16. 2. 23. (A). Reference Sawmill/Wells Park Sector Plan, Sawmill Industrial Zone, Page 121, Section B. 1.: a **CONDITIONAL USE** to allow for automotive service, repair, and storage in a S-I zone on all or a portion of Tract(s) 2A, 2B, 2C, Lands of Forest Products Co., zoned S-I and located at **1623 ASPEN AVE NW** (H-13)
- 4) 148 **APPROVED WITH CONDITIONS.**
36. **06ZHE – 00185** **1004693** **JIM SCHUMACHER** request(s) a special exception to Section 14. 16. 2. 23. (A). Reference North I-25 Sector Plan, Section E. 2. c. 1.: a **CONDITIONAL USE** to allow for a drive-up window (McDonalds) on all or a portion of Lot(s) A, Tract(s) A, Gala Incorporated Addition, zoned SU-2/IP and located at **8100 SAN PEDRO DR. NE** (C-18)
- 4) 301 **APPROVED WITH CONDITIONS.**
37. **06ZHE – 00186** **1004694** **JIM SCHUMACHER** request(s) a special exception to Section 14. 16. 2. 23. (A). Reference North I-25 Sector Plan, Section E. 2. c. 1.: a **CONDITIONAL USE** to allow for a drive-up window (Chick-Fil-A) on all or a portion of Lot(s) 1 A, Tract(s) A, North Albuquerque Acres #B, zoned SU-2/IP and located at **6200 HOLLY AVE. NE** (C-18)
- 4) 1279 **APPROVED WITH CONDITIONS.**

38. 05ZHE – 01863 1004588 **KITTS DEVELOPMENT LLC** request(s) a special exception to Section 14. 16. 2. 17. (B). 6.: a **CONDITIONAL USE** to allow for apartments in a C-2 zone on all or a portion of Lot(s) A, Block(s) 12, Clayton Heights Addition, zoned C-2 and located at **1921 YALE BLVD SE (L-15)**
(OLD BUSINESS)
4) 1528 **DEFERRED UNTIL FURTHER NOTICE PENDING NEW GUIDANCE FROM CITY COUNCIL**
39. 05ZHE – 01864 1004503 **KITTS DEVELOPMENT LLC** request(s) a special exception to Section 14. 16. 2. 17. (B). (6).: a **CONDITIONAL USE** to allow for dwellings in a C-2 zone on all or a portion of Lot(s) D, Tract(s) D & E, Paradise Heights Addition, zoned C-2 and located at **10850 GOLF COURSE RD NW (A-12)**
4) 2680
5) 1 **(OLD BUSINESS)**
DENIED.
40. 06ZHE – 00196 1004700 **CHRISTOPHER CALOTT / INFILL SOLUTIONS** request(s) a special exception to Section 14. 16. 2. 23. (A). Reference Huning Castle and Raynolds Addition Sector Plan, Page AH-31, Section 3. b.: a **VARIANCE** of 35 feet to the 50 foot setback requirement between a building and a R-1 zone **AND** Section 14. 16. 2. 23. (A). Reference Huning Castle and Raynolds Addition Sector Plan, Page AH-31, Section 3. b.: a **VARIANCE** of 5 feet to the 15 foot setback requirement between a building and any other lot line on all or a portion of Block(s) 3, Tract(s) B, Huning Castle Addition, zoned SU-2/CLD and located at **1700 CENTRAL AVE. SW (J-13)**
5) 1790 **APPROVED WITH CONDITIONS.**
41. 06ZHE – 00198 1004701 **CHRISTOPHER CALOTT / INFILL SOLUTIONS** request(s) a special exception to Section 14. 16. 2. 23. (A). Reference Huning Castle and Raynolds Addition Sector Plan, Page AH-31, Section 3. b.: a **VARIANCE** of 35 feet to the 50 foot setback requirement between a building and a R-1 zone **AND** Section 14. 16. 2. 23. (A). Reference Huning Castle and Raynolds Addition Sector Plan, Page AH-31, Section 3. b.: a **VARIANCE** of 5 feet to the 15 foot setback requirement between a building and any other lot line **AND** Section 14. 16. 3. 1. (A). (21). Reference Huning Castle and Raynolds Addition Sector Plan, Page AH-32, Section 6.: a **VARIANCE** of 6 parking spaces to the required 12 parking spaces on all or a portion of Tract(s) A & B, Lands of H. B. Horn and Calvin Horn, zoned SU-2/CLD and located at **1720 CENTRAL AVE SW (J-13)**
5) 1790 **APPROVED WITH CONDITIONS.**
42. 06ZHE – 00203 1004702 **CHRISTOPHER CALOTT / INFILL SOLUTIONS** request(s) a special exception to Section 14. 16. 2. 23. (A). Reference Huning Castle and Raynolds Addition Sector Plan, Page AH-31, Section 3. b.: a **VARIANCE** of 5 feet to the 15 foot setback requirement between a refuse bin and any other lot line on all or a portion of Lot(s) 1, 2 & 3, Huning Castle Addition, zoned SU-2/CLD and located at **1816 CENTRAL AVE SW (J-13)**
5) 1790 **APPROVED WITH CONDITIONS.**