



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

SAWMILL COMMUNITY TRUST
(INTEGRATED DESIGN & ARCH., AGENT)
request(s) a special exception to Section
PAGE 105 C. Height and PAGE 86 3.b.
(Sawmill/Wells Park Sector Plan): a
VARIANCE of 11' to the building portions over
15' in height within the 25' setback area from
the property line into the interior of the lot on
all or a portion of Lot(s) 2-C, ARBOLERA DE
VIDA UNIT 2 zoned S-DR, located at 990
18TH ST NW (H-13)

Special Exception No:..... **09ZHE-80400**
Project No:..... **Project# 1008095**
Hearing Date:..... 01-19-10
Closing of Public Record:..... 01-19-10
Date of Decision: 01-27-10

STATEMENT OF FACTS: The applicant, Sawmill Community Trust, requests a variance of 11' to the building portions over 15' in height within the 25' setback area from the property line into the interior of the lot. Bob Hall, agent for the applicant, testified that this lot is exceptional because it is bordered by the railroad tracks. If approved, a 46-unit senior living apartment complex will be constructed. There are letters from the Sawmill Area Neighborhood Association and the Wells Park Neighborhood Association who support this request. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because it borders the railroad tracks and, therefore, meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

If you wish to appeal this decision, you may do so by 5:00 p.m., on February 11, 2010 in the manner described below:

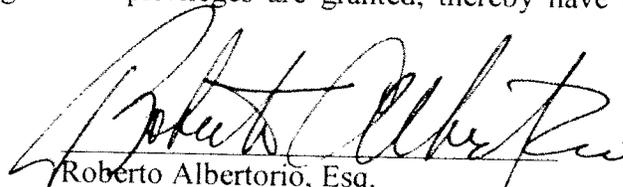
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

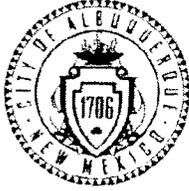
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Sawmill Community Land Trust, P.O. Box 25181, 87125

Integrated Design & Architecture, 624 Tijeras Avenue NW, 87102
Fred Sais, Wells Park NA
Larry Schultz, Sawmill Area NA



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ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

SAWMILL COMMUNITY TRUST
(INTEGRATED DESIGN & ARCH., AGENT)
request(s) a special exception to Section
PAGE 105 C. (Sawmill/Wells Parks Sector
Plan): a VARIANCE of 4' 6" to the 26' building
height requirement to allow for a proposed 30'
6" high building on all or a portion of Lot(s) 2-
C, ARBOLERA DE VIDA UNIT 2 zoned S-DR,
located at 990 18TH ST NW (H-13)

Special Exception No:..... **09ZHE-80401**
Project No: **Project# 1008095**
Hearing Date: 01-19-10
Closing of Public Record: 01-19-10
Date of Decision: 01-27-10

STATEMENT OF FACTS: The applicant, Sawmill Community Trust, request a variance of 4' 6" to the 26' building height requirement to allow for a proposed 30' 6" high building.

Bob Hall, agent for the applicant, testified that this lot is exceptional because it is bordered by the railroad tracks. If approved, a 46-unit senior living apartment complex will be constructed. There are letters from the Sawmill Area Neighborhood Association and the Wells Park Neighborhood Association who support this request. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because it borders the railroad tracks and, therefore, meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved.

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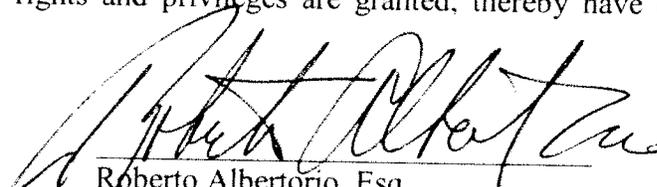
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Integrated Design & Architecture, 624 Tijeras Avenue NW, 87102
Fred Sais, Wells Park NA
Larry Schultz, Sawmill Area NA



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SAWMILL COMMUNITY TRUST
(INTEGRATED DESIGN & ARCH., AGENT)
request(s) a special exception to Section
PAGE 87 3.i. (Sawmill/Wells Park Sector
Plan): a VARIANCE to the front doors facing
the street requirement to allow for the
proposed front doors facing the common
entrance on all or a portion of Lot(s) 2-C,
ARBOLERA DE VIDA UNIT 2 zoned S-DR,
located at 990 18TH ST NW (H-13)

Special Exception No:..... **09ZHE-80438**
Project No:..... **Project# 1008095**
Hearing Date:..... 01-19-10
Closing of Public Record:..... 01-19-10
Date of Decision: 01-27-10

STATEMENT OF FACTS: The applicant, Sawmill Community Trust, requests a variance to the front doors facing the street requirement to allow for the proposed front doors facing the common entrance.

Bob Hall, agent for the applicant, testified that this lot is exceptional because it is bordered by the railroad tracks. If approved, a 46-unit senior living apartment complex will be constructed. There are letters from the Sawmill Area Neighborhood Association and the Wells Park Neighborhood Association who support this request. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because it borders the railroad tracks and, therefore, meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved.

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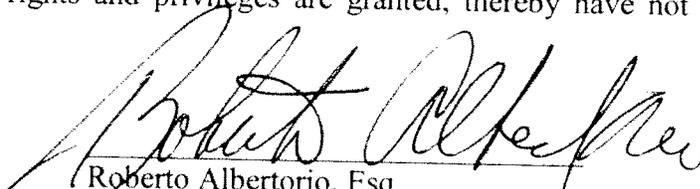
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Zoning Hearing Examiner

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ZHE File
Sawmill Community Land Trust, P.O. Box 25181, 87125

Integrated Design & Architecture, 624 Tijeras Avenue NW, 87102
Fred Sais, Wells Park NA
Larry Schultz, Sawmill Area NA



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ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

SAWMILL COMMUNITY TRUST
(INTEGRATED DESIGN & ARCH., AGENT)
request(s) a special exception to Section
PAGE 87 3.i. (Sawmill/Wells Parks Sector
Plan): a VARIANCE to the front door facing
the street requirement to allow for the
proposed doors facing the common entrance
on all or a portion of Lot(s) 2-C, ARBOLERA
DE VIDA UNIT 2 zoned S-DR, located at 990
18TH ST NW (H-13)

Special Exception No:..... **09ZHE-80439**
Project No:..... **Project# 1008095**
Hearing Date:..... 01-19-10
Closing of Public Record:..... 01-19-10
Date of Decision: 01-27-10

STATEMENT OF FACTS: The applicant, Sawmill Community Trust, requests a variance to the front doors facing the street requirement to allow for the proposed front doors facing the common entrance. Bob Hall, agent for the applicant, testified that this lot is exceptional because it is bordered by the railroad tracks. If approved, a 46-unit senior living apartment complex will be constructed. There are letters from the Sawmill Area Neighborhood Association and the Wells Park Neighborhood Association who support this request. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because it borders the railroad tracks and, therefore, meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved.

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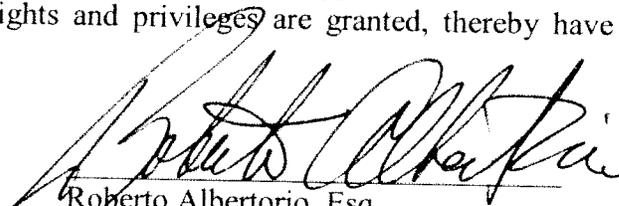
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Plan): a VARIANCE to the front doors facing
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proposed front doors facing the common
entrance on all or a portion of Lot(s) 2-C,
ARBOLERA DE VIDA UNIT 2 zoned S-DR,
located at 990 18TH ST NW (H-13)

Special Exception No:..... **09ZHE-80440**
Project No:..... **Project# 1008095**
Hearing Date:..... 01-19-10
Closing of Public Record:..... 01-19-10
Date of Decision:..... 01-27-10

STATEMENT OF FACTS: The applicant, Sawmill Community Trust, requests a variance to the front doors facing the street requirement to allow for the proposed front doors facing the common entrance. Bob Hall, agent for the applicant, testified that this lot is exceptional because it is bordered by the railroad tracks. If approved, a 46-unit senior living apartment complex will be constructed. There are letters from the Sawmill Area Neighborhood Association and the Wells Park Neighborhood Association who support this request. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

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DECISION: Approved.

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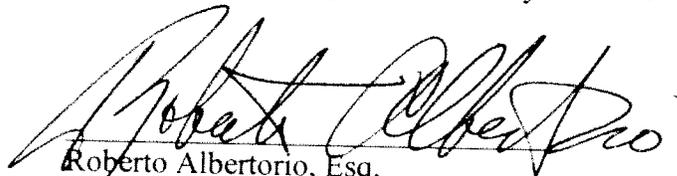
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ARBOLERA DE VIDA UNIT 2 zoned S-DR,
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Special Exception No:..... **09ZHE-80441**
Project No:..... **Project# 1008095**
Hearing Date:..... 01-19-10
Closing of Public Record:..... 01-19-10
Date of Decision:..... 01-27-10

STATEMENT OF FACTS: The applicant, Sawmill Community Trust, requests a variance to the front doors facing the street requirement to allow for the proposed front doors facing the common entrance. Bob Hall, agent for the applicant, testified that this lot is exceptional because it is bordered by the railroad tracks. If approved, a 46-unit senior living apartment complex will be constructed. There are letters from the Sawmill Area Neighborhood Association and the Wells Park Neighborhood Association who support this request. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

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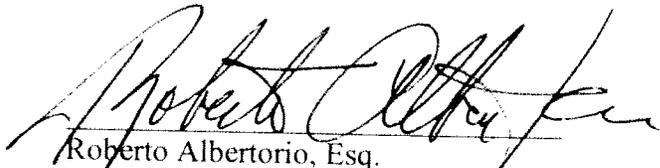
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STATEMENT OF FACTS: The applicant, Sawmill Community Trust, requests a variance to the front doors facing the street requirement to allow for the proposed front doors facing the common entrance. Bob Hall, agent for the applicant, testified that this lot is exceptional because it is bordered by the railroad tracks. If approved, a 46-unit senior living apartment complex will be constructed. There are letters from the Sawmill Area Neighborhood Association and the Wells Park Neighborhood Association who support this request. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because it borders the railroad tracks and, therefore, meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

If you wish to appeal this decision, you may do so by 5:00 p.m., on February 11, 2010 in the manner described below:

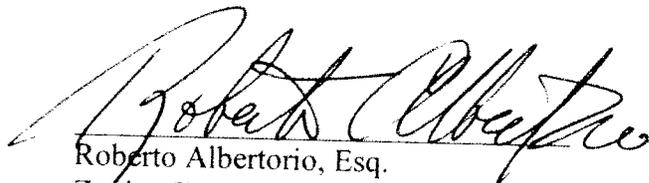
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Sawmill Community Land Trust, P.O. Box 25181, 87125

Integrated Design & Architecture, 624 Tijeras Avenue NW, 87102
Fred Sais, Wells Park NA
Larry Schultz, Sawmill Area NA



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

SAWMILL COMMUNITY TRUST
(INTEGRATED DESIGN & ARCH., AGENT)
request(s) a special exception to Section
PAGE 86 3.c. (Sawmill/Wells Parks Sector
Plan): a VARIANCE to the slope of roofs on
new buildings over 15' high shall be 30 to 45
degrees to allow for a proposed flat roof on all
or a portion of Lot(s) 2-C, ARBOLERA DE
VIDA UNIT 2 zoned S-DR, located at 990
18TH ST NW (H-13)

Special Exception No:..... **09ZHE-80443**
Project No:..... **Project# 1008095**
Hearing Date:..... 01-19-10
Closing of Public Record:..... 01-19-10
Date of Decision:..... 01-27-10

STATEMENT OF FACTS: The applicant, Sawmill Community Trust, requests a variance to the slope of roofs on new buildings over 15' high shall be 30 to 45 degrees to allow for a proposed flat roof. Bob Hall, agent for the applicant, testified that this lot is exceptional because it is bordered by the railroad tracks. If approved, a 46-unit senior living apartment complex will be constructed. There are letters from the Sawmill Area Neighborhood Association and the Wells Park Neighborhood Association who support this request. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because it borders the railroad tracks and, therefore, meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

If you wish to appeal this decision, you may do so by 5:00 p.m., on February 11, 2010 in the manner described below:

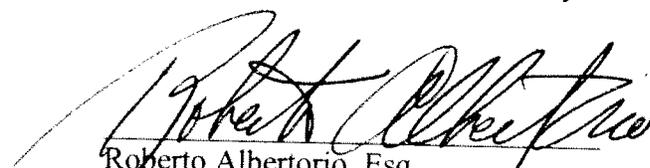
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