



**HEARING ON SPECIAL EXCEPTIONS
TO THE COMPREHENSIVE CITY ZONING CODE**

ZONING HEARING EXAMINER'S ACTION SHEET

TUESDAY, MARCH 16, 2010 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
Lucinda Montoya, Administrative Assistant

For Inquiries Regarding This Agenda, Please Call Lucinda Montoya at (505) 924-3918.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Roberto Albertorio, 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 Lucinda Montoya at (505) 924-3918.*

INTERPRETER REQUIRED:

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|----|-------------------------|-------------------------|---|
| 1. | *IR* 10ZHE-80029 | Project# 1008175 | JORGE GUZMAN request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3' to the 3' wall height allowance for a proposed 6' high wall in the front yard setback area on all or a portion of Lot(s) 9-P1, Block(s) 3, COPPERWYND II zoned R-D 9 DU/AC, located at 8001 DELILAH DR SW (L-10)

DEFERRED TO 4/20/10 |
| 2. | *IR* 09ZHE-80318 | Project# 1007986 | ELIAS MERINO request(s) a special exception to Section PG. 45, SOUTH BROADWAY SDP and 14-16-3-19(A)(2)(a): a VARIANCE of 15' to the 20' front yard setback area requirement for a proposed porch on all or a portion of Lot(s) 36, Block(s) 3, SUNSHINE ADDN zoned SU-2/MR, located at 1906 EDITH BLVD SE (L-14)

APPROVED WITH CONDITIONS |
| 3. | *IR* 10ZHE-80019 | Project# 1008161 | HUGO MEDINA request(s) a special exception to Section 14-16-2-6(B)(11)(a): a CONDITIONAL USE to allow for an existing second kitchen in an existing dwelling on all or a portion of Lot(s) 5, Block(s) 3, LA LUZ zoned R-1, located at 814 SAN CLEMENTE AVE NW (G-14)

APPROVED WITH CONDITIONS |

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|----|-------------------------|-------------------------|--|
| 4. | *IR* 10ZHE-80021 | Project# 1008166 | ARMANDO BUENRUSTRO request(s) a special exception to Section 14-16-2-8(B) and 14-16-2-6(B): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for an existing 5' high wall on all or a portion of Lot(s) 3, Block(s) A, DESERT SPRINGS UNIT 3 zoned R-LT, located at 7615 BLUE AVENA AVE SW (M-10)

APPROVED |
| 5. | *IR* 10ZHE-80022 | Project# 1008167 | JORGE SIGALA request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for an existing 5' high wrought iron wall on all or a portion of Lot(s) 11, Block(s) 19, BUENA VENTURA zoned R-1, located at 304 ALTEZ ST NE (K-20)

APPROVED WITH CONDITIONS |

OLD BUSINESS:

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|-----|-------------------------|-------------------------|---|
| 6. | *IR* 10ZHE-80000 | Project# 1008132 | NATIVIDAD DE LA MORA request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow for an existing carport in the front yard setback area on all or a portion of Lot(s) 8, Block(s) E, SUNRISE ESTATES UNIT 1 zoned R-D, located at 8216 PERIDOT AVE SW (M-10)

APPROVED |
| 7. | 09ZHE-80415 | Project# 1008108 | KENNETH & EMILY BRUDOS (SUSAN PRICE, AGENT) request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED BUILDING REVIEW to allow for 3 existing dwelling units in a R-1 zone on all or a portion of Lot(s) 37, Block(s) 3, DOUGLAS MACARTHUR zoned R-1, located at 5315 A B & C TENTH CT NW (F-14)

APPROVED |
| 8. | 09ZHE-80451 | | KENNETH & EMILY BRUDOS (SUSAN PRICE, AGENT) request(s) a special exception to Section 14-16-3-4(A)(3): an EXPANSION OF A NON-CONFORMING USE to allow for an existing building on all or a portion of Lot(s) 37, Block(s) 3, DOUGLAS MACARTHUR zoned R-1, located at 5315 A B & C TENTH CT NW (F-14)

APPROVED |
| 9. | 09ZHE-80417 | Project# 1008110 | KENNETH AND EMILY BRUDOS (SUSAN PRICE, AGENT) request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED BUILDING REVIEW to allow for 3 existing dwelling units in a R-1 zone on all or a portion of Lot(s) 38, Block(s) 3, DOUGLAS MACARTHUR SUBDIVISION zoned R-1, located at 5309 A B & C 10TH CT NW (F-14)

APPROVED |
| 10. | 09ZHE-80392 | Project# 1008078 | MIKE PORTWOOD (TOM POTTER, AGENT) 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' in height in the front yard setback area for a proposed 5' high wall on all or a portion of Lot(s) 6, Block(s) 9, LA ROSOLANA ADDN zoned R-1, located at 4415 AVENIDA ESTRELLITA NE (J-17)

DENIED - FTA |
| 11. | 10ZHE-80003 | Project# 1008141 | ERNEST SANTISTEVAN (YOLANDA MONTOYA, AGENT) request(s) a special exception to Section Pg. 34 P.4 and Pg. 34 P.3: a CONDITIONAL USE to allow for an office to occupy more than 50% of an existing building on all or a portion of Lot(s) 11&12, Block(s) 40, HUNING HIGHLANDS ADDN zoned SU-2 RO, located at 701 COAL AVE SE (K-14)

DENIED - FTA |

NEW BUSINESS:

12. **10ZHE-80020** **Project# 1008162** **JEAN C. SIMMONS** request(s) a special exception to Section 14-16-3-10(E)(3) W. Rt. 66 SDP: a VARIANCE of 10' to the 10' front yard setback landscape buffer requirement to allow for a proposed building on all or a portion of Lot(s) C10, TOWN OF ATRISCO GRANT AIRPORT UNIT zoned C-2, located at **5809 CENTRAL AVE NW** (K-11)
APPROVED
13. **10ZHE-80023** **Project# 1008168** **ARCHDIOCESE OF SANTA FE (ST. FRANCIS XAVIER PARISH)** request(s) a special exception to Section 14-16-3-10(E)(3)(b): a VARIANCE of 6' to the 6' side yard landscape buffer requirement for an existing parking lot on all or a portion of Lot(s) 1-12, Block(s) 5, LEWIS & SIMONDS ADDN zoned SU-2 NCR, located at **820 BROADWAY BLVD SE** (K-14)
DEFERRED TO 4/20/10
14. **10ZHE-80039** **Project# 1008184** **AUTO INSURANCE OF AMERICA (STANLEY DUNIN, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(3)(b): a VARIANCE of 6' to the 6' side yard setback area landscape buffer requirement on all or a portion of Lot(s) A, Block(s) 3, ZIMMERMAN ADDN zoned C-2, located at **4726 CENTRAL AVE SW** (K-12)
APPROVED
15. **10ZHE-80043** **Project# 1008187** **BILL GALBRETH (MARK BURAK, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(5)(a) and 14-16-2-14(D): a VARIANCE of 5' to the 15' rear yard setback area requirement to allow for a proposed dwelling on all or a portion of Lot(s) 2, TUSCANY VILLAGE zoned R-D/Open Space, located at **12104 SAN ANTONIO DR NE** (E-22)
APPROVED
16. **10ZHE-80044** **Project# 1008188** **DR. BILL GALBRETH (MARK BURAK, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(5)(a) and 14-16-2-14(D): a VARIANCE of 5' to the 15' rear yard setback area requirement to allow for a proposed dwelling on all or a portion of Lot(s) 3, TUSCANY VILLAGE zoned R-D / Open Space, located at **12108 SAN ANTONIO DR NE** (E-22)
APPROVED
17. **10ZHE-80045** **Project# 1008189** **DR. BILL GALBRETH (MARK BURAK, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(5)(a) and 14-16-2-14(D): a VARIANCE of 5' to the 15' rear yard setback area requirement to allow for a proposed dwelling on all or a portion of Lot(s) 4, TUSCANY VILLAGE zoned R-D/Open Space, located at **12112 SAN ANTONIO DR NE** (E-22)
APPROVED
18. **10ZHE-80024** **Project# 1008170** **HEATH & MARGARET BOBB** request(s) a special exception to Section 14-16-3-3(B)(2)(B): a VARIANCE of 7' to the 10' side yard setback area requirement for a proposed accessory building (garage) on all or a portion of Lot(s) 26, Block(s) 13, CHERRY HILLS UNIT 2 zoned R-1, located at **8601 BRANDYWINE RD NE** (E-20)
APPROVED
19. **10ZHE-80025** **Project# 1008170** **HEATH & MARGARET BOBB** request(s) a special exception to Section 14-16-3-3(B)(2)(B): a VARIANCE of 2' to the 20' distance separation requirement between a dwelling and a proposed accessory building (garage) on all or a portion of Lot(s) 26, Block(s) 13, CHERRY HILLS UNIT 2 zoned R-1, located at **8601 BRANDYWINE RD NE** (E-20)
APPROVED

20. **10ZHE-80028** **Project#** **GREATER ALBUQUERQUE HABITAT FOR HUMANITY (JOHN BROWN, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 2' 6" to the 20' front yard setback area requirement for a proposed dwelling on all or a portion of Lot(s) 29, DANIEL G. HERRERA'S zoned R-1, located at **6100 TOWNSEND PLACE SW (L-11)**

APPROVED

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

HEARING WILL RESUME PROMPTLY
AT 1:30 P.M. WITH ITEM #21

IF YOU ARE AGENDA ITEMS #21 - #37

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

21. **10ZHE-80031** **Project#** **LESLIE MCCAMENT-MANN (MARTIN GRUMMER, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 5' to the 5' side yard setback area requirement for a proposed carport on all or a portion of Lot(s) 3, Block(s) 1, LOMA VISTA ADDN zoned R-1, located at **3308 LOMA VISTA AVE NE (J-16)**

APPROVED WITH CONDITIONS

22. **10ZHE-80032** **Project#** **LESLIE MCCAMENT-MANN (MARTIN GRUMMER, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 2' to the 20' front yard setback area requirement for a proposed carport on all or a portion of Lot(s) 3, Block(s) 1, LOMA VISTA ADDN zoned R-1, located at **3308 LOMA VISTA AVE NE (J-16)**

APPROVED WITH CONDITIONS

23. **10ZHE-80036** **Project#** **BRUNO HANNEMANN (JAMES LUDI, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 20' to the 20' front yard setback area requirement for a proposed carport on all or a portion of Lot(s) 18, Block(s) 13, RIDGE PARK ADDN zoned R-1, located at **4709 HANNETT NE (J-17)**

APPROVED

24. **10ZHE-80037** **Project#** **BRUNO HANNEMANN (JAMES LUDI, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 4' to the 5' side yard setback area requirement for a proposed carport on all or a portion of Lot(s) 18, Block(s) 13, RIDGE PARK ADDN zoned R-1, located at **4709 HANNETT NE (J-17)**

APPROVED

25. **10ZHE-80030** **Project#** **MANUELA MONDLOCH** request(s) a special exception to Section 14-16-3-19(A)(1)(a) and Pg. 45 South Broadway SDP: a VARIANCE of 1' to the 3' fence height allowance for a proposed 4' high wrought iron fence in the front yard setback area on all or a portion of Lot(s) 1, Block(s) 31, HUNING HIGHLAND ADDN zoned SU-2 / LCR, located at **516 COAL AVE SE (K-14)**

APPROVED WITH CONDITIONS

26. **10ZHE-80035** **Project# 1008181** **JESSIE MARTINEZ** request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 2' to the 3' wall height allowance for a proposed 5' high retaining wall the front yard setback area on all or a portion of Lot(s) 145 P-1, RIDGEVIEW UNIT 2 zoned R-1, located at **12016 ROCKY CREST NW (A-12)**
APPROVED WITH CONDITIONS
27. **10ZHE-80038** **Project# 1008183** **BELINDA PENNINGTON** request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3' to the 3' wall height allowance for a proposed 6' high wall in the front yard setback area on all or a portion of Lot(s) 9, Block(s) 1, MONTOYA ADDN zoned R-1, located at **2405 EDNA AVE NW (J-12)**
APPROVED WITH CONDITIONS
28. **10ZHE-80040** **Project# 1008185** **GERARDO LOPEZ** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(3): a CONDITIONAL USE to allow for a fence over 3' in height in the side yard setback area for an existing 6' high fence on a corner lot where the rear yard is contiguous to the front yard of a residentially zoned lot on all or a portion of Lot(s) 21A, YUCCA ADDN UNIT 1 zoned R-1, located at **6401 CHURCHILL RD SW (K-11)**
DEFERRED TO 4/20/10
29. **10ZHE-80041** **Project# 1008185** **GERARDO LOPEZ** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE 2' 8" to the 3' wall height allowance for an existing 5' 8" high wall in the front yard setback area on all or a portion of Lot(s) 21A, YUCCA ADDN UNIT 1 zoned R-1, located at **6401 CHURCHILL RD SW (K-11)**
DEFERRED TO 4/20/10
30. **10ZHE-80034** **Project# 1008180** **JAMES DOUGLAS & THERESA BELL** request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 12' to the 20' front yard setback area requiment for a propsoed garage on all or a portion of Lot(s) A, Block(s) K, NETHERWOOD PARK ADDN SECOND REPLAT zoned R-1, located at **2500 HAROLD PL NE (H-15)**
APPROVED
31. **10ZHE-80046** **Project# 1008180** **JAMES DOUGLAS & THERESA BELL** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow for a fence over 3' in height in the front yard setback area for a proposed 5' high fence on all or a portion of Lot(s) A, Block(s) K, NETHERWOOD PARK ADDN SECOND REPLAT zoned R-1, located at **2500 HAROLD PL NE (H-15)**
APPROVED WITH CONDITIONS
32. **10ZHE-80042** **Project# 1008186** **LYDIA SOLIS** request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED BUILDING REVIEW to allow for an existing second dwelling on a R-1 lot on all or a portion of Lot(s) 25, Block(s) E, GLENDALE GARDENS zoned R-1, located at **5000 RINCON RD NW (J-11)**
DEFERRED INDEFINATELY
33. **10ZHE-80016** **Project# 1008155** **ERLINDA & ARTHUR PADILLA** request(s) a special exception to Section Sec. Pg. 46, IV.4 S. Broadway SDP: a CONDITIONAL USE to allow for the expansion of an existing legal non-conforming use for a proposed addition to the dwelling on all or a portion of Lot(s) 2, Block(s) 33, TORREON ADDN zoned SU-2 HC, located at **2104 JOHN ST SE (L-14)**
APPROVED WITH CONDITIONS

34. **10ZHE-80018** **Project# 1008159** **JEFFREY ERWAY** request(s) a special exception to Section 14-16-2-20(B)(5): a CONDITIONAL USE to allow for proposed retailing of beer for off-premise consumption in a M-1 zone on all or a portion of Lot(s) K5A, COLES INDUSTRIAL NO. 2 zoned M-1, located at **3313 GIRARD BLVD NE** (G-16)
APPROVED
35. **10ZHE-80033** **Project# 1008179** **INTERSTELLAR CARTOON CORP INC (WILLIAM FERGUSON, AGENT)** request(s) a special exception to Section Pg. 75 SU-2 MC and 14-16-2-17(B)(3): a CONDITIONAL USE to allow for a proposed church in a SU-2 MC zone on all or a portion of Lot(s) A, Block(s) 34, TERRACE ADDN zoned SU-2 MC, located at **1215 HAZELDINE AVE SE** (K-15)
APPROVED WITH CONDITIONS
36. **10ZHE-80026** **Project# 1008171** **JONATHAN TRUJILLO** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow for a propsoed carport in the front yard setback area on all or a portion of Lot(s) 6, Block(s) 13, BEL AIR zoned R-1, located at **2619 QUNICY ST NE** (H-17)
DEFERRED TO 4/20/10
37. **10ZHE-80027** **Project# 1008171** **JONATHAN TRUJILLO** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow for a fence over 3' in height in the front yard setback area for an existing 5' high fence on all or a portion of Lot(s) 6, Block(s) 13, BEL-AIR zoned R-1, located at **2619 QUNICY ST NE** (H-17)
DEFERRED TO 4/20/10