



**HEARING ON SPECIAL EXCEPTIONS  
TO THE COMPREHENSIVE CITY ZONING CODE**  
**ZONING HEARING EXAMINER'S ACTION SHEET**

TUESDAY, AUGUST 18, 2009 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**

*Roberto Albertorio, Esq., Zoning Hearing Examiner  
Tom Rojas, Deputy Zoning Hearing Examiner  
Lucinda Montoya, Administrative Assistant*

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

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**PLEASE ADDRESS ALL CORRESPONDENCE TO:**

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

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**INTERPRETER REQUIRED:**

**OLD BUSINESS:**

1. **09ZHE-80151**      **Project#**      **GEORGE W. CASE** request(s) a special exception to Section 14-16-2-17(B)(11)(e) and South Yale SDP, Pg. 24: a CONDITIONAL USE to allow for proposed outdoor storage of an RV unit, for more than 1 week, in a residential zone on all or a portion of Lot(s) 19 & 20, Block(s) 11, CLAYTON HEIGHTS ADDN zoned SU-2 NMX, located at **1824 WILMOORE DR SE** (L-15)

**APPROVED W/CONDITIONS**

2. **09ZHE-80160**      **Project#**      **ELAINE MARQUEZ** request(s) a special exception to Section 14-16-2-6B)(14)(a)(2): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for an existing 4' 6" high wall on all or a portion of Lot(s) 1R, Block(s) D, CARLOS REY zoned R-1, located at **1201 CORTEZ DR SW** (L-11)

**DEFERRED TO 9/15/09**

3. **09ZHE-80161**      **Project#** **ELAINE MARQUEZ** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(3): a **CONDITIONAL USE** to allow for a wall over 3' in height in the front, side and rear yard setback areas for an existing 5' wall on all or a portion of Lot(s) 1R, Block(s) D, **CARLOS REY** zoned R-1, located at **1201 CORTEZ DR SW (L-11)**  
**1007807**  
**DEFERRED TO 9/15/09**

### **NEW BUSINESS:**

4. **09ZHE-80218**      **Project#** **MOHAMMAD REZA ZAMANIAN** request(s) a special exception to Section 14-16-2-16(C): a **VARIANCE** of 4' to the 26' maximum structure height requirement for a proposed 30' high building in a C-1 zone on all or a portion of Lot(s) 9-10, Block(s) 2, **ENCHANTED MESA** zoned C-1, located at **11417 MENAUL BLVD NE (H-22)**  
**1007875**  
**APPROVED**
5. **09ZHE-80219**      **Project#** **MOHAMMAD REZA ZAMANIAN** request(s) a special exception to Section 14-16-3-10(E)(3)(a): a **VARIANCE** of 10' to the 10' front yard landscape buffer requirement along the southern boundary on all or a portion of Lot(s) 9-10, Block(s) 2, **ENCHANTED MESA** zoned C-1, located at 11417 **MENAUL BLVD NE (H-22)**  
**1007875**  
**APPROVED**
6. **09ZHE-80220**      **Project#** **MOHAMMAD REZA ZAMANIAN** 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 on Kirby Street on all or a portion of Lot(s) 9-10, Block(s) 2, **ENCHANTED MESA** zoned C-1, located at **11417 MENAUL BLVD NE (H-22)**  
**1007875**  
**APPROVED**
7. **09ZHE-80221**      **Project#** **MOHAMMAD REZA ZAMANIAN** request(s) a special exception to Section 14-16-3-10(E)(3)(c): a **VARIANCE** of 6' to the 6' rear yard landscape buffer along the northern boundary on all or a portion of Lot(s) 9-10, Block(s) 2, **ENCHANTED MESA** zoned C-1, located at **11417 MENAUL BLVD NE (H-22)**  
**1007875**  
**APPROVED**
8. **09ZHE-80244**      **Project#** **RICK SANCHEZ** request(s) a special exception to Section 14-16-2-6(E)(1): a **VARIANCE** of 8' 1" to the 20' front yard setback area requirement to allow for a proposed addition on all or a portion of Lot(s) 23A, Block(s) 4, **BELMONT PLACE ADDN** zoned R-1, located at **4600 6TH ST NW (G-14)**  
**1007901**  
**DEFERRED TO 10/20/09**
9. **09ZHE-80245**      **Project#** **RICK SANCHEZ** request(s) a special exception to Section 14-16-2-6(E)(3)(a): a **VARIANCE** of 8' to the 20' side yard (corner) setback area requirement for a proposed addition on all or a portion of Lot(s) 23A, Block(s) 4, **BELMONT PLACE ADDN** zoned R-1, located at **4600 6TH ST NW (G-14)**  
**1007901**  
**DEFERRED TO 10/20/09**
10. **09ZHE-80248**      **Project#** **ROMAN ROMERO** request(s) a special exception to Section 14-16-2-5(E): a **VARIANCE** of 20' to the 25' rear yard setback area requirement to allow for a proposed addition on all or a portion of Lot(s) 1A, **PADILLA** zoned RA-2, located at **1740 AVIENDA CRISTO REY NW (F-13)**  
**1007904**  
**APPROVED**
11. **09ZHE-80249**      **Project#** **ROMAN ROMERO** 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 to allow for a proposed addition on all or a portion of Lot(s) 1A, **PADILLA** zoned RA-2, located at **1740 AVIENDA CRISTO REY NW (F-13)**  
**1007904**  
**APPROVED**

12. **09ZHE-80216** **Project# 1007873** **DAVID Y. GALLEGOS** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE of 3' 2" to the 3' wall height allowance to allow for an existing 6' 2" fence in the front yard setback area on all or a portion of Lot(s) 9, Block(s) 3, CRESTVIEW ADDN zoned R-1, located at **240 53RD ST SW** (K-11)  
**DEFERRED TO 10/20/09**
13. **09ZHE-80228** **Project# 1007873** **DAVID Y. GALLEGOS** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE of 10' to the 15' rear yard setback area to allow for a proposed addition on all or a portion of Lot(s) 9, Block(s) 3, CRESTVIEW ADDN zoned R-1, located at **240 53RD ST SW** (K-11)  
**DEFERRED TO 10/20/09**
14. **09ZHE-80247** **Project# 1007903** **MONIQUE BELL (NIQUE'SCAPES, 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 to allow for a proposed removable shade structure on all or a portion of Lot(s) 1, Block(s) 18, MONTE VISTA ADDN zoned SFHD, located at **442 RICHMOND PL NE** (K-16)  
**APPROVED**
15. **09ZHE-80241** **Project# 1007898** **EMELDA ARMIJO** request(s) a special exception to Section 14-16-2-14(D) and 14-16-2-6(E)(3): a VARIANCE of 10' to the 20' side yard setback area requirement (corner lot) to allow for a proposed attached storage shed on all or a portion of Lot(s) 62-P1, THE CROSSINGS UNIT 2B zoned R-D, located at **1901 SELWAY PL NW** (H-9)  
**APPROVED W/CONDITIONS**
16. **09ZHE-80232** **Project# 1007888** **MARIANNE SEIDLER (ROGER CINELLI, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(5)(a): a VARIANCE of 8' 6" to the 20' front yard setback area requirement to allow for a proposed covered patio on all or a portion of Lot(s) 29, Block(s) 68, PARKLAND HILLS zoned R-1, located at **4813 SOUTHERN AVE SE** (L-17)  
**APPROVED**
17. **09ZHE-80231** **Project# 1007888** **MARIANNE SEIDLER (ROGER CINELLI, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for a proposed 5' 6" high wall on all or a portion of Lot(s) 29, Block(s) 68, PARKLAND HILLS zoned R-1, located at **4813 SOUTHERN AVE SE** (L-17)  
**APPROVED W/CONDITIONS**
18. **09ZHE-80235** **Project# 1007893** **PATRICK JOHNSON** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): 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) 1, Block(s) 21, UNIVERSITY HEIGHTS ADDN zoned SU-2 DR, located at **402 PRINCETON DR SE** (K-16)  
**DEFERRED TO 9/15/09**
19. **09ZHE-80240** **Project# 1007897** **ELEANOR A. GRIGGS-ANAYA** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE of 4' 5" to the 3' wall height allowance for an existing 7' 5" high wall in the front yard setback area on all or a portion of Lot(s) 39, RIO GRANDE HEIGHTS zoned R-1, located at **304 53RD ST SW** (K-11)  
**APPROVED W/CONDITIONS**
20. **09ZHE-80206** **Project# 1007850** **JOE CASTILLO** request(s) a special exception to Section 14-16-2-17(A) and 14-16-2-17(B)(11): a CONDITIONAL USE to allow for existing outdoor storage and display of appliances in a C-2 zone on all or a portion of Lot(s) 2 & 3, Block(s) 4, ZIMMERMAN ADDN zoned C-2, located at **4806 CENTRAL AVE SW** (K-11)  
**DENIED**

21. **09ZHE-80208**      **Project# 1007855**      **MARIAH CREATIONS (PETER LOVATO, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(11): a **CONDITIONAL USE** to allow for existing outside storage and display of furniture in a C-2 zone on all or a portion of Lot(s) 1A, Block(s) 7, CHAVEZ-TIMOTEO ADDN zoned C-2, located at **4408 A MENAUL BLVD NE (H-17)**  
**DENIED**
22. **09ZHE-80209**      **Project# 1007858**      **JOE BURCH OR GRADY HENDERSON (JC TILE)** request(s) a special exception to Section 14-16-2-16(B)(1): a **CONDITIONAL USE** to allow for existing outdoor storage and display of tile in a C-1 zone on all or a portion of Lot(s) 45B, Block(s) 45B, PRINCESS JEANNE PARK zoned C-1, located at **1201 JUAN TABO NE (J-21)**  
**DENIED**
23. **09ZHE-80233**      **Project# 1007890**      **CO & PETERSON PROPERTY (JOSEPH RIVERA, AGENT)** request(s) a special exception to Section 14-16-2-17(A) and 14-16-2-17(B)(11): a **CONDITIONAL USE** to allow for proposed outdoor storage of landscaping materials in a C-2 zone on all or a portion of Lot(s) 2, 3, & 4, Block(s) 6, TRACTION PARK & CITY ELECTRIC ADDN zoned C-2, located at **2314 CENTRAL AVE SW (J-12)**  
**DEFERRED TO 9/15/09**

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

**HEARING WILL RESUME PROMPTLY**  
**AT 1:30 P.M. WITH ITEM #24**

**IF YOU ARE AGENDA ITEMS #24 - #45**

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

24. **09ZHE-80213**      **Project# 1007865**      **DONA BANAS (DAC ENT., AGENT)** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a **VARIANCE** of 8' to the 8' fence height allowance for a proposed 16' high fence in the rear yard setback area on all or a portion of Lot(s) 5 & 6, Block(s) 19, MONTEREY HILLS ADDN zoned R-1, located at **3008 SANTA CLARA AVE SE (L-16)**  
**APPROVED**
25. **09ZHE-80223**      **Project# 1007877**      **SAYLOR FAMILY TRUST, LLC (CALVARY CHAPEL SW, INC.)** request(s) a special exception to Section 14-16-2-17(B)(3): a **CONDITIONAL USE** to allow for a proposed church in a C-2 zone on all or a portion of Lot(s) 169A, MRGCD MAP 42 zoned C-2, located at **1720 BRIDGE BLVD SW (L-12)**  
**APPROVED**
26. **09ZHE-80237**      **Project# 1007895**      **YWCA MIDDLE RIO GRANDE (DONNA AUDETTE, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(3): a **CONDITIONAL USE** to allow for a proposed church in a C-2 zone on all or a portion of Lot(s) E1, Block(s) 8, BUENA VISTA BUSINESS ADDN zoned C-2, located at **210 TRUMAN ST NE (K-17)**  
**APPROVED**

27. **09ZHE-80238** **Project# 1007896** **MARY CORRINE ANAYA** request(s) a special exception to Section 14-16-2-6(B)(1): a CONDITIONAL USE to allow for an existing accessory living quarters in the rear yard setback area on all or a portion of Lot(s) 5, Block(s) 7, STRONGHURST ADDN zoned R-1, located at **3012 FRANCISCAN ST NE (G-15)**  
**DEFERRED TO 10/20/09**
28. **09ZHE-80239** **Project# 1007896** **MARY CORRINE ANAYA** 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) 5, Block(s) 7, STRONGHURST ADDN zoned R-1, located at **3012 FRANCISCAN ST NE (G-15)**  
**DEFERRED TO 10/20/09**
29. **09ZHE-80210** **Project# 1007859** **RENAE CORCACI** request(s) a special exception to Section 14-16-2-6(B)(5): a CONDITIONAL USE to allow for a proposed family daycare home for up to 12 children in an R-1 zone on all or a portion of Lot(s) 31, LUZ EN LA VENTANA AT VENTANA RANCH zoned R-LT, located at **6916 LUZ DEL SOL PL NW (B-9)**  
**APPROVED**
30. **09ZHE-80211** **Project# 1007860** **JOHN LERMA** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow for a proposed carport in the front yard setback area on all or a portion of Lot(s) 28, Block(s) 6, SNOW HEIGHTS ADDN zoned R-1, located at **8010 INDIAN SCHOOL RD NE (J-19)**  
**APPROVED**
31. **09ZHE-80217** **Project# 1007874** **TIMOTHY GIFFORD (AUSTIN'S CARPORTS, AGENTS)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow for a proposed carport in the front yard setback area on all or a portion of Lot(s) 4, Block(s) 16, LOMA VISTA ADDN zoned R-1, located at **1113 LAFAYETTE DR NE (J-16)**  
**APPROVED**
32. **09ZHE-80243** **Project# 1007900** **TIM COAN (CHRIS DONALDSON, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow for a proposed carport in the front yard setback area on all or a portion of Lot(s) 17, Block(s) 12, ZWEIG & JAMISON zoned R-1, located at **812 MADISON ST NE (J-17)**  
**APPROVED**
33. **09ZHE-80246** **Project# 1007902** **SAM & RACHEL SHAW** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow for a proposed carport in the front yard setback area on all or a portion of Lot(s) 14, Block(s) 12, MONTEREY HILLS zoned R-1, located at **612 AMHERST DR SE (L-16)**  
**APPROVED**
34. **09ZHE-80236** **Project# 1007894** **JOAN SAKS BERMAN (SIMON POLAKOWSKI, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow for a proposed carport in the front yard setback area on all or a portion of Lot(s) 33, Block(s) 2, MCDUFFIE PLACE UNIT 1 zoned R-1, located at **725 HERMOSA DR NE (J-16)**  
**APPROVED**
35. **09ZHE-80222** **Project# 1007876** **LUIS R. GONZALES** 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) 14, Block(s) 7, HOFFMANTOWN ADDN zoned R-1, located at **9101 CLAREMONT AVE NE (H-20)**  
**DENIED**

36. **09ZHE-80226** **Project# 1007882** **CHARLES NOBLE (FOUR SEASONS SUNROOMS, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(12): a CONDITIONAL USE to allow for a proposed shade structure in the rear yard setback area on all or a portion of Lot(s) 4A, ALVARADO GARDENS UNIT 1 zoned RA-2, located at **2722 RIO GRANDE BLVD NW (G-12)**  
**APPROVED**
37. **09ZHE-80227** **Project# 1007883** **RONALD & ESMERALDA GABALDON (FOUR SEASONS SUNROOMS, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(12): a CONDITIONAL USE to allow for a proposed shade structure in the rear yard setback area on all or a portion of Lot(s) 53, VISTA VIEJA zoned R-D, located at **6835 VISTA DEL SOL DR NW (D-9)**  
**APPROVED**
38. **09ZHE-80214** **Project# 1007868** **DIANNA S. BLAIR** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for a proposed 4' high wall on all or a portion of Lot(s) 10A, Block(s) 14, REBONITO zoned R-1, located at **13234 BELLAMAH AVE NE (J-23)**  
**APPROVED W/CONDITIONS**
39. **09ZHE-80215** **Project# 1007870** **TONYA CARSON (CHARLES JAEGER, AGENT)** 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 and side yard setback areas for a proposed 6' high wrought iron fence on all or a portion of Lot(s) 20, Block(s) 15, NEW YEAR ADDN (PLAT OF FAITH SUBD) zoned R-1, located at **4619 SUMMER AVE NE (J-17)**  
**APPROVED W/CONDITIONS**
40. **09ZHE-80224** **Project# 1007878** **KEITH JOHNSTON** 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 6' high wall on all or a portion of Lot(s) 4, Block(s) 11, REBONITO zoned R-1, located at **13204 VELMA CT NE (J-23)**  
**APPROVED W/CONDITIONS**
41. **09ZHE-80225** **Project# 1007880** **COLIN HAZELBAKER (GERALD HAZELBAKER, AGENT)** request(s) a special exception to Section SEC. PG. 106 and 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 wall on all or a portion of Lot(s) 12, Block(s) 47, UNIVERSITY HEIGHTS ADDN zoned R-1, located at **224 WELLESLEY DR SE (K-16)**  
**APPROVED W/CONDITIONS**
42. **09ZHE-80229** **Project# 1007884** **KARLA OR ROBERT JARAMILLO** request(s) a special exception to Section 14-16-2-6(14)(a)(2): a CONDITIONAL USE to allow for a fence over 3' in height in the front yard setback area for an existing 5' high wrought iron fence on all or a portion of Lot(s) 33A, Block(s) 22, MESA VILLAGE zoned R-1, located at **1209 ESPEJO ST NE (J-20)**  
**APPROVED W/CONDITIONS**
43. **09ZHE-80230** **Project# 1007887** **SHARON FERREL** request(s) a special exception to Section 14-16-2-6(B)(14)((a)(2): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for an existing 4' 11' high wall on all or a portion of Lot(s) 6, Block(s) 27A, ELDER HOMESTEAD ADDN zoned R-1, located at **1120 CALIFORNIA ST SE (L-18)**  
**APPROVED W/CONDITIONS**

44. **09ZHE-80242** **Project#** **MARIA REYES (JOSE ANDRADE, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(2): a **CONDITIONAL USE** to allow for a fence over 3' in height in the front yard setback area for an existing 4' 7" high fence on all or a portion of Lot(s) 15A, Block(s) 116, BEL AIR CARMODYS zoned R-1, located at **2416 CAGUA DR NE** (H-18)

**WITHDRAWN**

45. **09ZHE-80234** **Project#** **SOUTHERN WINE & SPIRITS OF NM (DEKKER PERICH SABATINI, LTD., AGENT)** request(s) a special exception to Section 14-16-2-20(F) and 14-16-3-1(A)21 & 14-16-3-1(A)(31): a **VARIANCE** of 27 off-street parking spaces to the 110 off-street parking spaces for office/warehouse requirement in an SU-2 / HM zone on all or a portion of Tract(s) A-1 & B-2, LAND OF PETE MATTEUCCI zoned SU-2, located at **1601 COMMERCIAL ST NE** (J-14)

**APPROVED**