



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

TUESDAY, SEPTEMBER 15, 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:**

- |    |                         |                         |   |
|----|-------------------------|-------------------------|---|
| 1. | <b>*IR* 09ZHE-80264</b> | <b>Project# 1007925</b> | <b>XIOMARA RICARDO</b> request(s) a special exception to Section 14-16-3-19-(A)(2)(a): a VARIANCE of 3' to the 3' wall height allowance to allow for an existing 6' high wall in the front yard setback area on all or a portion of Lot(s) 15, SALAS ADDN NO. 1 zoned RA-2, located at <b>2407 GUN CLUB RD SW (Q-11)</b><br><br><b>DENIED</b> |
|----|-------------------------|-------------------------|---|

**OLD BUSINESS:**

- |    |                    |                         |  |
|----|--------------------|-------------------------|--|
| 2. | <b>09ZHE-80163</b> | <b>Project# 1007809</b> | <b>RICHARD MOYA</b> request(s) a special exception to Section 14-16-3-19(A)(1): a VARIANCE of 3' to the 3' wall height allowance for an existing 6' high wall in the front yard setback area on all or a portion of Lot(s) 1BA, Block(s) 14, PALISADES zoned R-1, located at <b>2426 VISTA GRANDE DR NW (H-11)</b><br><br><b>APPROVED W/CONDITIONS</b>         |
| 3. | <b>09ZHE-80184</b> | <b>Project# 1007833</b> | <b>RON MAESTAS</b> request(s) a special exception to Section P. 74 A. 4. and 14-16-1-5(B) Definitions: a VARIANCE to allow for a proposed detached garage larger than the existing main dwelling on the same lot on all or a portion of Tract(s) 110C, MRGCD MAP 37 zoned SU-2, located at <b>412 MOUNTAIN RD NE (J-14)</b><br><br><b>DEFERRED TO 10/20/09</b> |

4. **09ZHE-80168** **Project# 1007817** **GREGORY I. SHORR & HELENE L. MINOT** request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 8' to the 20' front yard setback area requirement for a proposed garage on all or a portion of Lot(s) 11, Block(s) C, ALTURA ADDN zoned R-1, located at **1727 ALISO DR NE** (J-17)  
**APPROVED**
5. **09ZHE-80141** **Project# 1007778** **RICHARD WAGNER** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE 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) 60, UNIVERSITY HEIGHTS zoned R-1, located at **502 BRYN MAWR DR SE** (K-16)  
**DEFERRED TO 11/17/09**
6. **09ZHE-80150** **Project# 1007788** **MELISSA MARTINEZ** request(s) a special exception to Section 14-16-3-19(A)(1)(C): a VARIANCE of 2' 11" to the 3' wall height allowance for an existing 5' 11" high wall in the front yard setback area on all or a portion of Lot(s) 49 & 50, RIO GRANDE HEIGHTS ADDN DISTRICT NO. 28 zoned R-1, located at **501 53RD ST SW** (K11)  
**APPROVED W/CONDITIONS**
7. **09ZHE-80190** **Project# 1007842** **WILLIAM E. & HORTENSIA S. BLYTHE (ANITA BLYTHE, AGENT)** request(s) a special exception to Section 14-16-3-4: a STATUS ESTABLISHED BUILDING REVIEW to allow for an existing residential unit on an SU-2 CC (Community Commercial) lot on all or a portion of Lot(s) 107C, MRGCD MAP 38 zoned SU-2 CC, located at **1701 CENTRAL AVE NW** (J-13)  
**DENIED**
8. **09ZHE-80191** **Project# 1007842** **WILLIAM E. & HORTENSIA S. BLYTHE (ANITA BLYTHE, AGENT)** request(s) a special exception to Section 14-16-3-4(A)(3): a NON CONFORMING USE for 25% expansion of the (non conforming) addition to the dwelling on all or a portion of Lot(s) 107C, MRGCD MAP 38 zoned SU-2 CC, located at **1701 CENTRAL AVE NW** (J-13)  
**DENIED**
9. **08ZHE-80446** **Project# 1007598** **MARY LAMPERT** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1) and PG. 70 DR (2)(a)ref PG. 69 RTD (2)(9)ref: a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for an existing 5'6" high wall on all or a portion of Lot(s) 14, Block(s) 28, UVIVERSTIY HEIGHTS ADDN zoned SU-2 DR, located at **421 GIRARD BLVD SE** (K-16)  
**DENIED - FTA**
10. **09ZHE-80196** **Project# 1007845** **MICHAEL & LYDIA VANDIVER** request(s) a special exception to Section Pg. 33 and 14-16-2-6(B)(7): a CONDITIONAL USE to allow for exisiting home health care (acupuncture) in a SU-2 zone on all or a portion of Lot(s) 3, Block(s) 24, HUNINGS HIGHLAND zoned SU-2, located at **227 HIGH ST NE** (K-14)  
**APPROVED**
11. **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)  
**WITHDRAWN**

12. **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)**  
**APPROVED W/CONDITIONS**

### **NEW BUSINESS:**

13. **09ZHE-80275** **Project# 1007935** **WAL-MART STORES EAST, INC. (BRR ARCHITECTURE, AGENT)** request(s) a special exception to Section NOB HILL HIGHLAND SDP Pg. 103: a VARIANCE 48" to 18" maximum individual letter height requirement to allow for a proposed wall sign with 66" high letters on all or a portion of Lot(s) 1A, WAL-MART ADDN zoned CCR-3, located at **301 SAN MATEO BLVD SE (K-17)**  
**APPROVED**
14. **09ZHE-80277** **Project# 1007935** **WAL-MART STORES EAST, INC. (BRR ARCHITECTURE, AGENT)** request(s) a special exception to Section NOB HILL HIGHLAND SDP Pg. 103: a VARIANCE of 66" to the 18" maximum individual letter width requirement to allow for a proposed sign with 94" wide letters on all or a portion of Lot(s) 1A, WAL-MART ADDN zoned CCR-3, located at **301 SAN MATEO BLVD SE (K-17)**  
**APPROVED**
15. **09ZHE-80281** **Project# 1007939** **D & D ENTERPRISE (MARK CHAVEZ, AGENT)** request(s) a special exception to Section 14-16-2-17(A)(10) and 14-16-3-5(B)(2)(b): a VARIANCE of 10' to the 10' sign facing the public right-of-way requirement (3' to 8' above the gutter line) for a proposed monument sign on all or a portion of Lot(s) 7 & 8, Block(s) 2, FRANCISCAN ADDN zoned C-2, located at **2040 4TH ST NW (H-14)**  
**APPROVED W/CONDITIONS**
16. **09ZHE-80283** **Project# 1007941** **ROBERT SANCHEZ (RAMON SARASON, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(4)(a): a VARIANCE of 5' 4" to the 10' landscape buffer requirement adjacent to a residential zone in an O-1 zone on all or a portion of Lot(s) N, NUCLEAR PHARMACY zoned O-1, located at **1730 MONTANO RD NW (F-13)**  
**APPROVED W/CONDITIONS**
17. **09ZHE-80160** **Project# 1007807** **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)**  
**DECISION PENDING TRAFFIC ENGINEER'S REPORT**
18. **09ZHE-80161** **Project# 1007807** **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)**  
**DECISION PENDING TRAFFIC ENGINEER'S REPORT**
19. **09ZHE-80255** **Project# 1007807** **ELAINE MARQUEZ** request(s) a special exception to Section 14-16-3-3(B)(2)(b): a VARIANCE of 9' to the 20' side yard (corner) setback area requirement to allow an existing accessory structure 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)**  
**APPROVED**

20. **09ZHE-80256**      **Project#** **ELAINE MARQUEZ** request(s) a special exception to Section 14-16-3-3(B)(2)(d): a VARIANCE of 2' 6" to the 10' distance separation requirement between a dwelling and an existing accessory structure 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**  
**APPROVED**
21. **09ZHE-80261**      **Project#** **ALEX & SARA CRECCA (ROBERT PENNINGTON, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(5)(a): a VARIANCE of 11' 6" to the 15' rear yard setback area requirement to allow for an existing dwelling on all or a portion of Lot(s) 6, Block(s) 8, HUNING CASTLE ADDN zoned R-1, located at **314 16TH ST SW** (J-13)  
**1007924**  
**APPROVED**
22. **09ZHE-80262**      **Project#** **ALEX & SARA CRECCA (ROBERT PENNINGTON, AGENT)** request(s) a special exception to Section 14-16-3-3(B)(2): a VARIANCE of 5' 3" to the 10' distance separation requirement between a dwelling and an accessory structure in an R-1 zone on all or a portion of Lot(s) 6, Block(s) 8, HUNING CASTLE ADDN zoned R-1, located at **314 16TH ST SW** (J-13)  
**1007924**  
**APPROVED**
23. **09ZHE-80263**      **Project#** **ALEX & SARA CRECCA (ROBERT PENNINGTON, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(5)(a): a VARIANCE of 5' 3" to the 10' separation requirement between a dwelling and accessory building in an R-1 zone on all or a portion of Lot(s) 6, Block(s) 8, HUNING CASTLE ADDN zoned R-1, located at **314 16TH ST SW** (J-13)  
**1007924**  
**APPROVED**
24. **09ZHE-80260**      **Project#** **DEBRA ARCHIBEQUE** request(s) a special exception to Section 14-16-2-6(E)(5)(a): a VARIANCE of 3' to the 15' rear yard setback area requirement to allow for a proposed garage in an R-1 zone on all or a portion of Lot(s) 18, Block(s) G, NORTHERN HEIGHTS ADDN zoned R-1, located at **778 57TH ST NW** (J-11)  
**1007923**  
**APPROVED**
25. **09ZHE-80269**      **Project#** **JOHN FITZGERALD** request(s) a special exception to Section 14-16-2-6(E)(5)(a): a VARIANCE of 4' 6" to the 15' rear yard setback area requirement to allow for a proposed addition in an R-D zone on all or a portion of Lot(s) 21, Block(s) 14, ACADEMY PLACE zoned E-21, located at **11005 KIELICH AVE NE** (R-D)  
**1007929**  
**APPROVED**

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

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

**IF YOU ARE AGENDA ITEMS #26 - #51**

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

26. **09ZHE-80279**      **Project#**      **NEW MEXICO EDUCATORS FEDERAL CREDIT UNION (TOM JOHNSON, AGENT) request(s) a special exception to Section LA CUEVA SDP Pg. 29 and 14-16-2-23: a VARIANCE of 1' 8" to the 2' maximum wall mounted logo size requirement for a proposed 3' 8" logo on a wall mounted sign on all or a portion of Lot(s) 18A, NORTH ALBUQ ACRES TRACT A UNIT A zoned SU-2 / C-1, located at 8321 PALOMAS AVE NE (D-19)**  
**1007938**
- APPROVED**
27. **09ZHE-80280**      **Project#**      **NEW MEXICO EDUCATORS FEDERAL CREDIT UNION (TOM JOHNSON, AGENT) request(s) a special exception to Section LA CUEVA SDP PG. 29 and 14-16-2-23: a VARIANCE of 9.5" to the 2' maximum logo size requirement for a proposed 11.5" logo on a monument sign on all or a portion of Lot(s) 18A, NORTH ALBUQ ACRES TRACT A UNIT A zoned SU-2 / C-1, located at 8321 PALOMAS AVE NE (D-19)**  
**1007938**
- APPROVED**
28. **09ZHE-80287**      **Project#**      **STEVEN KANIG (DAC ENT., AGENT) request(s) a special exception to Section 14-16-4-8 and Pg. 145 ZONING OPERATIONS MANUAL: a VARIANCE to an April 17, 1981 DECLARATORY RULING of 10' to the 3' structure height requirement within the front yard setback area for a proposed accessory structure (13' high garage) in the front yard setback area on all or a portion of Lot(s) 46-A, Block(s) 1, THOMAS VILLAGE ESTATES zoned RA-2, located at 3325 CALLE DE DANIEL NW (G-12)**  
**1007946**
- APPROVED**
29. **09ZHE-80270**      **Project#**      **MELISSA BROWN (JEFF LOWRY, AGENT) request(s) a special exception to Section 14-16-2-12(E)(2)(a): a VARIANCE of 3' 7.5" to the 10' side yard (corner lot) setback area requirement to allow for a proposed addition to the existing dwelling in an R-3 zone on all or a portion of Lot(s) 1AP1, BREEZE AT SOUTH PARK zoned R-3, located at 1500 OCEAN BREEZE DR NE (J-22)**  
**1007930**
- APPROVED**
30. **09ZHE-80274**      **Project#**      **BEN & CATHY KROLL (DOUG VELHAGEN, AGENT) request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 3' to the 5' side yard setback area requirement to allow for a proposed addition to the dwelling on all or a portion of Lot(s) 21 & 22, UNIVERSITY HEIGHTD ADDN zoned R-1, located at 405 BRYN MAWR DR SE (K-16)**  
**1007934**
- DEFERRED TO 10/20/09**
31. **09ZHE-80276**      **Project#**      **JASON HINCHLIFFE (ADAM HELLER, AGENT) request(s) a special exception to Section 14-16-1-5: a VARIANCE of 5' 4" to the 12' 8" accessory building maximum height allowance to allow for a proposed 18' high accessory structure on all or a portion of Lot(s) 18, Block(s) 45, UNIVERSITY HEIGHTS ADDN zoned R-1, located at 413 TULANE SE (K-16)**  
**1007936**
- DENIED**
32. **09ZHE-80251**      **Project#**      **DORA & BILL LAPSLEY request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE 6' to the 3' wall height allowance to allow for an existing 9' high wall in the front yard setback area on all or a portion of Lot(s) 5, Block(s) 2, VALENCIA ESTATES zoned R-D 9 DV/AC, located at 7901 TIFFANY RD SW (L-10)**  
**1007910**
- APPROVED W/CONDITIONS**
33. **09ZHE-80252**      **Project#**      **RYAN & MICHELLE ROARK request(s) a special exception to Section 14-16-3-3(A)(4)(a)1: a VARIANCE of 2' 3.5" to the 3' wall height allowance to allow for an existing 5' 3.5" high wall in the front yard setback area on all or a portion of Lot(s) 6, Block(s) 2, VALENCIA ESTATES zoned R-D, located at 700 LIBBY AVE SW (L-10)**  
**1007911**
- APPROVED W/CONDITIONS**

34. **09ZHE-80265** **Project# 1007926** **HARVEY VALENZUELA** request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED BUILDING REVIEW to allow for 2 existing dwelling units on one lot in an R-1 zone on all or a portion of Lot(s) 151C1, MRGCD MAP 32 zoned R-1, located at **605 GRIEGOS RD NW (F14)**  
**APPROVED**
35. **09ZHE-80257** **Project# 1007919** **LOUIS LUCERO** request(s) a special exception to Section 14-16-2-17 and 14-16-2-17(B)(17): a CONDITIONAL USE to allow for an existing retail business to manufacture signs in a C-2 zone on all or a portion of Lot(s) 36, Block(s) 4, EAST CENTRAL BUSINESS ADDN zoned C-2, located at **11300 LINN AVE NE (L-21)**  
**APPROVED**
36. **09ZHE-80273** **Project# 1007933** **LISA O'GRADY & GEORGANN GLIDEWELL** request(s) a special exception to Section 14-16-2-5 (B) (1) 14-16-2-4 (B) (1) and 14-16-6-2 (B) (11): a CONDITIONAL USE to allow for a dwelling with a proposed second kitchen on all or a portion of Lot(s) 79, ALVARADO GARDENS UNIT 3 zoned RA-2, located at **2610 CANDELARIA RD NW (G-12)**  
**APPROVED**
37. **09ZHE-80278** **Project# 1007937** **JOSEPH & KAREN SEGURA** request(s) a special exception to Section 14-16-2-6(B)(11): a CONDITIONAL USE to allow for a dwelling with a proposed second kitchen in an R-1 zone on all or a portion of Lot(s) 27, Block(s) C, BOSQUE REDONDO zoned R-1, located at **8313 FRUIT AVE NE (K-19)**  
**DEFERRED TO 10/20/09**
38. **09ZHE-80250** **Project# 1007905** **FRED & JEAN GALLEY (CAROL RICKERT ASBURY, AGENT)** request(s) a special exception to Section 14-16-2-16(A) and 14-16-2-16(B)(11): a CONDITIONAL USE to allow for existing outdoor storage and activity 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 BLVD NE (J-21)**  
**DENIED**
39. **09ZHE-80258** **Project# 1007920** **CLAIRE V. NILSSON** request(s) a special exception to Section 14-16-2-6(B)(1): a CONDITIONAL USE to allow for a proposed accessory living quarters in an R-1 zone on all or a portion of Lot(s) 14, Block(s) 8, VICTORY ADDN zoned R-1, located at **1004 PRINCETON DR SE (I-16)**  
**DEFERRED TO 10/20/09**
40. **09ZHE-80259** **Project# 1007920** **CLAIRE V. NILSSON** request(s) a special exception to Section 14-16-2-6(B)(7): a CONDITIONAL USE to allow for a proposed home occupation health care (psychotherapy) in an R-1 zone on all or a portion of Lot(s) 14, Block(s) 8, VICTORY ADDN zoned R-1, located at **1004 PRINCETON DR SE (L-16)**  
**DEFERRED TO 10/20/09**
41. **09ZHE-80254** **Project# 1007915** **ROBERT LUJAN (DIAZ CONSTRUCTION, AGENT)** request(s) a special exception to Section P. 45 I. and 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) 12, Block(s) 13, TORREON ADDN zoned SU-2, located at **714 THAXTON AVE SE (L-14)**  
**DEFERRED TO 10/20/09**
42. **09ZHE-80266** **Project# 1007927** **THELMA L. THOMPSON (GILBERT AUSTIN, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3) and 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) 474, Block(s) 20, ATRISCO VILLAGE UNIT 2 OF HOFFMAN CITY zoned R-1, located at **10709 ANAYA ST SW (M-8)**  
**APPROVED**

43. **09ZHE-80159** **Project# 1007804** **RANDEL VEGA** request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 8' to the 20' front yard setback area to allow for an existing covered patio on all or a portion of Lot(s) 12, Block(s) 2, PALISADES ADDN zoned R-1, located at **5414 PUNTA ALTA AVE NW** (J-11)  
**APPROVED**
44. **09ZHE-80267** **Project# 1007804** **RANDEL VEGA** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDTIONAL USE to allow for a wall over 3' in height in the front yard setback area for an existing 4' 8" high wall on all or a portion of Lot(s) 12, Block(s) 2, PALISADES ADDN zoned R-1, located at **5414 PUNTA ALTA AVE NW** (J-11)  
**APPROVED W/CONDITIONS**
45. **09ZHE-80253** **Project# 1007913** **HUMBERTO MENDEZ** request(s) a special exception to Section Pg. 100 P B 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 a proposed 5' high wall on all or a portion of Lot(s) 36 & 37, Block(s) 9, ALBRIGHT MOORE zoned S-R, located at **1510 7TH ST NW** (J-14)  
**APPROVED W/CONDITINOS**
46. **09ZHE-80271** **Project# 1007931** **MARGARET YAWAKIE** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for an exising 5' high wall on all or a portion of Lot(s) 3-P1, VISTA PACIFICA zoned R-LT, located at **5316 WHITE RESERVE AVE SW** (K-11)  
**APPROVED W/CONDITINS**
47. **09ZHE-80272** **Project# 1007932** **CHRISTOPHER KARRIKER** request(s) a special exception to Section 14-16-3-19(A)(2)(a): 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) 26, Block(s) 15, LOMA VISTA ADDN zoned R-1, located at **1104 GIRARD BLVD NE** (J-16)  
**APPROVED W/CONDITIONS**
48. **09ZHE-80284** **Project# 1007942** **JENNIFER MULLER** request(s) a special exception to Section 14-16-2-6(B)(14)(a): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for an existing 3' 4" high wall on all or a portion of Lot(s) 29, Block(s) 8, PARADISE HEIGHTS UNIT 1 zoned R-1, located at **4609 DRIFTWOOD AVE NW** (A-12)  
**APPROVED W/CONDITIONS**
49. **09ZHE-80285** **Project# 1007944** **JIM A. MERCER (MARTIN VALERO, AGENT)** request(s) a special exception to Section 14-16-12-6(B)(14)(a)(3): a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for an proposed 5' high block wall on all or a portion of Lot(s) 13, Block(s) 53, FOUR HILLS SEVENTEENTH INSTALLMENT zoned R-D, located at **1132 CASTELLANO RD SE** (N-23)  
**APPROVED W/CONDITIONS**
50. **09ZHE-80268** **Project# 1007928** **TWRB INC. (RICK BENNETT/RBA INC. AGENT)** request(s) a special exception to Section Pg. 45 I. 1. a: a CONDITIONAL USE to allow for proposed apartments (60 units) in an M-1 zone on all or a portion of Lot(s) 1A1, LANDS OF RAYCO zoned SU-2, located at **423 WHEELER AVE SE** (M-14)  
**DEFERRED TO 11/17/09**

51. **09ZHE-80282**      **Project#** **MICHAEL HUNTER** request(s) a special exception to Section 14-16-3-3(A)(2)(a): a VARIANCE of 42' to the 15' maximum height allowance for a proposed 57' high wind turbine in an R-1 zone on all or a portion of Lot(s) 34, Block(s) D, SOMBRA DEL MONTE zoned R-1, located at **2701 VERMONT AVE NE** (H-19)

**1007940**

**DEFERRED TO 10/20/09**