



APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street, NW, Suite 300, 87102
505.924.3918

APPLICATION INFORMATION-PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

PROFESSIONAL / AGENT NAME (FIRST, LAST) _____ (H) _____

MAILING ADDRESS _____ (W) _____

CITY _____ STATE _____ ZIP CODE _____ (C) _____

OWNER NAME (FIRST, LAST-IF ANY) Pat + Anna Bechubeta (H) 505-242-3133

MAILING ADDRESS 1204 Walter St SE (W) 505-688-5309

CITY Albuquerque STATE NM ZIP CODE 87102 (C) 6065500

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 1204 Walter St SE ZIP CODE 87102

LOT(S) 8 TRACT(S) Z5 BLOCK(S) _____

SUBDIVISION / ADDITION / MRGCD MAP NO. Eastern Adeln

UNIFORM PROPERTY CODE 101405646047014016

* CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements. Initial Here DD.

* EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

* DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

TRAFFIC ENGINEERING REVIEW-

REQUIRED FOR ALL WALLS, FENCES, AND CARPORTS IN THE FRONT AND STREET SIDE YARD SETBACKS.

Call the Traffic Investigations Supervisor at 505.857.8685 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor. Initial Here DD.

ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

* SIGNATURE Anna Bechubeta DATE 8-8-08

2008080311

DATE 8-8-08

-----ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY-----

PROJECT #: 1007414

APPLICATION #: 08ZHE 80311

APPLICATION FOR: (CHECK AS APPROPRIATE)
 (ZHE01) Conditional Use
 (ZHE02) Expansion of a NonConforming Use
 (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:
 Distance Setback
 Height Parking
 Size Other

SECTION NO. 14-16-3-3 (A)(4)(g)(1) REFERENCE SECTION NO. _____

(LEGAL AD) ACTION DESCRIPTION Requesting a variance of 4'-3" to the 3' height maximum to allow a 7'-3" existing wall in the proposed front yard setback
SECTOR DEVELOPMENT AREA: South Broadway

ZONED: SU-2 MR ZONE MAP PAGE: L-14
1204 Walter St SE

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

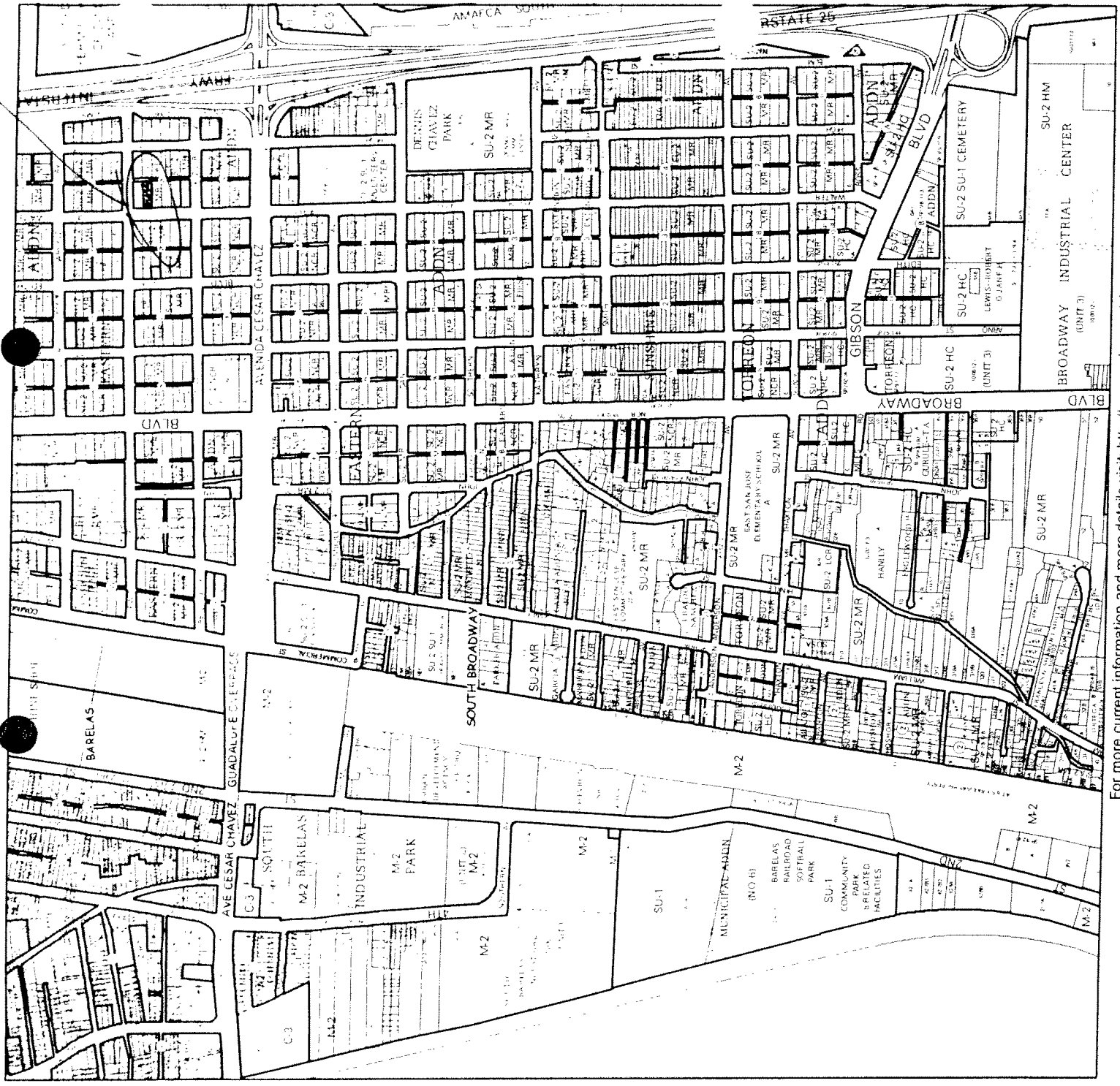
Michael Ancya DATE 08-08-08 RECEIPT# 00096165-00096165 FEE: \$145.00

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) Michael Ancya TRFUMS 35.00

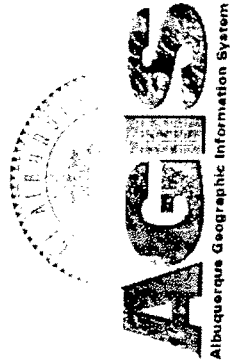
09-16-08

DATE OF PUBLIC HEARING

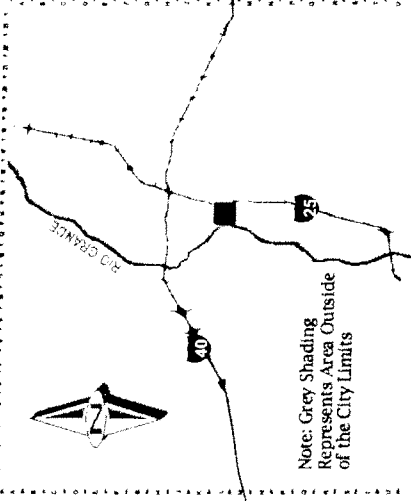
APN Fee (CMP) 441032 / 3424000 \$ 35.00
Conflict Manag. Fee 10.00
ZHE Action Fee (ZHE) 441006 / 3451000 \$ 145.00
CK 100.00
CHANGE 45.00



For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 2/18/2007

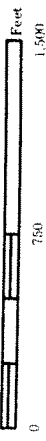


Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
L-14-Z

Selected Symbols

- SECTOR PLANS**
- Escarpment
 - Design Overlay Zones
 - City Historic Zones
 - H-1 Buffer Zone
 - Petroglyph Mon.
 - 2 Mile Airport Zone
 - Airport Noise Cor
 - Wall Overlay



To whom it may concern,
My spouse and I reside at 1204 walter st s.e
Albuquerque, NM 87102. We have lived there for 8
years now. We put up a existing 7'x3' stucco wall in
my frontyard setback. We are fighting for a variance to
keep it. We would really appreciate any signatures
from our neighbors and your support to keep our
fence.

Fred March Walter SE (owner)
1209 Walter SE

Thank you,

Mr. & Mrs. Pat Archuleta

Jamie Johnson
1121 walter S.E.
albuq., NM 87102

Pat Archuleta
Pat Archuleta

Anthony Mancini
702 Lewis SE 87102
Ramon S. Gonzalez
1221 walter S.E.

Sumner G. Curry
1211 Walter SE
Alb. - NM 87102

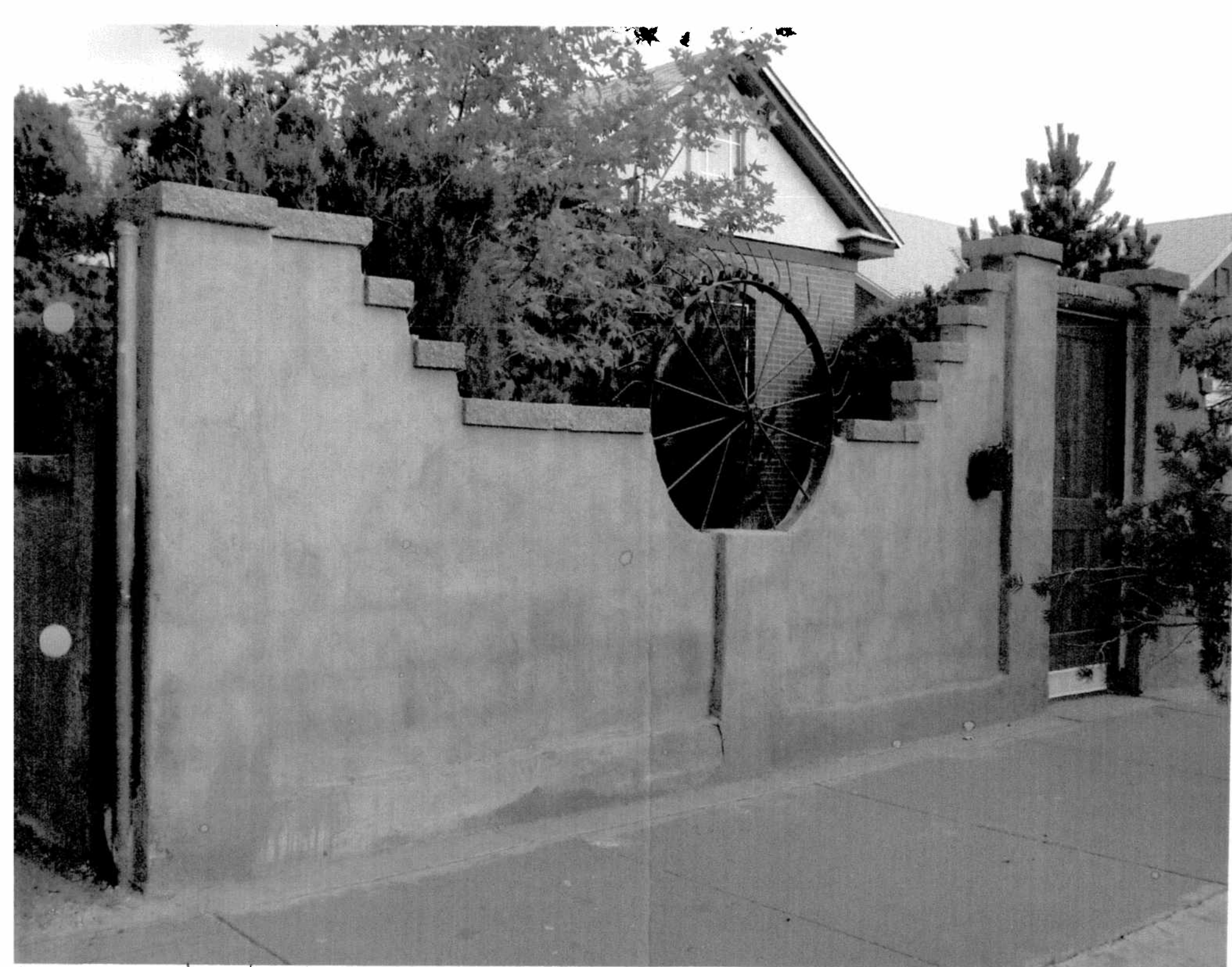
Juan Manuel Martinez
1210 walter st se 87102

Rubio Pheltz 1302 walter SE Long Arch
Sweeten Weeks 1302 Walter SE 1218 walter SE

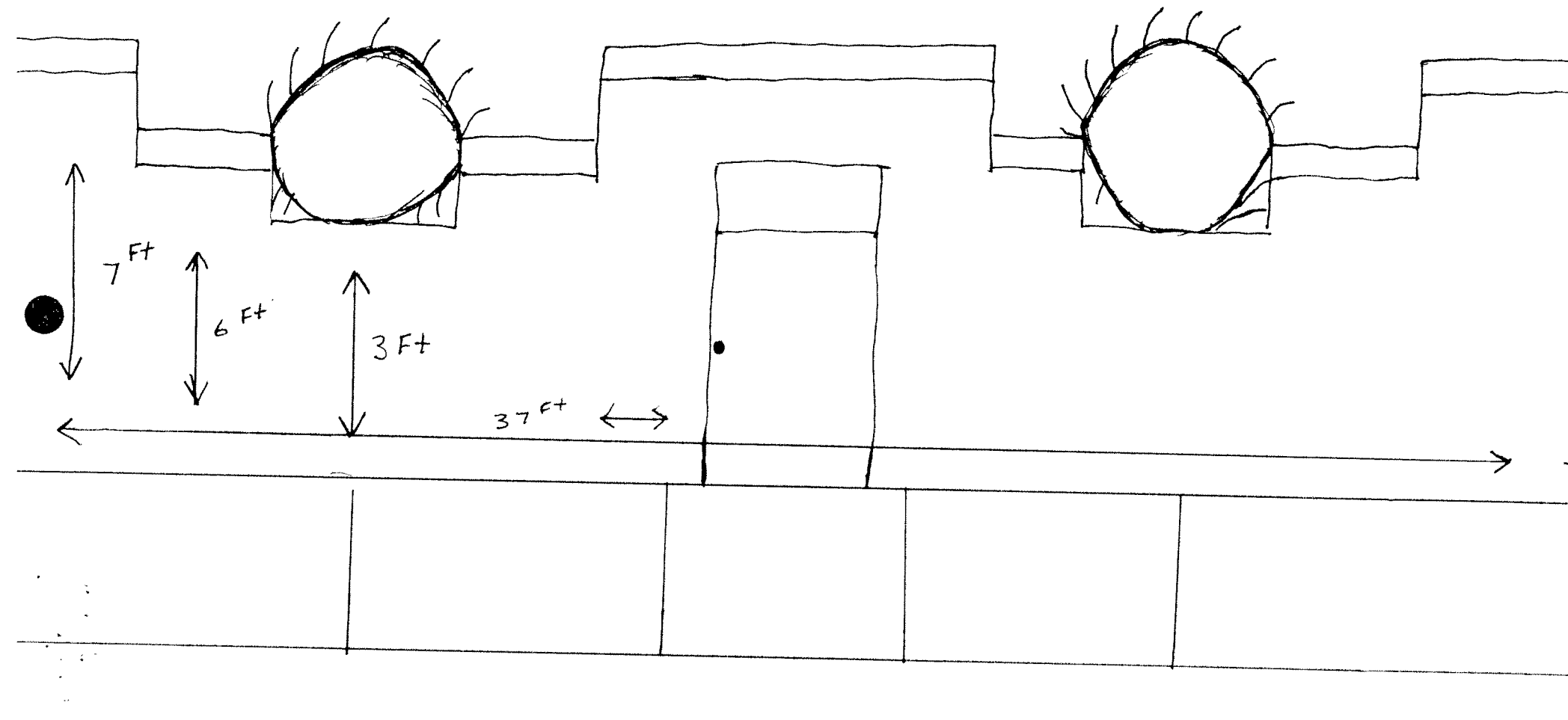
Carla Mitchell 1117 walter SE
For Duran C 620 Lewis 87102
Dineen Laynes
704 Lewis SE

Nathan Sandovar 1215 walter st SE
Emily Severance 1209 Walter St. SE
ALBA NM 87102
243 4051





27 in length. height 7 ft 6 4 2



To whom it may concern,
The property is exceptional:
The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the physical characteristics existing at the time of the adoption of the regulation or were created by natural forces or by governmental action for which no compensation was paid;
1) My property is unlike any property in the neighborhood
2) My lot is narrow compared with other lots on my block
3) My property is exceptional due to the fact of double frontage walter st fronting my front property line & alley way abutting my rear property line.
4) The elevation in our yard is much higher in back than the front, water rolls down .

As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship; an unnecessary hardship is one that either;

- 1) Creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property; or,
 - 2) Deprives the owner of a reasonable return on the property under any use permitted in its existing zone.
- A particular variance is appropriate to prevent the unnecessary hardship. The decision whether to grant a particular variance depends upon a comparison of the special circumstances shown by the applicant and the public interest. To be justified, a variance must permit only development which meets the following criteria;
The variance will not significantly interfere with the enjoyment of other land in the vicinity and,
It is consistent with the spirit of this zoning code, substantial justice, and the general public interest.
In addition to all of this there are some other reasons why:

My husband and I bought our property in Oct. 2001.
From the very first week we moved in they broke my

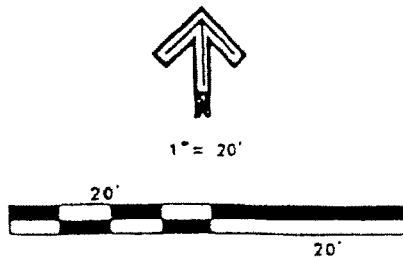
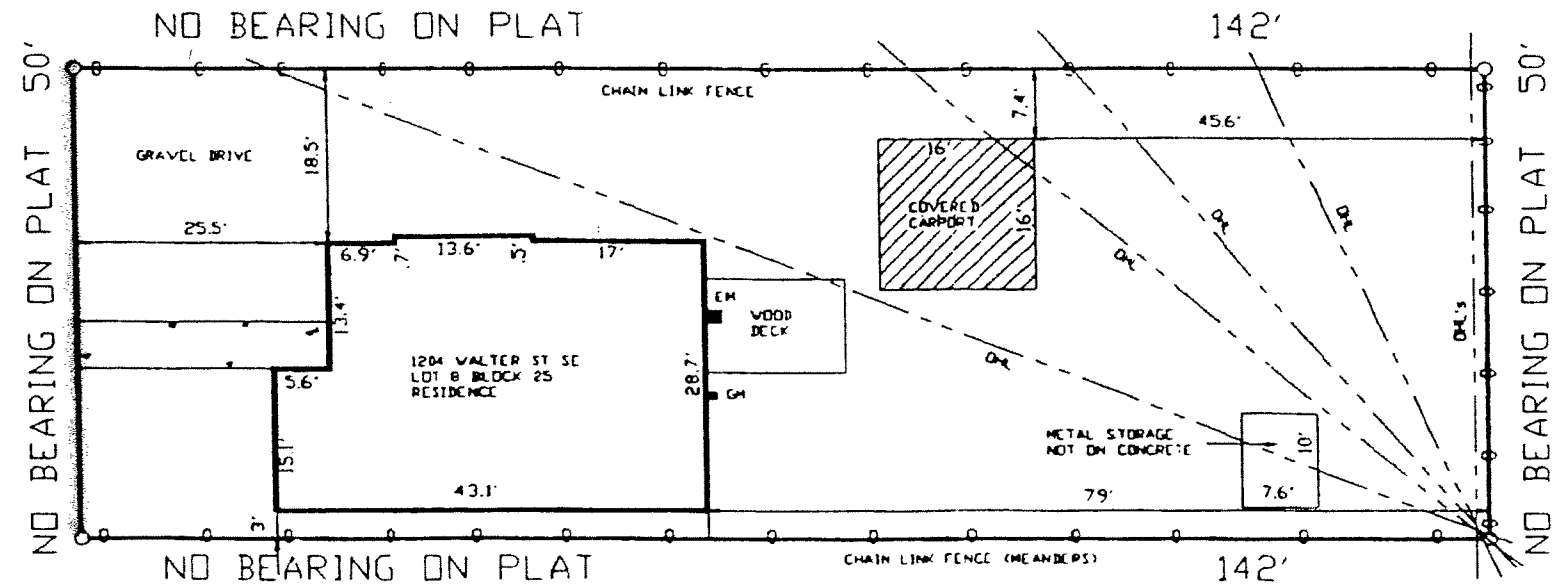
husbands windshield 3 different times, they broke into our house ,our wall was spray painted, they broke into our shed and they threw eggs at our home we had people ringing our door bell all hours of the night . That is when we seen other wall simalar to the one we built . We honestly didn't know we had to get permission first.It's now been 7 years and then all of the sudden we recieve a letter. My husband works out of town I am all alone 20 days out of 30. There is alot of drug dealers, drug addits, drunks walking around basically alot of crime going on.That is why we are trying to get a variance to keep the fence that we built up. Thank you for taking the time to read our letter. Please concider our application.

Sincerely,
Pat and Anna Arculeta

1204 Walter st s.e.
Albuquerque,NM 87102
Home:242-3133
Cell:688-5309

WALTER ST SE

60' RIGHT-OF-WAY

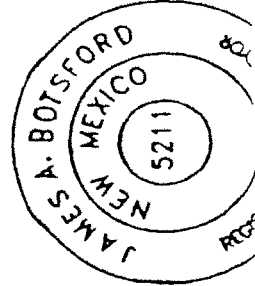


James A. Botford
10-03-01

- LEGEND**
- G[•] ● GAS METER
 - E[■] ■ ELECTRIC METER

"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE"

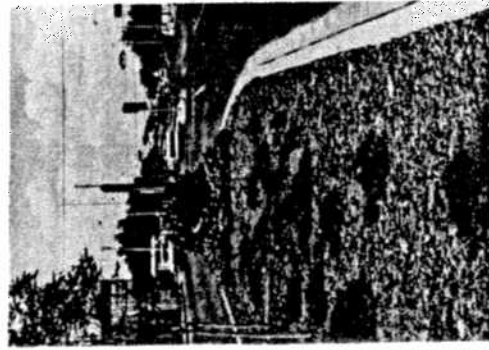
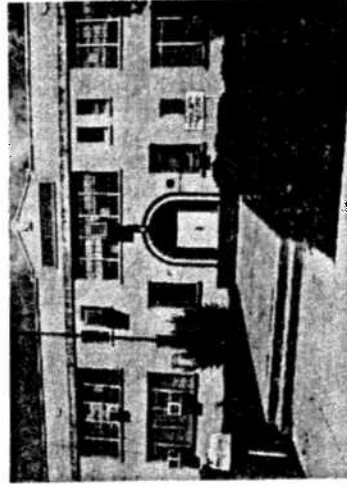
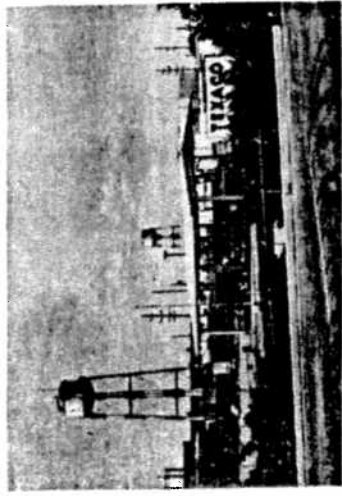
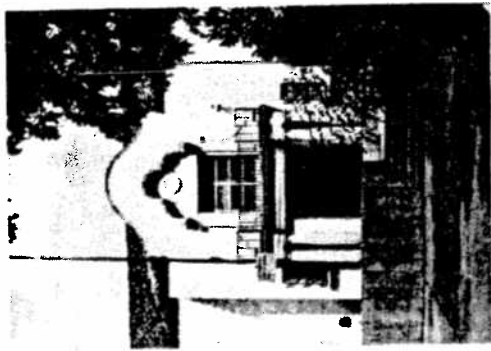
James A. Botford
JAMES A. BOTSFORD
NMLS. No. 5211



10-03-01
DATE

- (n) Walls and fences which are normally allowed to be up to eight or ten feet high, measured from the lower side, but because of a retaining wall a variance is required to allow the wall or fence to be three feet high measured from the higher side.
- (o) Water Towers.
- (3) A setback variance may be approved for the following structures even though there is only a minimal showing as to exceptional physical condition:
- (a) Solar collectors.
 - (b) Houses located on lots created when side-yard setback requirements were less severe and the lot's dimensions make it unreasonable to require the current side-yard setback requirements.
- (4) Walls, Fences, Retaining Walls – See Section § 14-16-3-19.
- (a) Wall or fence height: A wall, fence, retaining wall, or vertical combination of these in a residential zone may be built within a required setback, provided:
 - 1. It does not exceed eight feet in height above the lowest grade on the lower side within the required side or rear yard or three feet in height above the lowest grade on the lower side within the required front yard.
 - 2. Where property is contiguous to non-residential property, it may be erected to a maximum height of ten feet above the lowest grade on the residential side except in the required front-yard setback.
 - 3. On a corner lot, the rear yard of which is contiguous to the front yard of a residentially-zoned lot, a wall, fence, retaining wall, or vertical combination of these may not exceed three feet in height above the lowest grade on the lower side within ten feet of the street side right-of-way line. However, where approved, a conditional use may approve a higher wall or fence.
 - 4. On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these may not exceed three feet in height above the lowest grade on the lower side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.
- (b) A wall, fence, retaining wall, or vertical combination of these in a non-residential zone is not limited as to height except:
- 1. Within five feet of public street right-of-way, where they shall not exceed three feet in height above the lowest grade on the street side; and
 - 2. If a wall or fence plus retaining wall abutting a residential zone would have an effective height of over eight feet above the lowest grade on the residential side, the Planning Director shall decide the required height; such decision shall be made by the same process required for a conditional use.

South Broadway Neighborhoods Sector Development Plan



City of Albuquerque
Planning Department/Redevelopment Division

APPENDIX A

ZONING
South Broadway
(SU-2)

The South Broadway Neighborhoods Area is zoned SU-2 Special Neighborhood Zone, Redeveloping Area, as provided in the Comprehensive City Zoning Code, Article XIV, Chapter 7 of the Revised Ordinances of Albuquerque, New Mexico, 1974. The land uses in the South Broadway Area are governed by the land uses shown on the attached map.

1. The Mixed Residential /MR land use corresponds to the R-1 Residential Zone in the Comprehensive City Zoning Code with the following exceptions:

A. Conditional Uses:

1. Conditional uses shall include uses listed as conditional in the R-1 zone, and in addition:
 - a. Uses listed as permissive and as regulated in the R-2 Zone and as regulated except Group Training Homes.
 - b. Churches and other places of worship, including incidental recreational and educational facilities.
 - c. Nursing or rest home with a maximum of six people (provided that there is a resident caretaker, and it is licensed by the State).
 - d. Libraries.
 - e. Fire Stations.
2. Group Training Homes as defined for conditional use by the City Zoning Code are not allowed.
3. Existing churches and other places of worship and incidental facilities shall be considered an approved conditional use.

B. Lot Size:

Minimum lot area shall be 6,000 square feet except for lots developed with houses shall be 5,000 square feet per house; a house lot shall have a width of not less than 50 feet.

II. The Limited Commercial Residential/LCR Zone corresponds to the RC /Residential Commercial Zone in the City Zoning Code with the following exceptions.

Permissive Uses:

Non-Residential uses listed as permissive are not limited by floor area.

Conditional Uses:

1. Existing legal non-conforming uses or uses which become non-conforming upon adoption of this plan are approved conditional uses (see text, page 41, "EXISTING USES").