

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

PROFESSIONAL / AGENT NAME (FIRST, LAST) _____ TELEPHONE (INCLUDE AREA CODE) _____ (H) _____

MAILING ADDRESS _____ (W) _____

CITY _____ STATE _____ ZIP CODE _____ (C) _____

OWNER NAME (FIRST, LAST-IF ANY) Sabriel Rivera _____ (H) _____

MAILING ADDRESS 1321 6th St. NW _____ (W) _____

CITY Albany, STATE NM ZIP CODE 87102 (C) _____ ZIP CODE 980-5891

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 1321 6th St. NW ZIP CODE 87102

LOT(S) _____ TRACT(S) _____ BLOCK(S) _____

Albright & Moore Addn

SUBDIVISION / ADDITION / MRGCD MAP NO. 101405816039021707

UNIFORM PROPERTY CODE _____

CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here ER

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 ER

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 ER DATE 08-11-08

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1007430 APPLICATION #: Q8ZHE80327

APPLICATION FOR: (CHECK AS APPROPRIATE)

- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building
- (ZHE04) Variance:
 - Distance
 - Height
 - Size
 - Setback
 - Parking
 - Other

SECTION NO. Pg 93 5.5.j REFERENCE SECTION NO. _____

(LEGAL AD) ACTION DESCRIPTION A variance request of 3 1/2 feet to the 6' wall set back to allow for an existing wall on the front yard with a sign for an existing Sawmill Wells Park Sector Development Area.

ZONED:

S-R 1321 6th St NW

ZONE MAP PAGE: 2 - 14 NO. OF SIGNS ISSUED: 1

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

Michael Anyez

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME)

09-16-08

DATE OF PUBLIC HEARING

11:55AM 100% APPROVED
 FEE: \$ 145.00
 08-13-08 08-13-08
 (APN): 441018 / 4971000 \$ 35.00
 \$145.00
 (CMP) 441032 / 3424000 \$ 10.00
 Conflict Manag. Fee \$10.00
 ZHE Actions: (ZHE) 441006 / 3451000 \$ 100.00
 VI \$10.00
 CHANGE \$0.00

Mr. Roberto Albertorio
Zoning Hearing Examiner
City of Albuquerque
Albuquerque, New Mexico

Re: A variance request of 3 ½ feet to the required 6 feet wall set back to allow for an existing 6 foot wall on the front yard within the Sawmill/Wells Park Sector Plan Area.

Property History

The property is zoned S-R (Sawmill Residential). This property is located in the Sawmill/Wells Park Neighborhood and was built in 1910 and made out of adobe and is located on a major roadway into Downtown on 6th Street. The wall is constructed 2 ½ feet off the front property line facing 6th Street and it is 6 feet in height. A permit was submitted with the belief that the property line was 3 ½ feet further east. The particular zone allows a maximum height of 6 feet, but requires a set back inside the property line at least the same number of feet as the height of the wall.

Part A

This parcel is exceptional as compared to other land in the vicinity subject to the same regulations by reason of the conditions or use of the regulation.

1321 6th Street NW, was built in 1910 and lots in this older Downtown neighborhood are configured in non-uniform ways. Likewise, this particular lot fronts a major corridor to Downtown of 6th Street to the east and has an alley way adjacent to the west.

Part B

Due to the exceptionality of the lot, the regulations create a substantial and unjustified limitation of the property owner's reasonable use of the property.

The wall already exists. It was constructed under good faith and has been up for the past two months. The removal of the 3 ½ feet of the wall would create a substantial and financial limitations of the property owner's reasonable use to the property.

Part C

The particular variance is appropriate to prevent the unnecessary hardship. It differs from development which would be permitted under existing regular zoning regulations no more than is necessary to overcome the unnecessary hardship explained above. The variance will not significantly interfere with the enjoyment of other land in the vicinity, and is consistent with the spirit of the Zoning Code, substantial justice, and the general public interest.

I am requesting that the wall be allowed to remain as approved by the City of Albuquerque. It is well constructed and is designed to blend in with the beautiful and historic Downtown area.

The construction of the wall has added significantly to the gateway of the Sawmill/Wells Park area and it has aided in muffling some of the street noise which plays a major role as a Downtown arterial. Likewise, a bus stop is located directly in front of 1321 6th Street and the stopping and starting of buses directly in front of the residence has been muffled by the wall.

Thank you for your consideration.

Gabriel Rivera

Gabriel Rivera

8/12/08

ZONE GRID
No Features found.

Rec	COASDE.BERNCO.ParcelDec_2007.UPC	COASDE.BERNCO.ParcelDec_2007.OWNER	COASDE.BERNCO.ParcelDec_2007.OWNADD
1	101405816039021707	RIVERA JOHN G JR	1321 6TH ST NW

ZONING

Rec	ZONING	DESCRIPTION
1	S-R	

ZONE GRID

Rec	ZONE ATLAS GRID
1	J14

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	1321	6TH ST	NW	4	7		ALBRIGHT & MOORE ADDN	ABQ112877

ZONE GRID

No Features found.

ZONE GRID

No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIO
1	WELLS PARK	R

SECTOR PLANS

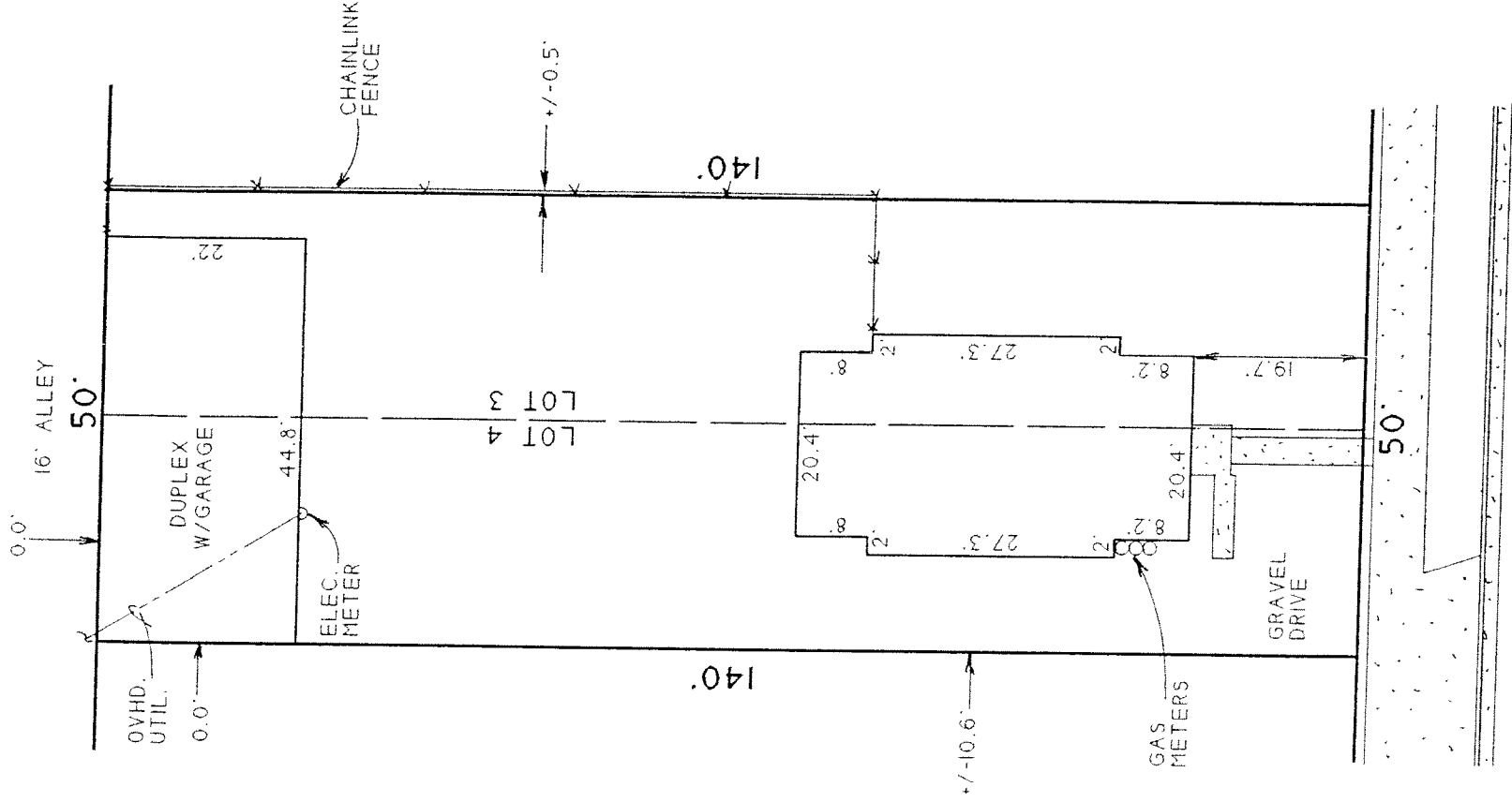
Rec	SECTOR PLAN NAME
1	SAWMILL-WELLS PARK

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	O'MALLEY	2

ZIPCODES

Rec	ZIPCODE
1	87102



1321 6TH STREET N.W.
(60' R.O.W.)



SCALE: 1"=20'

Lots numbered Three (3) and Four (4) in Block numbered Seven (7) of the ALBRIGHT-MOORE ADDITION to the City of Albuquerque, New Mexico, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on February 26, 1921, in Map Book D, Folio 143.

Property is not within the 100-Year Flood Boundary based on information contained on Panel 332 of 825 of the Flood Insurance Rate Map (FIRM) dated September 20, 1996.

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

JOB NO: 01-479
OFFICE: PAC
DRAFT: PAC
FLD. BK.: #173
DATE: 11-01

TECHNICAL CONSULTING SERVICE
ENGINEERING AND SURVEYING
TECHNICAL SERVICES
2733 DAKOTA NE
(505) 875-1595
ALBUQUERQUE, NM
FAX: (505) 875-1644

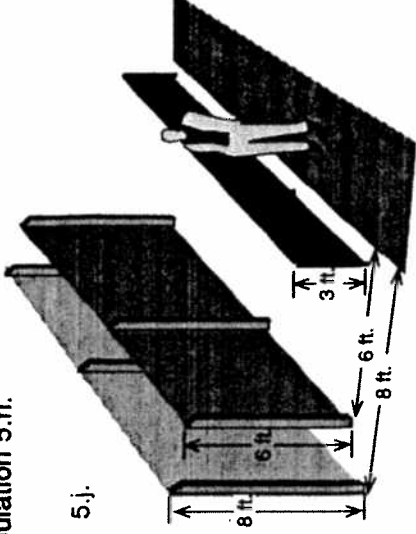
General SU-2 Regulations

NOTES AND ILLUSTRATIONS

5. ENCLOSURE AND SCREENING (continued):

5.j. New site perimeter walls and fences and retaining walls contiguous to the public street right-of-way exceeding three feet in height shall be located inside the property line not less than the same number of feet as the height of the wall or fence.

5.j. Landscaping requirements for the area between the perimeter wall or fence and the public right-of-way are described in regulation 5.n.

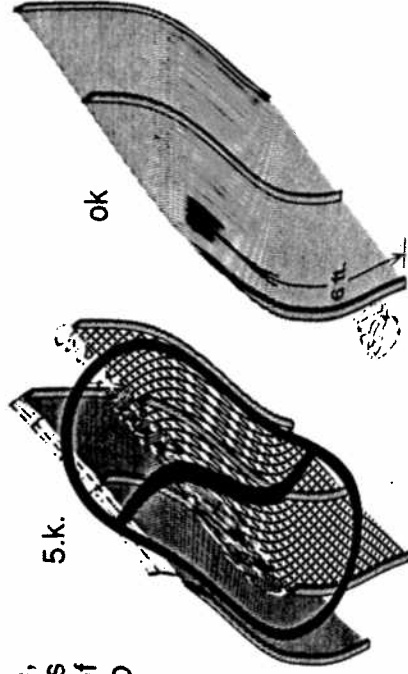


5.k. Concertina wire, razor wire, and barbed wire shall be allowed to top 6 feet high and higher walls and fences provided the walls and fences are **not** within a residential zone, or contiguous to or across a street or trail from a residential zone, a residential use in a mixed use zone, or a public institutional use.

5.k. Prohibiting visible barbed wire and concertina wire close to dwellings and public institutions should prevent the Sawmill/Wells Park area from looking like an armed camp, while allowing nonresidential property owners to use a cheap security measure in most solidly industrial areas where a need for it is perceived.

In a residential zone, or contiguous to or across a street or trail from a residential zone, a residential use in a mixed use zone, or a public institutional use, these types of security measures may be attached to the inside of the fence or wall provided they do **not exceed the height of the fence or wall.**

Concertina, razor and barbed wire may be installed inside all properties provided it is not visible from other properties or the public right-of-way.



Public Electric Facilities are exempt from this regulation, but are required to comply with the provisions of the applicable Rank II Electric Facilities Plan.

5.l. Standard unstuccoed 8 inch by 16 inch CMU block is not allowed as a finish material for site perimeter walls facing the public right-of-way.

