

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1007478
Property Description/Address: 1717 Lead Avenue SE

Date Submitted: October 15, 2008
Submitted By: Diane Grover
Meeting Date/Time: October 14, 2008

Meeting Location: Heights Community Center
Facilitator: Diane Grover

Parties:

Jeremy Sment, Applicant
Silver Hills N.A. (SHNA)

Note: Individual names can be found at the end of this report.

Background/Meeting Summary:

Applicant Jeremy Sment requests a special exception to Section 14-16-2-6(B)(14)(a)(2), requests a conditional use to allow a proposed 5 ft. wall in the required front yard setback for his property at 1717 Lead Avenue SE. Current zoning regulations allow for a 3 ft. wall, with 5 ft. being allowed 20 feet into the property.

Jeremy was not sure exactly where his property lines are. City representatives showed him pictures that seemed to indicate that his property line went past the sidewalk and halfway into the planter area on the far side of the sidewalk. Bill Cobb indicated that this would not be consistent with what is traditionally done throughout Albuquerque. Bill seemed to think that Jeremy could get a good idea of where the property line was in front by measuring 142' from the back of the property, but warned that this would not be definitive. This is a question that all parties need to see resolved before any conclusions can be reached.

Neighbors were concerned that this was their first opportunity to look at this project with only 1 week before the hearing date. Traditionally they need to look at the plans and research and comprehend zoning code that is in existence before applying it to this particular project. It is of the utmost importance to SHNA that they are consistent and even handed in their responses to all zoning matters to best serve their community. SHNA representatives do not feel they have adequate time to completely review this request and formulate a position with regards to the request. They did, however, want Jeremy to know that they would not be personally offended if he decided to pursue his application at this time.

It was very important to Jeremy that he not cause grief and irritation to the community he is moving into, and it was very important to SHNA representatives that Jeremy not feel personally attacked should they not support his application. All parties seemed to understand and not view

the other adversarially. Jeremy is interested in joining the neighborhood association, with meetings on the second Monday of each month at the Heights Community Center at 7:00 p.m.

In the end, Jeremy thought that it might be best for him to go ahead and begin the wall, building only to 3' for the moment to at least meet his barest need to protect his child and allow his family to move in to the property. He will check with Lucinda Montoya to see if a 30 day deferral was possible so that he and SHNA can work through the request and come to some conclusion.

Outcome:

Areas of Agreement:

- Jeremy suggested building the wall to 3 ft. for now, requesting a deferral, and giving both he and SHNA the opportunity to come to some mutual conclusion on how to proceed from there.

Unresolved Issues, Interests and Concerns:

- Actual property line of subject property. Applicant was shown drawing by City indicating that his property line was past the sidewalk in front of his house and halfway into the middle of the planter section on the other side of the sidewalk. Bill Cobb indicated that while he did not have information specific to this property, it would be highly unusual for the sidewalk to be within applicant's property line.
- Response of SHNA to this request, due to the fact that sufficient time was not given for them to adequately research and respond.

Comments:

SHNA would like to see the City facilitate applicants and neighbors speaking more thoroughly, even before a facilitated meeting is established. They feel that if applicants could be encouraged to have a more thorough conversation with neighborhood associations from the start, everyone would have sufficient time to research individual requests in advance. In some cases this would preclude a facilitated meeting; in others it would stand to allow all parties to be as informed as possible in time for the facilitated meeting. It would also allow for all parties to be prepared to fully respond in time for an upcoming hearing. They feel that by the time a project is referred to a facilitator, and a meeting can be set up, precious time is lost.

Meeting Specifics:

- 1) Applicant plans
 - a) 5' wall across front of yard
 - i) To buffer noise
 - ii) To shield from headlights of vehicles on University and Lead
 - iii) Provide safety barrier for daughter playing in the yard
 - b) Exterior stucco
 - i) Adobe or straw bale
 - c) Will extend a few feet out from current fence

- d) 12x16 windows to be aesthetically spaced
- e) Steel gate at walkway
- f) 3 ft. wall at corner with 18 in. steel bar and 6 in. top
 - i) Increased visibility for neighbors
 - ii) Will allow light into yard
- g) Input from traffic engineer
 - i) City is modifying clear site triangle
 - (1) Has been 35 ft. x 35 ft. clear site triangle
 - (2) Now looking for 90 ft. x 30 ft. clear site triangle
- 2) Lot dimensions
 - a) Unknown by applicant
 - b) Per Bill Cobb, most neighborhood lots are 50 ft. x 142 ft.
- 3) Current zoning code as understood by applicant to allow
 - a) 6 ft. walls up to 10 ft. from the front of the house
 - b) 5 ft. walls from the 10 ft. measure above
 - c) 3 ft. within 20 ft. of the property line

Action Plan:

Jeremy Sment indicated that he may want to start building the wall to 3 ft. right now so his family can move in, defer the zoning matter for 30 days, and work with SHNA to come to some workable conclusion.

Action Items:

- Jeremy will contact Lucinda Montoya at 924-3918 to inquire about a possible 30 day deferral
- SHNA will continue to look at this zoning matter
- Jeremy will build the wall to 3 ft. to allow for moving into the property.

Application Hearing Details:

ZHE Application Hearing Details:

- 1) Hearing Scheduled for Tuesday, October 21, 2008
- 2) Hearing Details:
 - a) The Office of the Zoning Hearing Examiner conducts monthly quasi-judicial PUBLIC HEARINGS regarding Special Exceptions to the Zoning Code (Please refer to Section 14.16.4.2 of the Comprehensive City Zoning Code)
 - b) There are certain criteria that applicants must meet in order to obtain an approval of decision for their special exception request.
- 3) Hearing Process:
 - a) Comments from facilitated meetings will go into a report which goes to the Hearing Examiner
 - b) All interested parties may appear at the hearing and voice their opinions or submit written comments prior to the day of public hearing.
 - c) The Zoning Hearing Examiner will render a determination of approval, approval with conditions or denial within 15 days after the close of the public hearing

d) The determination can be appealed to the Board of Appeals

Any further questions or comments can be referred to:

Lucinda Montoya
924-3918
Lucindamontoya@cabq.gov

Names & Affiliations of Attendees:

Jeremy Sment	Applicant
Leah Loyd	Applicant
Gordon Reiselt	SHNA
Ruth Koury	SHNA
Bill Cobb	SHNA