



# APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner  
600 2<sup>nd</sup> 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) Martina Pano & Jorge Pano (H) 505-842-8403

MAILING ADDRESS 1724 Broadway Blvd SE (W) 505-228-8093

CITY ALBUQUERQUE STATE NM ZIP CODE 87102 (C) 505-908-5555

### LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 1724 Broadway Blvd SE ZIP CODE 87102

LOT(S) 12 TRACT(S) \_\_\_\_\_ BLOCK(S) 5

SUBDIVISION / ADDITION / M/R/G/D MAP NO. Eastern Addn First Extensio

UNIFORM PROPERTY CODE 1014056636126510301

### CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here H.P. & J.P.

### 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 AND FENCES 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 H.P. & J.P.

### 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 Martina Pano & Jorge Pano DATE 9-29-08

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

PROJECT #: 1007508 APPLICATION #: 08ZHE 80377

### 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. South Broadway P446 REFERENCE SECTION NO. 14-16-2-6(B)(14)(c)(2)

(LEGAL AD) ACTION DESCRIPTION Requesting a conditional use to allow a 5' wall in the required frontyard setback

SECTOR DEVELOPMENT AREA: South Broadway

ZONED: SU-2 WCR ZONE MAP PAGE: 14 NO. OF SIGNS ISSUED: 2

1724 Broadway Blvd SE

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

Michael Anaya DATE 10-07-08

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

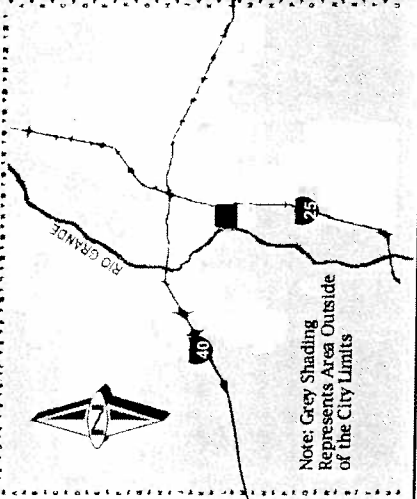
11-18-08 DATE OF PUBLIC HEARING

GRAND \$ 441006 / 3927000 \$ 100.00  
ZHE \$ 441032 / 3424000 \$ 100.00  
FEE: \$ 145.00

Thank You



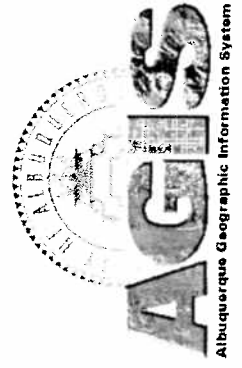
For more current information and more details visit: <http://www.cabq.gov/gis>



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**L-14-Z**

- Selected Symbols**
- SECTOR PLANS [Symbol] Escarpment
  - Design Overlay Zones [Symbol] 2 Mile Airport Zone
  - City Historic Zones [Symbol] Airport Noise Cor
  - H-1 Buffer Zone [Symbol] Wall Overlay Z
  - Petroglyph Mon. [Symbol]



Map amended through: 2/18/2007



**ZONE GRID**

No Features found.

**OWNERSHIP**

Rec	COASDE.BERNCO.ParcelDec_2007.UPC	COASDE.BERNCO.ParcelIDec_2007.OWNER	COASDE.BERI
1	101405636126510301	MOLINAR JORGE PENA & MARTINA	1724 BROADW

**ZONING**

Rec	ZONING	DESCRIPTION
1	SU-2	NCR

**ZONE GRID**

Rec	ZONE ATLAS GRID
1	L14

**PARCELS**

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION
1	1724	BROADWAY	BLVD	SE	12	5	EASTERN ADDN FIRST EXTENSION

**ZONE GRID**

No Features found.

**ZONE GRID**

No Features found.

**NEIGHBORHOODS**

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHC
1	SOUTH BROADWAY	

**SECTOR PLANS**

Rec	SECTOR PLAN NAME
1	SOUTH BROADWAY

**COUNCIL**

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	BENTON	3

**ZIPCODES**

Rec	ZIPCODE
1	87102

**ZONE GRID**

No Features found.

To whom it may concern:

Mr. and Mrs. Peña are writing this letter to notify our neighbors and to request your permission to build a 6 ft. security fence in front of our property at 1724 Broadway Blvd. S.E. Albuq. NM 87102

for the following reasons:

- 1.) Security purposes such as to protect our valuables outside our home.
- 2.) The city law prohibits the chaining of animals within the city limits.
- 3.) We had to call APD to our property because strangers have been in our yard several times.

We thank you for your time and we will deeply appreciate your approval.

The Peña Family

1.) Cindy Peña

2.) Anthony Peña

3.) E. Est. Peña

4.) Gae Contreras

5.) Fernando Peña

6.) ~~Jessica Peña~~ <sup>Stacy Peña</sup>

7.) ~~Guadalupe Peña~~

7.) Susan Gutierrez

8.) Fernando Peña

**CONDITIONAL USE REQUEST**

The covered patio will not be injurious to the adjacent property, the neighborhood, or the community.  
The covered patio will not be significantly damaged by surrounding structures or activities.

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- V. TR  
Me  
fc  
A
2. Expansion of uses existing as of adoption date of this plan are conditional uses.
  3. For a period of two years from the adoption of this plan, the owner of a vacant or unimproved parcel may apply for a conditional use permit for uses which were permissive in that parcel's zoning designation prior to the adoption date of this plan. The Zoning Hearing Examiner's decisions on such requests shall be guided by the City's criteria as set forth in Section 42.C.1. of the Comprehensive City Zoning Code.

III.

The NCR/Neighborhood Commercial Residential land use corresponds to the C-1 Neighborhood Commercial and R-2 Residential Zones in the City Zoning Code with the following exceptions:

- A. Permissive Uses:  
Retail sale of alcoholic drink for consumption off-premise is not a permitted use.
- B. Conditional Uses:
  1. Uses permissive in the C-2 Zone except:
    - a. Retail sale of alcoholic drink for consumption off-premise is not a conditional use.
    - b. Outside storage is not conditional use.
  2. Existing legal non-conforming uses or uses which become non-conforming upon adoption of this plan are approved conditional uses (See text page 39 "EXISTING USES").
  3. Expansion of uses existing as of adoption date of this plan are conditional uses.
  4. For a period of two years from the adoption of this plan, the owner of a vacant or unimproved parcel may apply for a conditional use permit for uses which were permissive in that parcel's zoning designation prior to the adoption date of this plan. The Zoning Hearing Examiner's decisions on such requests shall be guided by the City's criteria as set forth in Section 42.C.1 of the Comprehensive City Zoning Code.

VI.

- IV. The Heavy Commercial/HC land use corresponds to the C-3 Heavy Commercial Zone in the Comprehensive City Zoning Code with the following exceptions:

Conditional Uses:

1. Uses conditional in the C-3 Zone.
2. Uses permissive in the M-1 zone are allowed as conditional.
3. Existing legal non-conforming uses or uses which become non-conforming upon adoption of this plan are approved conditional uses (See text page 39 "EXISTING USES").
4. Expansion of uses existing as of adoption date of this plan are conditional uses.
5. For a period of two years from the adoption of this plan, the owner of a vacant or unimproved parcel may apply for a conditional use permit for uses which were permissive in that parcel's zoning designation prior to the adoption date of this plan. The Zoning Hearing Examiner's decisions on such requests shall be guided by the City's criteria as set forth in Section 42.C.1 of the Comprehensive City Zoning Code.

VI

**§ 14-16-2-11 R-2 RESIDENTIAL ZONE.**

This zone provides suitable sites for houses, townhouses, and medium density apartments, and uses incidental thereto in the Established and Central Urban areas.

**(A) Permissive Uses.**

- (1) Uses permissive in the R-T zone.
- (2) Accessory living quarters.
- (3) Apartment.
- (4) Community residential program except not either community residential corrections program or community residential program for substance abusers: up to ten client residents provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (5) Family day care home, with any sign limited as for home occupations.
- (6) Sign, as provided in § 14-16-3-5 of this Zoning Code.

**(B) Conditional Uses.**

- (1) Uses conditional in the R-1 zone.

(2) Community residential program except not either community residential corrections program or community residential program for substance abusers: 11 to 18 client residents provided that the standards of § 14-16-3-12 of the Zoning Code are met.

(3) Community residential corrections program with up to ten client residents, provided that the standards of § 14-16-3-12 of this Zoning Code are met.

(4) Community residential program for substance abusers with up to ten client residents, provided that the standards for § 14-16-3-12 of this Zoning Code are met.

(5) Day care center.

(6) Emergency shelter with up to 18 clients normally present, provided that the standards of § 14-16-3-13 of this Zoning Code are met.

**(C) Height.** Structure height up to 26 feet is permitted at any legal location. The height and width of the structure over 26 feet is permitted at any legal location. The height and width of the structure over 26 feet shall fall within 45° angle planes drawn from the horizontal at the mean grade along each internal boundary of the premises and each adjacent public right-of-way centerline, or drainageway right-of-way centerline. To protect solar access, a structure over 26 feet may not exceed the northern boundary of these 45° planes, but may be sited in any other direction within planes drawn at a 60° angle from the same boundaries or centerline. Exceptions to the above are provided in § 14-16-3-3 and § 14-16-3-5 of this Zoning Code. Notwithstanding any of the above regulations, apartment structures shall not exceed 26 feet in height within 85 feet of a lot zoned specifically for houses.



- (7) Health care, including physicians, massage, therapy, etc. (but not nursing homes), as physically limited under home occupations.
- (8) Public library.
- (9) Public utility structure which is not permissive.
- (10) Recreational facility (non-profit), such as community center, swimming pool, tennis club.
- (11) Second kitchen within a house, provided:
  - (a) The kitchen is incidental to occupancy of the entire house in common by members of one family (as herein defined); that, in fact, there would not be two separate and distinct dwelling units, each exclusively occupied by some family members.
  - (b) If such use is approved, the Zoning Hearing Examiner shall record the terms of the action with the County Clerk, together with a signed acceptance of such terms by the owners. The terms of the city action shall run with the land.
- (12) Shade structure including a covered patio, a gazebo, a pergola, a ramada or similar roofed structure, either detached or attached, in the required rear yard setback area, provided:
  - (a) No part is within three feet of a property line.
  - (b) No building wall is ever built within the required setback area.
  - (c) No more than 50% of the required rear yard setback area is covered by a roof.
  - (d) The structure shall not exceed 12 feet in height nor shall it exceed the height of the principal building on the site.
  - (e) A second floor deck is prohibited.
  - (f) The specific structure proposed is in harmony with the building site and with surrounding sites.
- (13) Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year. Incidental signs may also be approved.
  - (14)
    - (a) Walls, fences, and retaining walls, in a setback area where height is normally limited to three feet, up to five feet high when less than ten feet from the property line, and up to six feet high when ten or more feet from the property line, provided:
      - (a) It is attractive and in harmony with its site, the style of the wall or fence blending architecturally with the adjacent residences and with the general streetscape, it is consistent with the requirements of Section § 14-16-3-19, and it is at least one of the following:
        1. At least 11 feet from the public sidewalk or planned public sidewalk location, or 14 feet