



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) MICHAEL GALLEGOS TELEPHONE (INCLUDE AREA CODE) (H) 505-761-3139
MAILING ADDRESS (FIRST, LAST) 2410 GRIEGOS RD NW (W) _____
ALBUQUERQUE NM 87107 STATE NM ZIP CODE (C) 505-315-5217

OWNER NAME (FIRST, LAST-IF ANY) MICHAEL GALLEGOS (H) 505-761-3139
MAILING ADDRESS (FIRST, LAST-IF ANY) 2410 GRIEGOS RD NW (W) _____
ALBUQUERQUE NM 87107 STATE NM ZIP CODE (C) 505-315-5217

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 2410 GRIEGOS RD NW ALBQ, NM 87107 ZIP CODE 87107
LOT NO. 1 OF JUDY ANN JACOBS LOT 7-A-8 TRACT(S) _____ BLOCK(S) _____
SUBDIVISION / ADDITION / MRGCD MAP NO. MRGCD MAP NO 31 ON Dec. NO. 08734304
UNIFORM PROPERTY CODE 101-306-14-220-3071 VOL C33 FOLIO 78

CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here MRG

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 N/A

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

DATE 10/10/08

SIGNATURE

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

PROJECT #: 14-14-2-6(E)(4)(A) APPLICATION #: 50ZHE50392

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. 14-14-2-6(E)(4)(A) REFERENCE SECTION NO. _____

(LEGAL AD) ACTION DESCRIPTION REQUEST FOR A VARIANCE TO ALLOW FOR A ZERO 5FT SETBACK ON AN INTERIOR LOT FOR PROPOSED ADDITION.

SECTOR DEVELOPMENT AREA: _____

ZONED: RA-2 ZONE MAP PAGE: F-13 City of Albuquerque
Treasury Division

2410 GRIEGOS RD. NW

NO. OF SIGNS ISSUED: 1 LOC: ANNX

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

10/13/2008 11:16AM

RECEIPT# 00105150-0010 TRANS# 0011
PERMIT# 2008080392

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

DATE 10/13/08

Trans (APN) 441018 / 40475000 \$ 35.00
APN Fee \$35.00

11-18-08
DATE OF PUBLIC HEARING

Conflict Charge 444032 / 3424000 \$ 10,000.00
ZHE Actions \$100.00
CA (ZHE) 441006 / 3927000 \$ 45,000.00
CHANGE \$0.00

SUPPLEMENTAL SHEET FOR SPECIAL EXCAVATION APPLICATION

PROJECT #: 10-01524

APPLICATION #: ZHE 20343

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. 14-10-2-5 (E) REFERENCE NO. _____

(LEGAL AD) ACTION DESCRIPTION A REQUEST FOR A VARIANCE OF 25 FT TO THE REQUIRED 25' FT REAR-YARD SETBACK FOR A PROPOSED ADDITION.

PROJECT #: _____

APPLICATION #: ZHE

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. _____ REFERENCE NO. _____

(LEGAL AD) ACTION DESCRIPTION _____

PROJECT #: _____

APPLICATION #: ZHE

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. _____ REFERENCE NO. _____

(LEGAL AD) ACTION DESCRIPTION _____

PROJECT #: _____

APPLICATION #: ZHE

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. _____ REFERENCE NO. _____

(LEGAL AD) ACTION DESCRIPTION _____

PROJECT #: _____

APPLICATION #: ZHE

APPLICATION FOR: (CHECK AS APPROPRIATE)

- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:

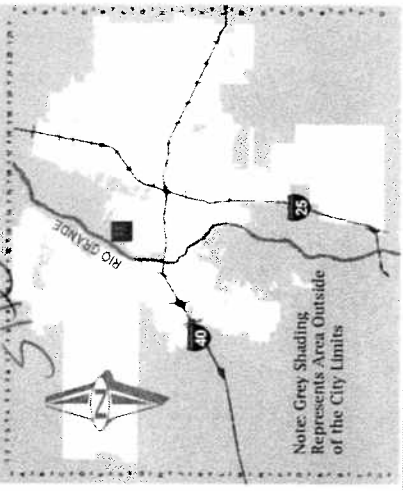
- Distance
- Setback
- Height
- Parking
- Size
- Other

SECTION NO. _____ REFERENCE NO. _____

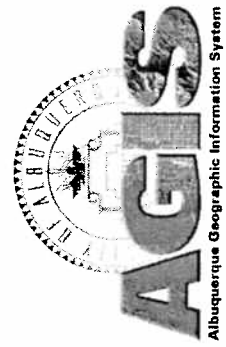
(LEGAL AD) ACTION DESCRIPTION _____



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



Note: Grey Shading Represents Area Outside of the City Limits



Albuquerque Geographic Information System

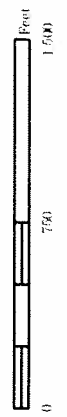
Map amended through: 6/13/2008

Zone Atlas Page:

F-13-Z

Selected Symbols

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



§ 14-16-2-5 RA-2 RESIDENTIAL AND AGRICULTURAL ZONE.

This zone provides sites for low density houses and uses incidental thereto, including agriculture. Clustering of houses is permitted.

(A) Permissive Uses.

- (1) Uses permissive in the RA-1 zone.
- (2) Private Commons Development, not less than two acres in area.

(B) Conditional Uses.

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

(C) Height. Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.

(D) Lot Size. Minimum lot shall be 10,890 square feet and minimum lot width shall be 75 feet, except:

- (1) Cluster housing lot size shall be as provided in division (B)(2) of this section;

- (2) In a Family Housing Development minimum lot size shall be 8,712 square feet and minimum lot width shall be 60 feet.

(E) Setback. The same regulations apply as in the R-1 zone, except the rear-yard setback shall be at least 25 feet. Cluster housing setbacks shall be as provided in (B)(2) of this section.

(F) Off-Street Parking. Off-street parking shall be as provided in § 14-16-3-1 of this Zoning Code. (74 Code, § 7-14-9A) (Ord. 80-1975; Am. Ord. 47-1990; Am. Ord. 10-1995; Am. Ord. 15-1999)

- (b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building façade and driveways and off-street parking areas cover no more than 60% of the area of the front yard.
- (3) On a corner lot, the side-yard setback adjacent to the side of the street shall be as follows:
- (a) If the rear yard abuts the front yard of a residentially-zoned lot, not less than 20 feet. ×
- (b) If division (3)(a) does not apply, not less than ten feet.
- (4) Side-yard setbacks which are interior, i.e., measured from side lots lines which are not adjacent to streets, shall be either:
- (a) Not less than five feet on each side if the lot width (see definition in § 14-16-1-5) is 65 feet or less. The setback on one side shall increase one foot for every one foot incremental increase in lot width to a maximum side setback of ten feet (thus, if lot width is 70 feet or more, the minimum side setbacks are ten feet on one side and five feet on the other);
- (b) There shall be one side-yard setback of not less than ten feet on one side. The other side-yard setback shall be at least five feet, except that it may be reduced or eliminated if the owner of the abutting lot agrees in writing to permanently bind his lot to not have a house closer than ten feet to the areas allowed for a house on the subject lot, and the agreement is included with the application for a building permit. The agreement shall be filed by the owners with the Planning Director after being recorded with the County Clerk. In no case shall the distance between two residential buildings be less than 10 feet; or
- (c) For lots where a common, interior side lot line is oriented more than 60° from due north-south, the minimum side-yard setback on the northerly side of the common lot line shall be as follows:
1. Not less than 15 feet if the immediately adjacent side yard setback is less than five feet;
 2. Not less than ten feet if the immediately adjacent side yard setback is five feet or more.
 3. Provided the provisions of divisions (a) and (b) above shall apply if:
 - i. For irregularly shaped lots, setback lines allow one side of the house on the irregularly shaped to be oriented 30° or more from due north-south, and which allow solar access equal to or greater than the provisions of division 1. or 2. above; or
 - ii. The owner of the property on the northerly side of the common lot line agrees in writing to permanently waive the requirement of the 15 foot side yard originally required to protect that property's solar access. The agreement must be included with the application for a building permit, if applicable, and shall be filed by the owners with the Planning Director after being recorded with the County Clerk.
 4. Unless waived pursuant to division 3.ii above, in no case shall the distance between two residential buildings be less than 15 feet.
 5. Setback lines shall be as indicated on the final plat (either by note, reference, or dimension) not inconsistent with this division (E).

LANDFILL BUFFER ZONE

No Features found.

OWNERSHIP

Rec	COASDE.BERNCO.ParcelIDec_2007.UPC	COASDE.BERNCO.ParcelIDec_2007.OWNER	COASDE
1	101306114322030701	GALLEGOS MICHAEL R & GARCIA THERESA MAE	2410 GR

ZONING

Rec	ZONING	DESCRIPTION
1	RA-2	

ZONE GRID

Rec	ZONE ATLAS GRID
1	F13

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	3851	RIO GRANDE BLVD		NW	1	0000	JACOBS--JUDY ANN	ABQ55733

LANDFILL BUFFER ZONE

No Features found.

LANDFILL BUFFER ZONE

No Features found.

NEIGHBORHOODS

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHC
1	RIO GRANDE BLVD	R

LANDFILL BUFFER ZONE

No Features found.

COUNCIL

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	O'MALLEY	2

ZIPCODES

Rec	ZIPCODE
1	87107

LANDFILL BUFFER ZONE

No Features found.

October 9, 2008

Mr. Roberto Albertorio, Esq
Zoning Hearing Examiner
City of Albuquerque
Albuquerque NM

RE: Variance to allow for a rear-yard and side-yard setback for 2410 Griegos NW.

Dear Mr. Alberterio:

Mike Gallegos and Theresa Garcia, owners of the property located at 2410 Griegos NW, request a rear-yard and side-yard setback to allow for the construction of an addition to an existing residence located on the property.

BACKGROUND

The parcel is zoned RA-2, residential and agricultural zone, which is intended for low-density housing with the ability to support some agricultural uses. The desire is to build an addition to the house along the southeastern portion of the lot.

Section §14-16-4-2 of the City of Albuquerque Zoning Code establishes Criteria of Approval to be demonstrated in its Special Exception section for variances and is as follows:

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 regulations.

The lot shape and location is not typical for those found within the RA-2 zone. The parcel is long and narrow very near the intersection of Rio Grande Boulevard and Griegos Road. In general, the shape of most RA-2 zoned lots are conducive to the intent of the zone, the ability or option to provide residential and agricultural uses. They are generally larger and/or shaped in ways to support its intended use. This parcel at its widest is 65 feet along the western boundary. The portion where the addition is proposed is only 61 feet wide making setback requirements difficult to achieve.

This parcel is exceptional as compared to other land in the vicinity in that it is based on the shape of the lot and its proximity to a major intersection.

PART B

As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship because it creates an exceptional, substantial or unjustified limitation of the property owner's reasonable use of the property.

The shape of the lot has determined the shape of the existing residence on the property. The house is long and narrow in its initial effort to comply with existing RA-2 development standards. As a result of this interest to add some additional square footage, the ability to comply is compromised. The setbacks

established for the RA-2 zone are not achievable and create an unnecessary hardship on the applicant and limit their ability to reasonable use of the property.

This exceptional aspect of the property is acknowledged by the petition of support from adjacent property owners.

PART C

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

Approval of this variance would allow for the construction of an addition to an existing residence. The new construction was intentionally placed in the portion of the lot which would be the least intrusive to adjacent property owners. The parcel is directly next to C-2 zoning along its eastern boundary where the proposed addition is located. The property is also surrounded by a solid block wall which will further minimize effects on the immediate area.

The proposed use is permissive in the underlying zone. What makes it difficult to achieve is the shape of the parcel and its established setbacks.

We believe that it has shown that this property is exceptional and that the variance will not interfere with the enjoyment of other land in the vicinity. Further, approval of this variance is consistent with the spirit of the Zoning Code, substantial justice and the general public interest.

Your favorable consideration of this request is sincerely appreciated. I look forward to answering any questions you may have at the hearing.

Sincerely,



Michael Gallegos

City of Albuquerque
Zoning Hearing Examiner
Albuquerque NM

We the undersigned do not have an objection to the variance application as presented for 2410 Griegos NW, Albuquerque NM for Mike Gallegos and Theresa Garcia.

GS Hofmann
Printed name

[Signature]
Signature

3814 Redvanceilly^{0,1,2}
Address

Ramona Evans
Printed name

[Signature]
Signature

2414 Griegos Rd
NM
Address

Sharon Griego
Printed name

[Signature]
Signature

2405 Cimino Rd NW
Address

Adam Toranzo
Printed name

[Signature]
Signature

2405 Cimino Rd N.E.
Address

Printed name

Signature

Address

Printed name

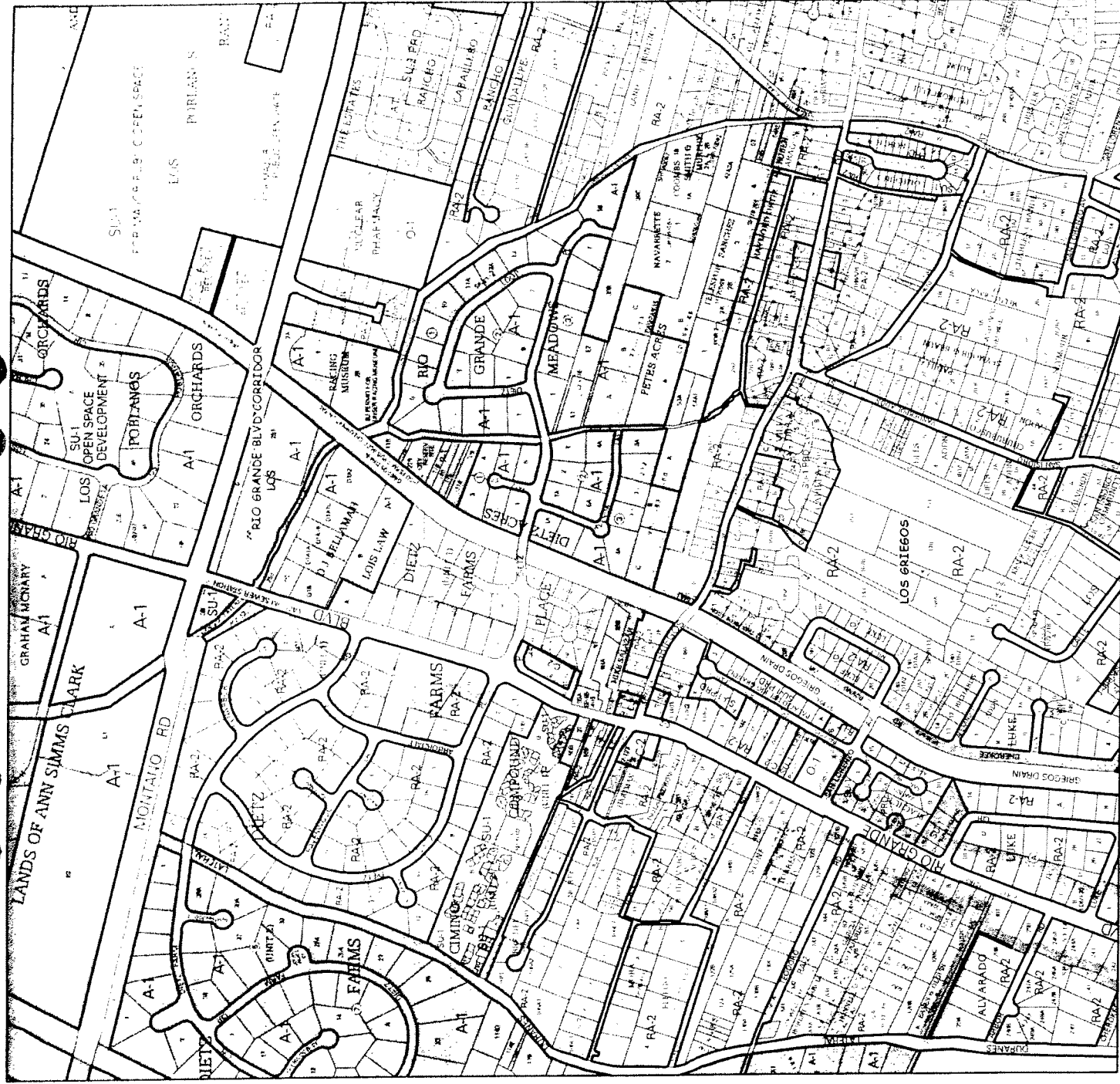
Signature

Address

Printed name

Signature

Address

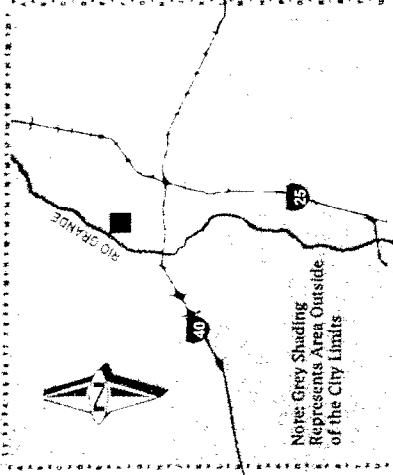


For more current information and more details visit: <http://www.cabq.gov/gis>



ACGIS
Albuquerque Geographic Information System






Map amended through: 6/13/2008



Note: Grey Shading
Represents Area Outside
of the City Limits

Zone Atlas Page:
F-13-Z

Selected Symbols

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



2008 OCT 15 11:36

October 14, 2008

Mr. Roberto Albertorio, Esq.
Zoning Hearing Examiner
City of Albuquerque
Albuquerque NM

Dear Mr. Albertorio:

I am the property owner of 3851 Rio Grande Boulevard NW, which is the location of Johnhi's restaurant. My parcel is the entire eastern portion of the applicant's property and the nearest to the proposed addition.

I am writing this letter to express my support and have no objection to the variance application before you for Michael Gallegos and Theresa Garcia located at 2410 Griegos Road NW. My understanding is that the variance application is for a rear yard and side yard setback.

Thank you for your consideration.



John Nello
505-326-7002