

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

**Project #:** 1007401/08ZHE-80300  
**Property Description/Address:**  
1602 Aliso Drive NE, Lot 14, Block J, Altura Addition

**Date Submitted:** September 12, 2008  
**Submitted By:** Tonya Covington

**Meeting Date/Time:** September 11, 2008, 6:30PM  
**Meeting Location:** Fellowship Church  
**Facilitator:** Tonya Covington  
**Co-facilitator:** Diane Grover

## **Parties:**

Armando Alba, Applicant  
Norman Henry, Agent  
Altura Addition N.A. (ATA)

## **Background/Meeting Summary:**

Application is made for a variance of “2 feet to the 3 foot height allowance for an existing 5 foot high wall in the front yard setback” at 1602 Aliso Drive NE, Lot 14, Block J, Altura Addition. Mr. Alba made a presentation concerning the variance. Mr. Alba bought the property as a home for his daughter and grandsons. While remodeling, it was decided to add a 3 foot fence in the front yard adjacent to the sidewalk and all applicable city permits were garnered. As the 3 foot fence was being built a drive-by shooting occurred at the house so Mr. Alba instructed Mr. Henry to raise the fence to 5 feet high for safety and to allow for a dog for protection. The city was not notified and no permits were acquired for the additional two feet. After a neighbor complained about the fence, the city requested a letter to demonstrate the need for a variance. The top 2 feet of bricks were then removed. This left the fence at 3 feet 2 inches in some places and 3 feet 8 inches in other places. After talking to the city zoning department and traffic engineers, Mr. Alba has been told he can either leave the fence as is but will need a variance for the parts of the fence that are over 3 feet, or get a special exception that will allow him to build the fence to 5 feet with openings along the top. Parts of the fence 11 feet east and 11 feet north would have to remain at 3 feet in order to allow for traffic visibility. Mr. Alba has spent approximately \$7000 on the current fence.

Neighbors had concerns about the fence because it is currently on city property not Mr. Alba’s property since the city owns 9 feet from the street. Neighbors also feel that a five foot fence, especially right at the sidewalk gives a ‘closed off’ feeling to the neighborhood, inhibits the

communal quality and could present safety and visibility problems. The neighbors have said they would not have a problem with a five foot fence with openings if it were set back the required 9 feet or more.

**Outcome:**

**Areas of Agreement:**

- Applicant and neighbors are concerned with preservation of traffic visibility and safety.
- Neighbors and applicant agreed that they will attend the zoning meeting on September 16, 2008.

**Unresolved Issues, Interests and Concerns:**

- What the city's decision will dictate
- If Mr. Alba feels the city's decision is not to his liking he may remove the front of the fence altogether

**Key Points:**

**It was important to the neighborhood association that the fence be moved to the property line or further back.**

**Meeting Specifics:**

1. Current application – request for a variance of 2 feet to the 3 foot height allowance for an existing 5 foot high wall in the front yard setback at 1602 Aliso Drive NE, Lot 14, Block J, Altura Addition
  - a. Plans presented to city for fence did not properly reflect the property line
  - b. Issuance of a variance requires a hardship or something that makes the property different from surrounding properties
  - c. If variance is allowed without a hardship then a precedent will be set and encourage others to seek variances
2. Fence Specifics
  - a. Currently fence is built on city property (right of way) immediately adjacent to sidewalk
  - b. Fence can be left as is with a variance
  - c. Fence can be raised to 5 feet with openings at top if a special exception is granted
  - d. Eleven feet of the fence at both the east and north sides must remain at 3 feet for traffic visibility
3. Safety Concerns
  - a. Mr. Alba is concerned for his family's safety since his grandsons sleep in the front part of the house and he wants a fence to protect from bullet fire and to allow for a dog
  - b. The neighborhood association is concerned that high fences can help burglars hide
  - c. The neighborhood association would like all disturbances reported to the police in order

- to increase police patrols
- d. High walls can be a danger to the homeowners and possibly police and pedestrians
- e. Walls diminish visual contact.
- f. Applicant and neighbors are both concerned about traffic visibility
- g. Neighbors are concerned high walls destroy community
- 4. Financial Concerns
  - a. Mr. Alba has spent \$6-7000 on the current fence and it will cost approximately \$2000 to raise the fence to 5 feet.
  - b. Replacing the fence feels cost prohibitive to Mr. Alba
- 5. Aesthetic Concerns
  - a. Mr. Alba states that if he removes the front fence altogether it will be “ugly”
  - b. Mr. Alba stated that there are numerous other violations in the neighborhood
  - c. Neighbors stated that a fence so close to the sidewalk detracts from the neighborhood
  - d. Applicant and neighbors are both concerned about the aesthetic features of the neighborhood

**Next Steps:**

None

**Action Plan:**

Applicant and concerned neighbors will attend the zoning hearing on September 16, 2008

**Action Items:**

None

**Application Hearing Details**

**ZHE Application Hearing Details**

- 1) Hearing Scheduled for Tuesday, September 16, 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:**

Armando Alba	Applicant
Norman Henry	Agent
James Wright	Altura Addition Neighborhood Association
Denise Hammer	Altura Addition Neighborhood Association
Judy Alba	Applicant
Chris Addis	Altura Addition Neighborhood Association
Lucerne Knight	Altura Addition Neighborhood Association
Richard Royma	Altura Addition Neighborhood Association
Leah Burkhardt	Altura Addition Neighborhood Association
Jeanne Adams	Altura Addition Neighborhood Association
Susie Kubie	Altura Addition Neighborhood Association