



# 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) CHRISTINE L. ELLISON (H) 505-246-8960

MAILING ADDRESS 201 GALLUP AVE. S.W. (W) 505-841-2858

CITY ALBUQUERQUE STATE NEW MEXICO ZIP CODE 87104 (C) 505-270-9572

## LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 201 GALLUP AVE. SW., ALBUQ. N.M. ZIP CODE 87104

LOT(S) # 1 & #2 TRACT(S) \_\_\_\_\_ BLOCK(S) 3

SUBDIVISION / ADDITION / MRGCD MAP NO. WEST PARK ADDITION

UNIFORM PROPERTY CODE 10305800824830116

## CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here

CE.

## 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

CE.

## 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

Christine Ellison

SIGNATURE \_\_\_\_\_ DATE 6/7/08

PROJECT #: 1007379 ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

APPLICATION #: QBZHE 80288

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. 14-16-2-6(B)(3) REFERENCE SECTION NO. \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION A conditional use to allow for a carport (treehouse) in the reg'd front

SECTOR DEVELOPMENT AREA: Huning Castle Ranchs you'd setback

ZONED: R-1 ZONE MAP PAGE: J-13 NO. OF SIGNS ISSUED: 2

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION 201 Gallup Av SW 87104

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) P. Diane Baca DATE 7/7/08

DATE OF PUBLIC HEARING 09-16-08

LOCAL AGENCY  
FEE: \$ 145.00

APN Fee (CMP) 441032 / 3424000 \$ 00 10.00  
Conflict Manag. Fee \$ 10.00

GIS Action (ZHE) 441006 / 3451000 \$ 00 100.00

CHARGE \$ 10.00

# SPECIAL EXCEPTION PROCEDURE

## APPLICATION

- A. **Pre-Application Discussion**  
While it is not a requirement, discussion of the proposed application with the Zoning Enforcement Officer is strongly recommended prior to application filing. The purpose of the discussion is to advise the applicant of the relevant facts and criteria. The Zoning Hearing Examiner **cannot** comment on the merits of an application prior to the public hearing.

B. **Criteria For Decision**

By Ordinance, the Zoning Hearing Examiner may not approve a Special Exception unless the applicant demonstrates that certain criteria have been met. The Zoning Enforcement Office will provide the requirements for your Special Exception request.

**Drawings**

1. Submit three (3) copies of a site plan, building development plan, drawing of other related information on reproducible paper no smaller than 8 1/2 inches by 14 inches and using a scale of at least 1 inch = 20 feet. The submitted drawing shall show the following:
  - a. All dimensions of property and buildings and all structures on adjoining lots that are within 25 feet of the proposed Special Exception.
  - b. If the Special Exception requested is a variance, please show clearly the point of variance and the height, width and any appropriate dimensions of structures and/or parking spaces
  - c. A "north" directional arrow and scale.

D. **Public Hearing Schedule**

Contact the Zoning Hearing Examiner at 924.3918 for a schedule of public hearings. This information is also provided on the City of Albuquerque Website [www.cabq.gov](http://www.cabq.gov). Additional information on application procedures is available from the Zoning Enforcement Office at 924.3850.

## SIGN POSTING

- A. The applicant is responsible for posting and maintaining one or more signs as instructed by the Zoning Enforcement Office.
- B. Signs shall be posted for fifteen (15) days prior to the hearing.
- C. The applicant is responsible for removing such signs within five (5) days after the completion of the public hearing.
- D. The sign shall be conspicuously located within twenty (20) feet of the public sidewalk or edge of public street.
- E. The face of the sign shall be parallel to the street and the bottom of the sign shall be two (2) to seven (7) feet off the ground. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.
- F. Failure to properly post and maintain sign(s) is grounds for deferral. Replacement signs for those lost or damaged are available from the Zoning Enforcement Office at a charge of \$3.00 each.

## ZONING HEARING EXAMINER'S PUBLIC HEARING

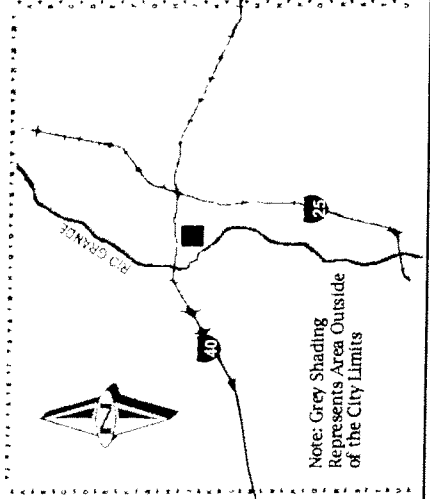
- A. The purpose of the public hearing is to give the general public and/or adjacent property owners opportunity to discuss and speak for or against the request and to elicit additional information which may have bearing on the request. The applicant and/or agent must be present at the hearing to speak on behalf of the request and respond to questions.
- B. Decision by the Zoning Hearing Examiner may be deferred if additional information or advertising is determined to be necessary.
- C. All front and side yard wall requests are required to be reviewed by the Traffic Analysis Supervisor prior to the public hearing. Applicants are responsible to obtain comments from the Traffic Analysis Supervisor prior to the public hearing.
- D. The Zoning Hearing Examiner may reach a decision either at the public hearing or within fifteen (15) days of the public hearing. In either case, the applicant and all interested parties will receive a Notice of Decision through the mail.
- E. The Zoning Hearing Examiner's decision on the request may be to approve, approve with conditions, or deny.
- F. The decision is final unless appealed to the Board of Appeals within fifteen (15) days of the date listed on the Notice of Decision. Further appeal is to the City Council. No building permit may be issued until all appeal periods have expired.
- G. Approval of a Special Exception application is void after one (1) year from the date of approval listed on the Notice of Decision if the rights and privileges granted have not been used.

## CONSTRUCTION PERMIT

- A. Approval of an application for a Special Exception does not constitute approval of plans for a construction permit.
- B. The Notice of Decision must accompany the construction permit application.



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



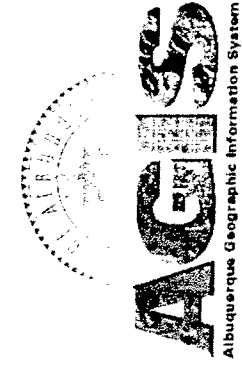
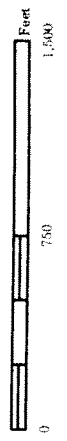
Note: Grey Shading Represents Area Outside of the City Limits



Zone Atlas Page:  
**J-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 Co.
  - Wall Overlay Zone



Albuquerque Geographic Information System

Map amended through: 2/18/2007



100

July 7, 2008

To whom it may concern,

In 1995, Michael Veseart bought the properties at 201 and 203 Gallup Avenue S.W. and developed the two run down houses into one exceptional home. It has been an inspiration to the neighborhood which has taken a decided upturn in recent years, following his lead.

A year after the purchase and as part of the remodel, Michael erected a tree house for his then 7 year old daughter. It has been a welcome and admired fixture in the neighborhood since that time. Our home has been featured on television locally, nationally and twice on the BBC in England. We and our home, because of it's unique characteristics, have also been written about in newspapers, periodicals and are prominently mentioned in the City's own Neighborhood Walking Tour brochure. Never, in any of the above mentioned instances has it ever been referred to as a carport. The tree house was never intended nor is it used as a carport. It is merely the location of the trees in which it perches that determines it's location near the garage and toward the front of the property.

Within the past three months we have disassembled the upper part of the tree house because the natural growth of the trees had caused the separation of the walls. The lower part remains with a few upgrades including a new deck and railings. We had fully intended to rebuild the upper part but will await the outcome of this action to do so.

I believe our property is special. As artists we strive to make it interesting, whimsical, beautiful and a place that brings joy to us and anyone who happens by. We know we have achieved this by the scores of visitor we encounter daily who tell us so. I've been told by a couple from Reno, Nevada that they choose to relocate to Albuquerque because they wanted to live in a place where there were houses like ours.

I became the co-owner of this property a few years back and can tell you that Michael and I take great pride in our home. We hope to acquire this Special Exception to keep our tree house which has become a focal point in our neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Christine Ellison".

Christine Ellison

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11  
12  
13  
14



15  
16

July 6, 2008  
204 Gallup Ave SW  
Albuquerque, NM 87104

Mr. Roberto Albertorio, Esq.  
Zoning Hearing Examiner  
Re: Conditional Use at 201 Gallup Ave SW Albuquerque, NM

To Whom It May Concern:

We are neighbors of the property at 201 Gallup Ave SW at which a conditional use for a carport or tree house is being sought. We have lived at the property across the street from 201 Gallup for eight years. During that time, the structure in question has always been a tree house. Our artist neighbors have transformed said tree house over the years much to our delight. It has been a whimsical piece that has attracted positive attention from us as well as the many tourists who come to see the property at 201 Gallup for its artistic expression. In fact, this property is on one of Albuquerque's neighborhood walking tours.

The property at 201 Gallup was one of the reasons that we bought our adjoining property as we felt it represented an artistic and vibrant neighborhood. Indeed, since moving here eight years ago, we have witnessed many homes being bought and renovated.

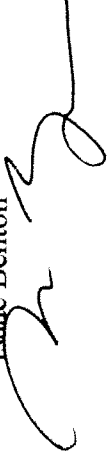
As neighbors, we wholeheartedly endorse the granting of a conditional use for the structure in question. Please feel free to call us for any questions, and please rule in favor of the property owners at 201 Gallup who have added so well to our neighborhood's identity.

Best Regards,

Elaine Faust



Isaac Benton







July 2008

To whom it may concern;

I Thomas Renner and my partner Mr. John Holweron, of 207 Hallup Ave., S.W., Alb., N.M. wish to say, as neighbors of Mrs. Chris Ellison and Michael Foreard of 201 Hallup Ave., S.W. Albuquerque, N.M. we very much enjoy their sideyard "Treehouse".

We feel that it is a positive element to the neighborhood and one of the reasons that we enjoy living nearby. We feel that the "Treehouse" adds character to our block; district # 3.

Sincerely,  
Thomas Renner,

and

John Holweron

207-618-7053





Barbara Grothus  
905 Silver SW  
Albuquerque, NM 87102  
505 842 8305

Zoning Department  
City of Albuquerque  
600 2nd Street NW  
Albuquerque, NM 87102

July 4, 2008

To Whom It May Concern:

I own a property at 2209 New York SW, just across the corner from Michael Veseart. I have owned this property for 20 years.

I don't recall exactly when Michael purchased his property, but when he bought it, it had been severely neglected for many years. He has been endlessly industrious and creative in his approach to improving the corner, and I am well aware that he spends most of his "free time" improving his property. What is most exciting to me is the creative reuse of materials he incorporates into his surroundings.

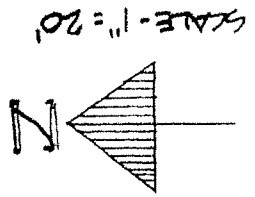
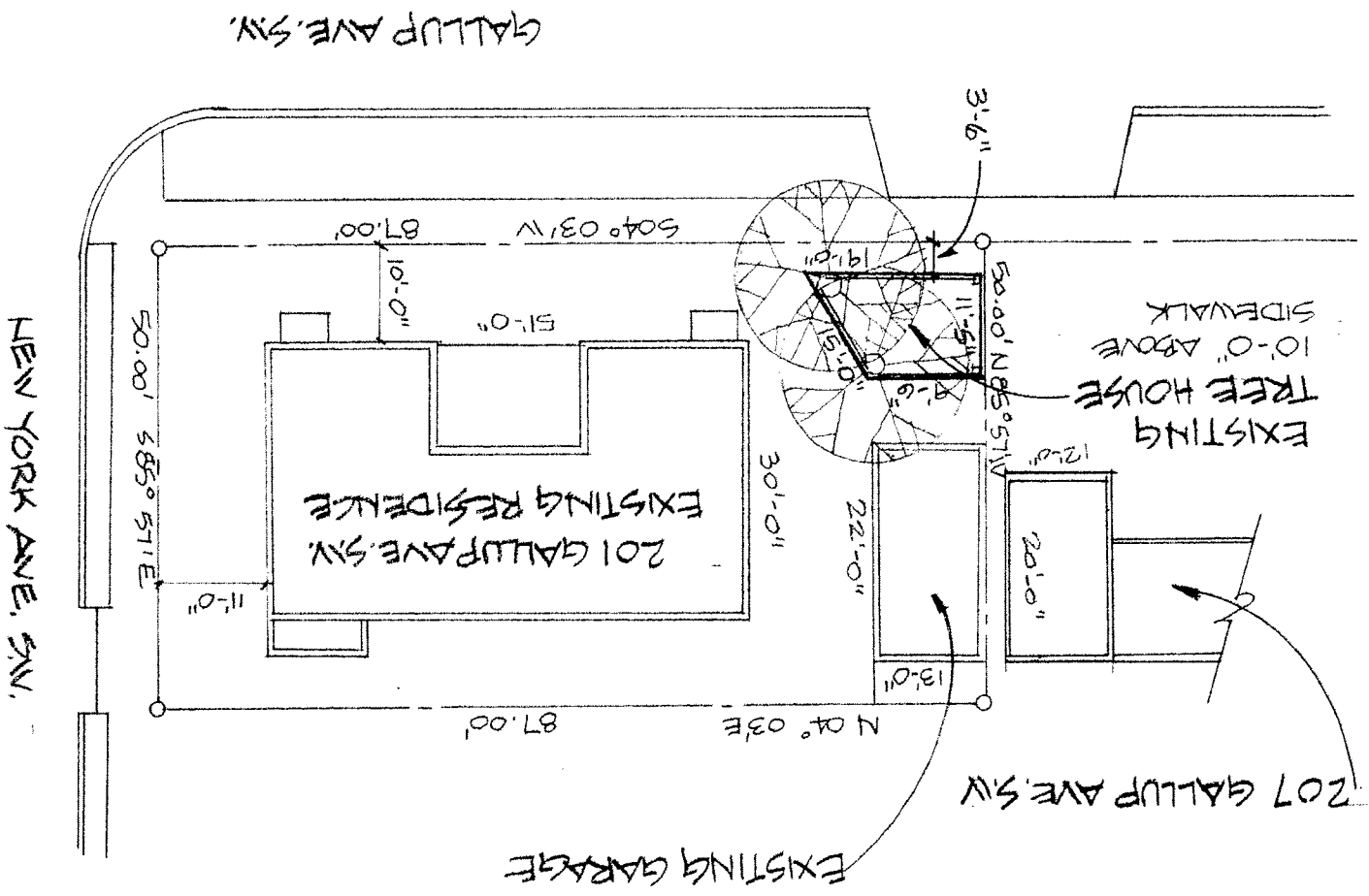
Apparently there are hundreds of people, both tourists and local residents, who find his yard particularly inventive and interesting. His property must be the most-photographed single family residence in Albuquerque.

It is very discouraging to me that the City chooses to make it difficult, if not impossible, for him to continue to exercise his aesthetic and prefers instead to find reasons to force him to tear apart well-constructed elements of his invention that do not interfere with the street, are safe and most of all provide wonderful entertainment for so many visitors.

I hope the City can find a way to allow him to continue to provide the enjoyment of so many with his construction.

Sincerely,  
  
Barbara Grothus





NEW YORK AVE. SW.

GALLUP AVE. SW.



11  
12

## Hanging out with Tiki Man

Most people see the shoe tree first, but for me it was the moped in the elm, then the tree house beside it, then the bowling balls, the stage light, the “Tiki Man” carving ... At their place near Albuquerque Country Club, Chris Ellison and Michael Veseart have created a visual buffet of spare parts, discarded odds and ends, old rusted and found objects, and repurposed reclaimed stuff that defies classification. It looks like the garden at the rest home where Mad Max retired. While you might be tempted to think they'd be the neighbors from hell, the overall effect is of extravagant, joyfully unfettered creativity. It's stop-you-in-your-tracks fun.

Veseart is a veteran stagehand who teaches theater tech at Bosque School. Ellison is a designer, the daughter of architect Bill Ellison, who designed many public buildings around Albuquerque, his last being Cibola High School some 30 years ago. Chris, who works at Arizona



by Charles C. Poling Photography by Kirk

Tile, says she's been drafting since she was 12—probable skill to call on when they remodeled these two little additions into one home with a new upstairs addition.

Any description of their house and yard is sure to lead into a list that reads like an inventory of the Coronado Sa—a collection of miscellany so diverse and seemingly unmanageable you can't imagine how it might all combine into a unified vision of artistic content.

Fortunately, Ellison and Veseart could imagine it. Tall tree, a utility pole girdled with women's high heels. In Michael's mother's retirement, when she gave up her impractical footwear. Veseart nailed them to the porch women donated. Now they come to visit their old shoe drive by, stop, back up, and gape. Their gaze starts maybe jumping from the shoe tree to the cow skull on the wall to the peace flag.

Or maybe a viewer's attention shifts to those two round rosettes by the bench at the sidewalk. You have to peer hand-painted Rambler parked at the curb to see these words of sign-maker's vinyl that Ellison recycled from his graphic artist at the Albuquerque Biopark. In the summer den blooms in lovely organic counterpoint. But what point? “We like to walk around our kingdom,” Veseart says in circles and focus on our little world.” And obvious with the rest of us. ■





- (4) Growing plants, noncommercial.
  - (5) Private Commons Development, not less than two acres in area, if allowed in a Sector Development Plan or area plan governing the site.
  - (6) Public park.
  - (7) Public school, including caretaker's mobile home.
  - (8) Public utility structure, provided its location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.
  - (9) Real estate office and an incidental sign in connection with a specific development, provided it is not used as living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended through approval by the Zoning Enforcement Officer. A site plan and floor plan approved by the Zoning Enforcement Officer is required prior to establishment of this activity.
  - (10) Wireless Telecommunications Facility which is concealed or located on a public utility structure, provided the requirements of § 14-16-3-17 of this Zoning Code are met.
  - (11) Family Housing Development, as defined by the Family Housing Development Ordinance, Section 4.
- (B) Conditional Uses.**
- (1) Accessory living quarters.
  - (2) Animal keeping, noncommercial, the species being other than those which are permissive in this section.
  - (3) Carport in the required front or side setback area, provided:
    - a. No part is within three feet of a property line, other than a right-of-way line.
    - b. No building wall is ever built within a required setback area.
    - c. The specific carport proposed is in harmony with the building site.
  - (4) Construction office in connection with a specific construction project provided it is limited to a period of one year unless the time is extended through a new conditional use.
  - (5) Family day care home, with any sign limited as for home occupations. There shall be an outdoor play area adequately enclosed with a wall or fence. At least one member of the residing family shall serve as a provider of care. The activity shall be licensed by the state as a family day care home. (See also the permissive use provisions.)
  - (6) Front yard setback of not less than fifteen feet if there is no front yard driveway and vehicle access is only to the rear yard from an alley or if the garage setback is not less than 25 feet and compromises 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.



1	101305800824830116	VESEART MICHAEL K & CHRISTINE L ELLISON	201 GALLUP AVE SW	ALBUQUERQUE	NM	87104	R	A1AM	003WEST PARK ADDN N87FT L1 & 2
Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE	PROPERTY CLASS	TAX DISTRICT	LEGAL

**SECTOR PLANS**  
No Features found

1	R-1	
Rec	ZONING DESCRIPTION	

**ZONE GRID**

1	J12	
Rec	ZONE ATLAS GRID	

**PARCELS**

1	201	GALLUP AV	SW	2	3	WESTPARK ADDN	ABQ120584
Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT BLOCK	SUBDIVISION	PIN

**SECTOR PLANS**  
No Features found

**SECTOR PLANS**  
No Features found

**NEIGHBORHOODS**

1	COASDE AGIS NEIGHBORHOODASSOCIATIONS ASSOCIATIONSTATUS	WEST PARK	R
Rec	COASDE AGIS NEIGHBORHOODASSOCIATIONS ASSOCIATIONSTATUS	WEST PARK	R

**SECTOR PLANS**

1	HUNING CASTLE REYNOLDS
Rec	SECTOR PLAN NAME

**COUNCIL**

1	BENTON	3
Rec	COUNCILOR NAME	COUNCIL DISTRICT

**ZIPCODES**

1	87104
Rec	ZIPCODE

