

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1007476
Property Description/Address: 2717 Monk Ct. NW

Date Submitted: October 17, 2008
Submitted By: Diane Grover

Meeting Date/Time: October 16, 2008 6:30 p.m.
Meeting Location: Los Griegos Multi Purpose Center
Facilitator: Diane Grover
Co-facilitator: Tracie O'Geary

Parties:

Sherri L. Brooks, Applicant
Near North Valley N.A. (NNV)

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

Background/Meeting Summary:

Applicant Sherri L. Brooks requests a special exception to Section 14-16-2-6(B)(14)(a)(c), a conditional use to allow a wall to exceed 3 ft. in height within the required front yard setback area for an existing 5 ft. high wall.

Sherri had a phone discussion with the City prior to building the wall, and understood she was in compliance with known requirements. Once the wall was completed, with the exception of a gate and final stucco, she received a stop-order from the City. She learned a 3 ft. wall that was 20 ft. into her property line was allowed, and she would need to get a conditional use to allow for the 5 ft. wall within 10 ft. of the property line. In addition she would need to remove 1 cinder block brick row across the top to bring the wall down to 5 ft. The conditional use request will apply only to the front wall and a 6 ft. section of the side wall, as she already has a permit for the rest of the wall. She has worked with City Traffic representatives and zoning enforcement to determine and conform with requirements.

NNV president Richard Sandoval had concerns that the wall was not built by a licensed contractor, despite that it was built by someone who worked for a licensed contractor. The applicant believed all specs were met and the job was done right, and the final product was inspected by a licensed contractor. Richard pointed out that he believed a licensed contractor was required from start to finish.

Gina Duran, living next door to the subject property, has many concerns about the wall. She feels the wall obstructs neighbors' views of her home causing a safety and security issues for her. Gina states the wall obstructs her view of oncoming traffic when she exits her driveway. She feels that the wall is somewhat in her way and could easily be hit when exiting her driveway. She

also feels the wall would be easy for people to hide behind, causing more of a safety and security issue for her. She does not understand how so much of the wall could be in compliance, as Sherri has stated, when it presents such safety issues for her.

Sherri feels that much of Gina's problems result from Gina's house being set back 18 ft. from other properties, rather than from the wall she constructed.

One NNV board member was concerned that not enough time remains before the hearing on October 21, 2008, to investigate zoning requirements and how this project fits in, get word back to their membership and get feedback resulting in a board position on this project.

Outcome:

Areas of Agreement:

- None noted

Unresolved Issues, Interests and Concerns:

- One NNV member commented that they needed more time to look into the zoning requirements and look at this particular situation and speak with their members, before taking any position on the project. She did not feel this was possible before the October 21 ZHE hearing.
- There are extraneous unresolved issues between the applicant and her next door neighbor, which came up at the meeting but did not relate to this project and could not be discussed at length.
- There is disagreement between neighbors as to whether entire wall is on Sherri's property, or if some is on City property

Meeting Specifics:

- 1) Applicant's process to date
 - a) Contacted City Building Department about permit for wall
 - i) Told nothing needed
 - ii) Wall had to match environment and building
 - iii) Can't cover water outlets
 - b) When wall was 80% complete, City inspected and said it was fine
 - c) Applicant completed wall (excluding gate and stucco)
 - d) Received a stop-order from City approximately one week later
 - e) Applicant has permit for most of wall excluding
 - i) Front of property
 - ii) A 6 ft. length between applicant's property and next door neighbor Gina Duran's property
 - iii) Portions referred to in 1)e)i) and ii) are too high and need to be shortened by one cinder block brick to meet the 5 ft. conditional use level she is applying for.
 - (1) Applicant is willing to lower to 5 ft.

- f) Per letter from Jonathan Turner at the City (Zoning Enforcement) “The portion of the wall or fence which is more than 3 ft. above the adjacent curb top is essentially an open fence which permits good visibility through it”
- g) Applicant is asking for conditional use for the part of the wall that is not yet permitted, being the front and 6 ft. of the side property
 - i) Applicant plans to accommodate Jonathan Turner’s request
 - ii) Applicant understands existing requirement is for 3 ft. wall and 20 ft. setback
 - iii) Conditional use would allow 5 ft. wall within 10 ft. of the property line
 - iv) Without conditional use approval, front and 6’ of side wall would have to come down, which would result in an unsightly situation
- 2) Neighborhood concerns
 - a) Use of licensed contractor to build wall
 - i) Applicant stated wall built by person who worked for a licensed contractor, but was not one himself
 - ii) Applicant stated that licensed contractor inspected the wall once complete
 - iii) Neighbor was concerned licensed contractor was not involved start to finish
 - b) Neighborhood notification
 - i) One neighbor stated she hadn’t seen any notification
 - ii) Applicant believed they were sent to neighbors within 100’
 - iii) Applicant did post sign on property giving contact information as required

Note: Facilitator was asked to verify 2)b)ii) with city and report back to attendees in body of email with report attachment

- c) Observance of sight triangle with regards to parts of the wall already permitted
 - i) Applicant states that she’s in compliance with sight triangle
- d) Concerns of Gina Duran, next door neighbor
 - i) Gina’s home sits back 18 ft. back from other properties
 - ii) Wall height between properties hides her home – causes safety concerns
 - (1) Neighbors who used to keep an eye on her property can no longer see in
 - iii) Brought concern to NNV Board
 - (1) Per Gina, 2 board members visited property and agreed with safety concerns
 - (a) Board wrote letter to ZHE stating they were opposed to original variance request
 - iv) Gina feels unsafe entering and exiting driveway
 - (1) Wall causes diminished visibility
 - (2) Wall arches extend approximately 3 ft. and obscure oncoming traffic
 - (3) Wall would be easy to hit exiting driveway
 - v) Week after wall was built, expensive bike was stolen from property
 - (1) Never had problems prior to this
 - (2) Called APD Nuisance Abatement
 - (3) Police officers indicated wall may encourage crime
 - (4) Gina stated that officer suggested security cameras
 - vi) Believes that a portion of the wall is encroaching on City property
 - vii) Worries that people can hide behind wall

- viii) States she has a problem with the entire wall, not just parts that are included in conditional use request.
- e) Sherri's response to Gina's concerns
 - i) All of the fence is on her property and a survey was completed
 - ii) Wall that concerns Gina has already been permitted by City and is not included in this request
 - iii) Feels it is unfortunate that Gina's property sits back 18' and understands her concerns
 - iv) Read from letter from Liz Wright in City Traffic stating "At your request, I have looked at the area where you built a wall to determine if it blocks any clear sight required for traffic safety. We require that there be no obstruction to view between three and eight feet above the driveway level in the eleven ft. triangle areas shown in the diagram below" Liz found that there would be no obstruction.

Note: Gina has concerns with Sherri's statement about the parts of the wall that have been permitted in light of ZHE's denial of the original variance request.

Next Steps:

- Sherri will proceed with the hearing on October 21, 2008.

Action Plan:

- No other action plan noted

Action Items:

- Facilitator will verify that neighbors within 100 ft. of property were notified by City, and address in the body of the email which accompanies this report.

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 & Addresses of Attendees:

Sherri Brooks	Applicant
Richard A. Sandoval	NNV
Helen Williams	NNV
Gina Duran	NNV
Christian "Charlie" Kenisson	NNV
Ted Brown	NNV
Alyse Enyart	NNV
Maria Martin	NNV