



# HEARING ON SPECIAL EXCEPTIONS TO THE COMPREHENSIVE CITY ZONING CODE

## ZONING HEARING EXAMINER'S AGENDA

TUESDAY, FEBRUARY 19, 2013 9:00 A.M.  
PLAZA DEL SOL HEARING ROOM  
BASEMENT LEVEL  
600 SECOND STREET NW  
(ON THE NORTHEAST CORNER OF 2<sup>ND</sup> STREET AND ROMA NW)

### STAFF

*Joshua J. Skarsgard Esq., Zoning Hearing Examiner*

*Randall Falkner, Planner*

*Vanessa F. King, Administrative Hearing Office Liaison*

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**For Inquiries Regarding This Agenda, Please Call Vanessa F. King at (505) 768-4503.**

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### **PLEASE ADDRESS ALL CORRESPONDENCE TO:**

***Joshua J. Skarsgard, Esq.***

***Office of Administrative Hearings***

***P.O. Box 1293***

***Albuquerque, NM 87103***

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**NOTICE TO PEOPLE WITH DISABILITIES:** *If you have a disability and you require special assistance to participate in this hearing, please contact Vanessa F. King at (505) 768-4503.*

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### **INTERPRETER REQUIRED:**

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|----|-------------------------|-------------------------|--|
| 1. | <b>*IR* 12ZHE-80365</b> | <b>Project# 1009498</b> | <b>FLOR KARIME GUADERRAMA</b> request(s) a special exception to Section 14-16-2-8(B)(1) and 14-16-2-6(B)(5): a CONDITIONAL USE for a proposed daycare for up to 12 children for all or a portion of Lot(s) 59, BRIAR RIDGE AT VENTANA RANCH zoned R-LT, located on <b>7723 STADLER AV NW</b> (B-9) |
| 2. | <b>*IR* 12ZHE-80390</b> | <b>Project# 1009538</b> | <b>VALENTIN TERRAZAS</b> request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow an existing 5' wall in the front yard setback area for all or a portion of Lot(s) B, SOUTH BROADWAY zoned SU-2 MR, located on <b>2117 JOHN ST SE</b> (L-14)                        |

### **OLD BUSINESS:**

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| 3. | <b>12ZHE-80322</b> | <b>Project# 1009466</b> | <b>WESTERN REFINING SOUTHWEST, INC., (STEVEN REINHART OR JERRY A. HAMM)</b> request(s) a special exception to Section 14-16-2-17(B)(15): a CONDITIONAL USE to allow retail sale of alcoholic drinks for consumption off premises for all or a portion of Lot(s) 3,4,5, Block(s) 8, FARR-FRECERICK A ADDN zoned C-2, located on <b>7011 LOMAS BLVD NE</b> (J-18) |
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4. **12ZHE-80377**      **Project# 1008124**      **MURPHY OIL USA INC., GREGORY WILSON (JERRY HAMM, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(18): a **CONDITIONAL USE** to allow retail sales of alcoholic beverages for consumption off premise for all or a portion of Lot(s) A1A1, Block(s) A1A1, **AMERICAN SQUARE** zoned C-2, located on **3535 MENAUL BLVD NE** (H-16)
5. **12ZHE-80362**      **Project# 1009495**      **JEFFREY MACE & KARIN PHAM** request(s) a special exception to Section 14-16-2-6(B)(7): a **CONDITIONAL USE** to allow a proposed home occupation for massage therapy, acupuncture and yoga for all or a portion of Lot(s) 3, Block(s) 12, **ACADEMY PLACE UNIT 5** zoned R-1, located on **10408 MALAGUENA LN NE** (E-21)

## **NEW BUSINESS:**

6. **13ZHE-80394**      **Project# 1009547**      **ED BURCH** request(s) a special exception to Section 14-16-2-19(C)(1) of the North Interstate 25 Sector Development Plan: a **VARIANCE** of 14'5" to the structure height requirement within the 45 degree angle plane for a proposed addition for all or a portion of Lot(s) 31, Block(s) 33, zoned SU-2 IP or SU-2 NC, located on **6009 CARMEL AVE NE** (C-18)
7. **13ZHE-80395**      **Project# 1009547**      **ED BURCH** request(s) a special exception to Section 14-16-2-19(E)(3) of the North Interstate 25 Sector Development Plan: a **VARIANCE** of 4'8" to the 10' rear yard required setback requirement for a proposed addition for all or a portion of Lot(s) 31, Block(s) 33, zoned SU-2 IP or SU-2 NC, located on **6009 CARMEL AVE NE** (C-18)
8. **13ZHE-80396**      **Project# 1009547**      **ED BURCH** request(s) a special exception to Section 14-16-3-10(E)(3)(6) of the North Interstate 25 Sector Development Plan: a **VARIANCE** 6' to the 6' side landscaping buffer to allow a proposed addition for all or a portion of Lot(s) 31, Block(s) 33, zoned SU-2 IP or SU-2 NC, located on **6009 CARMEL AVE NE** (C-18)
9. **13ZHE-80397**      **Project# 1009547**      **ED BURCH** request(s) a special exception to Section 14-114-16-3-10(E)(3)(C) of the North Interstate 25 Sector Development Plan: a **VARIANCE** of 6' to the 6' rear yard landscaping buffer to allow a proposed addition for all or a portion of Lot(s) 31, Block(s) 33, zoned SU-2 IP or SU-2 NC, located on **6009 CARMEL AVE NE** (C-18)
10. **13ZHE-80401**      **Project# 1009551**      **NICK SANCHEZ (JIM DUNCAN, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(3)(a): a **VARIANCE** of 10' to the required 10' front landscape buffer for an existing addition for all or a portion of Lot(s) N3, Block(s) N, **COLES INDUSTRIAL NO. 2** zoned M-1, located on **3401 VASSAR DR NE** (G-16)
11. **13ZHE-80402**      **Project# 1009551**      **NICK SANCHEZ (JIM DUNCAN, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(3)(b): a **VARIANCE** of 6' to the required 6' south side yard landscape buffer for an existing addition for all or a portion of Lot(s) N3, Block(s) N, **COLES INDUSTRIAL NO. 2** zoned M-1, located on **3401 VASSAR DR NE** (G-16)
12. **13ZHE-80403**      **Project# 1009551**      **NICK SANCHEZ (JIM DUNCAN, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(3)(b): a **VARIANCE** of 6' to the required 6' north landscape buffer for a proposed addition for all or a portion of Lot(s) N3, Block(s) N, **COLES INDUSTRIAL NO. 2** zoned M-1, located on **3401 VASSAR DR NE** (G-16)
13. **13ZHE-80410**      **Project# 1009557**      **DAN D. AND ADELINE S. CHAVEZ** request(s) a special exception to Page 5 C.3 of the 2010 Downtown Sector Development Plan: a **VARIANCE** of 3' to the required 3' west side landscape buffer for an existing parking lot for all or a portion of Lot(s) 87-94, Block(s) 8, **ARMIJO--PERFECTO BROTHERS ADDN** zoned SU-3 GOV/FIN/HOSPITALITY FOCUS, located on **615 MARQUETTE AVE NW** (J-14)

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| 20. | <b>13ZHE-80413</b> | <b>Project#<br/>1009559</b> | <b>PATSY PAYNTER</b> request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1): a <b>CONDITIONAL USE</b> to allow an existing 4'6" fence in the front yard setback area for all or a portion of Lot(s) 13, Block(s) 9, <b>HOMESTEAD HILLS</b> zoned R-1, located on <b>5224 TERRITORIAL RD NW</b> (D-11) |
| 21. | <b>13ZHE-80414</b> | <b>Project#<br/>1009559</b> | <b>PATSY PAYNTER</b> request(s) a special exception to Section 14-16-2-6(E)(1): a <b>VARIANCE</b> of 20' to the 20' front yard setback to allow an existing carport for all or a portion of Lot(s) 13, Block(s) 9, <b>HOMESTEAD HILLS</b> zoned R-1, located on <b>5224 TERRITORIAL RD NW</b> (D-11)            |

22.	<b>13ZHE-80415</b>	<b>Project# 1009559</b>	<b>PATSY PAYNTER</b> request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 5' to the 5' side yard setback to allow an existing carport for all or a portion of Lot(s) 13, Block(s) 9, HOMESTEAD HILLS zoned R-1, located on <b>5224 TERRITORIAL RD NW</b> (D-11)
23.	<b>13ZHE-80416</b>	<b>Project# 1009560</b>	<b>MERIDETH HMURA (SUSAN T. PRICE, AGENT)</b> request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 2' to the required 20' front yard setback area for a proposed addition all or a portion of Lot(s) A, Block(s) 13, LOMA VISTA ADDN zoned R-1, located on <b>1012 DARTMOUTH DR NE</b> (J-16)
24.	<b>13ZHE-80417</b>	<b>Project# 1009560</b>	<b>MERIDETH HMURA (SUSAN T. PRICE, AGENT)</b> request(s) a special exception to Section 14-16-2-6(E)(3)(a): a VARIANCE of 2.6" to the required 20' side yard setback on a corner lot for a proposed addition all or a portion of Lot(s) A, Block(s) 13, LOMA VISTA ADDN zoned R-1, located on <b>1012 DARTMOUTH DR NE</b> (J-16)
25.	<b>12ZHE-80389</b>	<b>Project# 1009536</b>	<b>RANDOLPH PROJECT, LLC., (JAKE BORDENAVE, AGENT)</b> request(s) a special exception to Section 14-16-2-19(D): a VARIANCE of .16 acres to the minimum lot size of .5 acres for a proposed lot area for all or a portion of Lot(s) 12A, NZ COMMERCIAL OFFICE CENTER zoned IP, located on <b>1711 RANDOPHL RD SE</b> (M-15)
26.	<b>13ZHE-80400</b>	<b>Project# 1009550</b>	<b>JEFFREY B. WEST</b> request(s) a special exception to Section 14-16-2-6(E)(5)(a): a VARIANCE of 10' to the required 15' rear yard setback area for a proposed addition for all or a portion of Lot(s) 20, Block(s) 10, LA HACIENDA ADDN zoned R-1, located on <b>715 MORNINGSIDE DR NE</b> (J-17)
27.	<b>13ZHE-80404</b>	<b>Project# 1009553</b>	<b>MARIAH JEFFERSON</b> request(s) a special exception to Section 14-16-2-6(B)(12), 14-16-2-12(B)(1)REF and 14-16-2-11(B)(1)REF: a CONDITIONAL USE to allow a proposed covered patio in the rear yard setback area for all or a portion of Lot(s) 19-P1, Block(s) B, SUN TERRACE ESTATES zoned R-3, located on <b>6019 CARDIGAN CT NW</b> (E-11)
28.	<b>13ZHE-80405</b>	<b>Project# 1009553</b>	<b>MARIAH JEFFERSON</b> request(s) a special exception to Section 14-16-2-6(14)(a)(2), 14-16-2-12(B)(1)REF and 14-16-2-11(B)(1)REF: a CONDITONAL USE to allow a proposed 5' wall in the front yard setback area for all or a portion of Lot(s) 19-P1, Block(s) B, SUN TERRACE ESTATES zoned R-3, located on <b>6019 CARDIGAN CT NW</b> (E-11)
29.	<b>13ZHE-80407</b>	<b>Project# 1009554</b>	<b>DAVID COLBERT</b> request(s) a special exception to Section 14-16-2-6(B)(14) and Page 100 B of the Sawmill Wells Park Sector Development Plan: a CONDITIONAL USE for a proposed wall to be up to 5' in the front yard setback area for all or a portion of Lot(s) 11, Block(s) 3, ANDERSON ADDN NO. 2 zoned S-R, located on <b>1320 8TH ST NW</b> (J-14)
30.	<b>13ZHE-80408</b>	<b>Project# 1009555</b>	<b>STEVEN PEREA (ANTHONY TRUJILLO, AGENT)</b> request(s) a special exception to Section 14-16-2-6(B)(12) and 14-16-2-9(B): a CONDITIONAL USE to allow a proposed patio cover in the rear yard setback area for all or a portion of Lot(s) 50, PARADISE SKIES UNIT 1 zoned R-T, located on <b>10754 GEMINI CT NW</b> (A-11)
31.	<b>12ZHE-80391</b>	<b>Project# 1009540</b>	<b>MARK L. PERRY</b> request(s) a special exception to Section 14-16-2-18(B)(8): a CONDITIONAL USE to allow the existing storage of vehicles outdoors as a principal use where vehicles are typically not moved for one week or more for all or a portion of Lot(s) 25, Block(s) 20, EAST CENTRAL BUSINESS ADDN. zoned SU-2 C-3, located on <b>329 MURIEL ST NE</b> (K-21)
32.	<b>12ZHE-80392</b>	<b>Project# 1009540</b>	<b>MARK L. PERRY</b> request(s) a special exception to Section 14-16-2-18(B)(3): a CONDITIONAL USE to allow the existing use of building material storage or sales for all or a portion of Lot(s) 25, Block(s) 20, EAST CENTRAL BUSINESS ADDN. zoned SU-2 C-3, located on <b>329 MURIEL ST NE</b> (K-21)

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| 33. | 12ZHE-80393 | Project#<br>1009540 | <b>MARK L. PERRY</b> request(s) a special exception to Section 14-16-2-18(B)(4): a CONDITIONAL USE to allow the existing use of construction contractors equipment storage or contractors plant for all or a portion of Lot(s) 25, Block(s) 20, EAST CENTRAL BUSINESS ADDN. zoned SU-2 C-3, located on <b>329 MURIEL ST NE</b> (K-21)   |
| 34. | 13ZHE-80398 | Project#<br>1009548 | <b>JOHNATHAN POHL</b> request(s) a special exception to Section 14-16-2-16(B)(6) and Page 4, Paragraph B1 of the Huning Highland Sector Development Plan: a CONDITIONAL USE for an existing drive-up service window for all or a portion of Lot(s) 11 & 12, Block(s) 22, HUNING HIGHLANDS ADDN zoned SU-2 CRZ, located on <b>501 CENTRAL AVE NE</b> (K-14)  |
| 35. | 13ZHE-80409 | Project#<br>1009556 | <b>I &amp; J INVESTMENTS, LLC., (MYERS, OLIVER &amp; PRICE, P.C., JOHN A. MYERS, AGENT)</b> request(s) a special exception to Section 14-16-2-20(B)(5): a CONDITIONAL USE to allow proposed retailing in a M-I zone for all or a portion of Lot(s) A, FRIEDMAN zoned M-1, located on <b>4701 LINCOLN RD NE</b> (F-17)   |
| 36. | 13ZHE-80412 | Project#<br>1009558 | <b>CLINTON TRAFTON (PATRICIA AVILA, AGENT)</b> request(s) a special exception to Section 14-16-2-17(B)(13)(c): a CONDITIONAL USE to allow outside activity for a proposed volleyball court for all or a portion of Lot(s) A-1, HINDI zoned C-2 OR NFTOD, located on <b>1620 4TH ST NW</b> (J-14)  |
| 37. | 13ZHE-80419 | Project#<br>1009562 | <b>BISTRO CONCEPTS, LLC., d/b/a B2B BISTRONOMY (KALM LAW FIRM, KARL KALM, AGENT)</b> request(s) a special exception to Section 14-16-2-17(B)(19) and Page 90, 1. General Rules of the Nob Hill Highland Sector Development Plan: a CONDITIONAL USE to allow a proposed brewery in the CCR-1 zone for all or a portion of Lot(s) 8, Block(s) 2, MONTE VISTA ADDN zoned CCR-1, located on <b>3118 CENTRAL AVE SE</b> (K-16) |
| 38. | 13ZHE-80422 | Project#<br>1009563 | <b>ROBERT CRONIN (VINCE ACCARDI, AGENT)</b> request(s) a special exception to Section 14-16-2-17(B)(5) and Page 96, 1. General Rules of the Nob Hill Highland Sector Development Plan: a CONDITIONAL USE to allow a proposed assisted senior living facility for 18 residents for all or a portion of Lot(s) B, Block(s) 37, BUENA VIEW ADDN zoned CCR-3, located on <b>303 SAN MATEO BLVD NE</b> (K-17)                  |