



HEARING ON SPECIAL EXCEPTIONS  
TO THE COMPREHENSIVE CITY ZONING CODE

**ZONING HEARING EXAMINER'S AGENDA**

TUESDAY, SEPTEMBER 17, 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, City Hearing Monitor

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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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**OLD BUSINESS:**

- |    |             |                            |                                                                                                                                                                                                                                                                                                                                                                                     |
|----|-------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 13ZHE-80576 | <b>Project#</b><br>1009759 | TJPC II, LLC., (PAUL CHAVEZ, AGENT) requests a special exception to Page 86(3.b.) of the Sawmill Wells Park Sector Development Plan: a VARIANCE of 5' to the 10' side yard setback requirement for a proposed dwelling for all or a portion of Lot 10A, Block 12, ALBRIGHT AND MOORE ADDN zoned S-R, located on <b>1406 LOS TOMASES DR NW</b> (J-14)<br><br>WITHDRAWN BY APPLICANT. |
| 2. | 13ZHE-80578 | <b>Project#</b><br>1009761 | TJPC II, LLC., (PAUL CHAVEZ, AGENT) requests a special exception to Section 14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow a proposed 5' fence in the required front yard setback area for all or a portion of Lot 6, GOLIAD ADDN zoned R-1, located on <b>627 GENE AVE NW</b> (F-14)<br><br>WITHDRAWN BY APPLICANT.                                                            |
| 3. | 13ZHE-80594 | <b>Project#</b><br>1009776 | ERWIN VICENTI (DESERT WEST DEVELOPMENT, RANDY SCHMILLE, AGENT) requests a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 7' to the required 20' front yard setback area for a proposed addition for all or a portion of Lot 36, HERITAGE HILLS UNIT 5 zoned R-1, located on <b>7832 REPUBLIC DR NE</b> (D-20)<br><br>APPROVED WITH CONDITIONS.                         |

4. 13ZHE-80592      **Project#**      **ISIDERO AND FELICIA NIETO (JOSEPH DAVIS CAMACHO, AGENT)**  
**1009774**      requests a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 7'11" to the required 10 foot corner side yard setback for an existing garage for all or a portion of Lot 14, Block 7, HERITAGE HILLS UNIT 1 zoned R-1, located on **8608 MONITOR DR NE (D-20)**  
DEFERRED 10/15/13.
5. 13ZHE-80586      **Project#**      **CHARLES AND GLORIA MASSEY** requests a special exception to Section  
**1009768**      14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow a 5' existing fence in the required front yard setback area for all or a portion of Lot 23A, Block 13, FOUR HILLS VILLAGE FOURTEENTH INSTALLMENT zoned R-1, located on **1206 HIDEAWAY LN SE (M-23)**  
DEFERRED 10/15/13.
6. 13ZHE-80541      **Project#**      **MARK O. LEE** request(s) a special exception to Section 14-16-2-6(E)(1): a  
**1009708**      VARIANCE of 14' to the required 20' front yard setback for a proposed garage addition for all or a portion of Lot(s) 39A, Block(s) 90, SNOW HEIGHTS ADDITION zoned R-1, located on **11209 ELVIN AV NE (H-21)**  
APPROVED WITH CONDITIONS.
7. 13ZHE-80550      **Project#**      **FRANK BARELA (DAC ZONING AND LAND USE SERVICES d/b/a DAC**  
**1009723**      **ENTERPRISES, INC.)** requests a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 5' to the required 20' front yard setback for a proposed patio for all or a portion of Lot 12, Block 7, HUNING CASTLE ADDN zoned R-1, located on **1617 LOS ALAMOS AVE SW (J-13)**  
WITHDRAWN.
8. 13ZHE-80542      **Project#**      **DAVE WALLACE (R2 ARCHITECTURAL DESIGN AND CONSULTATION)**  
**1009709**      request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 1' 1" to the required 5' side yard setback for a proposed addition for all or a portion of Lot(s) 23, Block(s) 49-A, FOUR HILLS VILLAGE zoned R-1, located on **1743 SOPLO RD SE (N-23)**  
APPROVED WITH CONDITIONS.
9. 13ZHE-80520      **Project#**      **KEOLAMPANH MINGKHAMSAVATH, GOLDEN CHERRY LLC.,**  
**1009673**      request(s) a special exception to Section 14-16-2-15(B)(9): a CONDITIONAL USE to allow retailing of food and drink including beer and wine for consumption on premises for all or a portion of Lot(s) A, LOS ALAMOS ADDN zoned O-1 OR SU-2 SFMX, located on **6100 4TH ST NW (E-14)**  
APPROVED WITH CONDITIONS.

### NEW BUSINESS:

10. 13ZHE-80607      **Project#**      **BARBARA WATSON (AUSTIN'S CARPORTS, GILBERT AUSTIN,**  
**1009789**      **AGENT)** requests a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE for a proposed carport in the front yard setback area for all or a portion of Lot 38, Block 74, BEL-AIR zoned R-1, located on **2932 ALVARADO DR NE (H-18)**  
APPROVED WITH CONDITIONS.
11. 13ZHE-80623      **Project#**      **BRUCE ALLEN (MATTHEW MULLET, AGENT)** requests a special  
**1009805**      exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE for a proposed carport in the front yard setback for all or a portion of Lot 27, Block 4, ACADEMY ACRES UNIT 1 zoned R-1, located on **6305 ESTHER AV NE (E-18)**  
APPROVED WITH CONDITIONS.

12. **13ZHE-80625** **Project# 1009808** **MARISELA LOZANO** requests a special exception to Section 14-16-2-6(B)(3): A **CONDITIONAL USE** for a proposed carport in the side yard setback for all or a portion of Lot 10, Block 4, **SWIN & MARR ADDN** zoned R-1, located on **1700 53RD ST NW** (H-11)  
APPROVED WITH CONDITIONS.
13. **13ZHE-80589** **Project# 1009771** **CESAR MARTIN** requests a special exception to Section 14-16-2-6(B)(14)(a)(1): a **CONDITIONAL USE** for a 6' wall in the front yard setback area for all or a portion of Lot 2, Margarita Gardens, zoned R-1, located on **408 49<sup>th</sup> ST NW** (J-11)  
APPROVED WITH CONDITIONS.
14. **13ZHE-80618** **Project# 1009799** **VICTOR MARTINEZ** requests a special exception to Section 14-16-2-11(B)(1) and 14-16-2-6(B)(14)(a)(1): a **CONDITIONAL USE** to allow a 5' fence within 10' of the front property line, stepping up to 6' for the remainder of the required setback for all or a portion of Lot 20, Block 24, **EMIL MANN ADDN** zoned R-2, located on **617 GROVE ST SE** (L-19)  
APPROVED WITH CONDITIONS.
15. **13ZHE-80610** **Project# 1009793** **MONTGOMERY NEW MEXICO PROPERTY, LLC., (STEVEN REINHART OR JERRY HAMM, AGENT)** requests a special exception to Section 14-16-2-17(B)(18): a **CONDITIONAL USE** to allow for proposed off premise sales of alcoholic beverages within 500 feet of a residential zone for all or a portion of Lot C, **MONTGOMERY COMPLEX** zoned C-2, located on **3205 MONTGOMERY BLVD NE** (F-16)  
APPROVED WITH CONDITIONS.
16. **13ZHE-80612** **Project# 1009795** **NICOLETTE WESTPHAL** requests a special exception to Section 14-16-2-6(B)(7): a **CONDITIONAL USE** to allow for proposed accupuncture in a residential zone for all or a portion of Lot 17, Block 14, **CHERRY HILLS UNIT 2** zoned R-1, located on **8813 BRANDYWINE RD NE** (E-20)  
APPROVED WITH CONDITIONS.
17. **13ZHE-80619** **Project# 1009800** **TORI MARTINEZ** requests a special exception to Section 14-16-2-6(B)(5): a **CONDITIONAL USE** to allow for up to 12 children in a existing family day care in a R-1 zone for all or a portion of Lot 16, Block 11, **SKYVIEW WEST AMENDED REPLAT** zoned R-1, located on **7418 PALM LN SW** (K-10)  
APPROVED WITH CONDITIONS.
18. **13ZHE-80601** **Project# 1009787** **KAREN K. SCHMIEGE AND PATRICIA CATLETT (NIQUE'SCAPES, MONIQUE BELL, AGENT)** requests a special exception to Section 14-16-2-6(E)(4)(a): a **VARIANCE** of 5' to the required 5' side yard setback for a proposed shade structure for all or a portion of Lot 9, Block 32, **MONTEREY HILLS ADDN 2** zoned R-1, located on **2928 HYDER AV NE** (L-16)  
APPROVED WITH CONDITIONS.
19. **13ZHE-80602** **Project# 1009787** **KAREN K. SCHMIEGE AND PATRICIA CATLETT (NIQUE'SCAPES, MONIQUE BELL, AGENT)** requests a special exception to Section 14-16-2-6(E)(1): a **VARIANCE** of 12' 9" to the required 20' front yard setback for a proposed shade structure for all or a portion of Lot 9, Block 32, **MONTEREY HILLS ADDN 2** zoned R-1, located on **2928 HYDER AV NE** (L-16)  
APPROVED WITH CONDITIONS.

\*\*\*\*\***LUNCH BREAK**\*\*\*\*\*

**HEARING WILL RESUME PROMPTLY**  
**AT 1:30 P.M. WITH ITEM #20**

**IF YOU ARE AGENDA ITEMS 20-38**

**PLEASE COME TO THE HEARING AT 1:30 P.M.**

20. **13ZHE-80603**      **Project#**      **DAVID ORTIZ** requests a special exception to Section 14-16-2-6(E)(4)(a): a  
**1009788**      **VARIANCE** of 5' to the 5' required side yard setback to allow an existing  
carport for all or a portion of Lot 34, Block 2, SANDIA PLAZA zoned R-1,  
located on **834 PALO DURO AVE NW** (F-14)  
  
APPROVED WITH CONDITIONS.
21. **13ZHE-80604**      **Project#**      **DAVID ORTIZ** requests a special exception to Section 14-16-3-3(B)(2)(e): a  
**1009788**      **VARIANCE** of 6' to the 10' separation requirement between a dwelling unit  
and an existing carport for all or a portion of Lot 34, Block 2, SANDIA PLAZA  
zoned R-1, located on **834 PALO DURO AVE NW** (F-14)  
  
APPROVED WITH CONDITIONS.
22. **13ZHE-80605**      **Project#**      **DAVID ORTIZ** requests a special exception to Section 14-16-3-3(B)(2)(e): a  
**1009788**      **VARIANCE** of 9' to the 10' separation requirement between a dwelling unit  
and an existing carport for all or a portion of Lot 34, Block 2, SANDIA PLAZA  
zoned R-1, located on **834 PALO DURO AVE NW** (F-14)  
  
APPROVED WITH CONDITIONS.
23. **13ZHE-80613**      **Project#**      **BRUCE BARTH** requests a special exception to Section 14-16-3-3(B)(2)(b):  
**1009796**      a **VARIANCE** of 20' to the 20' required side yard setback to allow for a  
proposed addition for all or a portion of Lot 58, Block 3, CIMARRON HILL  
zoned R-1, located on **7144 DODGE TRAIL NW** (D-11)  
  
APPROVED WITH CONDITIONS.
24. **13ZHE-80614**      **Project#**      **BRUCE BARTH** requests a special exception to Section 14-16-3-3(B)(2)(a):  
**1009796**      a **VARIANCE** of 9' to the height maximum in a required corner sideyard  
setback for a proposed addition for all or a portion of Lot 58, Block 3,  
CIMARRON HILL zoned R-1, located on **7144 DODGE TRAIL NW** (D-11)  
  
APPROVED WITH CONDITIONS.
25. **13ZHE-80615**      **Project#**      **JIMMY GUEVARA** requests a special exception to Section 14-16-2-  
**1009797**      9(E)(4)(a): a **VARIANCE** of 10' to the 15' required rear yard setback for an  
existing addition for all or a portion of Lot 152-P1, EL DORADO PARK UNIT  
4 zoned R-T, located on **9708 EUCARIZ AVE SW** (L-9)  
  
APPROVED WITH CONDITIONS.
26. **13ZHE-80616**      **Project#**      **JIMMY GUEVARA** requests a special exception to Section 14-16-2-9(E)(5):  
**1009797**      a **VARIANCE** of 1' to the required 10' separation between dwelling units for  
all or a portion of Lot 152-P1, EL DORADO PARK UNIT 4 zoned R-T,  
located on **9708 EUCARIZ AVE SW** (L-9)  
  
APPROVED WITH CONDITIONS.

27. **13ZHE-80599** **Project# 1009784** **LINDA I. JARAMILLO** requests a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE of 2' to the allowed 3' in the front yard setback area on an existing wall for all or a portion of Lot 13, Block 2, EL TESORO zoned R-D, located on **1814 MONEDA DR NW** (H-10)  
APPROVED WITH CONDITIONS.
28. **13ZHE-80600** **Project# 1009786** **HARRO AND NANCY ACKERMAN (THE HILLTOP LANDSCAPE ARCHITECTURE AND CONSTRUCTION, DOUG BISHOP, AGENT)** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' 10" to the 3' height maximum in the required front yard setback for a proposed 6' 10" wall for all or a portion of Lot 24A, ACADEMY HILLS UNIT 3 zoned R-1, located on **9916 ACADEMY HILLS DR NE** (E-21)  
APPROVED WITH CONDITIONS.
29. **13ZHE-80624** **Project# 1009807** **TARA SHAVER** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 1' to the allowed 3' height for an existing wall in the front yard setback area for all or a portion of Lot 94-P1, TIMARRON WEST UNIT 1 zoned SU-1 PRD(9 DU/A), located on **10212 TEAL RD SW** (M-8)  
APPROVED WITH CONDITIONS.
30. **13ZHE-80622** **Project# 1009803** **LORENA AND GEORGE RODRIGUEZ** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 2' to be added to an existing 3' wall in the front yard setback area for all or a portion of Lot 11, Block 1, WOOD-BEVERLY ADDN zoned R-1, located on **1811 ARIZONA ST NE**(J-18)  
APPROVED WITH CONDITIONS.
31. **13ZHE-80608** **Project# 1009790** **CATHERINE BUCK** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to the allowed 3' height in the front yard setback for a proposed 6' high fence for all or a portion of Lot 15, Block 16, HUNNING CASTLE ADDN zoned R-1, located on **1525 SAN CARLOS DR SW** (K-13)  
DEFERRED 10/15/13.
32. **13ZHE-80609** **Project# 1009792** **ATALIE IVES-GARCIA** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 6' to be added to an existing 8' wall in the rear yard setback area for all or a portion of Lot 1, Block 11, MCDUFFIE PLACE ADDN UNIT 3 zoned R-1, located on **3513 CALLE DEL RANCHERO NE** (J-16)  
APPROVED WITH CONDITIONS.
33. **13ZHE-80617** **Project# 1009798** **ANDREW M. SANCHEZ (CARL A. GARICA, AGENT)** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 2' to the 3' height maximum for a proposed 5' wall in the front yard setback area for all or a portion of Lot 13-P1, Block 16, PARKWEST UNIT 4 zoned R-D, located on **2712 MONUMENT DR NW** (H-9)  
APPROVED WITH CONDITIONS.
34. **13ZHE-80591** **Project# 1009773** **JACQUELINE WRIGHT (GREGORY HICKS, ARCHITECT)** requests a special exception to Page 93 D.3.a. of the Downtown Neighborhood Area Sector Development Plan: a VARIANCE of 2'9" to the required 5' side yard setback for an accessory dwelling unit for all or a portion of N ½ of Lots 17, 18 & 19, Block 8, PEREA ADDITION zoned SU-2 DNA-SF, located on **509 11<sup>TH</sup> ST NW** (J-13)  
APPROVED WITH CONDITIONS.

35. **13ZHE-80621**      **Project#**      **GEORGE A. MONSERRAT** requests a special exception to Section 14-16-2-6(E)(3)(b): a VARIANCE of 4' 4" to the 10' required corner side yard setback to allow a proposed addition for all or a portion of Lot 16, Block 51, PARKLAND HILLS ADDN zoned R-1, located on **620 TRUMAN ST SE** (L-17)  
**1009802**  
  
APPROVED WITH CONDITIONS.
36. **13ZHE-80598**      **Project#**      **LORENZO P. RAMIREZ** requests a special exception to Section 14-16-2-5(E): a VARIANCE of 10' to the 25' required rear yard setback to allow a proposed addition for all or a portion of Lot 9, Block C, LUKE zoned RA-2, located on **1933 LEON CT NW** (F-13)  
**1009781**  
  
APPROVED WITH CONDITIONS.
37. **13ZHE-80620**      **Project#**      **KARL FROHREICH** requests a special exception to Section 14-16-2-14(B) and 14-16-2-9(E)(4)(a): a VARIANCE of 15' to the required 15' rear yard setback for a proposed patio cover for all or a portion of Lot 61, CASITAS CORONADO zoned R-D, located on **901 CALLE CORONADO SE** (M-22)  
**1009801**  
  
DEFERRED 10/15/13.
38. **13ZHE-80611**      **Project#**      **B.J.D. ENTERPRISES LLC., (CHILDREN'S TREATMENT CENTER)** requests a special exception to Section 14-16-3-12(A)(7): a VARIANCE of 665' to the required 1500' separation for a proposed CRP from an existing CRP for all or a portion of Lot 8, Block 7, MEADOWOOD MANOR UNIT 2 zoned R-1, located on **7001 BECK DR NE** (E-19)  
**1009794**  
  
DEFERRED 10/15/13.