



HEARING ON SPECIAL EXCEPTIONS
TO THE COMPREHENSIVE CITY ZONING CODE

ZONING HEARING EXAMINER'S AGENDA

TUESDAY, MAY 21, 2013 9:00 A.M.
PLAZA DEL SOL HEARING ROOM
BASEMENT LEVEL
600 SECOND STREET NW
(ON THE NORTHEAST CORNER OF 2ND STREET AND ROMA NW)

STAFF

Joshua J. Skarsgard, Esq., Zoning Hearing Examiner
Randall Falkner, Planner
Vanessa F. King, City Hearing Monitor

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

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Joshua J. Skarsgard, Esq.
Office of Administrative Hearings
P.O. Box 1293
Albuquerque, NM 87103

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.*

OLD BUSINESS:

- | | | | |
|----|--------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 13ZHE-80442 | Project#
1009592 | MURPHY OIL USA (ZANE ROSS, AGENT) request(s) a special exception to Section 14-16-2-16(B)(A)(8)(K)(2)(a): a CONDITIONAL USE to allow more than 8 vehicle fueling positions for a proposed gas station for all or a portion of Lot(s) 22, 23, 24 and 1, 2, 3, Block(s) 8, BARRON BURG HEIGHTS MENDELSBERGS REPLAT zoned C-1, located on 600 SAN MATEO BLVD SE (L-17) |
| 2. | 13ZHE-80410 | Project#
1009557 | DAN AND ADELIN S. CHAVEZ (RON TAYLOR, AGENT) 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) |
| 3. | 13ZHE-80411 | Project#
1009557 | DAN AND ADELIN S. CHAVEZ (RON TAYLOR, AGENT) 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' south 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) |

4. **13ZHE-80418** **Project# 1009561** **PARKING COMPANY OF AMERICA-ALBUQUERQUE, LLC., (DANIEL CHAVEZ, AGENT)** request(s) a special exception to Page 5, Paragraph 3 of the 2010 Downtown Sector Development Plan: a VARIANCE of 3' to the required 3' west side landscape buffer for all or a portion of Lot(s) 18-24, Block(s) 2, ARMIJO--PERFECTO BRO ADDN zoned SU-3 GOV/FIN/HOS FOCUS, located on **600 MARQUETTE AVE NW (J-14)**
5. **13ZHE-80420** **Project# 1009561** **PARKING COMPANY OF AMERICA-ALBUQUERQUE, LLC., (DANIEL CHAVEZ, AGENT)** request(s) a special exception to Page 5, Paragraph 2 of the 2010 Downtown Sector Development Plan: a VARIANCE of 12 trees to the required 12 street trees for all or a portion of Lot(s) 18-24, Block(s) 2, ARMIJO--PERFECTO BRO ADDN zoned SU-3 GOV/FIN/HOS FOCUS, located on **600 MARQUETTE AVE NW (J-14)**
6. **13ZHE-80421** **Project# 1009561** **PARKING COMPANY OF AMERICA-ALBUQUERQUE, LLC., (DANIEL CHAVEZ, AGENT)** request(s) a special exception to Page 5, Paragraph 2 of the 2010 Sector Development Plan: a VARIANCE of 6 trees to the required 6' parking lot trees for all or a portion of Lot(s) 18-24, Block(s) 2, ARMIJO--PERFECTO BRO ADDN zoned SU-3 GOV/FIN/HOS FOCUS, located on **600 MARQUETTE AVE NW (J-14)**
7. **13ZHE-80435** **Project# 1009586** **JACQUELINE KEEPERS** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1): a CONDITIONAL USE to allow a proposed 5' wall in the front setback area 14' back from curb face for all or a portion of Lot(s) 12, Block(s) 10, BROADMOOR ADDN zoned R-1, located on **401 WASHINGTON ST NE (K-17)**
8. **12ZHE-80362** **Project# 1009495** **JEFFREY MACE AND 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)**
9. **13ZHE-80426** **Project# 1009574** **ALICE E. POWSNER** request(s) a special exception to Section 14-16-2-6(B)(7): a CONDITIONAL USE to allow a consultation office for phychotherapy for all or a portion of Lot(s) B, Block(s) 12, LOMA VISTA ADDN zoned R-1, located on **3004 SUMMIT PL NE (J-16)**
10. **13ZHE-80439** **Project# 1009589** **MARK O. LEE** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the required front yard setback area for all or a portion of Lot(s) 39A, Block(s) 90, SNOW HEIGHTS ADDN zoned R-1, located on **11209 ELVIN AVE NE (H-21)**
11. **13ZHE-80451** **Project# 1009608** **DARCY BULAND DE VALLEJOS** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow an existing 6' fence in the required front yard setback area for all or a portion of Lot(s) 20, Block(s) 6, AZTEC ADDN NO 1 zoned R-1, located on **9101 COTTONWOOD RD NE (G-20)**
12. **13ZHE-80480** **Project# 1009628** **NASER ALIKHANI (ROBERT L. LUCERO, AGENT)** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to the allowed 3' height for a proposed wall in the front yard setback area for all or a portion of Lot(s) 6, FOUR HILS VILLAGE 21ST INSTALLMENT zoned R-1, located on **1200 HIDEAWAY LANE SE (M-23)**

NEW BUSINESS:

13. **13ZHE-80484** **Project# 1009632** **BOB OR KAREN MORTINSEN (LANDSCAPE SOLUTIONS, RICK GARCIA, AGENT)** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 1'8" to the allowed 3' height for a proposed wall in the front yard setback for all or a portion of Lot(s) 12, ACADEMY HILLS UNIT 3 zoned R-1, located on **6201 CONCORDIA RD NE (E-21)**

14. **13ZHE-80486** **Project# 1009635** **ANN AND NATHANIEL ESTRADA** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE of 2.5' to the 3' maximum wall height in the front yard setback area to allow an existing 5.5' fence for all or a portion of Lot(s) 30, Block(s) 74, WESTGATE HEIGHTS ADDN UNIT 3 zoned R-D, located on **1332 MICHELLE ST SW** (M-9)
15. **13ZHE-80491** **Project# 1009649** **HASEEB KABIR** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 1' 5" to the 3' allowed for existing solid wall in the front yard setback for all or a portion of Lot(s) 9, Block(s) 1, LA ULTIMA DE LAD CIUDAD UNIT 1 zoned SU-1 PRD, located on **2005 CIRCULO DEL MONTE NE** (H-23)
16. **13ZHE-80498** **Project# 1009655** **IDA DUBRAY** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3'3" to allow an existing wall in the front yard setback for all or a portion of Lot(s) 5, Block(s) 61, WESTGATE HEIGHTS ADDN. UNIT NO. 1 zoned R-1, located on **10000 DEL REY RD SW** (M-9)
17. **13ZHE-80499** **Project# 1009655** **IDA DUBRAY** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow an existing 6' wall in the side yard setback that is contiguous to a front yard for all or a portion of Lot(s) 5, Block(s) 61, WESTGATE HEIGHTS ADDN. UNIT NO. 1 zoned R-1, located on **10000 DEL REY RD SW** (M-9)
18. **13ZHE-80509** **Project# 1009665** **VIVIAN ARVISO AND (SAM) PHILIP DELOVIA** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to the wall height requirement to replace an existing fence in the front yard setback for all or a portion of Lot(s) B, Block(s) 8, VISTA LARGA zoned R-1, located on **1534 STANFORD DR NE** (J-16)
19. **13ZHE-80510** **Project# 1009665** **VIVIAN ARVISO AND (SAM) PHILIP DELOVIA** request(s) a special exception to Section 14-16-3-19(A)(2)(b): a CONDITIONAL USE to allow a proposed 4' wall in the side yard setback on a corner lot for all or a portion of Lot(s) B, Block(s) 8, VISTA LARGA zoned R-1, located on **1534 STANFORD DR NE** (J-16)
20. **13ZHE-80497** **Project# 1009654** **SHARON BROCK** request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 2' to the maximum 8' high wall for an existing 10' wall in the rear yard setback for all or a portion of Lot(s) 7, Block(s) 17, THOMAS ADDN zoned R-1, located on **3932 GARCIA ST NE** (G-20)
21. **13ZHE-80500** **Project# 1009656** **JAMES A. PETERSON (DAC ZONING AND LAND USE SERVICES, AGENTS)** request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3' 6" to the allowed 8" height for a wall in the rear yard setback for all or a portion of Lot(s) C1A & B4, Block(s) 10, VISTA LARGA zoned R-1, located on **2300 HANNETT AVE NE** (J-16)
22. **13ZHE-80501** **Project# 1009658** **JAMES C. PETERSON "JC" (DAC ZONING AND LAND USE SERVICES, AGENTS)** request(s) a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3'6" to the allowed 8' height for a wall in the rear yard setback for all or a portion of Lot(s) A1A, Block(s) 15, VISTA LARGA zoned R-1, located on **1401 HARVARD DR NE** (J-16)
23. **13ZHE-80492** **Project# 1009650** **ROSS & JEAN VAN DUSEN** request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 1' to the 10' side yard setback required for a proposed addition for all or a portion of Lot(s) 27, Block(s) 8, Tract(s) A,B,C OF 1, MATTHEW MEADOW zoned RA-2, located on **1308 CAMINO ECUESTRE NW** (G-13)
24. **13ZHE-80494** **Project# 1009652** **JOE N. VALDEZ III** request(s) a special exception to Section 14-16-3-3(B)(2)(e): a VARIANCE of 4'4" to the required 10' separation from a dwelling unit for a proposed accessory unit for all or a portion of Lot(s) 19, Block(s) C, CHAMISA POINTE UNIT 2 zoned R-D 15 DU/A, located on **1401 DESERT BLOOM CT NW** (H-10)

25. **13ZHE-80495** **Project#** **JOE N. VALDEZ III** request(s) a special exception to Section 14-16-3-3(B)(2)(a): a VARIANCE of 6' to the allowed 6' height for a proposed accessory building for all or a portion of Lot(s) 19, Block(s) C, CHAMISA POINTE UNIT 2 zoned R-1, located on **1401 DESERT BLOOM CT NW** (H-10)
1009652

*******LUNCH BREAK*******

HEARING WILL RESUME PROMPTLY
AT 1:30 P.M. WITH ITEM #26

IF YOU ARE AGENDA ITEMS 26-49

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

26. **13ZHE-80508** **Project#** **SHANZE WANG** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow a proposed 5' wall/fence in the front setback area for all or a portion of Lot(s) 17, Block(s) 2, Tract(s) 3, N ABQ ACRES UNIT 3 zoned R-D 3DU/A, located on **9051 OAKLAND AV NE** (C-20)
1009664
27. **13ZHE-80512** **Project#** **GLORIA GARCIA** request(s) a special exception to Section Page 40, South Martineztown RG, 14-16-2-10(B) and 14-16-2-6(B)(14): a CONDITIONAL USE for a proposed 4" chain link fence in the front yard setback area for all or a portion of Lot(s) 25, MARTINEZTOWN PLAN 5 zoned SM RG, located on **601 ARNO ST NE** (J-14)
1009667
28. **13ZHE-80513** **Project#** **GLORIA GARCIA** request(s) a special exception to Section Page 40, South Martineztown RG, and Section 14-16-3-19(1)(C)(A): a CONDITIONAL USE for an existing fence up to 6" in the side yard setback area for all or a portion of Lot(s) 25, MARTINEZ TOWN PLAN 5 zoned SM RG, located on **601 ARNO ST NE** (J-14)
1009667
29. **13ZHE-80493** **Project#** **MARJORY MARTINEZ (AUSTIN'S CARPORTS, GILBERT AUSTIN, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the front yard setback for all or a portion of Lot(s) A, Block(s) L, CLOUDVIEW ESTATES zoned R-1, located on **12508 TURQUOISE TRL NE** (K-22)
1009651
30. **13ZHE-80489** **Project#** **ISIDRO JIMENEZ (AUSTIN'S CARPORTS, GILBERT AUSTIN, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the front yard setback area for all or a portion of Lot(s) 39, Block(s) 118A, PRINCESS JEANNE PARK ADDN zoned R-1, located on **11632 MOCHO PL NE** (K-21)
1009646
31. **13ZHE-80490** **Project#** **MARIO R. VALDEZ (AUSTIN'S CARPORTS, GILBERT AUSTIN, AGENT)** request(s) a special 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(s) 6, Block(s) 54, SNOW HEIGHTS ADDITION zoned R-1, located on **10020 MATTHEW AV NE** (H-21)
1009647
32. **13ZHE-80504** **Project#** **BRYAN DYKSTRA (ERIC SPURLOCK, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(3)(a): a VARIANCE of 13'9" to the required 20' side yard setback for a proposed addition for all or a portion of Lot(s) 23, KEYSTONE ADDITION zoned R-1, located on **4108 KATHRYN AV SE** (L-17)
1009661

33. **13ZHE-80505** **Project# 1009661** **BRYAN DYKSTRA (ERIC SPURLOCK, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a **CONDITIONAL USE** to allow a proposed carport in the front yard setback for all or a portion of Lot(s) 23, **KEYSTONE ADDITION** zoned R-1, located on **4108 KATHRYN AV SE** (L-17)
34. **13ZHE-80506** **Project# 1009662** **CHARLES GLASS (TRACY PETERSEN, AGENT)** request(s) a special exception to Section 14-16-2-14(B) and 14-16-2-9(E)(4)(a): a **VARIANCE** of 2' 6" to the required 15' rear yard setback for a proposed addition for all or a portion of Lot(s) 24, **VINEYARD COURT ESTATES** zoned R-D, located on **8200 GRAPE ARBOR CT NE** (C-20)
35. **13ZHE-80496** **Project# 1009653** **PASCHICH WRISTEN** request(s) a special exception to Section Page 98 A.4.C. of the Sawmill Wells Park Sector Development Plan: a **VARIANCE** of 552' to the required 600' separation between townhouse developments for proposed townhouses for all or a portion of Lot(s) 3-6, Block(s) 2, **SUMMER GARDEN ADDN** zoned S-R, located on **1506 SUMMER AV NW** (J-13)
36. **13ZHE-80503** **Project# 1009660** **CRAIG AND INOLA DOOLITTLE** request(s) a special exception to Section 14-16-3-3(B)(2)(e): a **VARIANCE** of 6'4" to the required 10' separation of buildings for a proposed shed for all or a portion of Lot(s) 121, **SHENANDOAH ESTATES PHASE 2** zoned R-LT, located on **4512 MARTINSBURG RD NW** (C-12)
37. **13ZHE-80488** **Project# 1009639** **JOE KRAFT (MIGUEL GARCIA, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(3): a **CONDITIONAL USE** to allow a proposed carport in the required front yard setback for all or a portion of Lot(s) 162, **HOMESTEAD HILLS NORTH** zoned R-1, located on **7935 INDEPENDENCE RD NW** (D-11)
38. **13ZHE-80502** **Project# 1009659** **DOUGLAS SPENCE** request(s) a special exception to Section 14-16-2-14(B) and 14-16-2-6(B)(12): a **CONDITIONAL USE** to allow a proposed covered patio in the rear yard setback for all or a portion of Lot(s) 23A, Block(s) B, **ROYAL OAK UNIT 2** zoned RD, located on **12517 ROYAL RIDGE CT NE** (F-22)
39. **13ZHE-80487** **Project# 1009637** **CRAIG GONZALES** request(s) a special exception to Section 14-16-3-3(4)(a)(3): a **CONDITIONAL USE** to allow a proposed 5'5" wall in the rear and side yard setback for all or a portion of Lot(s) 7-P1, Block(s) 3, **RIVERTON** zoned R-LT, located on **4410 HILLCREST AVE NW** (D-12)
40. **13ZHE-80518** **Project# 1009671** **DANIEL LUDWIG** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1): a **CONDITIONAL USE** for a proposed 5' high adobe wall in the front yard setback area for all or a portion of Lot(s) 26, Block(s) 2, **FIRST UNIT OF VICTORY ADDN** zoned R-1, located on **812 VASSAR DR SE** (L-16)
41. **13ZHE-80514** **Project# 1009668** **RAMIRO DURON** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(2): a **CONDITIONAL USE** to allow a proposed 5' wall in the front yard setback area for all or a portion of Lot(s) 22, Block(s) 1, **NORTH CARLISLE ADDN** zoned R-1, located on **3615 MORNINGSIDE DR NE** (G-17)
42. **13ZHE-80485** **Project# 1009633** **21ST CENTURY PUBLIC ACADEMY (JIM RICHARDSON, AGENT)** request(s) a special exception to Section 14-16-2-20(B)(6): a **CONDITIONAL USE** to allow activities in a tent in a M-1 zone for all or a portion of Lot(s) 4A1, Block(s) A, **INTERSTATE INDUSTRIAL TRACT UNIT 1** zoned M-1, located on **6805 ACADEMY PARKWAY WEST NE** (E-16)
43. **13ZHE-80511** **Project# 1009666** **CSD HOLDINGS INC., JAY REMBE** request(s) a special exception to Section 14-16-2-17(B)(13)(e) of the North 4th Street Corridor Sector Development Plan: a **CONDITIONAL USE** to allow outdoor vehicle storage as a principal business where vehicles are typically not moved for a week or more for all or a portion of Lot(s) 1-4/5-9, Block(s) 4/5, **PARIS ADDITION/ANDERSON ADDITION** zoned C-2 OR SU- 2 NFTOD, located on **1400 4TH ST NW** (J-14)

44. **13ZHE-80515** **Project# 1009669** **MICHAEL MULL SOHAIL (HENRY JAKE FOREMAN, AGENT)** request(s) a special exception to Section 14-16-2-19(B) and 14-16-2-20(B)(5): a CONDITIONAL USE for a proposed retailing which is not permissive for all or a portion of Lot(s) B, Block(s) 17, N ABQ ACRES TRACT A UNIT B zoned SU-2 IP, located on **8212 PAN AMERICAN FREEWAY NE (C-18)**
45. **13ZHE-80516** **Project# 1009670** **PASEO PAVILLION @ SECOND STREET LLC., (TRISH LOPES, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(4)(c): a VARIANCE of 6' to the minimum required 6' high opaque wall or fence requirement to screen the parking/circulation area from the adjacent wall for separating a proposed commercial site from a residential site for all or a portion of Lot(s) E, ST. ANTHONY ORPHANAGE zoned R-1, located on **1120 INDIAN SCHOOL RD NW (H-13)**
46. **13ZHE-80517** **Project# 1009670** **PASEO PAVILLION @ SECOND STREET LLC., (TRISH LOPES, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(4)(a): a VARIANCE of 10' to the minimum required 10' landscaping strip along a residential/non residential boundary for all or a portion of Lot(s) E, ST. ANTHONY ORPHANAGE zoned R-1, located on **1120 INDIAN SCHOOL RD NW (H-13)**
47. **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 premises 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)**
48. **13ZHE-80398** **Project# 1009548** **JOHNATHON POHL** 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 thru for all or a portion of Lot(s) 11, Block(s) 22, HUNING HIGHLANDS ADDN zoned SU-2 CRZ, located on **501 CENTRAL AVE NE (K-14)**
49. **13ZHE-80459** **Project# 1009615** **VINCENT DARCO (JOHN MARSH CONSTRUCTION, JOHN MARSH, AGENT)** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1): a CONDITIONAL USE to allow a proposed 6' wall in the required front yard setback for all or a portion of Lot(s) A1, RAMBO AND CHAVEZ zoned R-1, located on **1059 SOLAR AVE NW (E-14)**