



**HEARING ON SPECIAL EXCEPTIONS  
TO THE COMPREHENSIVE CITY ZONING CODE**

**ZONING HEARING EXAMINER'S AGENDA**

**TUESDAY, January 21, 2014 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  
Christa Wagner, Administrative Assistant**

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**For Inquiries Regarding This Agenda, Please Call Christa Wagner at (505) 924-3894.**  
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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 Christa Wagner at (505) 924-3894.*  
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**OLD BUSINESS:**

- |    |                    |                             |   |
|----|--------------------|-----------------------------|---|
| 1. | <b>13ZHE-80679</b> | <b>Project#<br/>1009869</b> | <b>BOB RUTH (BRON HIENTZ/SSA, AGENT) request(s) a special exception to Section 14-16-2-5(D): a VARIANCE of 1472 square feet to the minimum lot size requirement of 10890 square feet for all or a portion of Lot 7A1, ALVARADO GARDENS UNIT 1 zoned RA-2, located on 2904 RIO GRANDE BLVD NW (G-13)</b>         |
| 2. | <b>13ZHE-80681</b> | <b>Project#<br/>1009869</b> | <b>BOB RUTH (BRON HEINTZ/SSA, AGENT) request(s) a special exception to Section 14-16-2-5(D): a VARIANCE of 1595 square feet to the minimum lot size requirement of 10890 square feet for all or a portion of Lot 7a1, ALVARADO GARDENS UNIT 1 zoned RA-2, located on 2904 RIO GRANDE BLVD NW (G-13)</b>         |
| 3. | <b>13ZHE-80666</b> | <b>Project#<br/>1009859</b> | <b>SANDRA SEABORN (ROBERT FABER, AGENT) request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 8.25' to the 20' front yard set back for a proposed garage addition for all or a portion of Lot 14, Block 17, HUNING CASTLE ADDITION zoned R-1, located on 421 RAYNOLDS AV SW (K-13)</b>       |
| 4. | <b>13ZHE-80667</b> | <b>Project#<br/>1009859</b> | <b>SANDRA SEABORN (ROBERT FABER, AGENT) request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 2.85' 'to the 5'-0" side yard set back for a proposed garage addition. for all or a portion of Lot 14, Block 17, HUNING CASTLE ADDITION zoned R-1, located on 421 RAYNOLDS AV SW (K-13)</b> |

5. **13ZHE-80683**      **Project#** **RONALD ROMO** request(s) a special exception to Section 14-16-3-3(A)(4)(a)(3): a **CONDITIONAL USE** to allow an existing 6' fence in the required side and rear yard for all or a portion of Lot A1, Block 3, **SUNSHINE ADDN** zoned **SU-2-MR**, located on **1900 EDITH BLVD SE (L-14)**  
**1009872**
6. **13ZHE-80635**      **Project#** **CAROL KRAUSE** requests a special exception to Section 14-16-2-18(A)(2)(g)3: a **CONDITIONAL USE** to allow the treating of food products for proposed coffee bean roasting for all or a portion of Lot 50x100 **BOUNDED D22 P434, GATEWAY** zoned **SU-2 C-3**, located on **800 MOUNTAIN RD NE (J-15)**  
**1009820**
7. **13ZHE-80583**      **Project#** **KENNY YOU (ALEX TRUJILLO, AGENT)** requests a special exception to Page 46, Ill., of the South Broadway Sector Development Plan and Section 14-16-2-16(B)(8): a **CONDITIONAL USE** to allow for outdoor sales of fireworks for all or a portion of Lot 1A, Block 29, **EASTERN ADDN** zoned **SU-2 NCR**, located on **1306 BROADWAY BLVD SE (L-14)**  
**1009766**
8. **13ZHE-80659**      **Project#** **STEVEN COE DBA TOGA GROUP, LLC (DAC ZONING & LAND USE SERVICES, AGENT)** request(s) a special exception to Section 14-16-2-12(B)(1) and 14-16-2-11(B)(5): a **CONDITIONAL USE** for a proposed daycare center in a R-3 zone for all or a portion of Lot 1,2,&5, Block 3, **SIGMA CHI ADDITION** zoned **R-3**, located on **1801 MESA VISTA RD NE (J-15)**  
**1009852**
9. **13ZHE-80642**      **Project#** **LORAIN TAYLOR (STREAMLINE BUILDER & FRAMING CONTRACTOR INC., DAVID ROMERO, AGENT)** requests a special exception to Section 14-16-2-6(B)(1): a **CONDITIONAL USE** to allow a proposed accessory living quarters for all or a portion of Lot 7, Block 16, **HUNNING CASTLE ADDITON** zoned **R-1**, located on **1512 SILVER AVE SW (K-13)**  
**1009825**
10. **13ZHE-80671**      **Project#** **RIO GRANDE MHP LLC., (GUY JACKSON & ASSOCIATES, LLC, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(11): a **CONDITIONAL USE** for an existing mobile home development in a C-2 zone for all or a portion of Lot A-1, **JOHN BEST** zoned **C-2**, located on **2519 NEW YORK AVE NW (J-12)**  
**1009863**

**NEW BUSINESS:**

11. **13ZHE-80686**      **Project#** **MAURICIO CANO** requests a special exception to Section 14-16-2-6 (E) (4) (b): a **VARIANCE** of 5' to the required 10' side yard setback for a proposed addition for all or a portion of Lot 27, Block 1, **LAVALAND ADDN** zoned **R-1**, located on **311 61ST ST NW (K-11)**  
**1009889**
12. **13ZHE-80687**      **Project#** **MAURICIO CANO** requests a special exception to Section 14-16-2-6 (E) (5) (a): a **VARIANCE** of 10' to the required 15' rear yard setback for a proposed addition for all or a portion of Lot 27, Block 1, **LAVALAND ADDN** zoned **R-1**, located on **311 61ST ST NW (K-11)**  
**1009889**
13. **13ZHE-80696**      **Project#** **THOMAS ALLEN** requests a special exception to Section 14-16-2-5(E) and 14-16-2-6(E)(4)(a): a **VARIANCE** of 2' to the required 5' side yard setback for a proposed addition to an existing house for all or a portion of Lot 31, **BOULEVARD GARDENS** zoned **RA-2**, located on **2443 ORO VISTA RD NW 87107 (G-12)**  
**1009903**
14. **13ZHE-80688**      **Project#** **TOM PHILLIPS** requests a special exception to Section 14-16-3-19(A)(3)(a): a **VARIANCE** of 1' to the 3' height maximum to allow an existing 4' fence in the front yard setback for all or a portion of Lot 2, Block 10, **VIRGINIA PLACE ADDN** zoned **C-1**, located on **1258 ORTIZ DR SE (L-18)**  
**1009891**
15. **13ZHE-80690**      **Project#** **MARTA DECKER (CABALLERO CONSTRUCTION CO, AGENT)** requests a special exception to Section 14-16-3-19(A)(2)(a)(1) : a **VARIANCE** of 4' 6" to the allowed 6' height for a proposed rear wall for all or a portion of Lot 2, **ACADEMY HILLS UNIT 2** zoned **SU-1 PRD**, located on **9405 ADMIRAL LOWELL AVE NE (E-20)**  
**1009893**

16. 13ZHE-80691      **Project#**    **SANTA BARBARA HOME OWNERS ASSOCIATION (KATHERINE MCANDREW, AGENT)** requests a special exception to Section 14-16-3-19(A)(1)(a) : a VARIANCE of 2' to the 8' height maximum to allow an existing 10' fence in the side and rear yard for all or a portion of Lot 6, Block 11, SANTA BARBARA zoned SU-1 PRD, located on 7323 TURTLE DOVE LN NE (D-19)

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

**HEARING WILL RESUME PROMPTLY**  
**AT 1:30 P.M. WITH ITEM 17**

**IF YOU ARE AGENDA ITEMS 17-33**

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

17. 13ZHE-80702      **Project#**    **JAY BATTERSHELL (JARROD BATTERSHELL, AGENT)** requests a special exception to Section 14-16-3-19(A)(3)(a): a VARIANCE of 3' to the allowed 3' height for a proposed 6' fence in the 5' setback for all or a portion of Lot A, Block 4, NORTH CARLISLE ADDN zoned C-1, located on 3621 SAN MATEO BLVD NE (G-17)
18. 13ZHE-80704      **Project#**    **RIO GRANDE ENGINEERING (DAVID SOULE, PE, AGENT)** requests a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3' to the 8' height maximum to allow a proposed 11' fence in the rear yard for all or a portion of Lot 1, Block 2, SUNDORO UNIT 9 zoned SU-2 R-LT, located on 836 ZIMINA DR NW (J-9)
19. 13ZHE-80705      **Project#**    **RIO GRANDE ENGINEERING (DAVID SOULE, PE, AGENT)** requests a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3' to the 8' height maximum to allow a proposed 11' fence in the rear yard for all or a portion of Lot 2, Block 2, SUNDORO UNIT 9 zoned SU-2 RLT, located on 832 ZIMINA DR NW (J-9)
20. 13ZHE-80706      **Project#**    **RIO GRANDE ENGINEERING (DAVID SOULE, PE, AGENT)** requests a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 3' to the 8' height maximum to allow a proposed 11' fence in the rear yard for all or a portion of Lot 3, Block 2, SUNDORO UNIT 9 zoned SU-2 R-LT, located on 828 ZIMINA DR NW (J-9)
21. 13ZHE-80707      **Project#**    **RIO GRANDE ENGINEERING (DAVID SOULE, PE, AGENT)** requests a special exception to Section 14-16-3-19(A)(1)(a): a VARIANCE of 2' to the 8' height maximum to allow a proposed 10' fence in the rear yard for all or a portion of Lot 4, Block 2, SUNDORO UNIT 9 zoned SU-2 R-LT, located on 824 ZIMINA DR NW (J-9)
22. 13ZHE-80708      **Project#**    **RIO GRANDE ENGINEERING (DAVID SOULE, PE, AGENT)** requests a special exception to Section 14-16-3-19(A)(1)(a) : a VARIANCE of 1' to the 8' height maximum to allow a proposed 9' fence in the rear yard for all or a portion of Lot 5, Block 2, SUNDORO UNIT 9 zoned SU-2 R-LT, located on 820 ZIMINA BLVD NW (J-9)
23. 13ZHE-80692      **Project#**    **MARY E HARTLEY AND MARK NOLAN** requests a special exception to Section 14-16-2-6(B)(14)(a)(1): a CONDITIONAL USE to allow a proposed 5' wall in the required frontyard setback for all or a portion of Lot 40, Block R, BEVERLY WOOD ADDITION zoned R-1, located on 6517 ZIMMERMAN AVE NE (J-18)

24. **13ZHE-80695** **Project# 1009902** **CHRIS MARTINEZ** requests a special exception to Section 14-16-2-6(B)(14)(a)(1): a **CONDITONAL USE** to allow a proposed 5' wall in the required front yard setback for all or a portion of Lot 4, Block 12, **PUEBLO ALTO ADDN** zoned R-1, located on **812 MONROE ST NE (J-17)**
25. **13ZHE-80700** **Project# 1009907** **ANN WARFORD (KEVIN R EMMONS, AGENT)** requests a special exception to Section 14-16-2-14(E)(2), 14-16-2-12(B)(1), 14-16-2-11(B)(1) and 14-16-2-6(B)(12): a **CONDITIONAL USE** to allow a proposed shade cover 2' 3 1/2" into the rear yard setback area for all or a portion of Lot 9, Block 17, **JUAN TABO HILLS UNIT 2** zoned R-D, located on **12104 NASHUA RD SE (M-22)**
26. **13ZHE-80699** **Project# 1009906** **GIL STEWART** requests a special exception to Section 14-16-2-17 (B)(13): a **CONDITIONAL USE** for outside activity for a proposed vending truck for all or a portion of Lot D1 & D2, Tract(s) D1 & D2, **ST ANTHONY'S ORPHANAGE** zoned C2(SC), located on **2001 & 2011 12 ST NW (H-13)**
27. **13ZHE-80698** **Project# 1009905** **MONICA REMPEN** requests a special exception to Section PAGE 92 C. of the Downtown Neighborhood Area SDP and 14-16-2-6(B)(7): a **CONDITIONAL USE** for proposed acupuncture as a home based business for all or a portion of Lot A, Block 18, **PEREA ADDN** zoned SU-2 DNA SF, located on **1419 ROMA AV NW (J-13)**
28. **13ZHE-80693** **Project# 1009899** **DONALD SEUNTJENS** requests a special exception to Section 14-16-2-6 (B) (1): a **CONDITIONAL USE** for a proposed accessory living quarters in an R-1 zone for all or a portion of Lot 1, Block 11, **VICTORY ADDITION NO. 1** zoned R-1, located on **701 VASSAR DR SE (L-16)**
29. **13ZHE-80694** **Project# 1009901** **BILLY W. BACA** requests a special exception to Section 14-16-2-6(B)(1): a **CONDITIONAL USE** to allow an existing accessory living quarters for all or a portion of Lot 6, **GARDENS ACRES** zoned R-1, located on **1338 GRIEGOS RD NW (F-14)**
30. **13ZHE-80703** **Project# 1009910** **RUDY RAEL** requests a special exception to Section 14-16-2-6(B)(1): a **CONDITIONAL USE** to allow a proposed accessory living quarters in the rear yard setback for all or a portion of Lot 75, **REGINA ADDITION** zoned R-1, located on **5009 REGINA CIRCLE NW (J-11)**
31. **13ZHE-80697** **Project# 1009904** **DAN HERR** requests a special exception to Section 14-16-2-17(B)(19) and pg 32 of the Downtown 2010 SDP: a **CONDITIONAL USE** to allow the manufacturing of beer on a C-2 property for all or a portion of Lot 13A, Block 37, **N.M.T ADDITION** zoned SU-3 GOVT ST SW, located on **413 2ND ST SW (K-14)**
32. **13ZHE-80701** **Project# 1009908** **JIM AND CHRISTEN SHULL (MYERS, OLIVER & PRICE, P.C., AGENT)** requests a special exception to Section PAGE 90 1. of the Nob Hill Highland SDP and 14-16-2-17(B)(19): a **CONDITIONAL USE** for proposed brewing of beer for a micro brewery for all or a portion of Lot 16, Block 4, **MONTE VISTA SUBDIVISION** zoned CCR-1, located on **3507 CENTRAL AV NE (K-16)**
33. **13ZHE-80689** **Project# 1009892** **ADAM KRAFFT** requests a special exception to Section Page 3, Section 1. B. of Council Bill No. R-12-29 in the Nob Hill Highland SDP: a **CONDITIONAL USE** to allow for off-premise sales of beer six packs and beer growlers for all or a portion of Lot 7, Block 7, **MONTE VISTA ADDN** zoned CCR-1, located on **3225 CENTRAL AVE NE (K-16)**