



HEARING ON SPECIAL EXCEPTIONS  
TO THE COMPREHENSIVE CITY ZONING CODE

**ZONING HEARING EXAMINER'S AGENDA**

TUESDAY, FEBRUARY 14, 2006

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**

*Roberto Albertorio, Esq., Zoning Hearing Examiner*

*Tom Rojas, Deputy Zoning Hearing Examiner*

*Lupita Griego, Administrative Assistant*

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**For Inquiries Regarding This Agenda, Please Call Lupita Griego at (505) 924-3918.**

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**PLEASE ADDRESS ALL CORRESPONDENCE TO:**

***Roberto Albertorio, Esq.***

***COA Planning Department, ZHE Division, 3<sup>rd</sup> Floor***

***600 Second Street NW***

***Albuquerque, NM 87102***

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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 Lupita Griego at (505) 924-3918.*

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**OLD BUSINESS:**

- 1. **05ZHE – 01431      1004642**      **GARRETT SCHOLER** request(s) a special exception to Section 14. 16. 3. 3. (A). (4). (a). 1.: a VARIANCE of 5 feet to the 3 foot wall height allowance for 8 foot high wall in the front yard setback area on all or a portion of Lot(s) 7, Block(s) 4, Monte Vista, zoned R-1 and located at **210 WELLESLEY DR NE** (K-16)

2) 744

**ZHE HAS NO JURISDICTION IN THIS MATTER.**

- 2. **05ZHE – 01578      1004477**      **GEORGE & ELAINE FRANCO** request(s) a special exception to Section 14. 16. 3. 3. (A). (4). (a).: a VARIANCE of 3 feet to the 3 foot wall height allowance for a 6 foot high wall in the front yard setback area on all or a portion of Lot(s) 1, Block(s) D, Armijo Juan Addition, zoned SU-2 and located at **1312 BARELAS ST SW** (K-14)

1) 225

APPROVED WITH CONDITIONS.

3. **05ZHE – 01610** **1004498** **REMA HANNA** request(s) a special exception to Section 14. 16. 3. 3. (A). (4). (a).: a VARIANCE of 3 feet to 3 foot wall height allowance for a 6 foot high wall in the front and side yard setback on all or a portion of Lot(s) 1, Block(s) 3, Mesa Court Addition, zoned R-1 and located at **3700 ANDERSON AVE SE (L-17)**  
1) 307  
**APPROVED.**
4. **05ZHE – 01662** **1004520** **MARION & FRANK KESSEL** request(s) a special exception to Section 14. 16. 2. 6. (B). 14.: a VARIANCE to allow for a wall over 3 feet in height in the front yard setback area on all or a portion of Lot(s) 19, Block(s) 14, Grande Height Addition, zoned R-1 and located at **409 MORNINGSIDE DR SE (K-17)**  
1) 467  
**DEFERRED TO MAR 21, 2006 AT REQUEST OF APPLICANT.**
5. **05ZHE – 01872** **1004594** **LUIS GONZALES** request(s) a special exception to Section 14. 16. 3. 3. (A). (4). (a).: a VARIANCE of 3 feet to the 3 foot wall height allowance for a 6 foot high wall in the front and side yard on all or a portion of Lot(s) 1, Block(s) 2, Country Squire Addition, zoned R-1 and located at **9314 ALVERA AVE. SW (M-9)**  
1) 470  
**APPROVED WITH CONDITIONS.**
6. **05ZHE – 01873** **1004595** **ROBERT DIKE** request(s) a special exception to Section 14. 16. 2. 6. (E). (5). (a).: a VARIANCE of 4 feet to the 15 foot rear yard setback area on all or a portion of Lot(s) 16, Block(s) 4, Sandia Plaza Addition, zoned R-1 and located at **5112 GRANDE DR. NW (E-14)**  
1) 643  
**APPROVED WITH CONDITIONS.**
7. **05ZHE – 01879** **1004599** **LUKE CORDOVA & PAULA MAXMIN** request(s) a special exception to Section 14. 16. 3. 3. (B). (2). (6).: a VARIANCE of 10 feet to the 20 foot corner lot street side yard setback area requirement on all or a portion of Lot(s) 4, Block(s) 1, Tract(s) 1, Victory Addition, zoned R-1 and located at **2811 MONTERREY AVE SE (L-16)**  
1) 843  
**DENIED.**
8. **05ZHE – 01457** **1004426** **JOSE GOMEZ** request(s) a special exception to Section 14. 16. 2. 6. (B). (14).: a CONDITIONAL USE to allow for a wall over 3 feet in height in the front yard setback area on all or a portion of Lot(s) 12, Block(s) 5, Loma Verde Addition, zoned R-3 and located at **7800 DOMINGO RD NE (K-19)**  
1)1240  
**DEFERRED TO MAR 21, 2006; "MARKED FINAL."**
9. **05ZHE – 01766** **1004553** **RONALD SAUVE** request(s) a special exception to Section 14. 16. 2. 6. (B). (3).: a CONDITIONAL USE to allow for a carport in the front yard setback area on all or a portion of Lot(s) 18, Block(s) 10, Rebonito Addition, zoned R-1 and located at **1605 SINGLETARY DR NE (J-23)**  
1)1255  
**DEFERRED TO MAR 21, 2006B AT THE REQUEST OF APPLICANT.**

10. **05ZHE – 01825** **1004568** **STEVE GUTIERREZ** request(s) a special exception to Section 14. 16. 2. 6. (B). (14). (a).: a **CONDITIONAL USE** to allow for wall over 3 feet in height in the front yard setback area on all or a portion of Lot(s) 7, Block(s) 5, Skyviews West Addition, zoned R-1 and located at **305 NEAL LN SW (K-10)**  
1)1262  
**DEFERRED TO MAR 21, 2006.**
11. **05ZHE – 01843** **1004573** **ASHLY PROBST & SONYA TORREZ** request(s) a special exception to Section 14. 16. 2. 6. (B). (5).: a **CONDITIONAL USE** to allow for a family day care home in a R-1 zone on all or a portion of Lot(s) 30, Block(s) 67, Snow Height Addition, zoned R-1 and located at **10705 MENAUL BLVD NE (H-21)**  
1)1340  
**DENIED.**
12. **05ZHE – 01855** **1004581** **SPRUCE PARK LLC** request(s) a special exception to Section 14. 16. 2. 15. (B). (4).: a **CONDITIONAL USE** to allow dwelling units to exceed the 25% gross floor area on a premise requirement on all or a portion of Lot(s) 31, Block(s) 12, Country Club Addition, zoned O-1 and located at **718 ENCINO PLACE NE (J-15)**  
**05ZHE – 01857**  
**05ZHE – 01858**  
**05ZHE – 01859**  
**05ZHE – 01860**  
1) 1352  
**15 DAYS ATER RECEIVING PROPOSED CONDITION OF APPROVAL.**
13. **05ZHE – 01876** **1004597** **HEARTHSTONE ASSISTED LIVING INC.** request(s) a special exception to Section 14. 16. 2. 14. (E). 2.: a **CONDITIONAL USE** to allow for a 70 unit rest home in a R-D zone on all or a portion of Lot(s) 1,2,31,32, Block(s) 20, North Albuquerque Acres Addition, zoned R-D and located at **7101 EUBANK BLVD NE (D-21)**  
1)1900  
**APPROVED IN JANUARY 2006.**

## NEW BUSINESS:

14. **06ZHE – 00005** **1004616** **CARTER GROTEBECK** request(s) a special exception to Section 14. 16. 2. 6. (E). 4. a.: a **VARIANCE** of 4 feet to the 5 foot side yard setback area requirement on all or a portion of Lot(s) 25, Block(s) 5, Country Club Addition, zoned R-1 and located at **1626 ROMA AVE NE (K-15)**  
1) 2133  
2) 122  
3)1410  
**ABEYANCE UNTIL FRI, FEB 17, 2006; DEFERRED TO MAR 21, 2006.**
15. **06ZHE – 00006** **1004616** **CARTER GROTEBECK** request(s) a special exception to Section 14. 16. 3. 3. (B). (2). (e).: a **VARIANCE** of 8 feet to the 10 foot distance separation between dwelling and accessory building on all or a portion of Lot(s) 25, Block(s) 5, Country Club Addition, zoned R-1 and located at **1626 ROMA AVE NE (K-15)**  
1) 2133  
2) 122  
**DEFERRED TO MAR 21, 2006 WITH CONSENT OF APPLICANT.**
16. **06ZHE – 00027** **1004626** **MICHAEL DEMCKO** request(s) a special exception to Section 14. 16. 2. 9. (E). (5).: a **VARIANCE** of 1 foot to the 10 foot distance separation requirement between dwelling units on all or a portion of Lot(s) 4, Block(s) 2, Heritage East Unit 4 Addition, zoned R-D and located at **9633 SELIGMAN AVE. NE (D-20)**  
1) 1938  
**APPROVED.**

17. **06ZHE – 00034** 1004630 **ANDREW VARNEY** request(s) a special exception to Section 14. 16. 2. 6. (E). (5).: a VARIANCE of 10 feet to the 15 foot rear yard setback area requirement on all or a portion of Lot(s) 12, Block(s) 2, Aztec Addition, zoned R-1 and located at **9309 ARVILLA AVE NE (G-20)**  
1) 1954  
DENIED.
18. **06ZHE – 00035** 1004631 **JANET WAGNER** request(s) a special exception to Section 14. 16. 2. 9. (E). (1).: a VARIANCE of 4" to the 20 foot front yard setback (driveway) requirement on all or a portion of Lot(s) 6, Block(s) 3, El Rancho Atrisco Addition, zoned R-D and located at **5900 PRENDA DEL ORO NW (H-11)**  
2) 2477  
APPROVED.
19. **06ZHE – 00036** 1004631 **JANET WAGNER** request(s) a special exception to Section 14. 16. 2. 9. (E). (1).: a VARIANCE of 7 feet to the 15 foot rear yard setback area requirement on all or a portion of Lot(s) 6, Block(s) 3, El Rancho Atrisco Addition, zoned R-D and located at **5900 PRENDA DEL ORO NW (H-11)**  
2) 2477  
APPROVED.
20. **06ZHE – 00046** 1004636 **INTERSTATE DEV. CO. INC.** request(s) a special exception to Section 14. 16. 2. 15. (E). (1).: a VARIANCE of 5 feet to the 5 foot front yard setback arear requirement on all or a portion of Lot(s) 13-24, Block(s) 6, Romero Addition, zoned C-2 and located at **1121 4TH ST NW (J-14)**  
1) 3030  
DEFERRED FOR MARCH 21, 2006 TO OBTAIN LANDSCAPING PLANS.
21. **06ZHE – 00047** 1004636 **INTERSTATE DEV. CO. INC.** request(s) a special exception to Section 14. 16. 2. 17. (E). (2). (b).: a VARIANCE of 5 feet to the 5 foot side yard setback area requirement on all or a portion of Lot(s) 13-24, Block(s) 6, Romero Addition, zoned C-2 and located at **1121 4TH ST NW (J-14)**  
1) 3030  
DEFERRED TO MAR 21, 2006 TO ALLOW APPLICANT TO OBTAIN LANDSCAPING PLANS.
22. **06ZHE – 00048** 1004636 **INTERSTATE DEV. CO. INC.** request(s) a special exception to Section 14. 16. 2. 17. (E). (2). (c).: a VARIANCE of 15 feet to the 15 foot rear yard setback area requirement on all or a portion of Lot(s) 13=24, Block(s) 6, Monkbridge Addition, zoned C-2 and located at **1121 4TH ST NW (J-14)**  
1) 3030  
DEFERRED TO MAR 21, 2006 TO ALLOW APPLICANT TO OBTAIN LANDSCAPING PLANS.

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

**HEARING WILL RESUME PROMPTLY**  
**AT 1:30 P.M. WITH ITEM #23**

**IF YOU ARE AGENDA ITEMS 23-30**

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

23. **05ZHE – 01910**      **1004608**      **WILLIAM JAMES** request(s) a special exception to Section 14. 16. 4. 13. (A). (1).: a **CONDITIONAL USE** to allow for a status established building in an R-1 zone on all or a portion of Lot(s) 20, Block(s) 13, Monkbridge Addition, zoned R-1 and located at **426 HEADINGLY AVE NW (G-14)**  
**2) 3800**  
**3) 10**  
**APPROVED WITH CONDITIONS.**
24. **05ZHE – 01913**      **1004609**      **LARRY & ANITA BLACK** request(s) a special exception to Section 14. 16. 2. 6. (B). (12). (2).: a **CONDITIONAL USE** to allow for a shade structure in the rear yard setback area on all or a portion of Lot(s) 6, Block(s) 49, Knolls of Paradise Hills Addition, zoned R-1 and located at **4620 ARLINGTON AVE NW. (B-12)**  
**3) 180**  
**3) 344**  
**DEFERRED TO MAR 21, 2006 TO AMEND REQUEST.**
25. **05ZHE – 01916**      **1004611**      **ALBERT & PATRICIA ANGEL** request(s) a special exception to Section 14. 16. 2. 6. (B). (12).: a **CONDITIONAL USE** to allow for a shade structure in the rear yard setback area on all or a portion of Lot(s) 85, Terracita Addition, zoned R-T and located at **11623 TERRACITO LANE SE (L-21)**  
**3) 163**  
**APPROVED.**
26. **06ZHE – 00011**      **1004617**      **TONY B. GUTIERREZ** request(s) a special exception to Section 14. 16. 2. 17. (B). (6).: a **CONDITIONAL USE** to allow for dwelling units in a C-2 zone on all or a portion of Lot(s) 100, La Victoria Addition, zoned C-2 and located at **351 YUCCA DR. NW (J-11)**  
**3) 290**  
**DEFERRED TO MAR 21, 2006 WITH CONSENT OF APPLICANT.**
27. **06ZHE – 00029**      **1004627**      **JAMES C SMITH** request(s) a special exception to Section 14. 16. 4. 13. (A). (1).: a **CONDITIONAL USE** to allow for a status-established building in a R-1 zone on all or a portion of Lot(s) 16, MRGCD Map 39, zoned R-1 and located at **2906 OSAGE AVE. NW (K-12)**  
**3) 520**  
**3) 868**  
**APPROVED.**
28. **06ZHE – 00043**      **1004633**      **DUANE JOHNSON** request(s) a special exception to Section 14. 16. 2. 6. (B). (1).: a **CONDITIONAL USE** to allow for a accessory living quarters in a RA-2 zone on all or a portion of Lot(s) 4 C, Block(s) 1, Manchester Addition, zoned RA-2 and located at **3768 MANCHESTER DR. NW (G-13)**  
**3) 518**  
**APPROVED WITH CONDITIONS.**
29. **06ZHE – 00045**      **1004635**      **MIKE & GLORIA BAROS** request(s) a special exception to Section 14. 16. 2. 18. (B). (3).: a **CONDITIONAL USE** to allow for construction contractor's yard in a C-3 zone on all or a portion of Lot(s) 17, Block(s) 8, East Central Business Addition, zoned C-3 and located at **11840 COCHITI RD SE (L-21)**  
**3) 1086**  
**APPROVED WITH CONDITIONS.**
30. **06ZHE – 00031**      **1004628**      **TOM GATELY** requests a special exception to Section 14 16. 3. 3. (2) (6) (e).: a **VARIANCE** of 6 ft. to the required 20 ft. for an accessory structure on a corner lot **AND** a **VARIANCE** of 9 ft. to the required 10 ft. separation for an accessory structure on all or a portion of Lot(s) 103, Block 16, Snow Heights Addition, zoned R-1 and located at **1801 GRETTA ST NE (J-12)**  
**06ZHE – 00032**  
**3) 1704**  
**APPROVED WITH CONDITIONS.**

