



HEARING ON SPECIAL EXCEPTIONS
TO THE COMPREHENSIVE CITY ZONING CODE

ZONING HEARING EXAMINER'S AGENDA

TUESDAY, September 12, 2006

9:00 A.M.

ALBUQUERQUE CONVENTION CENTER

RUIDOSO ROOM

401 SECOND STREET NW

(ON THE UPPER LEVEL EAST COMPLEX OFF OF 2ND STREET)

STAFF

Roberto Albertorio, Esq., Zoning Hearing Examiner

Tom Rojas, Deputy Zoning Hearing Examiner

Ray Rivera, Administrative Assistant

For Inquiries Regarding This Agenda, Please Call Ray Rivera at (505) 924-3918.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Roberto Albertorio, Esq.

COA Planning Department, ZHE Division, 3rd Floor

600 Second Street NW

Albuquerque, NM 87102

NOTICE TO PEOPLE WITH DISABILITIES: *If you have a disability and you require special assistance to participate in this hearing, please contact Ray Rivera at (505) 924-3918.*

OLD BUSINESS:

1. **06ZHE – 00841** **1004960** **MARIO GARDUNO** request(s) a special exception to Section 14. 16. 2. 6. (B). (3).: a **CONDITIONAL USE** to allow for a proposed carport in the corner side yard setback area on all or a portion of Lot(s) 12, Block(s) 29, Mesa Village Addition, zoned R-1 and located at **1039 WADE ST NE (J-20)**

1) 335

APPROVED

2. **06ZHE – 00842** **1004960** **MARIO GARDUNO** request(s) a special exception to Section 14. 16. 2. 6. (E). (3). b.: a **VARIANCE** of 10 feet to the 10 foot corner side yard setback area requirement for a proposed garage on all or a portion of Lot(s) 12, Block(s) 29, Mesa Village Addition, zoned R-1 and located at **1039 WADE ST NE (J-20)**

1) 335

APPROVED

3. **06ZHE – 00894** **1004975** **JUSTO ORDONEZ** request(s) a special exception to Section 14. 16. 3. 19. (A). (2). (a).: a VARIANCE of 3'3" to the 3 foot fence height allowance for a existing 6' 3" high fence in the front yard setback area on all or a portion of Lot(s) 33, Block(s) 76, Westgate Heights Addition, zoned R-1 and located at **8601 LYNETTE CT SW (M-9)**
APPROVED
4. **06ZHE – 00895** **1004975** **JUSTO ORDONEZ** request(s) a special exception to Section 14. 16. 3. 19. (A). (2). (a).: a VARIANCE of 3 feet to the 6 foot wall height allowance for a proposed 9 foot high wall on the corner side yard setback on all or a portion of Lot(s) 33, Block(s) 76, westgate Heights Addition, zoned R-1 and located at **8601 LYNETTE CT SW (M-9)**
APPROVED
5. **06ZHE – 00910** **1004983** **SNOW MOORE WATSON** request(s) a special exception to University Neighborhoods Sector Plan DR 5. b.: a VARIANCE of 4 feet to the 5 foot side yard setback area requirement for a proposed duplex addition to the dwelling on all or a portion of Lot(s) 10, Block(s) 16, University Height Addition, zoned SU-2 and located at **120 STANFORD SE (K-16)**
DENIED
6. **06ZHE – 00946** **1004993** **LAURA ONORATO & DEMIAN GINTHER** request(s) a special exception to Section 14. 16. 2. 6. (E). (4). (a).: a VARIANCE of 3 feet to the 5 foot side yard setback area requirement for a proposed addition to the dwelling on all or a portion of Lot(s) 22, Block(s) 30, University Heights addition, zoned R-1 and located at **305 DARTMOUTH SE (K-16)**
APPROVED

NEW BUSINESS:

7. **06ZHE – 01014** **1005024** **LILIANA RODRIGUEZ** request(s) a special exception to Section 14. 16. 3. 19. (A). (2). (a).: a VARIANCE of 4 feet to the 3 foot fence height allowance for a existing 7 foot high wrought iron fence in the front yard setback area on all or a portion of Lot(s) 27, Block(s) 74, Westgate Heights Addition, zoned R-1 and located at **1344 MICHELLE ST SW (M-9)**
APPROVED WITH CONDITIONS
8. **06ZHE – 01101** **1005048** **ROBIN HUNN** request(s) a special exception to Section 14. 16. 3. 19. (A). (2). (a).: a VARIANCE of 2' 9" to the 3 foot wall height allowance for a existing 5' 9" wall in the front yard setback area on all or a portion of Lot(s) 13, Block(s) 34, University Height Addition, zoned R-1 and located at **223 RICHMOND DR SE (K-16)**
DEFERRED TO OCT 9, 2006
9. **06ZHE – 01132** **1005057** **LARRY W. DAVIS** request(s) a special exception to Section 14. 16. 3. 19. (2). (a).: a VARIANCE of 3 feet to the 3 foot wall height allowance for a proposed 6 foot high wall in the front yard setback area on all or a portion of Lot(s) 10, Block(s) C, Smith's Sandia Hills Addition, zoned R-1 and located at **1034 JEFFERSON ST NE (J-17)**
APPROVED WITH CONDITIONS
10. **06ZHE – 01133** **1005057** **LARRY W. DAVIS** request(s) a special exception to Section 14. 16. 2. 6. (14). (a).: a CONDITIONAL USE to allow for a wall over 3 feet in height in the side yard setback area on a corner lot for a proposed 6 foot high wall on all or a portion of Lot(s) 10, Block(s) C, Smith's Sandia Hills Addition, zoned R-1 and located at **1034 JEFFERSON ST NE (J-17)**
APPROVED WITH CONDITIONS

11. **06ZHE – 01137 1005061 SUZANNE KUPFERER** request(s) a special exception to Section 14. 16. 3. 19. (A). (2). (a): a VARIANCE of 1 foot to the 8 foot wall height allowance for a proposed 9 foot high wall in the rear yard setback area on all or a portion of Lot(s) 13, Block(s) 1, Academy Estates Addition, zoned R-1 and located at **7909 ACADEMY TRAIL NE (F-19)**
APPROVED
1) 2270
12. **06ZHE – 01052 1005032 SAMUEL E. & ARTHUR MAE HARRIS** request(s) a special exception to Section 14. 16. 2. 6. (E). (4). (a): a VARIANCE of 8" to the 5 foot side yard setback area requirement for a existing dwelling 4'4" from the existing wall on all or a portion of Lot(s) 17, Block(s) 9, The Knolls of Paradise Addition, zoned R-1 and located at **9817 BENTON ST NW (B-13)**
APPROVED
1) 2491
2) 1
13. **06ZHE – 01120 1005087 KEITH C. & ZOYE NIX** request(s) a special exception to Section 14. 16. 2. 8. (E). (3). (a): a VARIANCE of 5 feet to the 10 foot side yard setback area requirement for proposed addition to the dwelling on all or a portion of Lot(s) 38, Tract(s) 25 A, Brandford Hills Addition, zoned R-LT and located at **10207 BURHAM ROAD NW (B-9)**
APPROVED
2) 90
2) 628
14. **06ZHE – 01111 1005050 DAVID BEDARD** request(s) a special exception to Section 14. 16. 3. 3. (B). (2). (9): a VARIANCE of 12% to the accessory structure 25 % side-plus-rear yard requirement for a proposed accessory structure (garage/shop/office) in the rear yard setback area on all or a portion of Lot(s) 3, Block(s) 43, University Heights Addition, zoned R-1 and located at **306 BRYN MAWR SE (K-16)**
APPROVED
2) 265
15. **06ZHE – 01112 1005050 DAVIS BEDARD** request(s) a special exception to Section 14. 16. 2. 6. (B). (1): a CONDITIONAL USE to allow for a proposed accessory structure (garage/shop/office) on all or a portion of Lot(s) 3, Block(s) 43, University Heights Addition, zoned R-1 and located at **306 BRYN MAWR SE (K-16)**
APPROVED
2) 265
16. **06ZHE – 01135 1005062 GREG PAYNE** request(s) a a special exception to Section 14. 16. 2. 6. (B). (14): a CONDITIONAL USE USE to allow for a fence over 3 feet in height in the front yard setback area for a proposed 6 foot high fence on all or a portion of Lot(s) 5, Block(s) 7, Sandia Terrance Addition, zoned R-1 and located at **1205 MICHAEL HUGHES DR NE (J-23)**
APPROVED WITH CONDITIONS
2) 680

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

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

IF YOU ARE AGENDA ITEMS #17-34

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

17. **06ZHE – 01073 1005040 RUTH Y. BRADY** request(s) a special exception to Section 14. 16. 2. 6. (B). 3.: a **CONDITIONAL USE** to allow for a proposed carport in the front yard setback area on all or a portion of Lot(s) 3, Block(s) 108, Princess Jeanne Park Addition, zoned R-1 and located at **608 TOMASITA ST NE (K-21)**
APPROVED WITH CONDITIONS
2) 710
18. **06ZHE – 01127 1005054 SUSAN BACKMAN** request(s) a special exception to Section 14. 16. 2. 6. (B). (3).: a **CONDITIONAL USE** to allow for a proposed carport in the front yard setback area on all or a portion of Lot(s) 21, Block(s) 22, Altamont Addition, zoned R-1 and located at **3405 CARDENAS DR NE (G-18)**
APPROVED WITH CONDITIONS
2) 834
19. **06ZHE – 01136 1005060 JOSEPH BACA** request(s) a special exception to Section 14. 16. 2. 6. (B). (3).: a **CONDITIONAL USE** to allow for a proposed carport in the front yard setback area on all or a portion of Lot(s) 15, Block(s) 9, Prairie Ridge Subdivision, zoned R-1 and located at **7001 PORTULACA AVENUE NW (D-12)**
APPROVED WITH CONDITIONS
2) 970
20. **06ZHE – 01074 1005041 STEVEN SUNDAY** request(s) a special exception to Section 14. 16. 2. 6. (B). (14). (a).: a **CONDITIONAL USE** to allow for a wall over 3 feet in height in the front yard setback area for a proposed 4 foot high wall on all or a portion of Lot(s) 8, Block(s) C, Westpark Addition, zoned R-1 and located at **2014 ALHAMBRA AV SW (J-13)**
APPROVED WITH CONDITIONS
2) 1066
21. **06ZHE – 01123 1005053 JUAN RODRIGUEZ** request(s) a special exception to Section 14. 16. 2. 6. (B). (14). (a).: a **CONDITIONAL USE** to allow for a wall over 3 feet in height in the front yard setback area for a proposed 5 foot high wall on all or a portion of Lot(s) 7, Block(s) 5, Los Altos Addition, zoned R-1 and located at **1240 CORTEZ DR SW (L-11)**
APPROVED WITH CONDITIONS
2) 1188
22. **06ZHE – 01131 1005056 LEONARD ATCITTY** 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 for a proposed 6 foot high wall on all or a portion of Lot(s) 24, Block(s) 51, Parkland Hills Addition, zoned R-1 and located at **5005 PALO ALTO AVENUE SE (L-17)**
APPROVED WITH CONDITIONS
2) 1324
23. **06ZHE – 01134 1005058 LEROY R. SANCHEZ** request(s) a special exception to Section 14. 16. 2. 6. (B). (1).: a **CONDITIONAL USE** to allow for a accessory living quarters (proposed garage and work shop) in a RA-2 zone on all or a portion of Lot(s) 11, Block(s) 1, Gavilan Addition, zoned RA-2 and located at **418 GAVILAN PL NW (F-14)**
APPROVED WITH CONDITIONS
2) 1420
24. **06ZHE – 01115 1005051 SEAN GILLIGAN** request(s) a special exception to Section 14. 16. 2. 16. (B). (6).: a **CONDITIONAL USE** to allow for proposed dwelling units in a C-1 zone (10, 2 bedroom units and 10, 1 bedroom units) with mixed retail use on all or a portion of Lot(s) G 2 A 1, Siesta Hills Addition, zoned C-1 and located at **6000 GIBSON BLVD SE (M-18)**
APPROVED
2) 1650

25. **06ZHE – 01118 1005052 TONIMARIE S. & JAMES N. DUDLEY, JR** request(s) a special exception to Section 14. 16. 2. (B). (7).: a **CONDITIONAL USE** to allow for proposed massage therapy in a residence on all or a portion of Lot(s) 15, Block(s) 3, Bear Canyon Village Addition, zoned R-3 and located at **6204 RIO HONDO DR NE (E-19)**
2) 2170
APPROVED WITH CONDITIONS
26. **06ZHE – 01176 1005077 JULIA FISHMAN** request(s) a special exception to Section 14. 16. 2. 6. (B). (7).: a **CONDITIONAL USE** to allow for home occupation for yoga instruction and physical therapy in a residence on all or a portion of Lot(s) 116, Heritage Hills Addition, zoned R-1 and located at **8915 LIBERTY DR NE (D-20)**
3) 17
APPROVED WITH CONDITIONS
27. **06ZHE – 01135 1005059 BILL BELL** request(s) a special exception to Section 14. 16. 2. 19. (B).: a **CONDITIONAL USE** to allow for a stucco contractor plant in a I-P zone on all or a portion of Lot(s) 2 A, Tract(s) A, Atrisco Business Park Addition, zoned IP and located at **7001 BLUEWATER ROAD NW (K-10)**
3) 318
APPROVED WITH CONDITIONS
28. **06ZHE – 01143 1005065 NANCY ROGERS** request(s) a special exception to Section 14. 16. 2. 16. (B). (12). (a).: a **CONDITIONAL USE** to allow for outdoor activity (proposed 7 dining tables for restaurant use in the front of the building) on all or a portion of Lot(s) 1,2, Block(s) 14, Huning Highland Addition, zoned SU-2 and located at **414 CENTRAL AVE SE (K-14)**
3) 546
APPROVED WITH CONDITIONS
29. **06ZHE – 01171 1005074 MARY J. SOLT-NIWA & JOHN NIWA** request(s) a special exception to Section 14. 16. 2. 4. (B). (5).: a **CONDITIONAL USE** to allow for a expansion of an existing water garden approved in 2001 on all or a portion of Lot(s) 2, Duran Alejandra Addition, zoned RA-2 and located at **2704 DURANES RD NW (H-12)**
3) 727
APPROVED WITH CONDITIONS
30. **06ZHE – 01139 1005063 BEN & PAULETTE MASTIO** request(s) a special exception to Section 14. 16. 3. 3. (B). (2). (e).: a **VARIANCE** of 10 feet to the 15 foot rear yard setback area requirement for a proposed garage addition attached to the existing accessory living quarters on all or a portion of Lot(s) 17, Block(s) 29, Monte Vista Addition, zoned R-1 and located at **3429 PURDUE PL NE (K-16)**
3) 1000
APPROVED
31. **06ZHE – 01140 1005063 BEN & PAULETTE MASTIO** request(s) a special exception to Section 14. 16. 4. 13. (A).: an **EXPANSION OF NONCONFORMING USE** to allow for a status established building (existing accessory living quarters) on all or a portion of Lot(s) 17, Block(s) 29, Monte Vista Addition, zoned R-1 and located at **3429 PURDUE PL NE (K-16)**
3) 1000
APPROVED WITH CONDITIONS
32. **06ZHE – 01225 1005063 BEN & PAULETTE MASTIO** request(s) a special exception to Section 14.16.2.6.(E).(4).(a).: a **VARIANCE** of 5 feet to the 5 foot side yard setback area requirement for a proposed garage addition attached to the existing accessory living quarters and an existing carport on all or a portion of Lot(s) 17, Blocks(s) 29, Monte Vista Addition, zoned R-1 and located at **3429 PURDUE PL NE (K-16)**
3) 1000
APPROVED

33. **06ZHE – 01128 1005055 JUSTIN WISEMAN** request(s) a special exception to Section 14. 16. 2. 6. (E). (4). (a).: a VARIANCE of 5 feet to the 5 foot side yard setback area requirement for an existing addition to the dwelling on all or a portion of Lot(s) 2, Block(s) 9 A, Huning Castle Addition, zoned R-1 and located at **200 15TH STREET SW (J-13)**

APPROVED

34. **06ZHE – 01129 1005055 JUSTIN WISEMAN** request(s) a special exception to Section 14. 16. 2. 6. (E). (5). (a).: a VARIANCE of 9' 6" to the 15 foot rear yard setback area requirement for an existing addition to the dwelling on all or a portion of Lot(s) 2, Block(s) 9 A, Huning Castle Addition, zoned R-1 and located at **200 15TH STREET SW (J-13)**

APPROVED