



# APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner  
600 2<sup>nd</sup> Street, NW, Suite 300, 87102  
505.924.3918

### APPLICATION INFORMATION-PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

PROFESSIONAL / AGENT NAME (FIRST, LAST) \_\_\_\_\_ (H) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ (W) \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ (C) \_\_\_\_\_

OWNER NAME (FIRST, LAST-IF ANY) SCOTT HEATLY (H) \_\_\_\_\_

MAILING ADDRESS 3425 CAMPUS BLVD NE (W) 505-344-4000

CITY ALBUQUERQUE STATE NM ZIP CODE 87106 (C) 505-379-1186

### LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 3425 CAMPUS BLVD NE ZIP CODE 87106

LOT(S) 12 TRACT(S) \_\_\_\_\_ BLOCK(S) \_\_\_\_\_

SUBDIVISION / ADDITION / MRGCD MAP NO. MONTE VISTA ADDITION

UNIFORM PROPERTY CODE 101605742234611406

### CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements. Initial Here SA

### EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

### DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

### TRAFFIC ENGINEERING REVIEW-

REQUIRED FOR ALL WALLS, FENCES, AND CARPORTS IN THE FRONT AND STREET SIDE YARD SETBACKS.  
Call the Traffic Investigations Supervisor at 505.857.8685 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

### ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case.

SIGNATURE \_\_\_\_\_ DATE 8/4/08

PROJECT #: 1007411 ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY. APPLICATION #: 08ZHE80308

### APPLICATION FOR: (CHECK AS APPROPRIATE)

- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building
- (ZHE04) Variance:
  - Distance
  - Setback
  - Height
  - Parking
  - Size
  - Other

SECTION NO. 14-16-3-3(A)(3)(b) REFERENCE SECTION NO. \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION side yard setback Requesting a variance of 15' to the required 20' required of a residentially zoned lot. To allow a proposed addition to the front yard setback with the rear yard setbackting the front yard.

ZONED: SFHD NUB HULL ZONE MAP PAGE: K-16 CITY OF ALBUQUERQUE (APN) NO. OF SIGNS ISSUED: 2

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION 3425 Campus Blvd NE FEE: \$ 145.00

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) Jana Trujillo DATE 8/1/08 RECEIPT NO. 00074820-00074820

APN Fee (CMP) 441032 / 3424000 \$ 10.00

Conflict Ratio Fee 441018 / 4971000 \$ 35.00

Zone Actions (ZHE) 441006 / 3451000 \$ 100.00

DATE OF PUBLIC HEARING 09-16-08

SUPPLEMENTAL SHEET FOR SPECIAL EXCEPTION APPLICATION

PROJECT #: 1007911

APPLICATION #: 08ZHE80309

APPLICATION FOR: (CHECK AS APPROPRIATE)

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- (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:

- Distance
- Height
- Setback
- Parking
- Size
- Other

SECTION NO. 14-16-3-3(A)(4)(a)(3) REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION

requesting a variance of 5' to the 3' max on the required sidewalk setbacks on a lot where the rear yard is abutting the front yard of a residential zoned lot. To allow a proposed 8' wall.

PROJECT #: \_\_\_\_\_

APPLICATION #: \_\_\_\_\_ ZHE \_\_\_\_\_

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SECTION NO. \_\_\_\_\_ REFERENCE NO: \_\_\_\_\_

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SECTION NO. \_\_\_\_\_ REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION

PROJECT #: \_\_\_\_\_

APPLICATION #: \_\_\_\_\_ ZHE \_\_\_\_\_

APPLICATION FOR: (CHECK AS APPROPRIATE)

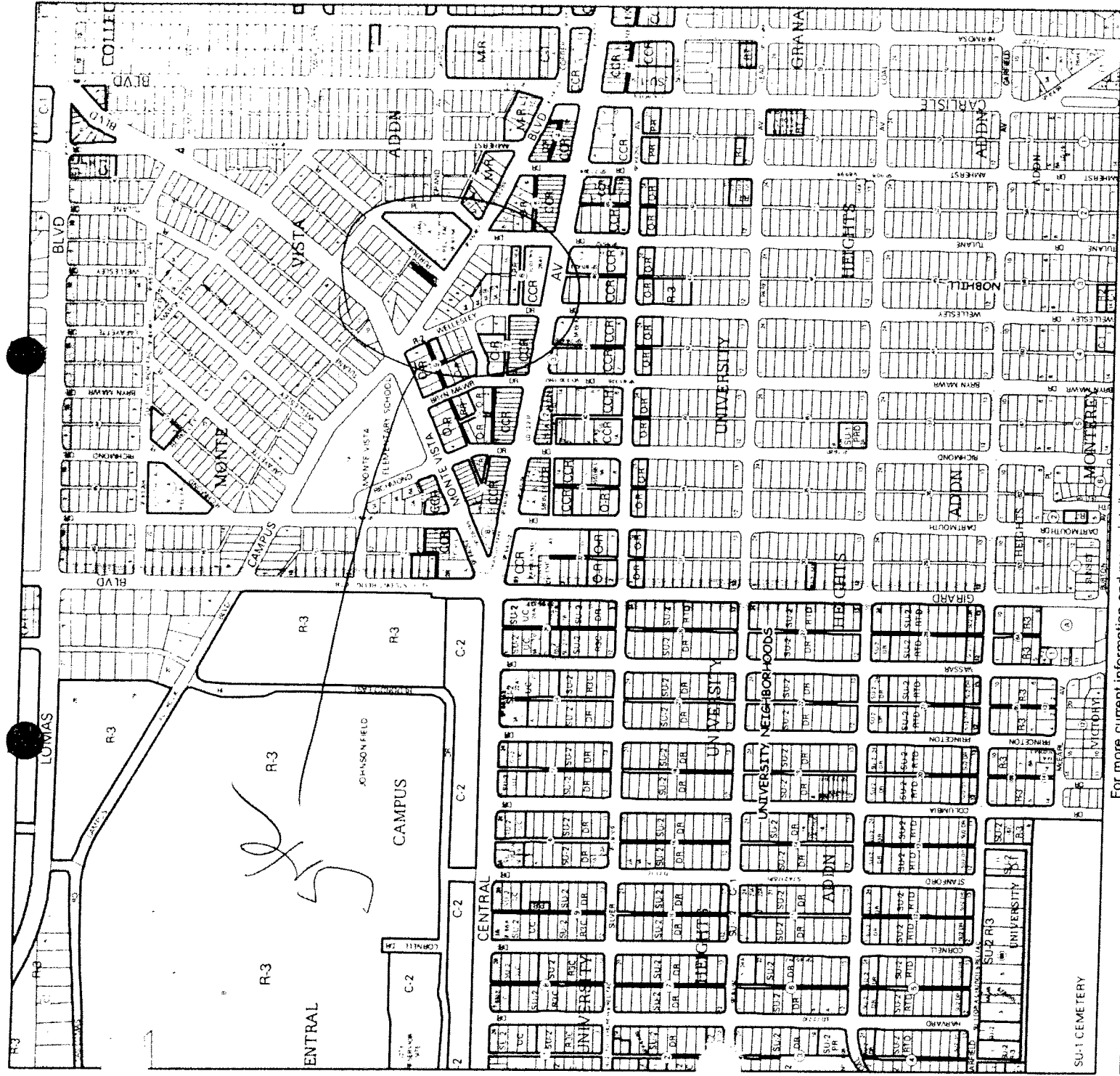
- (ZHE01) Conditional Use
- (ZHE02) Expansion of a NonConforming Use
- (ZHE03) NonConforming Use / Status Established Building

(ZHE04) Variance:

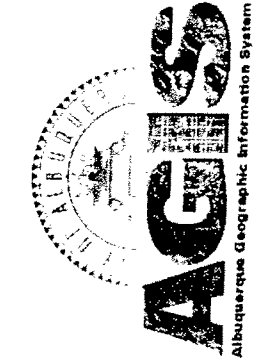
- Distance
- Height
- Setback
- Parking
- Size
- Other

SECTION NO. \_\_\_\_\_ REFERENCE NO: \_\_\_\_\_

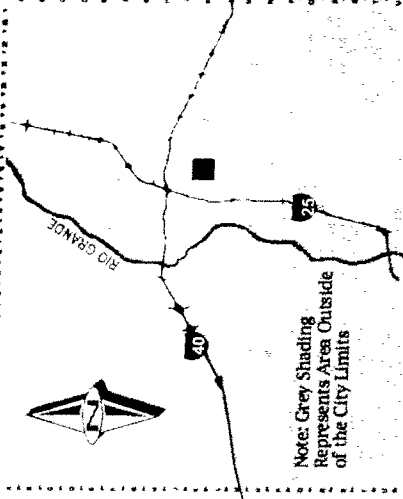
(LEGAL AD) ACTION DESCRIPTION



For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 2/18/2007

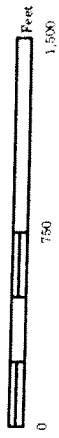


Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**K-16-Z**

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone





Variance Requests:

1. Requesting a variance of 15' from the 20' required sideyard setback, resulting in a 5' setback, to allow a proposed addition.
2. Requesting a variance of 5' to the 3' maximum height of a wall to allow a proposed 8' wall within 2' to 3' of property line.

We are asking for a special exception regarding the property line setback because the requirement makes the corner lot practically unbuildable. The variance (5' from property line, instead of 20') only occurs on the side street, Purdue and not the main street of Campus Blvd. The original house and garage were built long before the setback regulation of 20' was established and are located on a very slender lot. The 5' setback is comparable with all adjacent houses in our neighborhood and consistent with construction of that time. Since our lot is on the corner, we are penalized by the setback regulation on the side street. If we must adhere to the 20' setback, it would create a great hardship as the useable space on the lot is too small to accommodate our growing family.

We are requesting the dwelling and wall variances based on the following criteria:

Part A: The property is exceptional.

1. The parcel is exceptional as compared with other land in the vicinity subject to the same regulations by reason of the physical characteristics of the land, which physical characteristics existed at the time of the adoption of the regulation or were created by natural forces or by governmental action for which no compensation was paid.
  - a.) The lot is very slender.
  - b.) The existing house and garage are located at the same distance from property line as proposed addition.
  - c.) Subject to sideyard setback regulations since it is a corner lot, whereas other houses in area are only subject to 5' setback.

Part B: As a result of the exceptional aspect of the property, the regulations produce unnecessary hardship.

1. Creates an exceptional, substantial, and unjustified limitation of the property owner's reasonable use of the property.
2. Deprives the owner of a reasonable return on the property under any use permitted by its existing zone.

Part C: The variances requested are appropriate to prevent the unnecessary hardship.

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1. The variances will not significantly interfere with the enjoyment of other land in the vicinity.
2. It is consistent with the spirit of this Zoning Code, substantial justice, and the general public interest.

(n) Walls and fences which are normally allowed to be up to eight or ten feet high, measured from the lower side, but because of a retaining wall a variance is required to allow the wall or fence to be three feet high measured from the higher side.

(o) Water Towers.

A setback variance may be approved for the following structures even though there is only a minimal showing as to exceptional physical condition:

(a) Solar collectors.

(b) Houses located on lots created when side-yard setback requirements were less severe and the lot's dimensions make it unreasonable to require the current side-yard setback requirements.

(4) Walls, Fences, Retaining Walls – See Section § 14-16-3-19.

(a) Wall or fence height: A wall, fence, retaining wall, or vertical combination of these in a residential zone may be built within a required setback, provided:

1. It does not exceed eight feet in height above the lowest grade on the lower side within the required side or rear yard or three feet in height above the lowest grade on the lower side within the required front yard.
2. Where property is contiguous to non-residential property, it may be erected to a maximum height of ten feet above the lowest grade on the residential side except in the required front-yard setback.

(b) On a corner lot, the rear yard of which is contiguous to the front yard of a residentially-zoned lot, a wall, fence, retaining wall, or vertical combination of these may not exceed three feet in height above the lowest grade on the lower side within ten feet of the street side right-of-way line. However, where approved, a conditional use may approve a higher wall or fence.

4. On a lot where the rear lot line abuts a public street right-of-way and the lot's rear yard is contiguous to the front yard of another residentially-zoned lot, a wall, fence, or vertical combination of these may not exceed three feet in height above the lowest grade on the lower side within 20 feet of the rear right-of-way line; however, this setback is reduced to 15 feet if 15 feet is the normal front-yard setback requirement in the residential zone contiguous to the rear lot.

(b) A wall, fence, retaining wall, or vertical combination of these in a non-residential zone is not limited as to height except:

1. Within five feet of public street right-of-way, where they shall not exceed three feet in height above the lowest grade on the street side; and
2. If a wall or fence plus retaining wall abutting a residential zone would have an effective height of over eight feet above the lowest grade on the residential side, the Planning Director shall decide the required height; such decision shall be made by the same process required for a conditional use.

15' Variance  
For Dwelling (3)

5' Variance  
to allow  
8' wall  
in the required  
side yard  
setback.

**ZONE GRID**

No Features found.

**OWNERSHIP**

Rec	COASDE.BERNCO.ParcelDec_2007.UPC	COASDE.BERNCO.ParcelDec_2007.OWNER	COASDE.BERNCO.ParcelDec_2007.OWNADD
1	101605742234611406	HEATLY SCOTT	3425 CAMPUS BLVD NE

**ZONING**

Rec	ZONING	DESCRIPTION
1	SFHD	

**ZONE GRID**

Rec	ZONE ATLAS GRID
1	K16

**PARCELS**

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	3315	PURDUE PL	NE	12	22	MONTE VISTA ADDN	ABQ141914	

**ZONE GRID**

No Features found.

**ZONE GRID**

No Features found.

**NEIGHBORHOODS**

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATION
1	NOB HILL	R

**SECTOR PLANS**

Rec	SECTOR PLAN NAME
1	NOB HILL HIGHLAND

**COUNCIL**

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	GARDUNO	6

**ZIPCODES**

Rec	ZIPCODE
1	87106