



HEARING ON SPECIAL EXCEPTIONS  
TO THE COMPREHENSIVE CITY ZONING CODE

**ZONING HEARING EXAMINER'S AGENDA**

TUESDAY, SEPTEMBER 17, 2013 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*  
*Vanessa F. King, City Hearing Monitor*

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

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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 Vanessa F. King at (505) 768-4503.*

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**OLD BUSINESS:**

- |    |             |                            |   |
|----|-------------|----------------------------|---|
| 1. | 13ZHE-80576 | <b>Project#</b><br>1009759 | TJPC II, LLC., ( <b>PAUL CHAVEZ, AGENT</b> ) requests a special exception to Page 86(3.b.) of the Sawmill Wells Park Sector Development Plan: a VARIANCE of 5' to the 10' side yard setback requirement for a proposed dwelling for all or a portion of Lot 10A, Block 12, ALBRIGHT AND MOORE ADDN zoned S-R, located on <b>1406 LOS TOMASES DR NW</b> (J-14) |
| 2. | 13ZHE-80578 | <b>Project#</b><br>1009761 | TJPC II, LLC., ( <b>PAUL CHAVEZ, AGENT</b> ) requests a special exception to Section 14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow a proposed 5' fence in the required front yard setback area for all or a portion of Lot 6, GOLIAD ADDN zoned R-1, located on <b>627 GENE AVE NW</b> (F-14)  |
| 3. | 13ZHE-80594 | <b>Project#</b><br>1009776 | ERWIN VICENTI ( <b>DESERT WEST DEVELOPMENT, RANDY SCHMILLE, AGENT</b> ) requests a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 7' to the required 20' front yard setback area for a proposed addition for all or a portion of Lot 36, HERITAGE HILLS UNIT 5 zoned R-1, located on <b>7832 REPUBLIC DR NE</b> (D-20)                           |
| 4. | 13ZHE-80592 | <b>Project#</b><br>1009774 | ISIDERO AND FELICIA NIETO ( <b>JOSEPH DAVIS CAMACHO, AGENT</b> ) requests a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 7'11" to the required 10 foot corner side yard setback for an existing garage for all or a portion of Lot 14, Block 7, HERITAGE HILLS UNIT 1 zoned R-1, located on <b>8608 MONITOR DR NE</b> (D-20)                   |

5. **13ZHE-80586**      **Project#** **CHARLES AND GLORIA MASSEY** requests a special exception to Section 14-16-2-6(B)(14)(a)(2): a **CONDITIONAL USE** to allow a 5' existing fence in the required front yard setback area for all or a portion of Lot 23A, Block 13, **FOUR HILLS VILLAGE FOURTEENTH INSTALLMENT** zoned R-1, located on **1206 HIDEAWAY LN SE (M-23)**  
**1009768**
6. **13ZHE-80541**      **Project#** **MARK O. LEE** request(s) a special exception to Section 14-16-2-6(E)(1): a **VARIANCE** of 14' to the required 20' front yard setback for a proposed garage addition for all or a portion of Lot(s) 39A, Block(s) 90, **SNOW HEIGHTS ADDITION** zoned R-1, located on **11209 ELVIN AV NE (H-21)**  
**1009708**
7. **13ZHE-80550**      **Project#** **FRANK BARELA (DAC ZONING AND LAND USE SERVICES d/b/a DAC ENTERPRISES, INC.)** requests a special exception to Section 14-16-2-6(E)(1): a **VARIANCE** of 5' to the required 20' front yard setback for a proposed patio for all or a portion of Lot 12, Block 7, **HUNING CASTLE ADDN** zoned R-1, located on **1617 LOS ALAMOS AVE SW (J-13)**  
**1009723**
8. **13ZHE-80542**      **Project#** **DAVE WALLACE (R2 ARCHITECTURAL DESIGN AND CONSULTATION)** request(s) a special exception to Section 14-16-2-6(E)(4)(a): a **VARIANCE** of 1' 1" to the required 5' side yard setback for a proposed addition for all or a portion of Lot(s) 23, Block(s) 49-A, **FOUR HILLS VILLAGE** zoned R-1, located on **1743 SOPLO RD SE (N-23)**  
**1009709**
9. **13ZHE-80520**      **Project#** **KEOLAMPHANH MINGKHAMSAVATH, GOLDEN CHERRY LLC.,** request(s) a special exception to Section 14-16-2-15(B)(9): a **CONDITIONAL USE** to allow retailing of food and drink including beer and wine for consumption on premises for all or a portion of Lot(s) A, **LOS ALAMOS ADDN** zoned O-1 OR SU-2 SFMX, located on **6100 4TH ST NW (E-14)**  
**1009673**

## **NEW BUSINESS:**

10. **13ZHE-80607**      **Project#** **BARBARA WATSON (AUSTIN'S CARPORTS, GILBERT AUSTIN, AGENT)** requests a special exception to Section 14-16-2-6(B)(3): a **CONDITIONAL USE** for a proposed carport in the front yard setback area for all or a portion of Lot 38, Block 74, **BEL-AIR** zoned R-1, located on **2932 ALVARADO DR NE (H-18)**  
**1009789**
11. **13ZHE-80623**      **Project#** **BRUCE ALLEN (MATTHEW MULLET, AGENT)** requests 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 27, Block 4, **ACADEMY ACRES UNIT 1** zoned R-1, located on **6305 ESTHER AV NE (E-18)**  
**1009805**
12. **13ZHE-80625**      **Project#** **MARISELA LOZANO** requests a special exception to Section 14-16-2-6(B)(3): A **CONDITIONAL USE** for a proposed carport in the side yard setback for all or a portion of Lot 10, Block 4, **SWIN & MARR ADDN** zoned R-1, located on **1700 53RD ST NW (H-11)**  
**1009808**
13. **13ZHE-80589**      **Project#** **CESAR MARTIN** requests a special exception to Section 14-16-2-6(B)(14)(a)(1): a **CONDITIONAL USE** for a 6' wall in the front yard setback area for all or a portion of Lot 2, **Margarita Gardens**, zoned R-1, located on **408 49<sup>th</sup> ST NW (J-11)**  
**1009771**
14. **13ZHE-80618**      **Project#** **VICTOR MARTINEZ** requests a special exception to Section 14-16-2-11(B)(1) and 14-16-2-6(B)(14)(a)(1): a **CONDITIONAL USE** to allow a 5' fence within 10' of the front property line, stepping up to 6' for the remainder of the required setback for all or a portion of Lot 20, Block 24, **EMIL MANN ADDN** zoned R-2, located on **617 GROVE ST SE (L-19)**  
**1009799**
15. **13ZHE-80610**      **Project#** **MONTGOMERY NEW MEXICO PROPERTY, LLC., (STEVEN REINHART OR JERRY HAMM, AGENT)** requests a special exception to Section 14-16-2-17(B)(18): a **CONDITIONAL USE** to allow for proposed off premise sales of alcoholic beverages within 500 feet of a residential zone for all or a portion of Lot C, **MONTGOMERY COMPLEX** zoned C-2, located on **3205 MONTGOMERY BLVD NE (F-16)**  
**1009793**

16. 13ZHE-80612 Project# **NICOLETTE WESTPHAL** requests a special exception to Section 14-16-2-6(B)(7): a **CONDITIONAL USE** to allow for proposed acupuncture in a residential zone for all or a portion of Lot 17, Block 14, **CHERRY HILLS UNIT 2** zoned R-1, located on **8813 BRANDYWINE RD NE** (E-20)
17. 13ZHE-80619 Project# **TORI MARTINEZ** requests a special exception to Section 14-16-2-6(B)(5): a **CONDITIONAL USE** to allow for up to 12 children in a existing family day care in a R-1 zone for all or a portion of Lot 16, Block 11, **SKYVIEW WEST AMENDED REPLAT** zoned R-1, located on **7418 PALM LN SW** (K-10)
18. 13ZHE-80601 Project# **KAREN K. SCHMIEGE AND PATRICIA CATLETT (NIQUE'SCAPES, MONIQUE BELL, AGENT)** requests a special exception to Section 14-16-2-6(E)(4)(a): a **VARIANCE** of 5' to the required 5' side yard setback for a proposed shade structure for all or a portion of Lot 9, Block 32, **MONTEREY HILLS ADDN 2** zoned R-1, located on **2928 HYDER AV NE** (L-16)
19. 13ZHE-80602 Project# **KAREN K. SCHMIEGE AND PATRICIA CATLETT (NIQUE'SCAPES, MONIQUE BELL, AGENT)** requests a special exception to Section 14-16-2-6(E)(1): a **VARIANCE** of 12' 9" to the required 20' front yard setback for a proposed shade structure for all or a portion of Lot 9, Block 32, **MONTEREY HILLS ADDN 2** zoned R-1, located on **2928 HYDER AV NE** (L-16)

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

**HEARING WILL RESUME PROMPTLY**  
**AT 1:30 P.M. WITH ITEM #20**

**IF YOU ARE AGENDA ITEMS 20-38**

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

20. 13ZHE-80603 Project# **DAVID ORTIZ** requests a special exception to Section 14-16-2-6(E)(4)(a): a **VARIANCE** of 5' to the 5' required side yard setback to allow an existing carport for all or a portion of Lot 34, Block 2, **SANDIA PLAZA** zoned R-1, located on **834 PALO DURO AVE NW** (F-14)
21. 13ZHE-80604 Project# **DAVID ORTIZ** requests a special exception to Section 14-16-3-3(B)(2)(e): a **VARIANCE** of 6' to the 10' separation requirement between a dwelling unit and an existing carport for all or a portion of Lot 34, Block 2, **SANDIA PLAZA** zoned R-1, located on **834 PALO DURO AVE NW** (F-14)
22. 13ZHE-80605 Project# **DAVID ORTIZ** requests a special exception to Section 14-16-3-3(B)(2)(e): a **VARIANCE** of 9' to the 10' separation requirement between a dwelling unit and an existing carport for all or a portion of Lot 34, Block 2, **SANDIA PLAZA** zoned R-1, located on **834 PALO DURO AVE NW** (F-14)
23. 13ZHE-80613 Project# **BRUCE BARTH** requests a special exception to Section 14-16-3-3(B)(2)(a): a **VARIANCE** of 20' to the 20' required side yard setback to allow for a proposed addition for all or a portion of Lot 58, Block 3, **CIMARRON HILL** zoned R-1, located on **7144 DODGE TRAIL NW** (D-11)
24. 13ZHE-80614 Project# **BRUCE BARTH** requests a special exception to Section 14-16-3-3(B)(2)(b): a **VARIANCE** of 6' to the height maximum in a required corner sideyard setback for a proposed addition for all or a portion of Lot 58, Block 3, **CIMARRON HILL** zoned R-1, located on **7144 DODGE TRAIL NW** (D-11)
25. 13ZHE-80615 Project# **JIMMY GUEVARA** requests a special exception to Section 14-16-2-9(E)(4)(a): a **VARIANCE** of 10' to the 15' required rear yard setback for an existing addition for all or a portion of Lot 152-P1, **EL DORADO PARK UNIT 4** zoned R-T, located on **9708 EUCARIZ AVE SW** (L-9)

26. **13ZHE-80616** **Project# 1009797** **JIMMY GUEVARA** requests a special exception to Section 14-16-2-9(E)(5): a VARIANCE of 1' to the required 10' separation between dwelling units for all or a portion of Lot 152-P1, EL DORADO PARK UNIT 4 zoned R-T, located on **9708 EUCARIZ AVE SW** (L-9)
27. **13ZHE-80599** **Project# 1009784** **LINDA I. JARAMILLO** requests a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE of 2' to the allowed 3' in the front yard setback area on an existing wall for all or a portion of Lot 13, Block 2, EL TESORO zoned R-D, located on **1814 MONEDA DR NW** (H-10)
28. **13ZHE-80600** **Project# 1009786** **HARRO AND NANCY ACKERMAN (THE HILLTOP LANDSCAPE ARCHITECTURE AND CONSTRUCTION, DOUG BISHOP, AGENT)** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' 10" to the 3' height maximum in the required front yard setback for a proposed 6' 10" wall for all or a portion of Lot 24A, ACADEMY HILLS UNIT 3 zoned R-1, located on **9916 ACADEMY HILLS DR NE** (E-21)
29. **13ZHE-80624** **Project# 1009807** **TARA SHAVER** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 1' to the allowed 3' height for an existing wall in the front yard setback area for all or a portion of Lot 94-P1, TIMARRON WEST UNIT 1 zoned SU-1 PRD(9 DU/A), located on **10212 TEAL RD SW** (M-8)
30. **13ZHE-80622** **Project# 1009803** **LORENA AND GEORGE RODRIGUEZ** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 2' to be added to an existing 3' wall in the front yard setback area for all or a portion of Lot 11, Block 1, WOOD-BEVERLY ADDN zoned R-1, located on **1811 ARIZONA ST NE**(J-18)
31. **13ZHE-80608** **Project# 1009790** **CATHERINE BUCK** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to the allowed 3' height in the front yard setback for a proposed 6' high fence for all or a portion of Lot 15, Block 16, HUNNING CASTLE ADDN zoned R-1, located on **1525 SAN CARLOS DR SW** (K-13)
32. **13ZHE-80609** **Project# 1009792** **ATALIE IVES-GARCIA** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 6' to be added to an existing 8' wall in the rear yard setback area for all or a portion of Lot 1, Block 11, MCDUFFIE PLACE ADDN UNIT 3 zoned R-1, located on **3513 CALLE DEL RANCHERO NE** (J-16)
33. **13ZHE-80617** **Project# 1009798** **ANDREW M. SANCHEZ (CARL A. GARICA, AGENT)** requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 2' to the 3' height maximum for a proposed 5' wall in the front yard setback area for all or a portion of Lot 13-P1, Block 16, PARKWEST UNIT 4 zoned R-D, located on **2712 MONUMENT DR NW** (H-9)
34. **13ZHE-80591** **Project# 1009773** **JACQUELINE WRIGHT (GREGORY HICKS, ARCHITECT)** requests a special exception to Page 93 D.3.a. of the Downtown Neighborhood Area Sector Development Plan: a VARIANCE of 2'9" to the required 5' side yard setback for an accessory dwelling unit for all or a portion of N ½ of Lots 17, 18 & 19, Block 8, PEREA ADDITION zoned SU-2 DNA-SF, located on **509 11<sup>TH</sup> ST NW** (J-13)
35. **13ZHE-80621** **Project# 1009802** **GEORGE A. MONSERRAT** requests a special exception to Section 14-16-2-6(E)(3)(b): a VARIANCE of 4' 4" to the 10' required corner side yard setback to allow a proposed addition for all or a portion of Lot 16, Block 51, PARKLAND HILLS ADDN zoned R-1, located on **620 TRUMAN ST SE** (L-17)
36. **13ZHE-80598** **Project# 1009781** **LORENZO P. RAMIREZ** requests a special exception to Section 14-16-2-5(E): a VARIANCE of 10' to the 25' required rear yard setback to allow a proposed addition for all or a portion of Lot 9, Block C, LUKE zoned RA-2, located on **1933 LEON CT NW** (F-13)

37. **13ZHE-80620** **Project#** **KARL FROHREICH** requests a special exception to Section 14-16-2-14(B) and 14-16-2-9(E)(4)(a): a VARIANCE of 15' to the required 15' rear yard setback for a proposed patio cover for all or a portion of Lot 61, CASITAS CORONADO zoned R-D, located on **901 CALLE CORONADO SE** (M-22)  
**1009801**
38. **13ZHE-80611** **Project#** **B.J.D. ENTERPRISES LLC., (CHILDREN'S TREATMENT CENTER)** requests a special exception to Section 14-16-3-12(A)(7): a VARIANCE of 665' to the required 1500' separation for a proposed CRP from an existing CRP for all or a portion of Lot 8, Block 7, MEADOWOOD MANOR UNIT 2 zoned R-1, located on **7001 BECK DR NE** (E-19)  
**1009794**