

CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

RCL VII LLC request(s) a special exception to  
Sawmill Wells Park Sector Development Plan  
Page 118 D. D.2. :

Special Exception No:.....**07ZHE-80060**  
**07ZHE-80061**  
**07ZHE-80062**

1. a VARIANCE of 15' to the 25' front yard setback area requirement for a proposed warehouse / office;
2. a VARIANCE of 20' to the 25' side yard setback area requirement for a proposed ware/houseoffice; and
3. a VARIANCE of 15' to the 25' rear yard setback area requirement for a proposed warehouse/office

Project No: .....**Project# 1006767**  
Hearing Date: .....09-26-07  
Closing of Public Record: .....09-26-07  
Date of Decision: .....10-11-07

for all or a portion of Lot(s) 2, Block(s) 2,  
HILL ACRES SUBD zoned S-MI, located on  
608 MCKNIGHT AV NW (H-14)

**STATEMENT OF FACTS:** The applicants, RCL VII LLC, request a variance of fifteen feet to the twenty-five foot front and rear yard setback area and a variance of twenty feet to the twenty-five foot side yard setback area requirement for a proposed warehouse/office. Doug Heller, agent for the applicant, testified that the proposed warehouse/office will be approximately 13,000 square feet. Hours of operation will be 6:00 am to 5:00 pm, Monday through Friday. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

**FINDINGS AND CONCLUSIONS:** I find that this parcel is exceptional as compared to other parcels in the vicinity and, therefore, meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

**DECISION:** Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on October 26, 2007 in the manner described below:

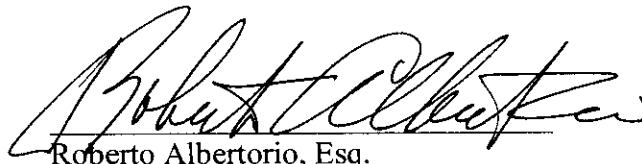
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Roberto Albertorio, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File (2)  
RCL VII, LLC, 602 McKnight Avenue NW, 87102  
Mullen Heller Architecture, PC, 924 Park Avenue SW, Ste. B, 87102  
Doug Heller, 924 Park Avenue SW, Ste. B, 87102

# SIGN-IN SHEET FOR SEPTEMBER 26, 2007

## PLEASE PRINT LEGIBLY! THANK YOU!

NAME <u>PLEASE PRINT LEGIBLY</u>	ZHE CASE #	MAILING ADDRESS, INCLUDE ZIP <u>PLEASE PRINT LEGIBLY</u>	PHONE #'S
Mary Lou Speltz	07ZHE-072HE- 80039	4109 San Antonio Ave NE 87110	H- 843-0089 C- W-
Doug Crandall	07ZHE-80068 80051 80041	9520 Macallan Rd. NE Alb. NM 87109	H- C- W-
STEVE TESKE	07ZHE-80065	9823 Rio Corto Ave SW ALB, NM 87121	H- C-249-8720 W-
Brian Salas Kavan Salas	07ZHE-80072	3211 RIO BONITO SW	H- C-507-2530 W-807-8277
Doug Heller	07ZHE-80055	924 Park Ave SW Ste B Alb NM 87102	H- C-450-3187 W-268-4144
Robert E. Romero	07ZHE-80008	1521 EDITH NE 87102	H-242-3232 C- W-
ROBERT E. Romero MARK J. SANTI Beth AKIYAMA	07ZHE-80051 07ZHE-80070 07ZHE-80070	1521 EDITH NE 1319 Sankedone NE 87110	H-242-3232 C- W- C-323-8164380 W-323-933340 W-275-8210



9/17/07 – Spoke with Fred Sais, Wells Park NA, regarding RCL, he was given their contact information for Mullen Heller Architecture.

44. 07ZHE-80060 Wells Park (R)	Project# 1006767	RCL VII LLC request(s) a special exception to Sawmill Wells Park Sector Development Plan Page 118 D. D.2. : a VARIANCE of 15' to the 25' front yard setback area requirement for a proposed warehouse / office for all or a portion of Lot(s) 2, Block(s) 2, HILL ACRES SUBD zoned S-MI, located on 608 MCKNIGHT AV NW (H-14)
45. 07ZHE-80061 Wells Park (R)	Project# 1006767	RCL VII LLC request(s) a special exception to Sawmill Wells Park Sector Development Plan Page 118 D. D.2. : a VARIANCE of 20' to the 25' sideyard setback area requirement for a proposed warehouse / office ADDN for all or a portion of Lot(s) 2, Block(s) 2, HILL ACRES SUBD zoned S-MI, located on 608 MCKNIGHT AV NW (H-14)
46. 07ZHE-80062 Wells Park (R)	Project# 1006767	RCL VII LLC request(s) a special exception to Sawmill Wells Park Sector Development Plan Page 118 D. D.2. : a VARIANCE of 15' to the 25' rear yard setback area requirement for a proposed ware / office ADDN for all or a portion of Lot(s) 2, Block(s) 2, HILL ACRES SUBD zoned S-MI, located on 608 MCKNIGHT AV NW (H-14)
47. 07ZHE-80066 Los Volcanes (R) Avalon (R) Westside Merchants (R)	Project# 1006773	KEN HOVEY request(s) a special exception to Section 14-16-2-19(B) and 14-16-2-20(B)(5) : a CONDITIONAL USE to allow for retailing which is not permissive in the I-P zone for a proposed convenience store with gasoline sales and carwash for all or a portion of Lot(s) A-2-C-2, CLIFFORD WEST BUSINESS PARK UNIT 3 zoned I-P, located on 501 UNSER BLVD NW (K-10)
48. 07ZHE-80046 Summit Park (R)	Project# 1006750	PRECISE BUILDERS request(s) a special exception to Section 14-16-3-3(4)(a)(1) : a VARIANCE of 3' to the 3' wall height allowance for a proposed 6' high wall in the front yard setback area for all or a portion of Lot(s) 1, Block(s) 4, LA HACIENDA ADDN zoned R-1, located on 3600 LA HACIENDA DR NE (J-16)
49. 07ZHE-80040 Southeast Heights (R)	Project# 1006738	LOUISE MALONE request(s) a special exception to Section 14-16-3-19(A)(1)(a) : a VARIANCE 3' to the 3' wall height allowance for a proposed 6' high wall in the front yard setback area for all or a portion of Lot(s) 17, Block(s) 6, GRANADA HEIGHTS zoned R-1, located on 317 MORNINGSIDE DR SE (K-17)
50. 07ZHE-80067 Santa Barbara Martineztown (R)	Project# 1006774	VERONICA J. DOMINGUEZ request(s) a special exception to Section 14-16-3-19(A)(2)(a) : a VARIANCE of 3' to the 3' fence height allowance for a existing 6' fence in the front yard setback area for all or a portion of Lot(s) 1, CHAVEZ-CAROLYN zoned SU-2 R-1, located on 1607 EDITH BLVD NE (J-15)
51. 07ZHE-80068 Santa Barbara Martineztown (R)	Project# 1006774	VERONICA J. DOMINGUEZ request(s) a special exception to Section 14-16-3-19(A)(2)(a) : a VARIANCE of 3' to the 3' fence height allowance for a existing 6' high fence in front yard setback area for all or a portion of Lot(s) 1, CHAVEZ-CAROLYN zoned SU-2 R-1, located on 1607 EDITH BLVD NE (J-15)
52. 07ZHE-80052 No Associations	Project# 1006757	ADRIANA CORTINA & HECTOR LOPEZ request(s) a special exception to Section 14-16-2-6-(B)(14) : a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for a proposed 5' high wall for all or a portion of Lot(s) 1, Block(s) 2, ABAJO ADDN zoned SU-2 MR, located on 2117 WILLIAM ST SE (L-14)
53. 07ZHE-80054 Downtown NA (R)	Project# 1006759	DAVID & SUSAN BRYCH request(s) a special exception to Section 14-16-3-3(A)(4)(a)(3) and 14-16-2-6(B)(14)(a) : a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for a proposed 5' high wall for all or a portion of Lot(s) 47, Block(s) K, MIDVALE zoned SU-2 SF, located on 927 11TH ST NW (J-13)
54. 07ZHE-80059 Bel Air (R)	Project# 1006766	LAURELYN R. KERSEY & JAMES J. FITZPATRICK request(s) a special exception to Section 14-16-2-6(B)(14)(a)1 : a CONDITIONAL USE to allow for a wall over 3' in height in the front yard setback area for a proposed 5' high wall for all or a portion of Lot(s) 7, Block(s) 11, BEL AIR zoned R-1, located on 2717 MANZANO ST NE (H17)

**CITY OF PLANNING  
PLANNING DEPARTMENT  
PROPERTY OWNERSHIP LIST**

**Meeting Date:** September 26, 2007  
**Zone Atlas Page:** H-14  
**Notification Radius:** 100 Ft.

**Project# 1006767**  
**App#07ZHE-80060**

**Cross Reference and Location:** 608 MCKNIGHT AVE NW / HILL ACRES  
SUBDIVISION

**Applicant:** RCL VII LLC  
602 MCKNIGHT AVE NW  
ALBUQUERQUE, NM 87102

**Agent:** MULLEN HELLER ARCHITECTURE PC  
924 PARK AVE STE B  
ALBUQUERQUE, NM 87102

**Special Instructions:**

**Notice must be mailed from the  
City's 15 day's prior to the meeting.**

**Date Mailed:** SEPTEMBER 11, 2007  
**Signature:** ERIN TREMLIN



# 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

PROFESSIONAL/AGENT NAME (FIRST, LAST) Mullen Heller Architecture PC (H) \_\_\_\_\_  
MAILING ADDRESS 924 Park Ave Suite B (W) 505-208-4144  
CITY Albuquerque STATE NM ZIP CODE 87102 (C) \_\_\_\_\_  
OWNER NAME (FIRST, LAST-IF ANY) RCL VII LLC (H) \_\_\_\_\_  
MAILING ADDRESS 602 McKnight Ave NW (W) 505-242-1783  
CITY Albuquerque STATE NM ZIP CODE 87102 (C) \_\_\_\_\_

## LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 608 McKnight Ave NW ZIP CODE 87102  
LOT(S) 2 TRACT(S) \_\_\_\_\_ BLOCK(S) 2  
SUBDIVISION / ADDITION / MRGCD MAP NO. Hill Acres Subdivision  
UNIFORM PROPERTY CODE 101405917710831709

### CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here

EH

### 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 AND FENCES  
IN THE FRONT AND STREET SIDE YARD SETBACKS.**  
Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

Initial Here

NA

### 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

b. edm

DATE

20 Aug 07

### ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 10 06767

APPLICATION #: 07 ZHE 90060

### 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. Page 118 D. D. 2. REFERENCE SECTION NO. \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION A Variance of 15 foot to the required 25 ft. frontyard setback area

SECTOR DEVELOPMENT AREA: Squimill - Wells Park

ZONED: S-M I

ZONE MAP PAGE: H-14

NO. OF SIGNS ISSUED: 2

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION 608 McKnight Av NW

FEE: \$145.00

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME)

David Kilpatrick

DATE

8-21-07

(APN) 441018 / 4971000 \$ 35.00

(SEA) 441006 / 3927000 \$ 100.00

(CMP) 441032 / 3424000 \$ 10.00

09-26-07  
DATE OF PUBLIC HEARING

# SUPPLEMENTAL SHEET FOR SPECIAL EXCEPTION APPLICATION

PROJECT #: 1006767

APPLICATION #: 07ZHE80061

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. Page 118 D. D. 2. REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION A Variance of 20 feet to the required 25 foot side yard setback

PROJECT #: 1006767

APPLICATION #: 07ZHE80062

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. Page 118 D. D. 2. REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION A variance of 15 feet to the required 25 ft. rear yard setback req

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

APPLICATION #: \_\_\_\_\_ Z H E \_\_\_\_\_

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

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

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

APPLICATION #: \_\_\_\_\_ Z H E \_\_\_\_\_

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

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

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

APPLICATION #: \_\_\_\_\_ Z H E \_\_\_\_\_

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

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

R e c	UPC CODE	OWNER	OWNER ADDRES S	OWN ER CITY	O W N E R S T A T E	OW NE R ZIP CO DE	PR OP ER TY CL AS S	TA X DI ST RI CT	LEGAL
1	101405 917107 131307	C & D PROPERTIES LLC	601 HAI NES NW	ALB UQU ERQ UE	N M	871 02	C	A1 AM	LOT 7A PLAT OF LOT 7A BLK 8 OF THE BEZEMEK ADDN CONT 91,633 SQ FT M/L
2	101405 921208 631405	CHILDERS YILDIZ G	1004 CU ATRO CE RROS S E	ALB UQU ERQ UE	N M	871 23	C	A1 AM	LTS 1B & 2B BLK 7 (AKA SWLY PORTS OF LTS 1 & 2 & LT 3 & PORT OF LT 8 & 10 EXC PORTS OUT T O R/W) BEZEMEK ADDN CONT 121,332 SQ FT M/L
3	101405 914710 931701	CLOUGHLY MARY L B	PO BOX 1 063	CLA REM ONT	C A	917 11 106 3	C	A1 AM	LOTS 1 THRU 12 BLOCK 9 BEZEMEK ADDITION C ONT 2.1184 AC
4	101405 917210 931711	PADILLA ADAM J & C IPRIE	612 MC KNIGHT NW	ALB UQU ERQ UE	N M	871 02	R	A1 AM	LTS 3-A & 3-B BLK 2 HILLS ADD'N CONT .5082 AC
5	101405 917710 831709	GRIEGO TILLIE & JO SEPH R MIRABAL & BETTY ANN PARKS	625 MO UNTAIN R D NW	ALB UQU ERQ UE	N M	871 02 201 3	R	A1 AM	* 002 002HILLS ADD
6	101405 922110 531718	HIGGNS CATHERINE M	2217 MA RKHAM SW	ALB UQU ERQ UE	N M	871 05	C	A1 AM	LOT B BEZEMEK ADD & LOT 1 BLK 2 HILLS ADD
7	101405 920211 031411	RCL VII LLC	602 MCK NIGHT N W	ALB UQU ERQ UE	N M	871 02	C	A1 AM	LOT 7-A BLOCK 7 PLAT OF LOT 7- A BLOCK 7 BEZEMEK ADDITION CONT .4516 AC
8	101405 917014 731914	KABANA INC	616 INDI AN SCHO OL RD N W	ALB UQU ERQ UE	N M	871 02 123 1	C	A1 AM	TRACT A LANDS OF KABANA MRGCD MAP 36 CO NT 89,921 SQ FT +-
9	101405 918606 131314	KIRSCH JAMES E & HELEN H & KARL E DBA O'MALLEY GLA SS	PO BOX 2 5665	ALB UQU ERQ UE	N M	871 25 066 5	C	A1 AM	WLY PORTION OF LOT 8 BLK 7 BEZEMEK ADDN & VACATED ELY 30 FT OF 6TH ST NW A
1 0	101405 917109 431720	CLOUGHLY CECILIA LOUISE	4305 PIE DMONT MESA	CLA REM ONT	C A	917 11	V	A1 AM	LOTS C AND D BEZEMEK ADDN

Or Current Resident  
C & D PROPERTIES LLC  
601 HAINES NW  
ALBUQUERQUE, NM 87102

Or Current Resident  
CHILDERS YILDIZ G  
1004 CUATRO CERROS SE  
ALBUQUERQUE, NM 87123

Or Current Resident  
CLOUGHLY CECILIA LOUISE  
4305 PIEDMONT MESA  
CLAREMONT, CA 91711

Or Current Resident  
CLOUGHLY MARY L B  
PO BOX 1063  
CLAREMONT, CA 91711 1063

Or Current Resident  
GRIEGO TILLIE & JOSEPH R  
MIRABAL & BETTY ANN PARKS  
625 MOUNTAIN RD NW  
ALBUQUERQUE, NM 87102 2013

Or Current Resident  
HIGGNS CATHERINE M  
2217 MARKHAM SW  
ALBUQUERQUE, NM 87105

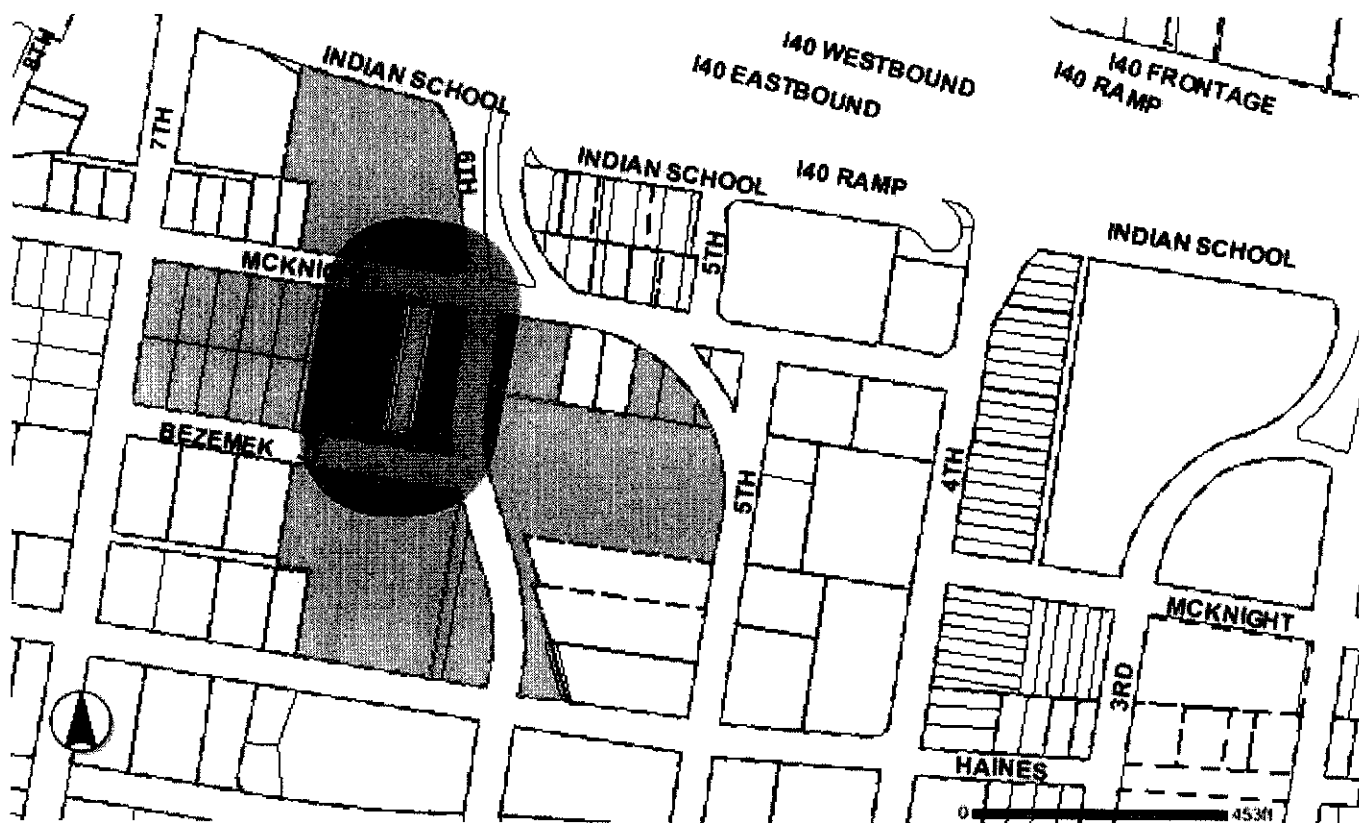
Or Current Resident  
KABANA INC  
616 INDIAN SCHOOL RD NW  
ALBUQUERQUE, NM 87102 1231

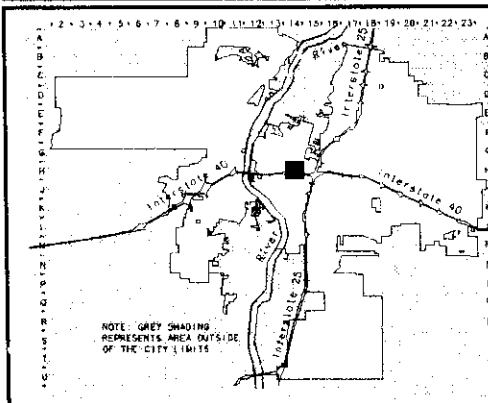
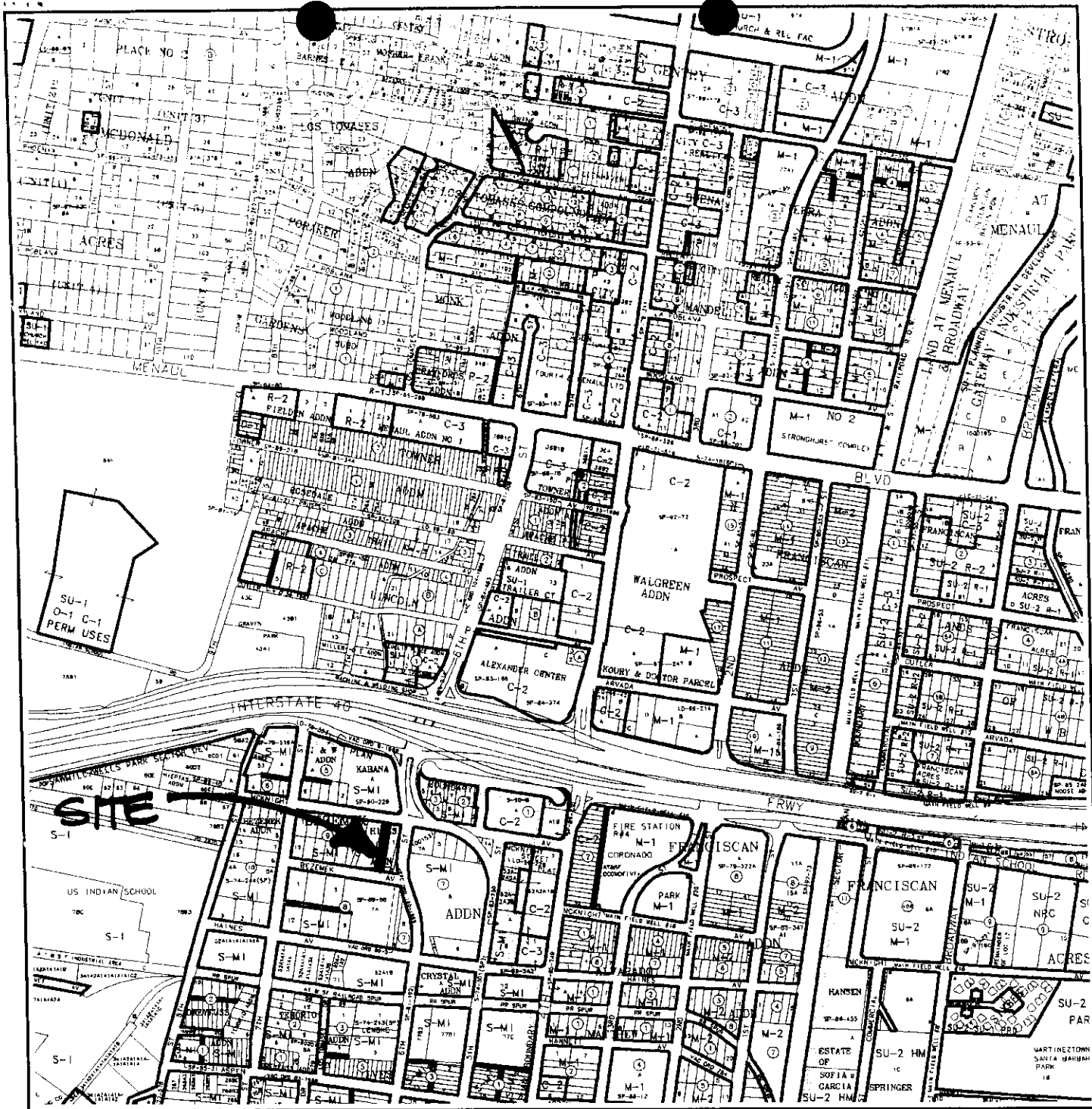
Or Current Resident  
KIRSCH JAMES E & HELEN H & KARL  
E DBA O'MALLEY GLASS  
PO BOX 25665  
ALBUQUERQUE, NM 87125 0665

Or Current Resident  
PADILLA ADAM J & CIPRIE  
612 MC KNIGHT NW  
ALBUQUERQUE, NM 87102

Or Current Resident  
RCL VII LLC  
602 MCKNIGHT NW  
ALBUQUERQUE, NM 87102

Project# 1006767  
MULLEN HELLER ARCHITECTURE PC  
924 PARK AVE STE B  
ALBUQUERQUE, NM 87102





**A G I S**  
 Albuquerque Geographic Information System  
 PLANNING DEPARTMENT

© Copyright 2003

GRAPHIC SCALE IN FEET



**Zone Atlas Page**

**H-14-Z**

Map Amended through September 19, 2003



# 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

PROFESSIONAL/AGENT NAME (FIRST, LAST) Mullen Heller Architecture PC (H) \_\_\_\_\_  
MAILING ADDRESS 924 Park Ave Suite B (W) 505-248-4144  
CITY Albuquerque STATE NM ZIP CODE 87102 (C) \_\_\_\_\_  
OWNER NAME (FIRST, LAST-IF ANY) RCL VII LLC (H) \_\_\_\_\_  
MAILING ADDRESS 602 McKnight Ave NW (W) 505-242-1783  
CITY Albuquerque STATE NM ZIP CODE 87102 (C) \_\_\_\_\_

## LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 602 McKnight Ave NW ZIP CODE 87102  
LOT(S) 2 TRACT(S) \_\_\_\_\_ BLOCK(S) 2  
SUBDIVISION / ADDITION / MRGCD MAP NO. Hill Acres Subdivision  
UNIFORM PROPERTY CODE 101405917710831709

## CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here

th

## 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 AND FENCES  
IN THE FRONT AND STREET SIDE YARD SETBACKS.**  
Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

Initial Here

NA

## 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

b.ahn

DATE

20 Aug 07

## ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 10 06767

APPLICATION #: 07 ZHE 90060

## 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. Page 118 D. D. 2. REFERENCE SECTION NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION A Variance of 15 foot to the required 25 ft. frontyard setback area

SECTOR DEVELOPMENT AREA: Squawmill - Wells Park

ZONED: S-M I ZONE MAP PAGE: H-14 NO. OF SIGNS ISSUED: 2

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION 608 McKnight Av NW FEE: \$145.00

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) David Kilpatrick DATE 8-21-07 (APN) 441018 / 4971000 \$ 35.00

DATE OF PUBLIC HEARING 09-26-07 (SEA) 441006 / 3927000 \$ 100.00

(CMP) 441032 / 3424000 \$ 10.00

## **SPECIAL EXCEPTION PROCEDURE**

### **APPLICATION**

#### **A. Pre-Application Discussion**

While it is not a requirement, discussion of the proposed application with the Zoning Enforcement Officer is strongly recommended prior to application filing. The purpose of the discussion is to advise the applicant of the relevant facts and criteria. The Zoning Hearing Examiner **cannot** comment on the merits of an application prior to the public hearing.

#### **B. Criteria For Decision**

By Ordinance, the Zoning Hearing Examiner may not approve a Special Exception unless the applicant demonstrates that certain criteria have been met. The Zoning Enforcement Office will provide the requirements for your Special Exception request.

#### **C. Drawings**

1. Submit three (3) copies of a site plan, building development plan, drawing of other related information on reproducible paper no smaller than 8 ½ inches by 14 inches and using a scale of at least 1 inch = 20 feet.
2. The submitted drawing shall show the following:
  - a. All dimensions of property and buildings and all structures on adjoining lots that are within 25 feet of the proposed Special Exception.
  - b. If the Special Exception requested is a variance, please show clearly the point of variance and the height, width, and any appropriate dimensions of structures and/or parking spaces
  - c. A "north" directional arrow and scale.

#### **D. Public Hearing Schedule**

Contact the Zoning Hearing Examiner at 924.3918 for a schedule of public hearings. This information is also provided on the City of Albuquerque Website [www.cabq.gov](http://www.cabq.gov). Additional information on application procedures is available from the Zoning Enforcement Office at 924.3850.

### **SIGN POSTING**

- A. The applicant is responsible for posting and maintaining one or more signs as instructed by the Zoning Enforcement Office.
- B. Signs shall be posted for fifteen (15) days prior to the hearing.
- C. The applicant is responsible for removing such signs within five (5) days after the completion of the public hearing.
- D. The sign shall be conspicuously located within twenty (20) feet of the public sidewalk or edge of public street.
- E. The face of the sign shall be parallel to the street and the bottom of the sign shall be two (2) to seven (7) feet off the ground. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.
- F. Failure to properly post and maintain sign(s) is grounds for deferral. Replacement signs for those lost or damaged are available from the Zoning Enforcement Office at a charge of \$3.00 each.

### **ZONING HEARING EXAMINER'S PUBLIC HEARING**

- A. The purpose of the public hearing is to give the general public and/or adjacent property owners opportunity to discuss and speak for or against the request and to elicit additional information which may have bearing on the request. The applicant and/or agent must be present at the hearing to speak on behalf of the request and respond to questions.
- B. Decision by the Zoning Hearing Examiner may be deferred if additional information or advertising is determined to be necessary.
- C. All front and side yard wall requests are required to be reviewed by the Traffic Analysis Supervisor prior to the public hearing. **Applicants are responsible to obtain comments from the Traffic Analysis Supervisor prior to the public hearing.**
- D. The Zoning Hearing Examiner may reach a decision either at the public hearing or within fifteen (15) days of the public hearing. In either case, the applicant and all interested parties will receive a Notice of Decision through the mail.
- E. The Zoning Hearing Examiner's decision on the request may be to approve, approve with conditions, or deny.
- F. The decision is final unless appealed to the Board of Appeals within fifteen (15) days of the date listed on the Notice of Decision. Further appeal is to the City Council. No building permit may be issued until all appeal periods have expired.
- G. Approval of a Special Exception application is void after one (1) year from the date of approval listed on the Notice of Decision if the rights and privileges granted have not been used.

### **CONSTRUCTION PERMIT**

- A. Approval of an application for a Special Exception does not constitute approval of plans for a construction permit.
- B. The Notice of Decision must accompany the construction permit application.

# SUPPLEMENTAL SHEET FOR SPECIAL EXCEPTION APPLICATION

PROJECT #: 1006767

APPLICATION #: 07ZHE80061

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. Page 118 D. D. 2.

REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION A Variance of 20 feet to the required 25 foot side yard setback

PROJECT #: 1006767

APPLICATION #: 07ZHE80062

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. Page 118 D. D. 2.

REFERENCE NO: \_\_\_\_\_

(LEGAL AD) ACTION DESCRIPTION A variance of 15 feet to the required 25 ft. rear yard setback area

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

APPLICATION #: \_\_\_\_\_ Z H E \_\_\_\_\_

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

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

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

APPLICATION #: \_\_\_\_\_ Z H E \_\_\_\_\_

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

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

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

APPLICATION #: \_\_\_\_\_ Z H E \_\_\_\_\_

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

(LEGAL AD) ACTION DESCRIPTION \_\_\_\_\_

**ZONE GRID**

No Features found.

**OWNERSHIP**

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OV ZIP
1	101405917710831709	GRIEGO TILLIE & JOSEPH R MIRABAL & BETTY ANN PARKS	625 MOUNTAIN RD NW	ALBUQUERQUE	NM	8710

**ZONING**

Rec	ZONING	DESCRIPTION
1	S-MI	

**ZONE GRID**

Rec	ZONE ATLAS GRID
1	H14

**PARCELS**

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION	PIN
1	608	MCKNIGHT	AV	NW	2	2	HILLS ADDN	ABQ101795

**ZONE GRID**

No Features found.

**ZONE GRID**

No Features found.

**NEIGHBORHOODS**

Rec	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONNAME	COASDE.AGIS.NEIGHBORHOODASSOCIATIONS.ASSOCIATIONST.
1	WELLS PARK	R

**SECTOR PLANS**

Rec	SECTOR PLAN NAME
1	SAWMILL-WELLS PARK

**COUNCIL**

Rec	COUNCILOR NAME	COUNCIL DISTRICT
1	O'MALLEY	2

**ZIPCODES**

Rec	ZIPCODE
1	87102

## S-MI Zone

## NOTES AND ILLUSTRATIONS

### C. LOT SIZE:

Lots subdivided after the adoption of the Sector Plan shall not exceed 50,000 square feet.

C. 50,000 square feet lots will support the permitted uses and be compatible with the existing scale of development.

### D. SETBACK:

D.1. Front and rear yard setbacks shall be a minimum of 10 feet.

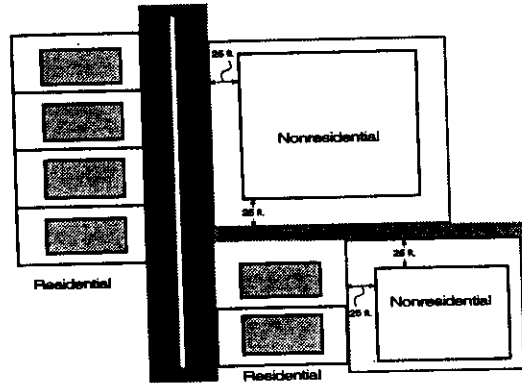
D.2. Front, side, and rear yard setbacks of nonresidential buildings contiguous to or across a street or trail from a residential zone or a residential use other than a residential/work space within the S-MI Zone or adjacent to a public recreational trail shall be a minimum of 25 feet.

D.3. Front, side and rear yard setbacks from the junction of driveway or alley and a public sidewalk or planned public sidewalk location shall be a minimum of 11 feet.

### E. OFF-STREET PARKING:

Off-street parking shall be as provided in the Off-Street Parking Regulations of the Comprehensive Zoning Code.

D.2.



**Special Exception Application**  
**Legal Description: Lot 2, Block 2, Hill Acres Subdivision**

**Reason for Request**

The owner of this property has a commitment to the integrity and continued improvement of the Sawmill area and is asking for a variance to the setbacks required when a nonresidential building is contiguous to a residential use. The owner's current building, which is adjacent to this property to the west, was built before the Sawmill Sector Development Plan had been adopted and therefore was allowed to be built within 5' of the property line even though there was an adjacent residential use at that time. The owner of this property intends to develop this lot with the same quality and design aesthetic as the building to the east.

**Part A**

This property is located in the Sawmill area, and falls within the Sawmill Sector Development Plan. The current zoning is S-MI, which is the zoning of the properties on each side of it, as well. The area of the site is .30 acres. To the east is an office building, and to the west is a residential and industrial use.

The condition that makes this property exceptional is the extreme narrowness of the site; it is only 50' wide. This coupled with the length of the property, which is 260', results in a site that has a limited buildable area and limited access. The buildable area is indicated on the attached site plan.

**Part B**

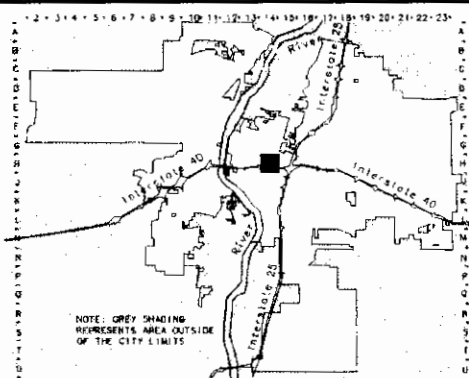
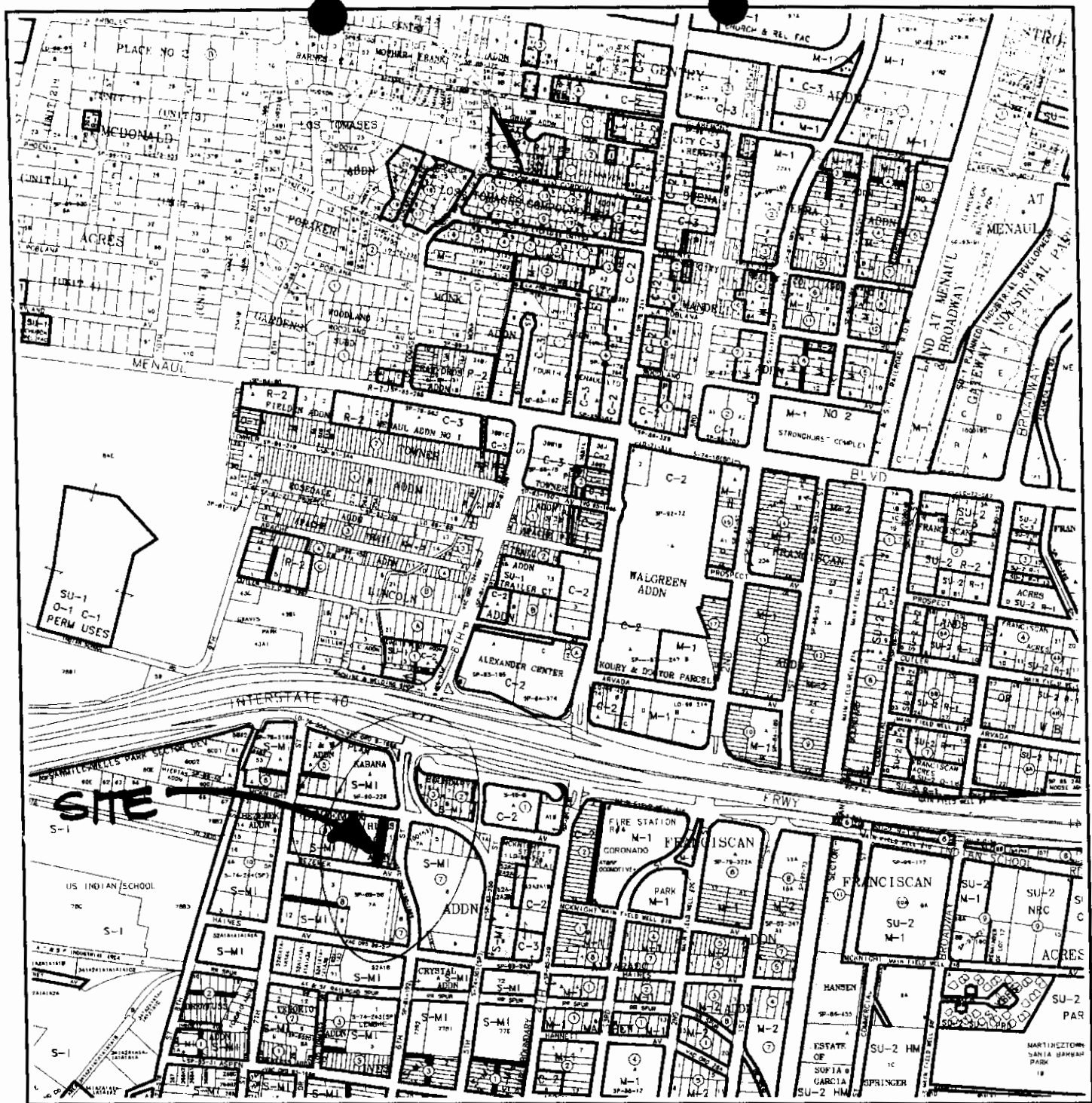
Within the S-MI zone, the front, side and rear yard setbacks of a nonresidential building contiguous to a residential use shall be a minimum of 25 feet. As a result of the narrowness of the property, these setbacks take up more than half of the area of the property, and more notably approximately 60% of the property is unbuildable. With less than half of the lot area available, the owner cannot reasonably develop the property to its fullest extent. This is not only an unjustified limitation of the owner's reasonable use, but also deprives the owner of a reasonable development of the property.

**Part C**

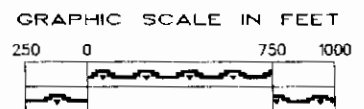
The proposed development for this property will include an office/warehouse use. These uses are permissive within the S-MI zone. For the existing uses to the west, the majority of that site is currently used as storage with a residential use located near the north end of the property. The improvement of this property will start to provide a comprehensive development along this block within the Sawmill area.

In summary, with this application we are requesting a variance to the 25' setback required when a nonresidential use is contiguous with a residential one. The current zoning requires a 10' front and rear yard setback where a residential use is not part of the equation. We are requesting a 10' front and 10' rear setback and a 5' side yard setback in lieu of the 25' requirement.





**ALBUQUERQUE**  
Geographic Information System  
**PLANNING DEPARTMENT**  
© Copyright 2003



**Zone Atlas Page**

**H-14-Z**

Map Amended through September 19, 2003