<table>
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<tr>
<th>Section</th>
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<tbody>
<tr>
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CITY OF ALBUQUERQUE

Albuquerque, New Mexico
Planning Department

INTER-OFFICE MEMORANDUM

August 5, 2021

TO: Cynthia Borrego, President, City Council
FROM: Brennon Williams, Planning Director
SUBJECT: AC-21-11, Project-2021-005392, VA-2021-00112:
Dolores Morales, agent for Janet Fuentes, appeals the Zoning Hearing
Examiner’s decision to deny a variance for a six (6) foot wall for Lot 1, Block B,
Torreon Addition, Anderson & Thaxton Replat, located at 700 Gibson Blvd. SE,
and zoned NR-C Non-Residential Commercial [reference Section 14-16-5-7(D)]

OVERVIEW

The Applicant filed a request with the Zoning Hearing Examiner (ZHE) for a variance to allow a six
(6) foot tall wall to be located at 700 Gibson Blvd. SE, and zoned NR-C. The variance request was
scheduled and heard by the ZHE at the June 15, 2021, public hearing.

In the Notice of Decision issued June 30, 2021, the ZHE determined that the Applicant failed to meet
their burden to justify the request and identify the special circumstances which impact the subject
site differently than other properties in the vicinity. As a result, the ZHE denied the application.

On July 13, 2021, an appeal of the ZHE’s decision was filed.

BASIS FOR APPEAL

Section 14-16-6-4(V)(4) of the Integrated Development Ordinance (IDO) outlines the applicable
criteria for the appeal in determining whether the ZHE erred in his decision:

6-4(V)(4) Criteria for Decision
The criteria for review of an appeal shall be whether the decision-making body
or the prior appeal body made 1 of the following mistakes:
(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or
capriciously.
(b) The decision being appealed is not supported by substantial evidence.
(c) The decision-making body or the prior appeal body erred in applying the requirements
of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

STAFF RESPONSE
The reason for the appeal, excerpted from Appellant’s letter, is listed below. A bulleted, italicized response from the Planner for the ZHE has also been provided. Please see the Appellant’s letter and submittal packet for additional details.

The Appellant stated that the application was “denied without explanation as to why.”

- **The City of Albuquerque Integrated Development Ordinance reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:**
  1. There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
  2. The Variance will not be materially contrary to the public safety, health, or welfare.
  3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
  4. The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
  5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”

- **The Zoning Hearing Examiner’s Notice of Decision dated June 30, 2021, finding #10, states“evidence was submitted asserting that the area surrounding the Subject Property is unsafe, because of trespassing by criminals and homeless people. While these circumstances are certainly not self-imposed, they appear to apply generally to other property in the same vicinity. Applicant failed to identify any way these circumstances impact the Subject Property differently than they affect other properties in the vicinity. Therefore, there appears no special circumstance...”**

/Lorena Patten-Quintana/
Lorena Patten-Quintana, ZHE Planner
Office of the Zoning Hearing Examiner
City of Albuquerque Planning Department
"AC-21-11 Memo" History

Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2021-08-10 - 9:39:55 PM GMT - IP address: 143.120.133.160

Document emailed to BN Williams (bnwilliams@cabq.gov) for signature
2021-08-10 - 9:41:26 PM GMT

Document e-signed by BN Williams (bnwilliams@cabq.gov)
Signature Date: 2021-08-10 - 9:58:57 PM GMT - Time Source: server - IP address: 143.120.133.65

Agreement completed.
2021-08-10 - 9:58:57 PM GMT
Janet Fuentes (Agent, Dolores Morales) requests a variance for a 6 foot wall for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Special Exception No:............ VA-2021-00112
Project No:.....................Project#2021-005392
Hearing Date:.................06-15-21
Closing of Public Record:.....06-15-21
Date of Decision:..............06-30-21

On the 15th day of June, 2021, Dolores Morales, agent for property owner Janet Fuentes (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance for a 6 foot wall (“Application”) upon the real property located at 700 Gibson BLVD SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance for a 6 foot wall.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “… an application for a Variance-ZHE shall be approved if it meets all of the following criteria:

   (1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

   (2) The Variance will not be materially contrary to the public safety, health, or welfare.

   (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

   (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.

   (5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”

3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Agent for property owner appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned NR-C.
8. The proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
9. The Applicant has authority to pursue this Application.
10. To establish the first prong of the variance test, evidence was submitted asserting that the area surrounding the Subject Property is unsafe, because of trespassing by criminals and homeless people. While these circumstances are certainly not self-imposed, they appear to apply generally to other property in the same vicinity. Applicant failed to identify any way these circumstances impact the Subject Property differently than they affect other properties in the vicinity. Therefore, there appears no special circumstance under Section 14-16-6-6(N)(3)(a)(1).
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(N)(3)(a)(1), the Application must be denied.

DECISION:

DENIAL of a variance for a 6 foot wall.

APPEAL:

If you wish to appeal this decision, you must do so by July 15, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

_______________________________
Robert Lucero, Esq.
Zoning Hearing Examiner

cc:
ZHE File
Zoning Enforcement
Dolores Morales, reyes904@live.com
## Development Review Application

**City of Albuquerque**

**DEVELOPMENT REVIEW APPLICATION**

Effective 4/17/19

Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

<table>
<thead>
<tr>
<th>Administrative Decisions</th>
<th>Decisions Requiring a Public Meeting or Hearing</th>
<th>Policy Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Archaeological Certificate (Form P3)</td>
<td>☐ Site Plan – EPC including any Variances – EPC (Form P1)</td>
<td>☐ Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)</td>
</tr>
<tr>
<td>☐ Historic Certificate of Appropriateness – Minor (Form L)</td>
<td>☐ Master Development Plan (Form P1)</td>
<td>☐ Adoption or Amendment of Historic Designation (Form L)</td>
</tr>
<tr>
<td>☐ Alternative Signage Plan (Form P3)</td>
<td>☐ Historic Certificate of Appropriateness – Major (Form L)</td>
<td>☐ Amendment of IDO Text (Form Z)</td>
</tr>
<tr>
<td>☐ Minor Amendment to Site Plan (Form P3)</td>
<td>☐ Demolition Outside of HPO (Form L)</td>
<td>☐ Annexation of Land (Form Z)</td>
</tr>
<tr>
<td>☐ WTF Approval (Form W1)</td>
<td>☐ Historic Design Standards and Guidelines (Form L)</td>
<td>☐ Amendment to Zoning Map – EPC (Form Z)</td>
</tr>
<tr>
<td></td>
<td>☐ Wireless Telecommunications Facility Waiver (Form W2)</td>
<td>☐ Amendment to Zoning Map – Council (Form Z)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appeals</td>
</tr>
<tr>
<td></td>
<td></td>
<td>☒ Decision by EPC, LC, ZHE, or City Staff (Form Z)</td>
</tr>
</tbody>
</table>

### Application Information

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Janet Fuentes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>700 Gibson Blvd SE</td>
</tr>
<tr>
<td>City</td>
<td>Albuquerque</td>
</tr>
<tr>
<td>State</td>
<td>NM</td>
</tr>
<tr>
<td>Zip</td>
<td>87106</td>
</tr>
<tr>
<td>Phone</td>
<td>(505) 274-2081</td>
</tr>
<tr>
<td>Email</td>
<td>Janet@auto sales.com</td>
</tr>
</tbody>
</table>

| Professional/Agent (Party) | Dolores Morales |
| Address | 904 Broadway NE |
| City | Albuquerque |
| State | NM |
| Zip | 87102 |
| Phone | (505) 948-9171 |
| Email | reyes904@live.com |

### Brief Description of Request

Build 6' wood, 2nd Iron fence along the perimeter of the property.

Gibson side is commercial. Edith side (residential) – request to add.

### Site Information

<table>
<thead>
<tr>
<th>Lot or Tract No.</th>
<th>Lot 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block</td>
<td>B</td>
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<tr>
<td>Unit</td>
<td></td>
</tr>
<tr>
<td>Subdivision/Addition:</td>
<td>Tucson Add Anderson Tracto</td>
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<tr>
<td>MRGCD Map No.</td>
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<tr>
<td>UPC Code</td>
<td>1014 056439 00684503</td>
</tr>
<tr>
<td>Zone Atlas Page(s):</td>
<td>Existing Zoning: NR-C</td>
</tr>
<tr>
<td># of Existing Lots</td>
<td># of Proposed Lots</td>
</tr>
<tr>
<td>Total Area of Site (acres):</td>
<td></td>
</tr>
</tbody>
</table>

### Location of Property by Streets

<table>
<thead>
<tr>
<th>Site Address/Street</th>
<th>700 Gibson Blvd SE Between: I-25 and: Broadway</th>
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</table>

### Case History

<table>
<thead>
<tr>
<th>Project #</th>
<th>2021-005392</th>
<th>WA-2021-00112</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td>Dolores Morales</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>7-13-21</td>
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### FOR OFFICIAL USE ONLY

<table>
<thead>
<tr>
<th>Case Numbers</th>
<th>Action</th>
<th>Fees</th>
<th>Case Numbers</th>
<th>Action</th>
<th>Fees</th>
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<tbody>
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<table>
<thead>
<tr>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Staff Signature</th>
<th>Date</th>
<th>Project #</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

☐ APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)

☐ APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)

☐ APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

  __ Interpreter Needed for Hearing? ☐ if yes, indicate language: ______________

  __ A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

  __ Project number of the case being appealed, if applicable: # 2021-005392

  __ Application number of the case being appealed, if applicable: ______________

  __ Type of decision being appealed: DENIED

  __ Letter of authorization from the appellant if appeal is submitted by an agent

  __ Appellant’s basis of standing in accordance with IDO Section 14-16-6-4(U)(2)

  __ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)

  __ Copy of the Official Notice of Decision regarding the matter being appealed

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: __________________________ Date: 7-13-21
Printed Name: DOLORES MORALES

FOR OFFICIAL USE ONLY

Case Numbers: __________________________ Project Number: __________________________

Staff Signature: __________________________ Date: __________________________

Revised 2/6/19
July 12, 2021

To whom this may concern:
Attention: Zoning and Development Review Department

I, Dolores Morales, am agent for Mrs. Janet Fuentes for the hearing that was held on the 15th of June 2021. The request for the variance on a 6-foot fence around the property on 700 Gibson Ave SE, was not approved. The decision was denied without any explanation as to why. The zone is a NR-C. It is commercial, it will be used as a commercial business. Any clarification from the review staff would be helpful to understand the denied letter.

Janet Fuentes is a business owner of the car lot on Woodward and Broadway. She has been in this business several years at this location. Property owner for this space has given Mrs. Fuentes noticed that the lease will not be renewed, with no other option but to move their business somewhere else.

Mrs. Fuentes owns the property at 700 Gibson. She asked that I help her with the variance to build a 6-foot fence around her property so she can develop her business there. As we walked the property as well as the surrounding areas, we did notice the body shop across the street does have a 6-foot-tall wrought iron fence. Down the street there is block wall and gates that are 6 feet tall, taking those properties into consideration we did consider applying for the variance, not seeing any inconvenient anyone or the neighborhood. It would actually enhance and upgrade the look of the area. The fence would meet what the city request are; having visibility for first responders, it would not have any obstruction to the front of the building, and the spacing of the steel wrought iron fencing would be met.

As previously mentioned, her business is a car lot. Sales is her main source of income. Having a 6-foot fence to protect her “merchandise” the cars is crucial. 3 feet wall will not be safe for her business. Several businesses around this property have a secure 6-foot enclosure. When discussing the idea of requesting a variance to enclose this property, all 4-business agreed that would be the best
thing for that corner. They shared the same stories Mrs. Fuentes has seen happen to this lot. The high traffic of homeless population in that area, has made that empty corner a very vulnerable. You have tents going up (squatting), hazardous materials (used needles and other paraphernalia), trash, used appliances and household goods. This lot since ownership of Mrs. Fuentes has never been notified of clean up from the city, she has maintained it from weeds and trash.

All she wants is to protect her property from what she has experienced and being exposed to theft as well as vandalism. As property owner, business owner, and tax paying citizen, she is only trying to aby the city’s request and still run her business to provide for her family. I am enclosing pictures of what she is afraid of what can happen if the fence is not as high as 6’. The pictures are acts of vandalism in her neighborhood. This neighborhood has and HOA, that limits them on not having a fenced in area for vehicles on their property. The white van with busted window and slashed tire, the burgundy SUV shot at 3 time, and her personal vehicle silver truck where the tires were stolen. Police reports can be provided upon request. Mrs. Fuentes is trying to move away from all this. With this going on at her home, she would like to have her business protected and provide for her family as well

A fence at 700 Gibson is not obstructing traffic. This fence is not causing any harm at to anyone or interfering with anything that can cause damage or inconvenience to anyone in the neighborhood. Any driver entering to Edith Street or exiting on to the main street of Gibson Blvd have visible access either way.

If there is anything we can provide or do to help reconsider your decision, please call, or email me at your earliest convenience. I am available Monday through Friday from 8 am to 5 pm. You may call the office at 505-242-6014 or my cell at 505-948-9121. I look forward to your response.

Thank you,

Dolores Morales
Janet Fuentes (Agent, Dolores Morales) requests a variance for a 6 foot wall for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Special Exception No: .......... VA-2021-00112
Project No: ..................... Project#2021-005392
Hearing Date: .................... 06-15-21
Closing of Public Record: ...... 06-15-21
Date of Decision: .................. 06-30-21

On the 15th day of June, 2021, Dolores Morales, agent for property owner Janet Fuentes ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance for a 6 foot wall ("Application") upon the real property located at 700 Gibson BLVD SE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance for a 6 foot wall.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
   (1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
   (2) The Variance will not be materially contrary to the public safety, health, or welfare.
   (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
   (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
   (5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Agent for property owner appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned NR-C.
8. The proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
9. The Applicant has authority to pursue this Application.
10. To establish the first prong of the variance test, evidence was submitted asserting that the area surrounding the Subject Property is unsafe, because of trespassing by criminals and homeless people. While these circumstances are certainly not self-imposed, they appear to apply generally to other property in the same vicinity. Applicant failed to identify any way these circumstances impact the Subject Property differently than they affect other properties in the vicinity. Therefore, there appears no special circumstance under Section 14-16-6-6(N)(3)(a)(1).
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(N)(3)(a)(1), the Application must be denied.

DECISION:

DENIAL of a variance for a 6 foot wall.

APPEAL:

If you wish to appeal this decision, you must do so by July 15, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:
ZHE File
Zoning Enforcement
Dolores Morales, reyes904@live.com
REQUEST FOR SPECIAL EXCEPTION

Date: 3/26/2021
Address of Request: 700 GIBSON BLVD SE
City: ALBUQUERQUE
Lot: 1
Subdivision: TORREON ADDN ANDERSON & THAXTONS REPLAT OF

Received By: Marcelo Ibarra

VA# 2021-00112
PR# 2021-005392

Property Owner(s): CARTER GARY
Mailing Address: 1015 EDITH BLVD SE
City: ALBUQUERQUE
Phone: 505-555-5555

Janet Fuentes (Can provide Deed)

Agent: Dolores Morales
Mailing Address: 904 Braodway Blvd NE
City: ALBUQUERQUE
Phone: 505-948-9121

Email: reyes904@live.com

Fee Total: $ 210.00

Completed Application Requirements:
- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof of Pre-application Meeting (not required for a variance)
- Proof that neighborhood meeting requirements were met
- Proof that public notice requirements were met
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting

Approved for acceptance by: JUNE 15, 21
Date: 04/18/2021
Hearing Date: 05/18/2021

ZONING OFFICIAL USE ONLY

Request for exception to IDO Section: 14-16- 5-7(D) Table 5-7-1
Description of request: Permit Wall/Fence Major

Ownership verified on AGIS

Proof of ownership included

Letter of authorization included

Case history number(s) from AGIS:

APo: Yes

CPO#: HPO#

VPO#

Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area:
2) CPO-8 states walls no more than 3 feet high, but may request a variance
5-7(C) WALL LOCATION

5-7(C)(1) Walls may be constructed anywhere on a lot, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by clear sight triangle requirements.

5-7(C)(2) Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by the DPM, including but not limited to, clear sight triangle requirements or standards for alignments and easements. Walls may not encroach into any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

5-7(D) MAXIMUM WALL HEIGHT

5-7(D)(1) Maximum Wall Height Table
Unless specified otherwise in Subsection 14-16-5-7(D)(3) (Exceptions to Maximum Wall Height) or elsewhere in this IDO, walls shall comply with the height standards in Table 5-7-1.

<table>
<thead>
<tr>
<th>Table 5-7-1: Maximum Wall Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Category</td>
</tr>
<tr>
<td>Standard Wall Height</td>
</tr>
<tr>
<td>Wall in the front yard or street</td>
</tr>
<tr>
<td>side yard[3][4][5]</td>
</tr>
<tr>
<td>Wall in other locations on the</td>
</tr>
<tr>
<td>lot[5][6]</td>
</tr>
<tr>
<td>Corner Lot Abutting Residential Zone District</td>
</tr>
<tr>
<td>Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.</td>
</tr>
<tr>
<td>&lt;10 ft. from the lot line</td>
</tr>
<tr>
<td>abutting the street[1]</td>
</tr>
<tr>
<td>≥10 ft. from the lot line</td>
</tr>
<tr>
<td>abutting the street</td>
</tr>
<tr>
<td>Walls Abutting Major Arroyos and Major Public Open Space</td>
</tr>
<tr>
<td>Wall in a rear or interior side</td>
</tr>
<tr>
<td>yard abutting a major arroyo</td>
</tr>
<tr>
<td>Wall in a rear or interior side</td>
</tr>
<tr>
<td>yard abutting Major Public Open</td>
</tr>
<tr>
<td>Space</td>
</tr>
</tbody>
</table>

[1] In the NR-BP zone district, wall heights shall be specified in the Master Development Plan. If no Master Development Plan exists or if no wall heights are specified in the Master Development Plan, then the wall height requirements in this table apply.
[2] Wall heights may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(c).
[3] Wall heights may be approved for single-family residential development pursuant to Subsection 14-16-5-7(D)(3)(d) or 14-16-5-7(D)(3)(g).
[4] Wall heights may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e).
[5] Portions of walls in the rear yard of a corner lot abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.
[6] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.
Letter of Authorization

To: Zoning Hearing Examiner
Date: June 15-4

Project #

ZHE#

I, Janet Fuentes, hereby authorize, Dolores Moraler, to act on my behalf in all matters relating to this application for Special Exception filed for my property located at 700 Gibson Blvd SE, Albuquerque, NM 87104.

Property Owner(s)* (Applicant) Printed Name: Janet Fuentes

Property Owner(s)* (Applicant) Signature: Janet Fuentes

Mailing Address: 10815 Beamer Rd Sw, Albuquerque, NM 87121

* Where a property has more than one owner, all owners must consent in writing to the filing of the application to the maximum extent practicable. In the case that not all of the property owners have consented in writing to the application, or when the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified of the application in writing at their last known address as shown on the property tax records of Bernalillo County.
Public Notice Inquiry For:
Other (please specify in field below)

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:
building a fence at 6' tall on property line

Contact Name
DOLORES MORALES

Telephone Number
15059489121

Email Address
REYES904@LIVE.COM

Company Name
REYES SONS CONSTRUCTION INC

Company Address
904 BROADWAY BLVD NE

City
ALBUQUERQUE

State
NM

ZIP
87102

Legal description of the subject site for this project:
LEGAL DESCRIPTION
LTS 1 X 2 BLK B EXC POR TO MILES RD R/W ANDERSON X THAXTON R
EPL

PARCEL ID: 1 014 056 439 068 40503

Physical address of subject site:
700 GIBSON BLVD SE

Subject site cross streets:
EDITH AND GIBSON

Other subject site identifiers:
This site is located on the following zone atlas page:
L-14

Please attach a Zone Atlas Map that clearly indicates where the subject site is located. If the site property is not platted, please attach a Zone Atlas Map that clearly indicates where the subject site is located.

No Input
Dear Applicant,

1. Below are the neighborhood associations that need to be notified of your ZHE application. Please fill in and forward the attached 1. *Letter to Neighborhood Association* to the email addresses below.

- Applications will not be accepted until a pre-submittal neighborhood meeting has been held, or no response was received within 15 calendar days of the notice being sent, or the notified Neighborhood Association declined the meeting.
- The Neighborhood Association must respond within 15 days of the sent notice and, if requested, the meeting must be scheduled within 30 days.
- A pre-submittal neighborhood meeting must be facilitated by the City's Alternative Dispute Resolution (ADR) Office.

<table>
<thead>
<tr>
<th>Association Name</th>
<th>First Name</th>
<th>Last Name</th>
<th>Email</th>
<th>Address Line 1</th>
<th>Address Line 2</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Jose NA</td>
<td>Olivia</td>
<td>Greathouse</td>
<td></td>
<td>408 Bethel Drive SE</td>
<td></td>
<td>Albuquerque</td>
</tr>
<tr>
<td>San Jose NA</td>
<td>Robert</td>
<td>Brown</td>
<td><a href="mailto:rpb4me@gmail.com">rpb4me@gmail.com</a></td>
<td>2200 William Street SE</td>
<td>Suite B</td>
<td>Albuquerque</td>
</tr>
<tr>
<td>South Broadway NA</td>
<td>Frances</td>
<td>Armijo</td>
<td><a href="mailto:fparmijo@gmail.com">fparmijo@gmail.com</a></td>
<td>915 William SE</td>
<td></td>
<td>Albuquerque</td>
</tr>
<tr>
<td>South Broadway NA</td>
<td>Tiffany</td>
<td>Broadous</td>
<td><a href="mailto:tiffany.hb10@gmail.com">tiffany.hb10@gmail.com</a></td>
<td>215 Trumbull SE</td>
<td></td>
<td>Albuquerque</td>
</tr>
</tbody>
</table>

After the neighborhood association has either declined your request in writing, or 15 days expired without a response, or a facilitated meeting was held, please notify the list of neighbors below.

2. Below is a list of property owners within 100+ feet of the subject property. Please fill in and mail the attached, 2. *Letter to Property Owners- June*. Also, please provide proof that the letters were sent. Proof can be either a receipt for postage stamps purchased or a photo of the addressed envelopes.

<table>
<thead>
<tr>
<th>Owner</th>
<th>OWNADD</th>
<th>OWNADD2</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUCERO M CARMEN</td>
<td>2221 EDITH BLVD SE</td>
<td>ALBUQUERQUE N 4913</td>
</tr>
<tr>
<td>PEREZ FERNANDO &amp; MINERVA</td>
<td>900 WALTER ST SE</td>
<td>ALBUQUERQUE N 4250</td>
</tr>
<tr>
<td>CASTILLO PATRICK M</td>
<td>PO BOX 36873</td>
<td>ALBUQUERQUE N 6873</td>
</tr>
<tr>
<td>FIGUERAS DANIEL CORRA</td>
<td>518 GIBSON BLVD SE</td>
<td>ALBUQUERQUE N 4923</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>City</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>----------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>POLK RICHARD S &amp; BARBARA J</td>
<td>PO BOX 50728</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>ALBUQUERQUE BERNALILLO COUNTY</td>
<td>PO BOX 1293</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>WATER UTILITY AUTHORITY</td>
<td></td>
<td>1293</td>
</tr>
<tr>
<td>CARTER GARY</td>
<td>1015 EDITH BLVD SE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>TELlico INVESTMENTS PROPERTIES</td>
<td>13309 HIDDEN VALLEY RD NE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>LLC</td>
<td></td>
<td>4213</td>
</tr>
<tr>
<td>GONZALES JOE PAUL &amp; CATHY</td>
<td>2222 EDITH BLVD SE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>PATRICIA</td>
<td></td>
<td>4913</td>
</tr>
<tr>
<td>CARROLL NICHLAUS J &amp; COKER</td>
<td>2217 EDITH BLVD SE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>JONNIE M G</td>
<td></td>
<td>4913</td>
</tr>
<tr>
<td>SIERRA CORINA</td>
<td>2227 EDITH BLVD SE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>CITY OF ALBUQUERQUE-ZHE</td>
<td>PO BOX 1293</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2248</td>
</tr>
<tr>
<td>ALBUQUERQUE BERNALILLO COUNTY</td>
<td>PO BOX 1293</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>WATER UTILITY AUTHORITY</td>
<td></td>
<td>1293</td>
</tr>
<tr>
<td>CHEYNE WILLIAM B &amp; ROGER J LAOIE</td>
<td>6600 EUCARIZ AVE SW</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>RAMIREZ GUSTAVO &amp; VILLAGRANA</td>
<td>9704 ASPEN AVE NE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td>RAMIREZ FILIPA</td>
<td></td>
<td>4008</td>
</tr>
<tr>
<td>DRW PROPERTIES LLC</td>
<td>6300 RIVERSIDE PLAZA LN NW SUITE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td></td>
<td>100</td>
<td>1908</td>
</tr>
<tr>
<td>GAS CO OF NEW MEXICO</td>
<td>ALVARADO SQUARE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4008</td>
</tr>
<tr>
<td>SHARRETT JAMES</td>
<td>516 GIBSON BLVD SE</td>
<td>ALBUQUERQUE N</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4923</td>
</tr>
<tr>
<td>LOPEZ MARTY &amp; KATHY</td>
<td>617 GIBSON BLVD SE</td>
<td>ALBUQUERQUE N</td>
</tr>
</tbody>
</table>

The deadline for complete applications is May 4th. Please let me know if you need assistance completing the process.

Thank you,

Suzie
Dear Applicant,

1. Below are the neighborhood associations that need to be notified of your ZHE application. Please send the Letter to Neighborhood Association to the email addresses below.

   - Applications will not be accepted until a pre-submittal neighborhood meeting has been held, or no response was received within 15 calendar days of the notice being sent, or the notified Neighborhood Association declined the meeting.
   - The Neighborhood Association must respond within 15 days of the sent notice and, if requested, the meeting must be scheduled within 30 days.
   - A pre-submittal neighborhood meeting must be facilitated by the City’s Alternative Dispute Resolution (ADR) Office.

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<td>87102</td>
</tr>
</tbody>
</table>

After the neighborhood association has either declined your request in writing, or 15 days expired without a response, or a facilitated meeting was held, please notify the list of neighbors below.
Good afternoon,

Reyes & Sons Construction Inc has been requested to build a wrought iron fence for Ms. Janet Fuentes. Her property for this project is on 700 Gibson Blvd SE, Albuquerque, NM 87106. Wrought iron fencing will be on the North side and West side and East side and South side will have block walls.

As part of the variance application process, the delivery of this email to named associations is required to move forward. The hearing date I am aiming for will be on June 15th.

The height we are requesting for all walls are at 6 feet tall around the perimeter. In an order to be able to request this permit
If you have any questions or concerns on this project, please feel free to reply to this email address or call me if needed. My name is Dolores Morales, you can reach me at 505-948-9121.

Have a great week

Dolores Morales
Reyes & Sons Construction Inc
Business Admin
Project Manager
REQUEST FOR NEIGHBORHOOD MEETING

Date: 4-23-21

To Whom This May Concern:

I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow 6-foot fence with gate on property line. Wrought iron will be open [summary of request].

Property owner: Janet Fuentes
Agent if applicable: Dolores Morales
Property Address: 401 Gibson Blvd SE, Albuquerque, NM, 87106 (zip code).

This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days. If you do not want to meet, or you support the proposal, please let me know.

Thank you,
Applicant Name: Dolores Morales
Email: request4line.com
Phone Number: (505) 948-9121

The City may require the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project, based on the complexity and potential impacts of a proposed project. For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

Please note: “You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application.”
Good Morning,

I sent out a public notice email in March about a fence project I was asked to fabricate and install. I am attaching the Neighborhood Meeting Notice which was supposed to be part of my first email. My apologies for any inconvenience.

If you have any questions on the project or the permit I am requesting for my customer, please feel free to email me at reyes904@live.com.

Have a great week.

Dolores Morales

Good afternoon,

Reyes & Sons Construction Inc has been requested to build a wrought iron fence for Ms. Janet Fuentes. Her property for this project is on 700 Gibson Blvd SE, Albuquerque, NM 87106. Wrought Iron fencing will be on the North side and West side and East side and South side will have block walls.

As part of the variance application process, the delivery of this email to named associations is required to move forward. The hearing date I am aiming for will be on June 15th.

The height we are requesting for all walls are at 6 feet tall around the perimeter. In an order to be able to request this permit
If you have any questions or concerns on this project, please feel free to reply to this email address or call me if needed. My name is Dolores Morales, you can reach me at 505-948-9121.

Have a great week

Dolores Morales
Reyes & Sons Construction Inc
Business Admin
Project Manager
Public Notice of a Proposed Project in the City of Albuquerque
Administrative Review/Decision – Electronic Mail

Date of Notice*: March 21, 2021

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) Subsection 14-16-6-4(K) Public Notice to:

Neighborhood Association (NA)*:______________________________________________

Name of NA Representative*:_________________________________________________

Email Address* or Mailing Address* of NA Representative1:________________________

Information Required by IDO Subsection 14-16-6-4(K)(1)(a)

1. Subject Property Address*
   Location Description

2. Property Owner*: Janet Fuentes

3. Agent/Applicant* [If applicable] García Morales

4. Application(s) Type* per IDO Table 6-1-1
   □ Historic Certificate of Appropriateness – Minor
   □ Sign Permit
   □ Alternative Signage Plan
   X Wall/Fence Permit
   □ Site Plan – Administrative2

Summary of project/request*:
Built and install a fence out of square tubing. Wright iron fence will be open and request to be 6 feet tall.

5. This application will be decided by staff. Please contact devhelp@cabq.gov or call the Planning Department at 505-924-3860 to speak with staff.

---

1 Pursuant to IDO Subsection 14-16-6-4(K)(5)(a), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

2 Usually submitted and reviewed as part of building permit application, which can be searched by address here: https://posse.cabq.gov/posse/pub/lms/Login.aspx
[Note: Items with an asterisk (*) are required.]

6. Where more information about the project can be found*:

FED Cubbon Blvd SE - Corner Edith/Cubbon

Information Required for Email Notice by IDO Subsection 6-4(K)(1)(b):

1. Zone Atlas Page(s)*

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*:

Attached to notice or provided via website noted above

3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☑ Variance(s) ☐ Waiver(s)

Explanations*:

to build a 10 foot tall wrought iron fence on property line. Open with no obstruction visible through fence

4. Pre-submittal Neighborhood Meeting: Not Required

5. For Site Plan – Administrative Applications only*, attach site plan showing, at a minimum:

☐ a. Location of proposed buildings and landscape areas.*

☐ b. Access and circulation for vehicles and pedestrians.*

☐ c. Maximum height of any proposed structures, with building elevations.*

☐ d. For residential development*: Maximum number of proposed dwelling units.

☐ e. For non-residential development*:

☐ Total gross floor area of proposed project.

☐ Gross floor area for each proposed use.

Additional Information:

From the IDO Zoning Map*:

1. Area of Property [typically in acres] ________________________________

2. IDO Zone District ________________________________

3. Overlay Zone(s) [if applicable] ________________________________

4. Center or Corridor Area [if applicable] ________________________________

---

3 Address (mailing or email), phone number, or website to be provided by the applicant
4 Available online here: http://data.cabq.gov/business/zoneatlas/
5 Separate notice is required for Variances.
6 Separate notice is required for Waivers.
7 Available here: https://tinurl.com/идозонинг

CABQ Planning Dept. 2 Printed 11/1/2020
Emailed Public Notice – Administrative Decisions

024
[Note: Items with an asterisk (*) are required.]

Current Land Use(s) [vacant, if none] Currently vacant. Proposed to be a small car lot. Small office in public plans.

NOTE: Pursuant to [IDO Subsection 14-16-6.4(L)], property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting within 15 days of the date of this notice. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):
https://ido.abc-zone.com/

IDO Interactive Map
https://tinyurl.com/IDOzoningmap

Cc: ________________________________ [Other Neighborhood Associations, if any]

______________________________

______________________________

______________________________

______________________________

______________________________
Public Notice of Hearing

Date: 4·20·21

To Whom This May Concern:

I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow a \_Install 14' wrought iron fence on property line\_ to enclose property.

Property owner: Janet Fuentes

Agent (If applicable): Dolores Morales

Property Address: 700 Gibson Blvd SE, Albuquerque, NM, 87106 (zip code).

A hearing will be held on June 15, 2021 beginning at 9:00AM via ZOOM.

Join Zoom Meeting

https://cabq.zoom.us/j/7044490999
Meeting ID: 704 449 0999

One tap mobile
+16699006833,,7044490999# US (San Jose)
+12532158782,,7044490999# US (Tacoma)
Dial by your location
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
Meeting ID: 704 449 0999

Find your local number: https://cabq.zoom.us/u/a2s7T1dnA

Thank you,

Applicant's Name: Dolores Morales

Applicant's Number or Email Address: 505 1948 9121 email: reyes904@live.com

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral.
OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT

PART I - PROCESS
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:

Application Type:
Decision-making Body: Zoning Hearing Examiner

Pre-Application meeting required: □ Yes □ No
Neighborhood meeting required: X □ Yes □ No
Mailed Notice required: X □ Yes □ No
Electronic Mail required: □ Yes □ No X

Is this a Site Plan Application: □ Yes □ No X

Note: if yes, see second page

PART II - DETAILS OF REQUEST
Address of property listed in application:
Name of property owner: Janet Fuentes
Name of applicant: Dolores Morales

Date, time, and place of public meeting or hearing, if applicable:
June 15, 2021 9:00AM via Zoom (Meeting ID# 704 449 0999)

Address, phone number, or website for additional information:
www.cabq.gov/zoninghearingexaminer or 505-924-3894

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

□ Zone Atlas page indicating subject property.
□ Drawings, elevations, or other illustrations of this request.
□ Summary of pre-submittal neighborhood meeting, if applicable.
□ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO
SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO).
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON
APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and
accurate to the extent of my knowledge.

Dolores Morales (Applicant signature) 04/20/21 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is
a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.
**OFFICIAL PUBLIC NOTIFICATION FORM**  
FOR MAILED OR ELECTRONIC MAIL NOTICE  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT

**PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY**

Provide a site plan that shows, at a minimum, the following:

- a. Location of proposed buildings and landscape areas.
- b. Access and circulation for vehicles and pedestrians.
- c. Maximum height of any proposed structures, with building elevations.
- d. For residential development: Maximum number of proposed dwelling units.
- e. For non-residential development:
  - Total gross floor area of proposed project.
  - Gross floor area for each proposed use.
UPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.

Preview your mail. Thank your packages. Sign up to track. Visit usps.com/track

Earn rewards on your business account purchases of Priority Mail boxes with the UPS My Loyalty™ program by using Click and Ship. Visit www.ups.com/upsbizloyalty for more info.

All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.

Tell us about your experience. Go to: https://postalexperience.com or scan this code with your mobile device.

or call 1-800-410-7420.

UPN: 340127-0101
Receipt #: 640-58700936-5-5438998-1
Client: 09

029
April 20, 2021

To whom this may concern:

I was asked to write a letter of justification for the variance/permit on 700 Gibson Blvd SE, Albuquerque, NM 87106. I would like to express, or should I say voice to the city on how important it is to fence off my property. I know for a fact I am one to share common reason that most of Albuquerque has encountered with the homeless population.

I try to keep up with the cleaning up of the lot. Doing this, I have come across used needles and drug use objects, and many items with blood. I have had people build tents and squat there. With the assistance of others as well as police officers, I have run them off several times. Confrontation has been risky and extremely uncomfortable. The homeless see my lot is empty and think they can make themselves free to camp out there. I feel my fence should be 6 tall to make it harder and we can keep the unwanted public out. Another situation I encounter is that I have trash from people dumping used or old mattress, broken or old appliances, bags of trash, clothes.

I hired Reyes & Sons Construction as well as Reyes Ornamental Iron Inc to do my wrought iron fence, they will follow what city regulation are and will be open and up to code. I would like your permission to build my fence high enough for them not to easily jump and invade my property.

I have plans, and that is to build a small office or place a small container to make a somewhat of a workspace. I would like to make a small car lot soon.

Building the fence will make that corner lot look nicer. It will enhance the neighborhood. I plan to landscape along the fence as well. The fencing will be open for any officials or first responders to see through. The code of 4-inch center upright vertical bars will be enough space for them as well as I can visibility.

Dolores Morales is assisting me with all the permit paperwork. I have signed the authorization letter and give her the permission to talk on my behalf. Her number is 505-948-9121. She will be available to answer any questions on the fence. Dolores will also be the person to attend the hearing.

Sincerely

Janet Fuentes
PERMIT JUSTIFICATION LETTER – WALL OR FENCE

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Wall Permit of **Wrought Iron Fence 6’ tall**
(address of the subject property).

(a) The wall is proposed on a lot that meets any of the following criteria:
1. The lot is at least ½ acre.
2. The lot fronts a street designated as a collector, arterial, or interstate highway.
3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property’s lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)
4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property’s lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)

![Diagram of Wall and Property Layout](attachment://diagram.png)
I MEET CRITERIA . IF 3 OR 4, YOU MUST INCLUDE PHOTOGRAPHS WITH ADDRESSES AS PROOF THAT THE 20% REQUIREMENT IS MET.

(b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area BECAUSE:
Fencing the property will enhance the look, clean up trash, squatters and dump for old appliances and old vehicle, the fence will protect the building in the future.

(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the BECAUSE:
Fence will be wrought iron - open to see through. Will be tall with no pointed ends. No danger for any first responders.

(d) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:

1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house. PLEASE EXPLAIN:
Open wrought iron fence will no obstruct visibility to either of the windows of front entrance.

2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area. PLEASE EXPLAIN:
3” post of square tube will be concrete painted white.
Fence panels will be welded to post (4’ thick) and painted white. Architectural view will be pleasing to neighbors as well as drive by traffic.

Signature: ____________________________ Date: ________/____/____
VARIANCE JUSTIFICATION LETTER - GENERAL

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Variance of [wrought iron fence, open fence & gate to close off property, address of the subject property]

1) There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topology, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards. **PLEASE EXPLAIN**.

Lot will be a future business & car lot business. Owner will be making the corner lot more presentable to the community & will enhance the neighborhood.

2) The Variance will not be materially contrary to the public safety, health, or welfare **BECAUSE** our fence is painted with evil brand paint - no safety win.

Our fence does not have sharp edges - no safety issues. Health? Welfare? Not related issues.

3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity **BECAUSE** this lot has been vacant for many years. Enclosing it will prevent vandalism, and other abuses to be committed there. It will improve the neighborhood.

4) The Variance will not materially undermine the intent and purpose of this IZO or the applicable zone district **BECAUSE** we are going to meet with regulation or request need considered to have this variance approved

5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties **BECAUSE** this would give the owner peace of mind to have his property enclosed and his future.

Signature: [Signature]
Date: 5/17/21
SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a $10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

1. LOCATION
   A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
   B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
   C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER
   A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
   B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING
   A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
   B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME
   Signs must be posted from ___May 31, 20___ To ___June 15, 2021___

5. REMOVAL
   A. The sign is not to be removed before the initial hearing on the request.
   B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

(Dolores Moroles) (Applicant or Agent) 4-20-21 (Date)

I issued ____ signs for this application, (Date) (Staff Member)

PROJECT NUMBER:_____________________

Revised 2/6/19
SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a $10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

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   A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
   B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME
   Signs must be posted from JUNE 01, 2021 To JUNE 15, 2021

5. REMOVAL
   A. The sign is not to be removed before the initial hearing on the request.
   B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

[Signature]
(Applicant or Agent)  
S. 25/2021
(Date)

I issued 2 signs for this application, 5/25/2021, MARCELO BARBA
(Date)  
(Staff Member)

PROJECT NUMBER: PR-2021-005392
VA-2021-00112

Revised 2/6/19
DOLORES MORALES
904 BROADWAY NE

Reference NO: VA-2021-00112
Customer NO: CU-69100010

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</tbody>
</table>

Due Date: 4/27/21  Total due for this invoice: $210.00

Options to pay your Invoice:

2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT

City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 4/27/21
Amount Due: $210.00
Reference NO: VA-2021-00112
Payment Code: 130
Customer NO: CU-69100010

DOLORES MORALES
904 BROADWAY NE
ALBUQUERQUE, NM 87102

130 0000VA2021001120010251333421480000000000000210000CU69100010
Receipt
Your Reference Number: 202133002-32
05/14/2021 10:44:05 AM

transactions

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<tr>
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</tbody>
</table>

Card Number: ***********0075
First Name: DOLORES
Last Name: MORALES
Good Afternoon Ms. Sanchez,

I have reviewed the request and have no adverse comments regarding the fence variance.

Sincerely,

Janet Cunningham-Stephens
Base Community Planner
PAE|377 MSG|CEN-CP
Kirtland AFB, NM 87117
O: (505) 853-2747
Janet.cunningham-stephens.ctr@us.af.mil

Janet,

Per the new Integrated Development Ordinance, (see citation below) the City is required to notify you of an application for a variance at the property located at 700 Gibson and I have attached the file for you to review. Please let me know if you have any questions.

6-4(I) REFERRALS TO COMMENTING AGENCIES
Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 consecutive days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

6-4(I)(3) Kirtland Air Force Base and City Aviation Department staff for applications that include development in the Kirtland Air Force Base Military Influence.
Janet Fuentes (Agent, Dolores Morales) requests variance for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Thank you,

Suzie Sanchez

SUZIE SANCHEZ
zhe administrative assistant
o 505.924.3894
e suzannasanchez@cabq.gov
cabq.gov/planning
Sanchez, Suzanna A.

From: Briggs, Hartwell L.
Sent: Tuesday, June 01, 2021 4:54 PM
To: Sanchez, Suzanna A.
Cc: Patten-Quintana, Lorena
Subject: RE: ZHE Application Notice for 700 Gibson BLVD SE

Suzanna,

I have no objection to the proposed variance.

Thanks,

HARTWELL BRIGGS, RA
planning manager
o 505.244.7800
m 505.238.3110
abqsunport.com

From: Sanchez, Suzanna A.
Sent: Thursday, May 27, 2021 3:33 PM
To: Briggs, Hartwell L. <hbriggs@cabq.gov>
Cc: Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>
Subject: ZHE Application Notice for 700 Gibson BLVD SE

Mr. Briggs,

Per the new Integrated Development Ordinance, (see citation below) the City is required to notify you of an application for a variance at the property located at 700 Gibson and I have attached the file for you to review. Please let me know if you have any questions.

6-4(I) REFERRALS TO COMMENTING AGENCIES
Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 consecutive days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

6-4(I)(3) Kirtland Air Force Base and City Aviation Department staff for applications that include development in the Kirtland Air Force Base Military Influence.

*******************************************************************************
Agenda Item #6 VA-2021-00112 PR-2021-005392
Janet Fuentes (Agent, Dolores Morales) requests variance for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Thank you,

Suzie Sanchez

SUZIE SANCHEZ
zhe administrative assistant
o 505.924.3894
e suzannasanchez@cabq.gov
cabq.gov/planning
Janet Fuentes (Agent, Dolores Morales) requests a variance for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Ownership:  Owner: FUENTES JANET

Zone District/Purpose: NR-C/ The purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area. Primary land uses include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses.

Allowable Use: n/a

Applicable Comp Plan Designation(s): Area of Change, MS corridor

Applicable Overlay Zones: None listed

Applicable Use-Specific Standard(s): n/a

Applicable Dimensional/Development Standards:

Traffic Recommendations: No objection

Planning Recommendation: This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.

048
June 3, 2021

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF June 15, 2021

The Transportation Development Review Services Section has reviewed the zone hearing requests, and submits the attached comments.

---

VA-2021-00112 PR-2021-005392

Address: 700 Gibson Blvd SE

Transportation Review: No objections

After review of the provided application, Transportation has no objection to the existing of a wrought iron fence greater than 3 feet. The wall location/type will not adversely impact the driveway/sight distance.
Janet Fuentes (Agent, Dolores Morales) requests a variance for a 6 foot wall for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

Special Exception No:........... VA-2021-00112
Project No:......................Project#2021-005392
Hearing Date:....................06-15-21
Closing of Public Record:......06-15-21
Date of Decision:.................06-30-21

On the 15th day of June, 2021, Dolores Morales, agent for property owner Janet Fuentes (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance for a 6 foot wall (“Application”) upon the real property located at 700 Gibson BLVD SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance for a 6 foot wall.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “… an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
   (1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.
   (2) The Variance will not be materially contrary to the public safety, health, or welfare.
   (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
   (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.
   (5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Agent for property owner appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned NR-C.
8. The proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
9. The Applicant has authority to pursue this Application.
10. To establish the first prong of the variance test, evidence was submitted asserting that the area surrounding the Subject Property is unsafe, because of trespassing by criminals and homeless people. While these circumstances are certainly not self-imposed, they appear to apply generally to other property in the same vicinity. Applicant failed to identify any way these circumstances impact the Subject Property differently than they affect other properties in the vicinity. Therefore, there appears no special circumstance under Section 14-16-6-6(N)(3)(a)(1).
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(N)(3)(a)(1), the Application must be denied.

DECISION:

DENIAL of a variance for a 6 foot wall.

APPEAL:

If you wish to appeal this decision, you must do so by July 15, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.

____________________________
Robert Lucero, Esq.
Zoning Hearing Examiner

cc:
ZHE File
Zoning Enforcement
Dolores Morales, reyes904@live.com
Hearing on Special Exceptions
to the Integrated Development Ordinance

MINUTES

June 15, 2021
600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:

Robert Lucero – Zoning Hearing Examiner
Lorena Patten-Quintana – ZHE Planner, Planning Department
Suzie Sanchez – Hearing Monitor
Applicant: Janet Fuentes
Agent: Dolores Morales

ZHE: Next is agenda item 8 and that is VA-2021-00112, Project Number, PR-2021-005392, Janet Fuentes, agent, Dolores Morales request a variance for Lot 1, Block B, Torreon Addition Anderson and Thaxton Re-plat Of, located at 700 Gibson Boulevard Southeast and it’s zoned NR-C. Do we have Dolores Morales with us?

DOLORES MORALES: Good morning. Good morning.

ZHE: Good morning, how are you today?

DOLORES MORALES: I’m good.

ZHE: Would you please state your name and mailing address for the record?

DOLORES MORALES: My name is Dolores Morales, the location, project location is 700 Gibson Boulevard Southeast.

ZHE: Thank you and please raise your right hand. Do you affirm under penalty of perjury that your testimony will be true?

DOLORES MORALES: Yes, I do.

ZHE: Thank you. Go ahead, please tell me about this proposal.

DOLORES MORALES: I’m sorry?

ZHE: I said, go ahead, please tell me about this proposal.

DOLORES MORALES: So, my, my customer, Janet Fuentes, they are proposing to build a 6 foot wrought iron, open fencing around the property. Their future plans are to have a smart, small car lot business there. Right now, it’s open it’s open. Well, it’s open, there’s a lot of debris that gets dumped there. The - - Very similar to the other cases, a lot of, of homeless and just people just dumping mattresses and trash there. So, they’re wanting to fence it in basically because they are going to build a business there in the future and by having it fenced in, is just gonna be security for both the businesses and them. Needles, feces, all of this is always there. Even though it’s an open area, it’s just something that they would like to secure.

ZHE: Okay, and as you may have heard earlier, you know one of the requirements for variance is that there be special circumstances applicable uniquely to this property, what would those be in this case?

DOLORES MORALES: Going back to them having a business, the, the surrounding area, it’s not, it’s very, it’s not safe. There’s a lot of vandalism. Just our yellow posters that we did post on the 31st of May, literally, it got tagged, it got spray-painted and one of them got ripped off. The security for the future business is really the main issue of enclosing it all in. And, having whatever lot well, basically the cars that they are going to be selling, for them to be protected. A building that’s eventually going to be up there as well, for it to be protected. So, the circumstances would be for safety.
ZHE: And how is that different from the property next-door?

DOLORES MORALES: Most properties, the one right next-door is vacant, there’s nothing. The neighborhood, most of them all have wrought iron and walls that go up to the 5 to 6 feet. Across the street, is well and it’s Gibson so, Gibson is a traffic, big boulevard. Across the street, you do have the same circumstance with a paint and body shop. They do have their 6 feet of a wrought iron, open fencing, as well. So, it compares to basically having it all the same in the property, in the new neighborhood and or adjacent areas.

ZHE: Okay.

DOLORES MORALES: I also want to note that I could send these over to Nancy where the, the letters that I did send out and some neighbors as well as other people that see it being enclosed or going to be enclosed, it’s really gonna be enhancing. It’s gonna look nice. It’s going to, it’s really, for far most anything it’s for safety. If we do have a car lot there, the cars are not gonna be safe. It will be open just like you mentioned to the other business, other customers that are trying to, to do variances. Yes, anybody can walk up to a lot but Mr. - - Miss. Fuentes feels that if her property is enclosed, her business is probably going to be better. The cars will not be vandalized or anything like that.

ZHE: Okay, and I do note that the City Traffic Engineer submitted a report stating no objection as did Kirtland Air Force Base and the ABQ Sunport, given that you’re in the APO zone and within the base notice requirement.

DOLORES MORALES: They submitted letters? I’m sorry?

ZHE: Yeah, stating no objection.

DOLORES MORALES: Oh, okay.

ZHE: Okay, and would this proposed fencing cause any material harm to any neighbors of the larger community?

DOLORES MORALES: Not at all. One, it will be open, visible for first responders. For, for both them to be able to see out and anybody to see in. It will be the way you guys protocol the, the opening of the fencing, be 4 inches center. The height is going to be 6 and it does step down too, for it to meet all standards. There will be a gate as well, that will remain at 6 feet tall. Everything is going to be open.

ZHE: Okay. All right. Very good, anything else you’d like to add into the record?

DOLORES MORALES: No, this will be it. Thank you for taking the time.

ZHE: Okay, let’s see if there’s any public comment and then you’ll get the chance to respond.

DOLORES MORALES: Sure.
ZHE: So, again this is agenda item 8, VA-2021-00112 and it’s Janet Fuentes through agent, Dolores Morales requesting a variance at 700 Gibson Blvd. SE. please raise your hand if you’d like to address that matter. Again, agenda item 8. I’m scrolling through the participant list and I don’t see anyone raising their hand. Last call for agenda item 8. Okay. Ms. Morales, did you have anything else you’d like to add before we close the record?

DOLORES MORALES: No, I’m good. Thank you, thank you for taking the time as well as, thank Suzie and everybody else that’s part of this. Thank you so much.

ZHE: Certainly, thank you and I will take everything under consideration and issue the written decision in 15 days.

DOLORES MORALES: Thank you for your time.

ZHE: Thank you. That concludes agenda item 8.
July 19, 2021

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on July 16, 2021. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer. If you have any questions regarding the appeal please contact Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-21-11
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2021-005392, VA-2021-00291, VA-2021-00112

APPLICANT: Janet Fuentes
700 Gibson Blvd. SE
Albuquerque NM, 87106

AGENT: Dolores Morales
904 Broadway NE
Albuquerque NM, 87102

cc: Crystal Ortega, City Council, City county bldg, 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
Janet Fuentes, Fuentesautosales1@gmail.com
Dolores Morales, Reyes904@live.com
ZONING HEARING EXAMINER'S AGENDA

TUESDAY, June 15, 2021 9:00 A.M.

Join Zoom Meeting

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Robert Lucero, Esq., Zoning Hearing Examiner
Lorena Patten-Quintana, ZHE Planner
Suzie Sanchez, ZHE Administrative Assistant

For Inquiries Regarding This Agenda, Please Call The Planning Dept. at (505) 924-3894.

PLEASEx ADDRESS ALL CORRESPONDENCE TO:
Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

NOTICE TO PEOPLE WITH DISABILITIES: If you have a disability and you
require special assistance to participate in this hearing, please contact Planning
Information at (505) 924-3860.

INTERPRETER NEEDED:

1. VA-2021-00120  Project# PR-2021-005413  Ariel Cano & Donna T requests a variance for Lot 3, Block 9, Mandell Addn No 2, located at 2800 4TH ST NW, zoned MX-M [Section 14-16-5-7(D)]

OLD BUSINESS:
2. VA-2021-00092
   Project# PR-2021-005324
   Juan J. Risuено requests a permit-wall or fence-major for Lot 1, Block 18, Buena Ventura, located at 300 Erbbe St NE, zoned R-1B [Section 14-16-5-7(D)]

NEW BUSINESS:

3. VA-2021-00094
   Project# PR-2021-005327
   Nancy and Kent Kanagy (Agent, Strata Design) request a permit-wall or fence major for Lots 14-15, Block 16, Monterey Hills Addn, located at 3211 Santa Clara Ave SE, zoned R-1D [Section 14-16-5-7-D]

4. VA-2021-00095
   Project# PR-2021-005327
   Nancy and Kent Kanagy (Agent, Strata Design) request a variance to allow a 4 1/2 ft high solid wall for Lots 14-15, Block 16, Monterey Hills Addn, located at 3211 Santa Clara Ave SE, zoned R-1D [Section 14-16-5-7-D]

5. VA-2021-00101
   Project# PR-2021-005376
   Dakota Cleveland requests a Permit-Wall or Fence–Major for Lot 20, Block 4, Mile Hi Court, located at 1717 Valencia Dr NE, zoned R-1C [Section 14-16-5-7(D)]

6. VA-2021-00103
   Project# PR-2021-005380
   Chelsea Pyne, Robert Hinton and Karen Hrobuchak request a Permit-Wall or Fence-Major for Lot 2B, Block 3, Major Acres, located at 1128 Major Ave NW, zoned R-1D [Section 14-16-5-7(D)]

7. VA-2021-00104
   Project# PR-2021-005380
   Chelsea Pyne, Robert Hinton and Karen Hrobuchak request a variance to allow for a solid wall in the front yard setback for Lot 2B, Block 3, Major Acres, located at 1128 Major Ave NW, zoned R-1D [Section 14-16-5-7(D)]

8. VA-2021-00112
   Project# PR-2021-005392
   Janet Fuentes (Agent, Dolores Morales) requests a variance for Lot 1, Block B, Torreon Addn Anderson & Thaxton Replat, located at 700 Gibson BLVD SE, zoned NR-C [Section 14-16-5-7(D)]

9. VA-2021-00113
   Project# PR-2021-005394
   Rudy Marquez requests a conditional use to allow a bar/pub for Lot B1 & B2A, Audio Clinic Inc & International, located at 1600 and 1608 Eubank BLVD NE, zoned MX-L [Section 14-16-4-2]

10. VA-2021-00114
    Project# PR-2021-005395
    Onesimo Vigil & Rachel Vigil (Agent, Richard Ayala) request a variance of 5 ft to the required 15 ft side yard setback for Lot 5A, Block 12, Volcano Cliffs Unit 5, located at 6516 Jade DR NW, zoned R-1D [Section 14-16-3-4(N)(3)]

11. VA-2021-00115
    Project# PR-2021-005402
    Edward Elder and May Golderberg request a permit to allow for a carport in the front yard setback for Lot 11, Block 10, Mesa Court Addn, located at 3921 Anderson Ave SE, zoned R-1B [Section 14-16-5-5(F)(2)(a)(3)]

12. VA-2021-00116
    Project# PR-2021-005412
    Jorge Solis-Sarinana requests a Permit-Wall or Fence-Major for Lot 362, MRGCD Map 41, located at 532 Ethlyn Ave SE, zoned R-1B [Section 14-16-5-7(D)]

13. VA-2021-00118
    Project# PR-2020-004207
    Becker Karl (Agent, Ahmed Zaki) requests a variance for Lot 1, Anderson & Harris Addn, located at 1212 Aztec RD NW, zoned MX-L [Section 14-16-5-7(D)]
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14. **VA-2021-00119**  
Becker Karl (Agent, Ahmed Zaki) requests a variance of 3 feet to the 3 feet required wall height for Lot 4, Anderson & Harris Addn, located at 1212 Aztec RD NW, zoned MX-L [Section 14-16-5-7(D)]

15. **VA-2021-00121**  
Richard Puccio (Agent, Gilbert Austin) requests a permit to allow a carport in the required side/front setback for Lot 3, Block 2, Loma Del Norte Addn Unit 1, located at 7108 Patricia Dr NE, zoned R-1C [Section 14-16-5-5(F)(2)]

16. **VA-2021-00122**  
Alicia R. Salazar & Jose A (Agent, Gilbert Austin) requests a permit to allow a carport in the required side/front setback for Lot 72, Windsor Estates Phase 2, located at 2111 Buckingham Ct NW, zoned R-1B [Section 14-16-5-5(F)(2)]

17. **VA-2021-00123**  
Cindy Pacheco (Agent, Gilbert Austin) requests a permit to allow a carport in the required side setback for Lot 18, Block 66, Snow Heights Addn, located at 2424 Morris St NE, zoned R-1B [Section 14-16-5-5(F)(2)]

18. **VA-2021-00124**  
Rachel Marie Salas requests a Permit-Wall or Fence-Major for Lot 34, Heritage Hills Unit 5, located at 8921 Democracy Rd NE, zoned R-1C [Section 14-16-5-7(D)]

19. **VA-2021-00125**  
Daniel Galvan (Agent, Salvador Loera) requests a Permit-Wall or Fence-Major for Lot 1, Block 1, Bear Canyon Estates Unit 2, located at 9301 Tasco Dr NE, zoned R-1C [Section 14-16-5-7(D)]

20. **VA-2021-00127**  
Jose L and Erika Hernandez requests a Permit-Wall or Fence-Major for Lot B, Osage Addn 3, located at 1615 Osage AVE SW, zoned R-1C [Section 14-16-5-7(D)]

21. **VA-2021-00131**  
Jose and Erika Hernandez request a variance to allow 6ft solid wall/fence for Lot B, Osage Addn 3, located at 1615 Osage AVE SW, zoned R-1C [Section 14-16-5-7(D)]

22. **VA-2021-00128**  
Cory Greenfield & Jennie McCary requests a permit to allow a carport in the side yard setback for Lot 8, Block 6, Chacon Addn, located at 709 16th St NW, zoned R-1A [Section 14-16-5-5(F)(2)(a)]

23. **VA-2021-00130**  
Cory Greenfield & Jennie McCary requests a variance of 2 feet to the required 5 foot side yard setback for a garage for Lot 8, Block 6, Chacon Addn, located at 709 16th St NW, zoned R-1A [Section 14-16-2-3(B)(2)]

24. **VA-2021-00132**  
Unser & Ladera LLC (Agent, Consensus Planning) request a conditional use to allow a drive-through facility for Lot 5A1C2, El Rancho Atrisco Phase 3, located at 1901 Ladera DR NW, zoned MX-L [Section 14-16-4-2]

25. **VA-2021-00133**  
Anthem Oil, LLC (Agent, JAG Planning & Zoning) requests a conditional use to allow light vehicle sales for Lot A2, Thunderbird Partnership, located at 9160 Coors BLVD NW, zoned MX-L [Section 14-16-4-2]

26. **VA-2021-00134**  
SMI-ABQ Assets, LLC / Whitney S. Fibich (Agent, Consensus Planning) requests a conditional use to allow a mortuary for Lot J, Coles Industrial No. 2, located at 3300 Vassar DR NE, zoned NR-LM [Section 14-16-4-2]
27. VA-2021-00135 Project# PR-2021-005430 Sarah Santillanes & Anthony Santillanes requests a Permit-Wall or Fence-Major for Lot 26, Block 5, Sunshine Addn, located at 1938 High ST SE, zoned R-1A [Section 14-16-5-7(D)]

28. VA-2021-00137 Project# PR-2021-005430 Sarah Santillanes & Anthony Santillanes requests a Permit-Wall or Fence-Major for Lot 27, Block 5, Sunshine Addn, located at 1938 High ST SE, zoned R-1A [Section 14-16-5-7(D)]

29. VA-2021-00138 Project# PR-2021-005430 Sarah Santillanes & Anthony Santillanes requests a variance of 3 ft to the 3 ft maximum wall height for Lot 26, Block 5, Sunshine Addn, located at 1938 High ST SE, zoned R-1A [Section 14-16-5-7(D)]

30. VA-2021-00139 Project# PR-2021-005430 Sarah Santillanes & Anthony Santillanes requests a variance of 3 ft to the 3 ft maximum wall height for Lot 27, Block 5, Sunshine Addn, located at 1938 High ST SE, zoned R-1A [Section 14-16-5-7(D)]

31. VA-2021-00140 Project# PR-2021-005433 James Morales requests a Permit-Wall or Fence-Major for Lot 5A, Glendale Gardens, located at 3543 Ute RD NW, zoned R-1D [Section 14-16-5-7(D)]

32. VA-2021-00143 Project# PR-2021-005436 Chris and Sara Evans request a variance of 35 ft to the required 20 ft driveway access in CPO-13 for Lot 7, Block 5, Volcano Cliffs Unit 19, located at 6531 Azor LA NW, zoned R-1D [Section 14-16-3-4(N)(5)(c)(6)]