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**PR-2021-005420, VA-2021-00124, VA-2021-00347**

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# CITY OF ALBUQUERQUE

Albuquerque, New Mexico

## Planning Department

Mayor Timothy M. Keller

### INTER-OFFICE MEMORANDUM

October 18, 2021

**TO:** Cynthia Borrego, President, City Council

**FROM:** Alan Varela, Interim Planning Director Alan Varela  
Alan Varela (Oct 19, 2021 11:37 MDT)

**SUBJECT:** AC-21-14, PR-2021-005420, VA-2021-00124, VA-2021-00347: William Harken, appeals the Zoning Hearing Examiner's decision to approve 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)]

### OVERVIEW

Rachel Marie Salas applied for a Permit-Wall or Fence-Major located at 8921 Democracy Rd NE. The request was scheduled and heard at the June 15, 2021 public hearing.

In the Notice of Decision dated June 30, 2021 the Zoning Hearing Examiner (ZHE) found that a variance would also be necessary for the Applicant to retain the existing unpermitted wall as constructed. The item was deferred to August 17, 2021

The Applicant timely applied for the variance and on August 17, 2021 both requests were heard.

September 1, 2021, the ZHE issued his decision of approval of both requests.

September 8, 2021 an appeal of the approved Permit-Wall or Fence-Major was filed by William Harken, Applicant's neighbor.

### BASIS FOR APPEAL

Section 14-16-6-4(V)(4) outlines the applicable criteria for the appeal in determining whether the

Zoning Hearing Examiner erred in their 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:

6-4(V)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(V)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(V)(4)(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 reasons for the appeal, excerpted from Appellant's letter, are listed below, with a bulleted, italicized response from the Planner for the ZHE. Please see the Appellant's letter and submittal packet for additional details.

### **Reasons for the appeal:**

1) The requestor has not met the requirements of the Integrated Development Ordinance (IDO) Section 14-16-6-6(H)(3)(a)3 requiring at least 20% of the properties, within a specific area, have front yard walls or fences over 3 feet high.

2) I do not believe that the requirements of IDO Sections 14-16-6-6(H)(3)(b) and (d) have been met. See attachment 3, a picture of this wall looking north. In my opinion this wall in no way strengthens or reinforces the architectural character of the surrounding area.

### **Response:**

- *Per Integrated Development Ordinance 16-14-6-4(E)(3): The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence.*
- *Per Integrated Development Ordinance 14-16-6-4(E)(4): The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary.*
- *Notice of Decision Finding #8: Based on photographs, maps and oral evidence presented by Applicant, at least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area.*
- *Notice of Decision Finding #9: Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. Specifically, photographs were submitted showing several walls/fences in the neighborhood. It appears from the evidence that the proposed wall would not be out of character with the surrounding area, but rather would reinforce the architectural character of the neighborhood by being in harmony with the other improvements on the*

*Subject Property.*

- *At the ZHE hearing, photos and sworn testimony given by the Applicant satisfied Section 14-16-6-6(H)(3)(a)3. No contradictory evidence was presented.*
- *A variance allowing a wall up to 6 feet in the front yard was approved September 1, 2021.*

/ Lorena Patten-Quintana /  
Lorena Patten-Quintana, ZHE Planner  
Office of the Zoning Hearing Examiner  
City of Albuquerque Planning Department







# ZHE Appeal Memo Template

Final Audit Report

2021-10-19

Created:	2021-10-19
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAmurCW8V7aGeMErYmPqxHzQDidZ6EmZp1

## "ZHE Appeal Memo Template" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)  
2021-10-19 - 5:34:12 PM GMT- IP address: 143.120.133.160
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature  
2021-10-19 - 5:34:27 PM GMT
-  Document e-signed by Alan Varela (avarela@cabq.gov)  
E-signature obtained using URL retrieved through the Adobe Sign API  
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CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

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)]

Special Exception No:..... **VA-2021-00124**  
Project No: ..... **Project#2021-005420**  
Hearing Date: ..... 08-17-21  
Closing of Public Record: ..... 08-17-21  
Date of Decision: ..... 09-01-21

On the 17th day of August, 2021, property owner Rachel Marie Salas (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit-Wall or Fence-Major (“Application”) upon the real property located at 8921 Democracy Rd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a Permit-Wall or Fence-Major.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(H)(3) Permit-Wall or Fence-Major reads: *“An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if the following criteria are met:*
  - 6-6(H)(3)(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.*

- 6-6(H)(3)(b) *The proposed wall would strengthen or reinforce the architectural character of the surrounding area.*
- 6-6(H)(3)(c) *The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
- 6-6(H)(3)(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.*
  - 2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.*
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. All property owners within 100 feet and affected neighborhood associations were notified of the application.
  6. The subject property is currently zoned R-1C.
  7. City Transportation issued a report stating that it does not object.
  8. Based on photographs, maps and oral evidence presented by Applicant, at least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area.
  9. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. Specifically, photographs were submitted showing several walls/fences in the neighborhood. It appears from the evidence that the proposed wall would not be out of character with the surrounding area, but rather would reinforce the architectural character of the neighborhood by being in harmony with the other improvements on the Subject Property.
  10. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, applicant provided testimony that the wall would enhance the safety of both the subject property and neighboring properties by discouraging trespassers from coming into the community and property. A neighbor submitted correspondence stating that the wall would obstruct views for traffic, but the City Traffic Engineer submitted a report indicating no interference with traffic or driveway views.
  11. Based on evidence presented by Applicant, the design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following: (a) 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; and (b) The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

12. A neighbor submitted correspondence arguing that the proposed wall violates private covenants. However, it is not the role of the City to enforce any private covenant to which it is not a party.
13. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
14. The ZHE finds that the Applicant has authority to pursue this Application.

#### DECISION:

APPROVAL of a Permit-Wall or Fence-Major.

#### APPEAL:

If you wish to appeal this decision, you must do so by September 16, 2021 pursuant to Section 14-16-6-4(V), 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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Rachel Marie Salas, rachel@eaglerocknm.com



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

Rachel Marie Salas requests a variance of 3 feet to the 3 feet maximum wall height in the front yard for Lot 34, Heritage Hills Unit 5, located at 8921 Democracy Rd NE, zoned R-1C [Section 14-16-5-7-D]

Special Exception No:..... **VA-2021-00232**  
Project No: ..... **Project#2021-005420**  
Hearing Date: ..... 08-17-21  
Closing of Public Record: ..... 08-17-21  
Date of Decision: ..... 09-01-21

On the 17th day of August, 2021, property owner Rachel Marie Salas (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 feet to the 3 feet maximum wall height in the front yard (“Application”) upon the real property located at 8921 Democracy Rd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a variance of 3 feet to the 3 feet maximum wall height in the front yard.
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. Applicant 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 R-1C.
8. Based on evidence submitted by or on behalf of Applicant, it appears that 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, as required by Section 14-16-6-6(N)(3)(a)(1). Specifically, Applicant testified and provided written evidence that, the Subject Property has special circumstances because of its location on a cul de sac and abutting a drainage channel, which give rise to the need for this request. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not provide sufficient privacy or protection for the Subject Property.
9. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to construct the wall in a manner that is consistent with the IDO and the Development Process Manual (DPM).
10. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(N)(3)(a)(3). Specifically, the proposed wall is designed to be in harmony and consistency with what currently exists in the neighborhood, which was supported by photographic evidence and oral testimony. Photographs were submitted showing the neighborhood. Although not all walls were of the same construction, it appears from the evidence that neighborhood architectural styles differ. The proposed wall would not be out of character with the surrounding area, but rather would reinforce the architectural character of the neighborhood by being in harmony with the other improvements existing and proposed for the Subject Property.
11. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4). Specifically, Applicant presented evidence that the intent of IDO will still be met in that the subject site will continue the existing use and the proposed variance would merely add to the safety and usability of the site.
12. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the privacy, safety, and usability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
13. City Transportation submitted a report stating no objection.

14. A neighbor submitted correspondence arguing that the proposed wall violates private covenants. However, it is not the role of the City to enforce any private covenant to which it is not a party.
15. A neighbor submitted correspondence stating that the wall would obstruct views for traffic. However, as stated, above, City Transportation submitted a report indicating no interference with traffic or driveway views.
16. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
17. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of 3 feet to the 3 feet maximum wall height in the front yard.

APPEAL:

If you wish to appeal this decision, you must do so by September 16, 2021 pursuant to Section 14-16-6-4(V), 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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Rachel Marie Salas, rachel@eaglerocknm.com



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

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)]

Special Exception No:..... **VA-2021-00124**  
Project No: ..... **Project#2021-005420**  
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, property owner Rachel Marie Salas (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit-Wall or Fence-Major (“Application”) upon the real property located at 8921 Democracy Rd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a Permit-Wall or Fence-Major.
2. Based on Applicant’s submittals and testimony, it appears that obtaining a variance would also be also necessary for her to retain the existing unpermitted wall as constructed.
3. Applicant should be granted additional time to submit and justify an application for variance for the existing unpermitted wall.

**DECISION:**

DEFERRAL of the Application to be heard at the ZHE hearing beginning at 9:00 a.m. on August 17, 2021.

**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  
Rachel Marie Salas, [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

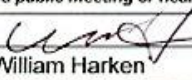



<b>Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.</b>					
<b>Administrative Decisions</b>		<b>Decisions Requiring a Public Meeting or Hearing</b>		<b>Policy Decisions</b>	
<input type="checkbox"/> Archaeological Certificate (Form P3)		<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)		<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)	
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)		<input type="checkbox"/> Master Development Plan (Form P1)		<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)	
<input type="checkbox"/> Alternative Signage Plan (Form P3)		<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)		<input type="checkbox"/> Amendment of IDO Text (Form Z)	
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)		<input type="checkbox"/> Demolition Outside of HPO (Form L)		<input type="checkbox"/> Annexation of Land (Form Z)	
<input type="checkbox"/> WTF Approval (Form W1)		<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)		<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)	
		<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)		<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)	
				<b>Appeals</b>	
				<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)	
<b>APPLICATION INFORMATION</b>					
Applicant: William Harken				Phone: (505) 822-0172	
Address: 8917 Democracy Rd. NE				Email: never4evr@msn.com	
City: Albuquerque		State: NM		Zip: 87109	
Professional/Agent (if any):				Phone:	
Address:				Email:	
City:		State:		Zip:	
Proprietary Interest in Site:		List all owners:			
<b>BRIEF DESCRIPTION OF REQUEST</b>					
Appeal Variance decisions made by the ZHE.					
<b>SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)</b>					
Lot or Tract No.: 34		Block: 0000		Unit: 5	
Subdivision/Addition: Heritage Hills		MRGCD Map No.:		UPC Code: 1020063242120435	
Zone Atlas Page(s): D-20		Existing Zoning: R-1C		Proposed Zoning:	
# of Existing Lots: 1		# of Proposed Lots:		Total Area of Site (acres): 0.1754	
<b>LOCATION OF PROPERTY BY STREETS</b>					
Site Address/Street: 8921 Democracy Rd. NE		Between: Ventura ST. NE		and: Barstow ST. NE	
<b>CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)</b>					
Project #: 2021-005420					
Signature:				Date: September 8, 2021	
Printed Name: William Harken				<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent	
<b>FOR OFFICIAL USE ONLY</b>					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:				Fee Total:	
Staff Signature:		Date:		Project #	

## 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? No if yes, indicate language: \_\_\_\_\_
- \_\_\_ A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto: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: 2021-005420
- \_\_\_ Application number of the case being appealed, if applicable: \_\_\_\_\_
- \_\_\_ Type of decision being appealed: ZHE Variance Decision
- \_\_\_ 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: September 8, 2021
Printed Name: William Harken	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent
<b>FOR OFFICIAL USE ONLY</b>	
Case Numbers:	Project Number:
Staff Signature:	
Date:	

Revised 2/6/19

Basis of Standing:

I am the property owner directly east of subject property. Lot 33 Heritage Hills Unit 5. 8921 Democracy Rd. NE.

Reason for the appeal:

Appeal based on Applicant not providing substantial and accurate evidence for meeting the requirements of IDO Section 14-16-6-6(H)(3)(a)3 and 14-16-6-6(H)(3)b and d. I understand IDO 14-16-6-4(U)(4).



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

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)]

Special Exception No:..... VA-2021-00124  
Project No: ..... Project#2021-005420  
Hearing Date: ..... 08-17-21  
Closing of Public Record: ..... 08-17-21  
Date of Decision: ..... 09-01-21

On the 17th day of August, 2021, property owner Rachel Marie Salas ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a Permit-Wall or Fence-Major ("Application") upon the real property located at 8921 Democracy Rd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a Permit-Wall or Fence-Major.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(H)(3) Permit-Wall or Fence-Major reads: *"An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if the following criteria are met:*
  - 6-6(H)(3)(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.*

- 6-6(H)(3)(b) *The proposed wall would strengthen or reinforce the architectural character of the surrounding area.*
  - 6-6(H)(3)(c) *The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
  - 6-6(H)(3)(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.*
    - 2. *The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.*
- 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. All property owners within 100 feet and affected neighborhood associations were notified of the application.
  - 6. The subject property is currently zoned R-1C.
  - 7. City Transportation issued a report stating that it does not object.
  - 8. Based on photographs, maps and oral evidence presented by Applicant, at least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area.
  - 9. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. Specifically, photographs were submitted showing several walls/fences in the neighborhood. It appears from the evidence that the proposed wall would not be out of character with the surrounding area, but rather would reinforce the architectural character of the neighborhood by being in harmony with the other improvements on the Subject Property.
  - 10. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, applicant provided testimony that the wall would enhance the safety of both the subject property and neighboring properties by discouraging trespassers from coming into the community and property. A neighbor submitted correspondence stating that the wall would obstruct views for traffic, but the City Traffic Engineer submitted a report indicating no interference with traffic or driveway views.
  - 11. Based on evidence presented by Applicant, the design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following: (a) 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; and (b) The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

12. A neighbor submitted correspondence arguing that the proposed wall violates private covenants. However, it is not the role of the City to enforce any private covenant to which it is not a party.
13. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
14. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a Permit-Wall or Fence-Major.

APPEAL:

If you wish to appeal this decision, you must do so by September 16, 2021 pursuant to Section 14-16-6-4(V), 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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Rachel Marie Salas, [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)



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

Rachel Marie Salas requests a variance of 3 feet to the 3 feet maximum wall height in the front yard for Lot 34, Heritage Hills Unit 5, located at 8921 Democracy Rd NE, zoned R-1C [Section 14-16-5-7-D]

Special Exception No: ..... VA-2021-00232  
Project No: ..... Project#2021-005420  
Hearing Date: ..... 08-17-21  
Closing of Public Record: ..... 08-17-21  
Date of Decision: ..... 09-01-21

On the 17th day of August, 2021, property owner Rachel Marie Salas ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3 feet to the 3 feet maximum wall height in the front yard ("Application") upon the real property located at 8921 Democracy Rd NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 3 feet to the 3 feet maximum wall height in the front yard.
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. Applicant 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 R-1C.
8. Based on evidence submitted by or on behalf of Applicant, it appears that 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, as required by Section 14-16-6-6(N)(3)(a)(1). Specifically, Applicant testified and provided written evidence that, the Subject Property has special circumstances because of its location on a cul de sac and abutting a drainage channel, which give rise to the need for this request. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not provide sufficient privacy or protection for the Subject Property.
9. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to construct the wall in a manner that is consistent with the IDO and the Development Process Manual (DPM).
10. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(N)(3)(a)(3). Specifically, the proposed wall is designed to be in harmony and consistency with what currently exists in the neighborhood, which was supported by photographic evidence and oral testimony. Photographs were submitted showing the neighborhood. Although not all walls were of the same construction, it appears from the evidence that neighborhood architectural styles differ. The proposed wall would not be out of character with the surrounding area, but rather would reinforce the architectural character of the neighborhood by being in harmony with the other improvements existing and proposed for the Subject Property.
11. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4). Specifically, Applicant presented evidence that the intent of IDO will still be met in that the subject site will continue the existing use and the proposed variance would merely add to the safety and usability of the site.
12. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the privacy, safety, and usability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
13. City Transportation submitted a report stating no objection.

14. A neighbor submitted correspondence arguing that the proposed wall violates private covenants. However, it is not the role of the City to enforce any private covenant to which it is not a party.
15. A neighbor submitted correspondence stating that the wall would obstruct views for traffic. However, as stated, above, City Transportation submitted a report indicating no interference with traffic or driveway views.
16. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
17. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of 3 feet to the 3 feet maximum wall height in the front yard.

APPEAL:

If you wish to appeal this decision, you must do so by September 16, 2021 pursuant to Section 14-16-6-4(V), 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  
Rachel Marie Salas, [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

William Harken  
8917 Democracy Rd NE  
Albuquerque, NM 87109  
Heritage Hills Unit 5 lot 33

September 8, 2021

City of Albuquerque  
Planning Director  
600 2<sup>nd</sup> NW  
Albuquerque, NM 87102

Subject: Appeal of Zoning Hearing Examiner (ZHE) Notice of Decision VA 2012-00124 and VA2021-00232  
Project 2021-005420

1. The requestor has not met the requirements of the Integrated Development Ordinance (IDO) Section 14-16-6-6(H)(3)(a)3 requiring at least 20% of the properties, within a specific area, have front yard walls or fences over 3 feet high.
  - a. In the application packages, pages 23 through 27, submitted by the homeowner and signed by them as "complete, true, and accurate", are 4 pictures used to substantiate this requirement. There is also a Map, provided by the ZHE Examiners Office, showing the properties that are to be included in these pictures with instructions. Attachment 1 includes the map and the pictures from these applications. After talking with the ZHE Office no additional pictures were presented at the hearings held for these variances or are included in the record.
  - b. Attachments 1a-e are the application ZHE Map and pictures 1 through 4 submitted by the applicant. They are not annotated with their addresses and the map is not marked showing their location as required by the ZHE Map instructions. I have located the properties associated with these pictures. None are within the required area, or even close, see Attachment 2 map.
    - (1) Picture # 1: This is a wall by the drainage ditch that is between 8609 and 8613 Democracy Rd NE, P1 on Attach. 2 map.
    - (2) Picture #2: This property is at 7623 Pioneer Trail NE, P2 on Attach. 2 map.
    - (3) Picture #3: This is a wall between 8909 and 8915 Yankee Dr NE, P3 on Attach 2 map.
    - (4) Picture #4: This is a wall on Executive Drive. The property address is 8915 Yankee Dr NE, P4 on Attach. 2 map.
2. I do not believe that the requirements of IDO Sections 14-16-6-6(H)(3)(b) and (d) have been met. See attachment 3, a picture of this wall looking north. In my opinion this wall in no way strengthens or reinforces the architectural character of the surrounding area. It does not even blend in with the neighborhood and the materials used do not reflect the architectural character of the surrounding area. It stands out like a sore thumb. It is also the only wall of any height located at the sidewalk and parallel to it within 330 feet of this property in any direction. Attachments 4 and 5 are pictures taken standing at the intersection of Republic Dr NE and Democracy Rd NE looking south and west.

3. Since the applicant provided no valid evidence to meet the requirement of the IDO referenced in paragraph 1 and since I do not believe the IDO requirements mentioned in paragraph 2 above have been met, these variance requests should never have been approved and should be reversed.

Sincerely

A handwritten signature in black ink, appearing to read 'William Harken', with a long, sweeping horizontal line extending to the right.

William Harken

5 Attachments

1. Application map and pictures
2. Map showing actual locations
3. Subject wall looking north
4. Picture looking south on Republic
5. Picture looking west on Democracy



Only submit photos of properties that are within the linear area up to 330 feet. (Only properties in green, along the yellow lines).

Take a picture of any fence/wall that is over 3 feet.

Write the address on the front.

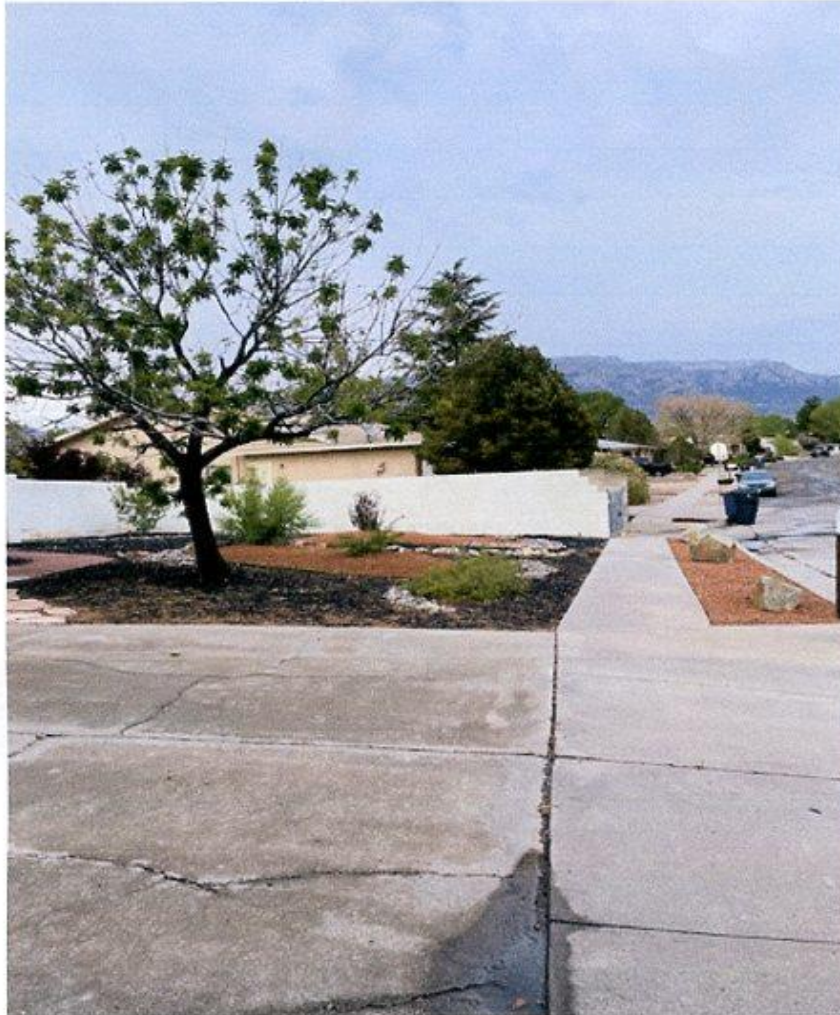
Mark the address off on the map.

Print all and submit to the ZHE.

14 Properties = 3 Photos

Application ZHE Map

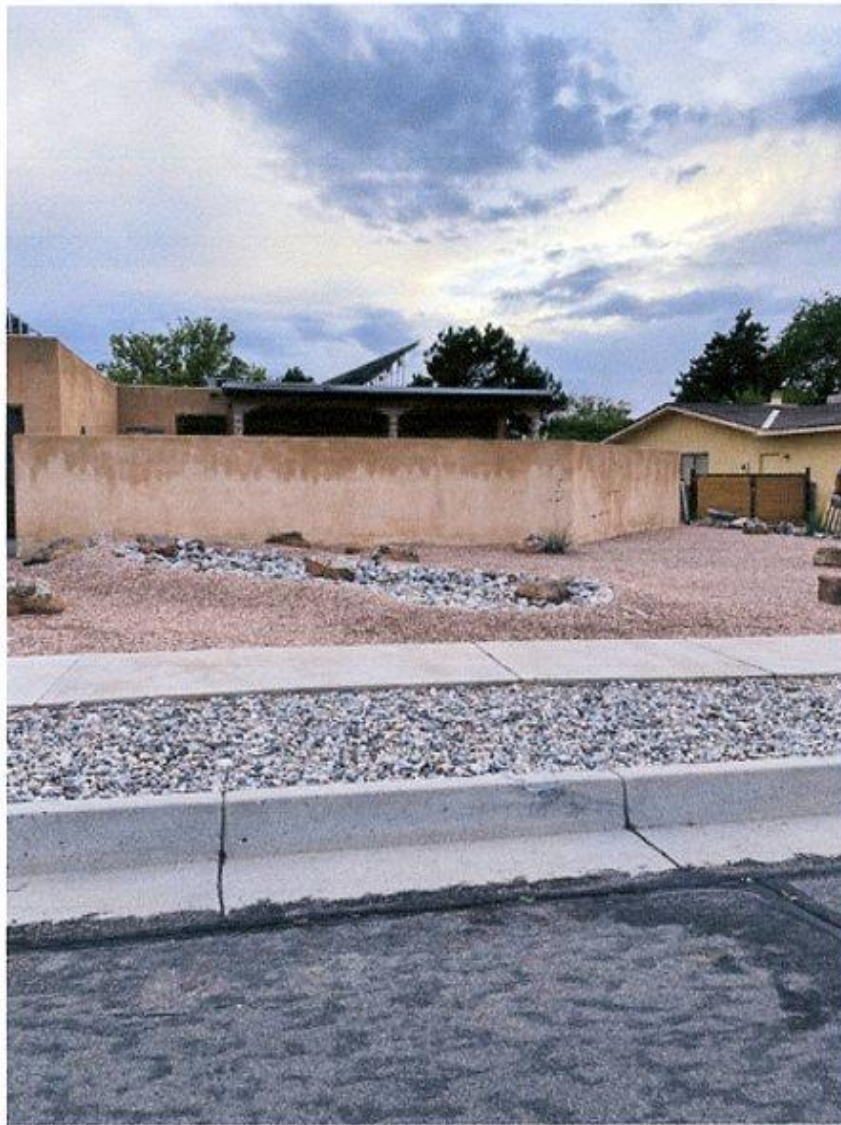
Attachment 1a



Application Picture 1

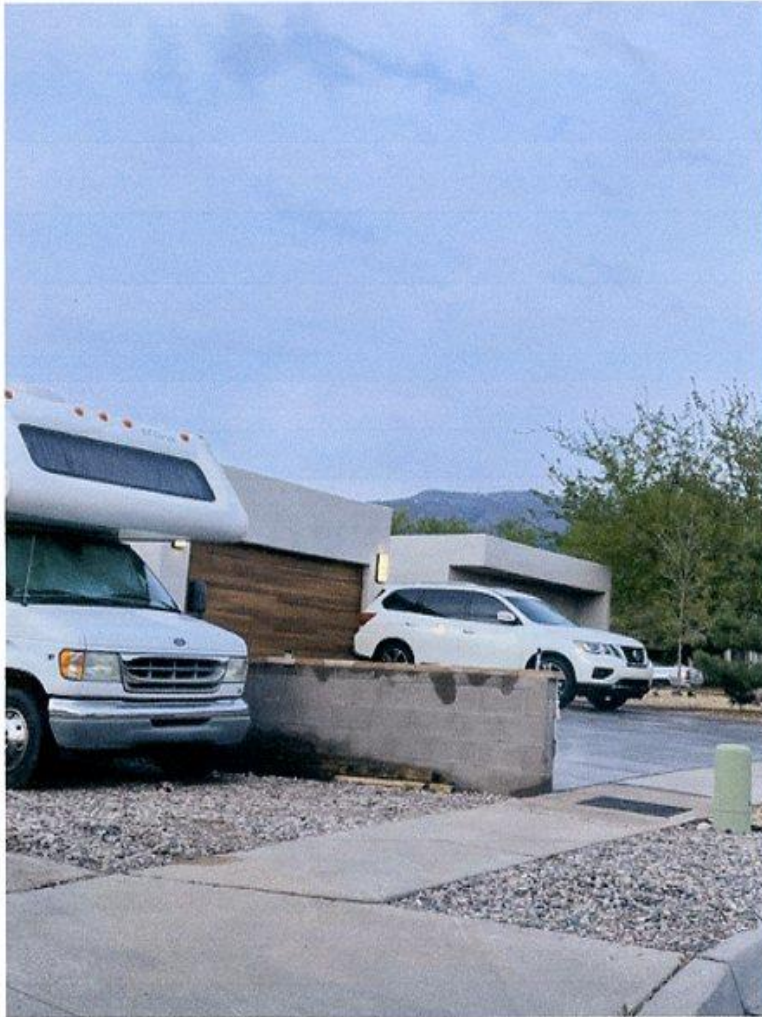
Attachment 1b





Application Picture 2

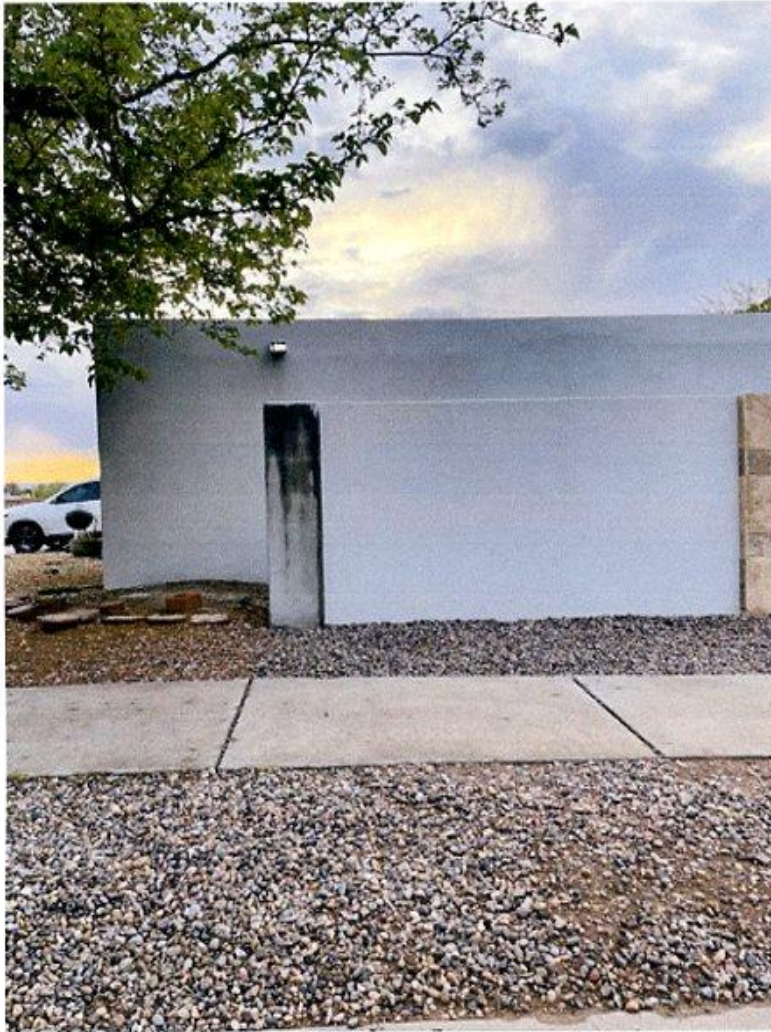
Attachment 1c



Application Picture 3

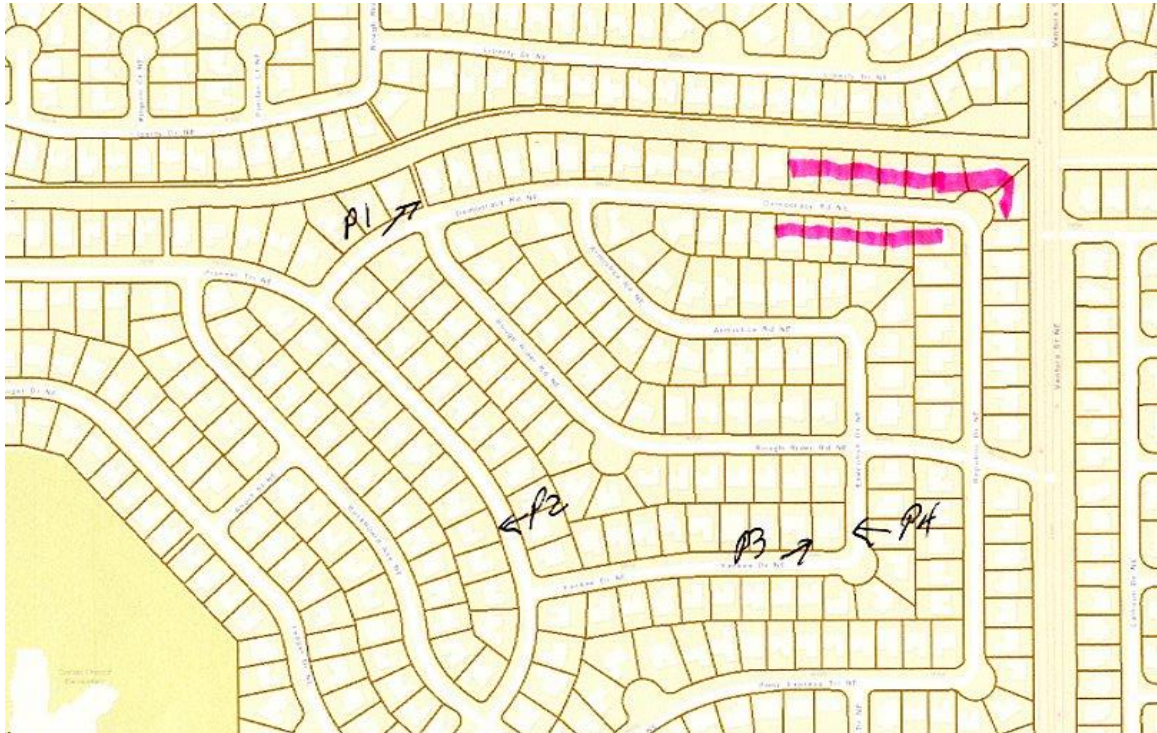
Attachment 1d





Application Picture 4

Attachment 1e



The arrows represent the direction from which the pictures were taken.

The highlighted lots are those highlighted in the ZHE Map and the only ones that should be included in the applicant's submission.

My Map

Attachment 2



Standing on Republic Dr NE looking North. Subject brown wall is just left of center.

Attachment 3





Republic Dr. NE looking south.



Democracy Rd. NE looking west.

# REQUEST FOR SPECIAL EXCEPTION

☐ Variance ☐ Conditional Use ☒ Other

Interpreter: ☐ Yes ☒ No

VA# 2021-00124

PR# 2021-005420

<b>Date:</b> 3/30/2021	<b>Received By:</b> Marcelo Ibarra	
<b>Address of Request:</b> 8921 DEMOCRACY RD NE		
<b>City:</b> ALBUQUERQUE	<b>State:</b> NM	<b>Zip:</b> 87109
<b>Lot:</b> 34	<b>Block:</b> 0000	<b>Zone:</b> R-1C
<b>Subdivision:</b> HERITAGE HILLS UNIT 5		<b>Map page:</b> D20
<b>UPC#</b> 102006324242120435		
<b>Property Owner(s):</b> SALAS RACHEL MARIE		
<b>Mailing Address:</b> 8921 Democracy Rd NE		
<b>City:</b> ALBUQUERQUE	<b>State:</b> NM	<b>Zip:</b> 87109
<b>Phone:</b> 505-730-0672	<b>Email:</b> rachel@eaglerocknm.com	
<b>Agent:</b> N/A		
<b>Mailing Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Phone:</b>	<b>Email:</b>	
<b>Fee Total: \$ 210.00</b>		

## Completed Application Requirements:

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

**Approved for acceptance by:**

**Date:**

**Hearing Date:** JUNE 15, 2021

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16- 5-7(D) Table 5-7-1			
<b>Description of request:</b> Permit Wall/Fence Major			
<input checked="" type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
<b>Case history number(s) from AGIS:</b> 1011302			
<b>APO:</b>	<b>CPO#</b>	<b>HPO#</b>	<b>VPO#</b>
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 5-7-1: Maximum Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP) <sup>[1]</sup>	Non-residential (NR-LM, NR-GM)	See also:
<b>Standard Wall Height</b>					
Wall in the front yard or street side yard <sup>[2][3][4]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot <sup>[5][6]</sup>	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street <sup>[3]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(g)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
Wall in a rear or interior side yard abutting Major Public Open Space	6 ft.	6 ft.	6 ft.	10 ft.	5-7(D)(2) 5-7(E)(4)
<p>[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.</p> <p>[2] Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(c).</p> <p>[3] Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-5-7(D)(3)(d) or 14-16-5-7(D)(3)(g).</p> <p>[4] Taller walls may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e).</p> <p>[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.</p> <p>[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 and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.</p>					

## Sanchez, Suzanna A.

---

**From:** Sanchez, Suzanna A.  
**Sent:** Tuesday, March 30, 2021 2:24 PM  
**To:** 'rachel@eaglerocknm.com'  
**Subject:** ZHE Contacts - 8921 Democracy Rd NE  
**Attachments:** 1. Letter to Neighborhood Association.pdf; 2. Letter to Property Owners-June.pdf; WALL PERMIT JUSTIFICATION LETTER GUIDELINES.pdf; GENERAL VARIANCE JUSTIFICATION LETTER GUIDELINES.pdf; Buffer Map.docx

Dear Applicant,

- 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.

Association Name	First Name	Last Name	Email	Address Line 1
District 4 Coalition of Neighborhood Associations	Mildred	Griffiee	<a href="mailto:mgriffiee@noreste.org">mgriffiee@noreste.org</a>	PO Box 90986
District 4 Coalition of Neighborhood Associations	Daniel	Regan	<a href="mailto:dlreganabq@gmail.com">dlreganabq@gmail.com</a>	4109 Chama Street
Heritage Hills NA	Christy	Burton	<a href="mailto:christy_burton@hotmail.com">christy_burton@hotmail.com</a>	8709 Palomar Avenue NE
Heritage Hills NA	Homer	Gonzales	<a href="mailto:hgabq1985@gmail.com">hgabq1985@gmail.com</a>	8924 Armistice Road

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.

- 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.

Owner	OWNADD	OWNADD2
SECRETARY OF HUD SUITE 7301	500 GOLD AVE FLOOR 7TH	ALBUQUERQUE NM 8 3118
LEWIS DENNIS R & ELIZABETH L TR LEWIS TRUST & LEWIS STEPHEN E & ETAL	2930 SAMARKAND DR	SANTA BARBARA CA 9
WILLIAMS VICKI K	8913 DEMOCRACY RD NE	ALBUQUERQUE NM 8
MAY JERRY A & SUSAN J GONZALES	8925 DEMOCRACY RD NE	ALBUQUERQUE NM 8
HARKEN WILLIAM M	8917 DEMOCRACY RD NE	ALBUQUERQUE NM 8 5112



SALAS RACHEL MARIE	8921 DEMOCRACY RD NE	ALBUQUERQUE NM 8 5112
WALKER MARY K	7827 REPUBLIC DR NE	ALBUQUERQUE NM 8 5131
EVANKO GREGORY J & MCDONNELL MARGARET S	7828 REPUBLIC DR NE	ALBUQUERQUE NM 8 5132
LABARGE SUSAN E	8920 LIBERTY DR NE	ALBUQUERQUE NM 8
FLORES OSCAR ALONSO ESPINO	9000 LIBERTY DR NE	ALBUQUERQUE NM 8 5175
STEVENS DONALD M & ELEANOR H	9004 LIBERTY DR NE	ALBUQUERQUE NM 8
HARRELL JOHN EDWARD & JANE E TRUSTEES HARRELL RVT	9008 LIBERTY DR NE	ALBUQUERQUE NM 8 5175

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

Thank you,

Suzie



**SUZIE SANCHEZ**

zhe administrative assistant

o 505.924.3894

e [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

## REQUEST FOR NEIGHBORHOOD MEETING

Date: 4/16/21

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 permit for a wall taller than 3 feet

\_\_\_\_\_ (summary of request).

Property owner Rachel Salas

Agent if applicable \_\_\_\_\_

Property Address 8921 Democracy RD NE, Albuquerque, NM, 87109 (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,  
Rachel Salas

Applicant Name Rachael Salas

Email [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

---

Phone Number 505-730-0672

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](mailto: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.

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

## Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request\*: 04/16/21

This request for a Neighborhood Meeting 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)\*: Heritage Hills NA

Name of NA Representative\*: Christy Burton and Homer Gonzales

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: christy\_burton@hotmail.com / hgabq1985@gmail.com

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.<sup>2</sup>

Email address to respond yes or no: rachel@eaglerocknm.com

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:  
\_\_\_\_\_

### Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* 8921 Democracy RD NE  
Location Description \_\_\_\_\_
2. Property Owner\* Rachel Salas
3. Agent/Applicant\* [if applicable] \_\_\_\_\_
4. Application(s) Type\* per IDO [Table 6-1-1](#) [mark all that apply]
  - ☐ Conditional Use Approval
  - ☒ Permit WALL (Carport or Wall/Fence – Major)
  - ☐ Site Plan
  - ☐ Subdivision \_\_\_\_\_ (Minor or Major)

<sup>1</sup> 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.

<sup>2</sup> If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

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

- ☐ Vacation \_\_\_\_\_ (Easement/Private Way or Public Right-of-way)
- ☐ Variance
- ☐ Waiver
- ☐ Zoning Map Amendment
- ☐ Other: \_\_\_\_\_

Summary of project/request<sup>3\*</sup>:  
permit for a wall over 3 feet

5. This type of application will be decided by<sup>\*</sup>: ☐ City Staff  
OR at a public meeting or hearing by:
- ☒ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)  
☐ Landmarks Commission (LC) ☐ Environmental Planning Commission (EPC)  
☐ City Council
6. Where more information about the project can be found<sup>\*4</sup>:  
ZHE Administrative Assistant- [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)

**Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)<sup>\*5</sup> D20
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant<sup>\*</sup>: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project<sup>\*</sup>:
- ☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)
- Explanation:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1](#)<sup>\*:</sup> ☒ Yes ☐ No

<sup>3</sup> Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

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

5. **For Site Plan 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:**

1. From the IDO Zoning Map<sup>6</sup>:

- a. Area of Property [typically in acres] \_\_\_\_\_
- b. IDO Zone District R-1C \_\_\_\_\_
- c. Overlay Zone(s) [if applicable] \_\_\_\_\_
- d. Center or Corridor Area [if applicable] \_\_\_\_\_

2. Current Land Use(s) [vacant, if none] \_\_\_\_\_

\_\_\_\_\_

**Useful Links**

**Integrated Development Ordinance (IDO):**

<https://ido.abc-zone.com/>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

District 4 Coalition of NA

Cc: Mildred Griffiee and Daniel Regan \_\_\_\_\_ [Other Neighborhood Associations, if any]

mgriffiee@noreste.org and dlreganabq@gmail.com

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>6</sup> Available here: <https://tinurl.com/idozoningmap>

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

## Public Notice of a Proposed Project in the City of Albuquerque Administrative Review/Decision – Electronic Mail

Date of Notice\*: April 9, 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) \*: NA

Name of NA Representative\*: NA

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: NA

### Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* 8921 Democracy Rd NE - 87109  
Location Description Corner lot on cul de sack
2. Property Owner\* Rachel Salas
3. Agent/Applicant\* [if applicable] \_\_\_\_\_
4. Application(s) Type\* per IDO [Table 6-1-1](#)
  - ☐ Historic Certificate of Appropriateness – Minor
  - ☐ Sign Permit
  - ☐ Alternative Signage Plan
  - ☒ Wall/Fence Permit
  - ☐ Site Plan – Administrative<sup>2</sup>

Summary of project/request\*:

I would like to close off access to my back yard to the general public. My back yard is used as a quick access to the ditch.

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

<sup>1</sup> 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.

<sup>2</sup> 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<sup>\*3</sup>:

**Information Required for Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)<sup>\*4</sup> \_\_\_\_\_
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant<sup>\*</sup>: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project<sup>\*</sup>:

☐ Deviation(s)      ☐ Variance(s)<sup>5</sup>      ☐ Waiver(s)<sup>6</sup>

Explanation<sup>\*</sup>:

4. Pre-submittal Neighborhood Meeting: Not Required
5. **For Site Plan – Administrative Applications only<sup>\*</sup>**, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas. <sup>\*</sup>
- ☐ b. Access and circulation for vehicles and pedestrians. <sup>\*</sup>
- ☐ c. Maximum height of any proposed structures, with building elevations. <sup>\*</sup>
- ☐ d. **For residential development<sup>\*</sup>**: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development<sup>\*</sup>**:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

**Additional Information:**

From the IDO Zoning Map<sup>7</sup>:

1. Area of Property [typically in acres] \_\_\_\_\_
2. IDO Zone District \_\_\_\_\_
3. Overlay Zone(s) [if applicable] \_\_\_\_\_
4. Center or Corridor Area [if applicable] \_\_\_\_\_

<sup>3</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>4</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

<sup>5</sup> Separate notice is required for Variances.

<sup>6</sup> Separate notice is required for Waivers.

<sup>7</sup> Available here: <https://tinurl.com/idozoningmap>

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

Current Land Use(s) [vacant, if none] \_\_\_\_\_  
\_\_\_\_\_

**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](mailto: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: I do not have an HOA [Other Neighborhood Associations, if any]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**From:** Rachel [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)   
**Subject:** Fwd: 8921 Democracy Rd  
**Date:** April 13, 2021 at 12:22 PM  
**To:** Sanchez, Suzanna A. [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)  
**Cc:** Ibarra, Marcelo X. [marceloibarra@cabq.gov](mailto:marceloibarra@cabq.gov)  
**Bcc:** [bdugger@oakeylawoffice.com](mailto:bdugger@oakeylawoffice.com)



Hi Suzi

I sent the two emails to the the Neighborhood Association, below is the response from Mr Regan. I also have the Public Notice of Hearing out to my neighbors. How do I acquire my packet?

Rachel Salas

Eagle Rock Contracting

[www.eaglerocknm.com](http://www.eaglerocknm.com)

505.828.2535 o

505.828.3534 f

505.730.0672 c

[rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

<http://optimizedacoustics.com>

Begin forwarded message:

**From:** "Dan Regan" <[dlreganabq@gmail.com](mailto:dlreganabq@gmail.com)>  
**Subject:** FW: 8921 Democracy Rd  
**Date:** April 12, 2021 at 7:41:54 PM MDT  
**To:** "'PeggyD'" <[peggyd333@yahoo.com](mailto:peggyd333@yahoo.com)>, "'Jim Griffie'" <[jgriffie@noreste.org](mailto:jgriffie@noreste.org)>  
**Cc:** "Dan Regan" <[dlreganabq@gmail.com](mailto:dlreganabq@gmail.com)>, <[rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)>

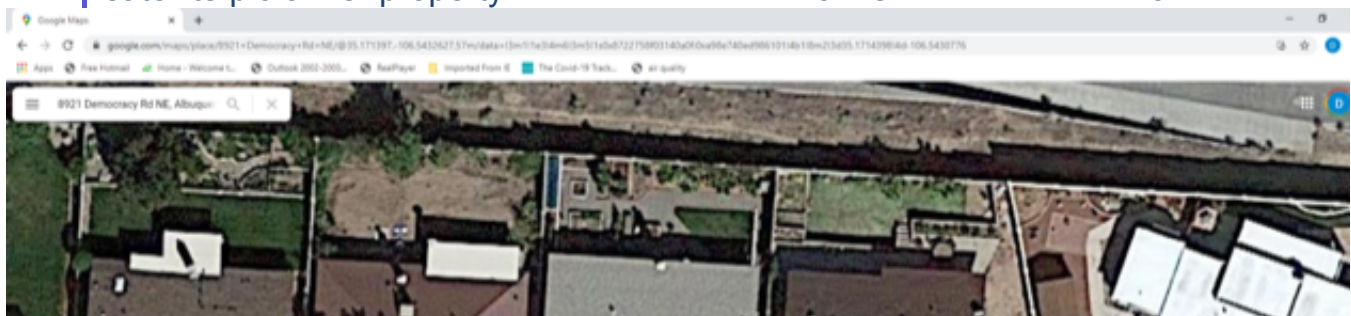
Peggy & Jim,

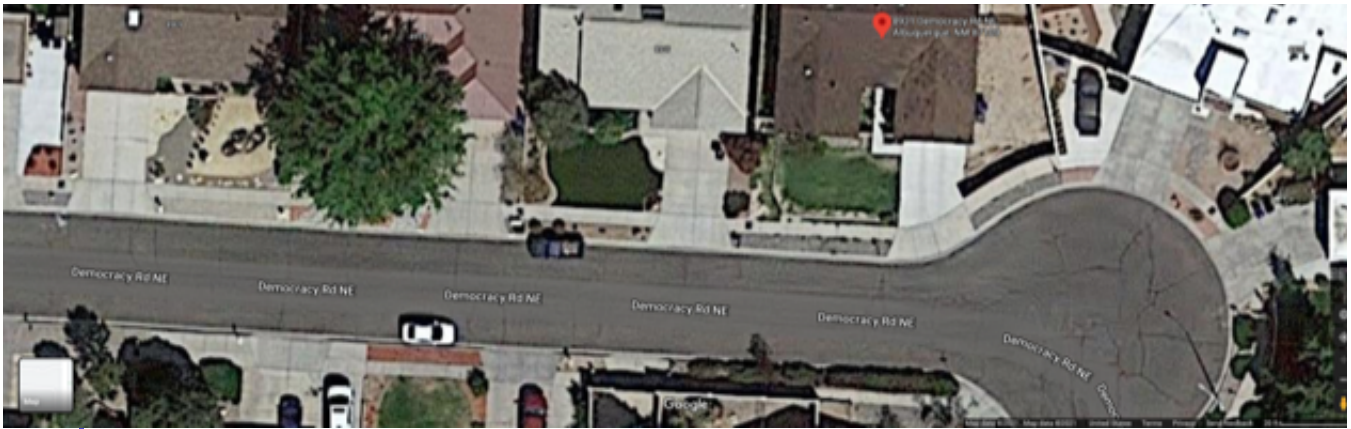
I just spoke with Rachel Salas. The back yard wall has already been built. She is in the process of snail mailing her neighbors (City only provided street addresses) to see if any of them have a problem with her new wall.

I do not see any issues or problem with a 5 foot back wall that keeps folks out of her back yard. Lemeno if either of you have any problem with it. Below is a satellite pic of her property.

Thanks

Dan





**From:** Rachel [<mailto:rachel@eaglerocknm.com>]

**Sent:** Monday, April 12, 2021 5:57 PM

**To:** [dlreganabq@gmail.com](mailto:dlreganabq@gmail.com)

**Subject:** 8921 Democracy Rd

Good Afternoon,

My name is Rachel Salas, I live at 8921 Democracy Rd. Recently I built a wall to block 'unwanted traffic' to the ditch I back. I was unaware the wall needed to be approved before hand.

Please find attached Neighborhood Association approval request letter. I will be grated a hearing soon I will provide information when it becomes available.

Please let me know if you have any questions my direct line is below.

Rachel Salas

Eagle Rock Contracting

[www.eaglerocknm.com](http://www.eaglerocknm.com)

505.828.2535 o

505.828.3534 f

505.730.0672 c

[rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

<http://optimizedacoustics.com>



RS 1. Letter to  
Neighb...ion.pdf



Untitled

attach...07.html



Buffer Map.docx



Untitled  
attach...10.html

## Public Notice of Hearing

Date: April 9, 2021

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 5' Wall along the curb (summary of request).

Property owner: Rachel Salas

Agent (If applicable): \_\_\_\_\_

Property Address: 8921 Democracy Rd NE, Albuquerque, NM, 87109 (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/j/7044490999>

Thank you,

Applicant's Name: Rachel Salas

Applicant's Number or Email Address: Rachel@EaglerockNM.com

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505- 924-3894 or [suzannasanchez@cabq.gov](mailto: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: ☒ ☐ Yes ☐ No

Mailed Notice required: ☒ ☐ Yes ☐ No

Electronic Mail required: ☐ Yes ☐ No ☒

Is this a Site Plan Application: ☐ Yes ☐ No ☒ **Note: if yes, see second page**

**PART II – DETAILS OF REQUEST**

Address of property listed in application: 8921 Democracy Rd NE - 87109

Name of property owner: Rachel Salas

Name of applicant: Rachel Salas

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](http://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.

\_\_\_\_\_ (Applicant signature) \_\_\_\_\_ April 9, 2021 \_\_\_\_\_ (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.

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

WILLIAMS VICKI K  
8913 DEMOCRACY RD NE  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

MAY JERRY A & SUSAN J  
GONZALES  
8925 DEMOCRACY RD NE  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

William Harken  
8917 Democracy Rd NE  
Albuquerque NM 87109

HARRELL JOHN EDWARD & JANE  
E TRUSTEES HARRELL RYT  
9008 Liberty Dr NE

WALKER MARY K  
7827 Democracy Rd NE  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

EVANS-GREGORY J & MCKINELL  
MARGARET S  
7828 Republic Dr  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

Susan Labarge E  
8920 Liberty Dr NE  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

FLORES OSCAR ALONSO ESPINO  
9000 Liberty Dr NE  
Albuquerque NM 87109

STEVENS DONALD M & ELEANOR H  
9004 Liberty Dr NE  
Albuquerque NM 87109

# Avery8160EasyPeelAddressLabels.pages

Pages Document - 196 KB

## Information

Show More

Created February 5, 2020 at 2:35 PM

Modified April 13, 2021 at 11:56 AM

Last opened Today, 3:04 PM



More  
050















Only submit photos of properties that are within the linear area up to 330 feet. (Only properties in green, along the yellow lines).

Take a picture of any fence/wall that is over 3 feet.

Write the address on the front.

Mark the address off on the map.

Print all and submit to the ZHE.

14 Properties = 3 Photos















## PERMIT JUSTIFICATION LETTER – WALL OR FENCE

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

RE: Request for Wall Permit of 8921 Democracy Rd NE - 8709  
at \_\_\_\_\_ (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  $\frac{1}{2}$  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.)



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**:

\_\_\_\_\_  
This wall will add architectural aesthetic to the neighborhood hiding the unkept RV pad.  
\_\_\_\_\_.

(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the **BECAUSE**:

\_\_\_\_\_  
This will close off the traffic to my back yard and ditch. I get lots of unwanted traffic seeking quick access to the ditch.  
\_\_\_\_\_.

(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**:

\_\_\_\_\_  
The wall does not block anything.  
\_\_\_\_\_  
\_\_\_\_\_.

2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area. **PLEASE EXPLAIN**:

\_\_\_\_\_  
Beautifully built it conceals the dirt.  
\_\_\_\_\_  
\_\_\_\_\_.

Signature \_\_\_\_\_ 

Date April 9, 2021



## 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.

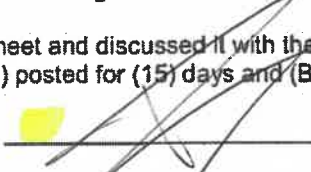
4. TIME

Signs must be posted from 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.

  
(Applicant or Agent)

  
(Date)

I issued 1 signs for this application, 5/4/2021, MARCELO IBARRA  
(Date) (Staff Member)

PROJECT NUMBER: PR-2021-005420  
VA-2021-00124



## CITY OF ALBUQUERQUE INVOICE

RACHEL SALAS

8921 DEMOCRACY RD NE

Reference NO: VA-2021-00124

Customer NO: CU-133860707

Date	Description	Amount
5/04/21	Application Fee	\$210.00

Due Date: 5/04/21

Total due for this invoice:

\$210.00

Options to pay your Invoice:

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
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: 5/04/21  
Amount Due: \$210.00  
Reference NO: VA-2021-00124  
Payment Code: 130  
Customer NO: CU-133860707

RACHEL SALAS  
8921 DEMOCRACY RD NE  
ALBUQUERQUE, NM 87109



130 0000VA20210012400102546713386069900000000000021000CU133860707



## Your transaction is complete – Thank you!

Your request for payment has been received.

An additional confirmation will be sent to your email account if it was provided with the payment.

Your Reference Number: **2021123003-33**

05/04/2021 11:42:46 AM

<b>Total Amount:</b>	<b>\$215.78</b>
<b>Building Permits, Business Registrations, Code Enforcement Permits and Planning Applications 2021123003-33-1</b> NAME: RACHEL SALAS - CU133860707 CUSTOMER NUMBER: CU133860707	<b>\$210.00</b>
<b>Permit Information</b> PERMIT NUMBER: VA-2021-00124 PERMIT DESCRIPTION: PL002: Planning: Application Fee (Variance and Appeals) NAME: RACHEL SALAS - CU133860707	<b>\$210.00</b>
<b>Visa Service Fee 2021123003-33-3</b>	<b>\$5.78</b>
<b>Visa Credit Sale M</b> CARD NUMBER: *****1501 FIRST NAME: Rachel LAST NAME: Salas AUTH CODE: 02192D	<b>\$210.00</b>
<b>Visa Service Fee Credit Sale M</b> CARD NUMBER: *****1501 FIRST NAME: Rachel LAST NAME: Salas PAYMENT TYPE: credit AUTH CODE: 02205D	<b>\$5.78</b>
<b>Total Amount:</b>	<b>\$215.78</b>



CE2021123003-33

Payment processing disclaimer. Set me in Workgroup Config

Powered by CORE Business Technologies



William Harken  
8917 Democracy Rd NE  
Albuquerque, NM 87109

June 1, 2021

Zoning Hearing Examiner  
City of Albuquerque Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

RE: 8921 Democracy Rd NE Zoom hearing scheduled for June 15, 2021 at 900am.  
File #s: PR 2021-005420 and VA 2021-00524

Dear Zoning Hearing Examiner:

Since I do not have Zoom capability, I am writing this to be included in the file and for your reference and information.

The Announcement I received in the mail regarding this Meeting states that the variance is for a 5-foot wall at the curb. Please view attachment 1, a picture looking toward the east at the wall in question. This wall is over 5 feet tall and is not located at the curb.

The reasons given for this request are to provide for increased security that a 3-foot wall does not provide by blocking access to the back yard, stop access to the ditch through this area, and blocking the view of the unkept RV parking area. Look again at Attachment 1. There is an about 2 1/2-foot wall at the east end separating the adjacent property and nothing at the west end of this wall. How does this wall improve security or stop access? It does not in any way do this. In addition, there is no way an RV larger than a pick-up truck can safely get into and out of this area with this wall in place. Yes, the area is dirt and has been for years. Yes, it is unkept but that is no excuse for a wall. This side yard should really be leveled and landscaped.

In the 39 years I have lived here I have never seen anyone who does not live there, or their guests, use this side yard to get to the ditch. Two previous homeowners never mentioned incursions either. To my knowledge this homeowner has had no incursions and no police reports have been filed. Also, there has never been an incident with a motor vehicle jumping the curb and entering this area.

If this homeowner was really concerned about security they would turn on their existing exterior perimeter lights at night. The front lights have not been on overnight more than twice in the last

year and the back ones never. In addition, a family members pickup truck parks on the street, not in the driveway or in the side yard.

This property is at the intersection of Republic and Democracy. Both these streets intersect and end here. I do not think this is a corner lot or in a cul-de-sac as stated on page 1 of the Public Notice of a Proposed Project in the City of Albuquerque Administrative Review/Decision – Electronic Mail.

All the other properties with large side yards within 330 feet of this property have constructed walls and/or gates between the house and the adjacent property that are behind the front façade of the house. This is enhanced security whereas what is proposed here is not. Attachment 2 is a picture taken on Republic looking North. Both the subject wall and the property directly east of the subject property are shown. The property directly east has installed walls and gates that accomplish something. This construction is typical of the other large side yard walls in the neighborhood. Gates are typically either metal or wood.

Several pictures of walls over 3 feet high are included in the file which are supposed to be within 330 feet of the property. None of these are applicable since they do not show walls adjacent to and parallel to the sidewalk in the front of the property. I have driven and walked the area and, from what I can tell, none of these pictures were taken within the 330 foot requirement. The map is also not marked showing the location of the walls pictured.

Also stated in the Permit Justification Letter – Wall or Fence is a comment that this walls construction reflects the architectural character of the surrounding area. All other walls in this area are either grey cement block, painted block, or stucco over block. This brown block wall does not blend into the neighborhood or even its immediate surroundings at all. Look at Attachment 2.

The letter from the Heritage Hills Neighborhood Association does not address this wall only the existing wall in the back of the property. Therefore, their e-mail is not their approval of this proposal.

The developers of this subdivision clearly wanted the front yards of all the houses to be open. This is reflected in the Covenants Imposed on Heritage Hills Unit 5. These are on file with the County Clerk, Document # 1980032181, and are still valid. This property is lot 34 in Unit 5. An excerpt from Paragraph 18 states: "Fences and walls shall be in conformance with all applicable zoning ordinances and any other public ordinance pertaining thereto. In addition, all fences or walls erected closer to the front property line than the front of the building, except necessary retaining walls of minimum height, shall be equal to or less than three feet (3") in height." There are no exceptions to this paragraph.

I believe this is a poorly constructed wall since no permit was granted, therefore, no inspections were made. Whether a variance is granted or not, the existing wall should be torn down. If the



homeowner chooses to reconstruct some sort of wall or fence it must be done, with a valid permit, from the ground up in accordance with current code and in compliance with the Heritage Hills Unit 5 Covenants.

I am opposed to this request and strongly recommend you do not approve it. This neighborhood does not need walls, of any height, sprouting up along all the properties sidewalks. This useless, brown, monolithic eyesore needs to go. I do not believe this wall has anything to do with security but rather 'I want'.

If you approve this request, please include in your approval that this variance only applies to a wall between the existing driveway east to the adjoining property and that the wall will not ever exceed 5 feet in height as measured from the sidewalk side of the wall.

Please send me a copy of your decision when it is finalized.

Sincerely,

*signed*

William Harken

2 Attachments

1. Picture of wall West to East
2. Picture from Republic looking North



Subject wall looking east.



Standing on Republic looking North. Subject brown wall is just left of center.

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
INTER-OFFICE MEMORANDUM

**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.

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**VA-2021-00124**

**PR-2021-005420**

**Address:** 8921 Democracy Rd NE

**Transportation Review:** **No objections**

After review of the provided application, Transportation has no objection to the construction of a wall over 3 feet. The wall location will not adversely impact the driveway or intersection sight distance.

City of Albuquerque ZHE – June 15, 2021

Agenda Item #18

VA-2021-00124

PR-2021-005420

**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)]**

**Ownership:** Owner: SALAS RACHEL MARIE

**Zone District/Purpose:** R-1/ The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area.

**Allowable Use:** n/a

**Applicable Comp Plan Designation(s):** Area of Consistency

**Applicable Overlay Zones:** None listed

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

**Applicable Dimensional/Development Standards:**

Table 5-7-2: Options for a Taller Front or Side Yard Wall <sup>[1]</sup>		
Wall Type and Location	Maximum Wall Height	Illustration
<b>View Fencing</b>		
View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:		
<10 ft. from lot line abutting the street	5 ft.	0
≥10 ft. from lot line abutting the street	6 ft.	0
<b>Courtyard Walls</b>		
≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(g)2
<b>Corner Lots</b>		
On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:		
<10 ft. from the lot line abutting the street	5 ft.	5-7(D)(2)
<small>[1] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-6(H) (Permit – Wall or Fence – Major).</small>		

**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.









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

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)]

Special Exception No:..... **VA-2021-00124**  
Project No: ..... **Project#2021-005420**  
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, property owner Rachel Marie Salas (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit-Wall or Fence-Major (“Application”) upon the real property located at 8921 Democracy Rd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a Permit-Wall or Fence-Major.
2. Based on Applicant’s submittals and testimony, it appears that obtaining a variance would also be also necessary for her to retain the existing unpermitted wall as constructed.
3. Applicant should be granted additional time to submit and justify an application for variance for the existing unpermitted wall.

**DECISION:**

DEFERRAL of the Application to be heard at the ZHE hearing beginning at 9:00 a.m. on August 17, 2021.

**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  
Rachel Marie Salas, [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

# REQUEST FOR SPECIAL EXCEPTION

☒ Variance ☐ Conditional Use ☐ Other Interpreter: ☐ Yes ☒ No  
VA# 2021-00232 PR# 2021-005420

<b>Date:</b> 6/16/2021	<b>Received By:</b> Marcelo Ibarra	
<b>Address of Request:</b> 8921 Democracy Rd NE		
City: Albuquerque	State: NM	Zip: 87109
Lot: 34	Block: 0000	Zone: R-1C
Subdivision: Heritage Hills Unit 5	UPC#	102006324242120435
<b>Property Owner(s):</b> Salas Rachel Marie		
Mailing Address: 8921 Democracy Rd NE		
City: Albuquerque	State: NM	Zip: 87109
Phone: 505-730-0672	Email: rachel@eaglerocknm.com	
<b>Agent:</b> N/A		
Mailing Address:		
City:	State:	Zip:
Phone:	Email:	
<b>Fee Total: \$ 210.00</b>		

## 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:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Hearing Date:** AUG. 17, 2021

ZONING OFFICIAL USE ONLY			
<b>Request for exception to IDO Section: 14-16- 5-7(D) Table 5-7-2</b>			
<b>Description of request:</b> Variance of 3 feet to the 3 feet maximum wall height in the front yard-solid			
<input checked="" type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
Case history number(s) from AGIS: <b>PR-2021-005420, 1011302</b>			
APO:	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 5-7-1: Maximum Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP) <sup>[1]</sup>	Non-residential (NR-LM, NR-GM)	See also:
<b>Standard Wall Height</b>					
Wall in the front yard or street side yard <sup>[2][3][4]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot <sup>[5][6]</sup>	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street <sup>[3]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(g)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
Wall in a rear or interior side yard abutting Major Public Open Space	6 ft.	6 ft.	6 ft.	10 ft.	5-7(D)(2) 5-7(E)(4)
<p>[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.</p> <p>[2] Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(c).</p> <p>[3] Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-5-7(D)(3)(d) or 14-16-5-7(D)(3)(g).</p> <p>[4] Taller walls may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e).</p> <p>[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.</p> <p>[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 and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.</p>					

**Sanchez, Suzanna A.**

---

**From:** Sanchez, Suzanna A.  
**Sent:** Tuesday, March 30, 2021 2:24 PM  
**To:** 'rachel@eaglerocknm.com'  
**Subject:** ZHE Contacts - 8921 Democracy Rd NE  
**Attachments:** 1. Letter to Neighborhood Association.pdf; 2. Letter to Property Owners-June.pdf; WALL PERMIT JUSTIFICATION LETTER GUIDELINES.pdf; GENERAL VARIANCE JUSTIFICATION LETTER GUIDELINES.pdf; Buffer Map.docx

Dear Applicant,

- 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.

Association Name	First Name	Last Name	Email	Address Line 1
District 4 Coalition of Neighborhood Associations	Mildred	Griffiee	<a href="mailto:mgriffiee@noreste.org">mgriffiee@noreste.org</a>	PO Box 90986
District 4 Coalition of Neighborhood Associations	Daniel	Regan	<a href="mailto:dlreganabq@gmail.com">dlreganabq@gmail.com</a>	4109 Chama Street
Heritage Hills NA	Christy	Burton	<a href="mailto:christy_burton@hotmail.com">christy_burton@hotmail.com</a>	8709 Palomar Avenue NE
Heritage Hills NA	Homer	Gonzales	<a href="mailto:hgabq1985@gmail.com">hgabq1985@gmail.com</a>	8924 Armistice Road

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.

- 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.

Owner	OWNADD	OWNADD2
SECRETARY OF HUD SUITE 7301	500 GOLD AVE FLOOR 7TH	ALBUQUERQUE NM 8 3118
LEWIS DENNIS R & ELIZABETH L TR LEWIS TRUST & LEWIS STEPHEN E & ETAL	2930 SAMARKAND DR	SANTA BARBARA CA 9
WILLIAMS VICKI K	8913 DEMOCRACY RD NE	ALBUQUERQUE NM 8
MAY JERRY A & SUSAN J GONZALES	8925 DEMOCRACY RD NE	ALBUQUERQUE NM 8
HARKEN WILLIAM M	8917 DEMOCRACY RD NE	ALBUQUERQUE NM 8 5112

SALAS RACHEL MARIE	8921 DEMOCRACY RD NE	ALBUQUERQUE NM 8 5112
WALKER MARY K	7827 REPUBLIC DR NE	ALBUQUERQUE NM 8 5131
EVANKO GREGORY J & MCDONNELL MARGARET S	7828 REPUBLIC DR NE	ALBUQUERQUE NM 8 5132
LABARGE SUSAN E	8920 LIBERTY DR NE	ALBUQUERQUE NM 8
FLORES OSCAR ALONSO ESPINO	9000 LIBERTY DR NE	ALBUQUERQUE NM 8 5175
STEVENS DONALD M & ELEANOR H	9004 LIBERTY DR NE	ALBUQUERQUE NM 8
HARRELL JOHN EDWARD & JANE E TRUSTEES HARRELL RVT	9008 LIBERTY DR NE	ALBUQUERQUE NM 8 5175

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

Thank you,

Suzie



**SUZIE SANCHEZ**

zhe administrative assistant

o 505.924.3894

e [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)



## REQUEST FOR NEIGHBORHOOD MEETING

Date: 4/16/21

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 permit for a wall taller than 3 feet

\_\_\_\_\_ (summary of request).

Property owner Rachel Salas

Agent if applicable \_\_\_\_\_

Property Address 8921 Democracy RD NE, Albuquerque, NM, 87109 (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,  
Rachel Salas

Applicant Name Rachael Salas

Email [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

---

Phone Number 505-730-0672

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](mailto: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.

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

## Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request\*: 04/16/21 \_\_\_\_\_

This request for a Neighborhood Meeting 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)\*: Heritage Hills NA \_\_\_\_\_

Name of NA Representative\*: Christy Burton and Homer Gonzales \_\_\_\_\_

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: christy\_burton@hotmail.com / hgabq1985@gmail.com \_\_\_\_\_

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.<sup>2</sup>

Email address to respond yes or no: rachel@eaglerocknm.com \_\_\_\_\_

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location: \_\_\_\_\_

### Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* 8921 Democracy RD NE \_\_\_\_\_  
Location Description \_\_\_\_\_
2. Property Owner\* Rachel Salas \_\_\_\_\_
3. Agent/Applicant\* [if applicable] \_\_\_\_\_
4. Application(s) Type\* per IDO [Table 6-1-1](#) [mark all that apply]
  - ☐ Conditional Use Approval
  - ☒ Permit WALL \_\_\_\_\_ (Carport or Wall/Fence – Major)
  - ☐ Site Plan
  - ☐ Subdivision \_\_\_\_\_ (Minor or Major)

<sup>1</sup> 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.

<sup>2</sup> If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

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

- ☐ Vacation \_\_\_\_\_ (Easement/Private Way or Public Right-of-way)
- ☐ Variance
- ☐ Waiver
- ☐ Zoning Map Amendment
- ☐ Other: \_\_\_\_\_

Summary of project/request<sup>3\*</sup>:  
permit for a wall over 3 feet

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5. This type of application will be decided by<sup>\*</sup>: ☐ City Staff  
OR at a public meeting or hearing by:
- ☒ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)
- ☐ Landmarks Commission (LC) ☐ Environmental Planning Commission (EPC)
- ☐ City Council
6. Where more information about the project can be found<sup>\*4</sup>:  
ZHE Administrative Assistant- [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)
- 

**Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)<sup>\*5</sup> D20
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant<sup>\*</sup>: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project<sup>\*</sup>:
- ☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)
- Explanation:
- 
- 
- 
4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1](#)<sup>\*:</sup> ☒ Yes ☐ No

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<sup>3</sup> Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

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

5. **For Site Plan 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:**

1. From the IDO Zoning Map<sup>6</sup>:

- a. Area of Property [typically in acres] \_\_\_\_\_
- b. IDO Zone District R-1C \_\_\_\_\_
- c. Overlay Zone(s) [if applicable] \_\_\_\_\_
- d. Center or Corridor Area [if applicable] \_\_\_\_\_

2. Current Land Use(s) [vacant, if none] \_\_\_\_\_

\_\_\_\_\_

**Useful Links**

**Integrated Development Ordinance (IDO):**

<https://ido.abc-zone.com/>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

District 4 Coalition of NA

Cc: Mildred Griffiee and Daniel Regan \_\_\_\_\_ [Other Neighborhood Associations, if any]

mgriffiee@noreste.org and dlreganabq@gmail.com

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>6</sup> Available here: <https://tinurl.com/idozoningmap>

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

## Public Notice of a Proposed Project in the City of Albuquerque Administrative Review/Decision – Electronic Mail

Date of Notice\*: April 9, 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) \*: NA

Name of NA Representative\*: NA

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: NA

### Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* 8921 Democracy Rd NE - 87109  
Location Description Corner lot on cul de sack
2. Property Owner\* Rachel Salas
3. Agent/Applicant\* [if applicable] \_\_\_\_\_
4. Application(s) Type\* per IDO [Table 6-1-1](#)
  - ☐ Historic Certificate of Appropriateness – Minor
  - ☐ Sign Permit
  - ☐ Alternative Signage Plan
  - ☒ Wall/Fence Permit
  - ☐ Site Plan – Administrative<sup>2</sup>

Summary of project/request\*:

I would like to close off access to my back yard to the general public. My back yard is used as a quick access to the ditch.

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

<sup>1</sup> 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.

<sup>2</sup> 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<sup>\*3</sup>:

**Information Required for Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)<sup>\*4</sup> \_\_\_\_\_
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant<sup>\*</sup>: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project<sup>\*</sup>:

☐ Deviation(s)      ☐ Variance(s)<sup>5</sup>      ☐ Waiver(s)<sup>6</sup>

Explanation<sup>\*</sup>:

4. Pre-submittal Neighborhood Meeting: Not Required
5. **For Site Plan – Administrative Applications only<sup>\*</sup>**, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas. <sup>\*</sup>
- ☐ b. Access and circulation for vehicles and pedestrians. <sup>\*</sup>
- ☐ c. Maximum height of any proposed structures, with building elevations. <sup>\*</sup>
- ☐ d. **For residential development<sup>\*</sup>**: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development<sup>\*</sup>**:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

**Additional Information:**

From the IDO Zoning Map<sup>7</sup>:

1. Area of Property [typically in acres] \_\_\_\_\_
2. IDO Zone District \_\_\_\_\_
3. Overlay Zone(s) [if applicable] \_\_\_\_\_
4. Center or Corridor Area [if applicable] \_\_\_\_\_

<sup>3</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>4</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

<sup>5</sup> Separate notice is required for Variances.

<sup>6</sup> Separate notice is required for Waivers.

<sup>7</sup> Available here: <https://tinurl.com/idozoningmap>



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

Current Land Use(s) [vacant, if none] \_\_\_\_\_  
\_\_\_\_\_

**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](mailto: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: I do not have an HOA [Other Neighborhood Associations, if any]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**From:** Rachel [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)   
**Subject:** Fwd: 8921 Democracy Rd  
**Date:** April 13, 2021 at 12:22 PM  
**To:** Sanchez, Suzanna A. [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)  
**Cc:** Ibarra, Marcelo X. [marceloibarra@cabq.gov](mailto:marceloibarra@cabq.gov)  
**Bcc:** [bdugger@oakeylawoffice.com](mailto:bdugger@oakeylawoffice.com)



Hi Suzi

I sent the two emails to the the Neighborhood Association, below is the response from Mr Regan. I also have the Public Notice of Hearing out to my neighbors. How do I acquire my packet?

Rachel Salas

Eagle Rock Contracting

[www.eaglerocknm.com](http://www.eaglerocknm.com)

505.828.2535 o

505.828.3534 f

505.730.0672 c

[rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

<http://optimizedacoustics.com>

Begin forwarded message:

**From:** "Dan Regan" <[dlreganabq@gmail.com](mailto:dlreganabq@gmail.com)>  
**Subject:** FW: 8921 Democracy Rd  
**Date:** April 12, 2021 at 7:41:54 PM MDT  
**To:** "'PeggyD'" <[peggyd333@yahoo.com](mailto:peggyd333@yahoo.com)>, "'Jim Griffie'" <[jgriffie@noreste.org](mailto:jgriffie@noreste.org)>  
**Cc:** "Dan Regan" <[dlreganabq@gmail.com](mailto:dlreganabq@gmail.com)>, <[rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)>

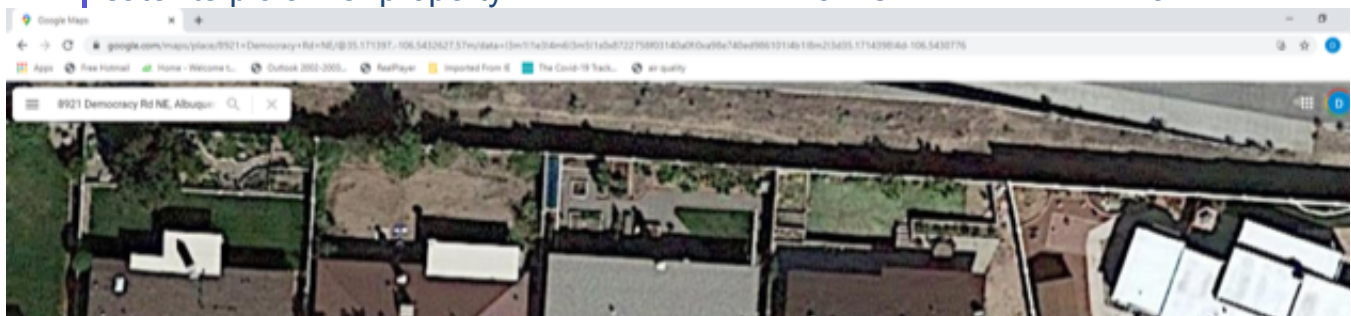
Peggy & Jim,

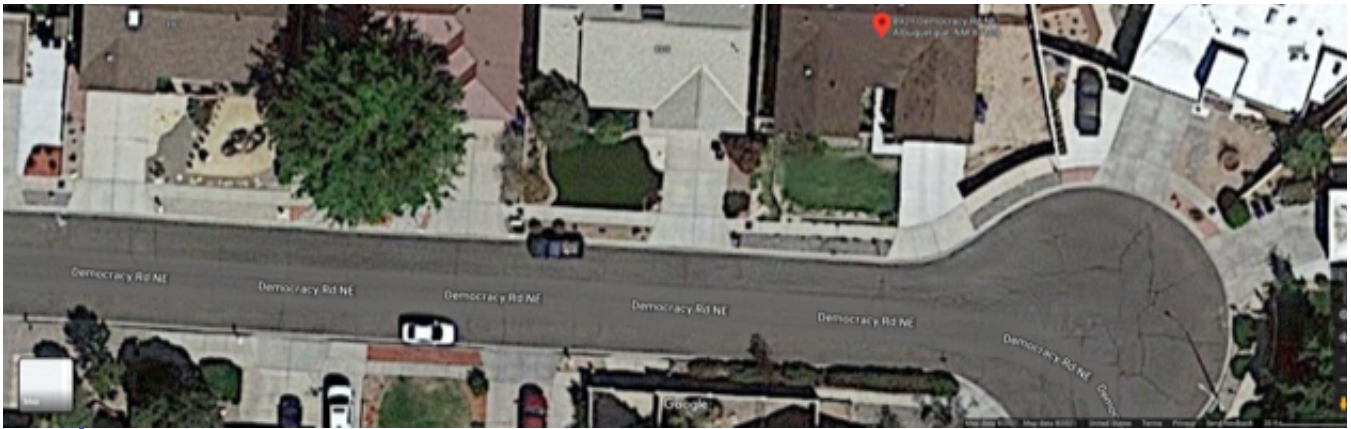
I just spoke with Rachel Salas. The back yard wall has already been built. She is in the process of snail mailing her neighbors (City only provided street addresses) to see if any of them have a problem with her new wall.

I do not see any issues or problem with a 5 foot back wall that keeps folks out of her back yard. Lemeno if either of you have any problem with it. Below is a satellite pic of her property.

Thanks

Dan





**From:** Rachel [<mailto:rachel@eaglerocknm.com>]

**Sent:** Monday, April 12, 2021 5:57 PM

**To:** [dlreganabq@gmail.com](mailto:dlreganabq@gmail.com)

**Subject:** 8921 Democracy Rd

Good Afternoon,

My name is Rachel Salas, I live at 8921 Democracy Rd. Recently I built a wall to block 'unwanted traffic' to the ditch I back. I was unaware the wall needed to be approved before hand.

Please find attached Neighborhood Association approval request letter. I will be grated a hearing soon I will provide information when it becomes available.

Please let me know if you have any questions my direct line is below.

Rachel Salas

Eagle Rock Contracting

[www.eaglerocknm.com](http://www.eaglerocknm.com)

505.828.2535 o

505.828.3534 f

505.730.0672 c

[rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)

<http://optimizedacoustics.com>



RS 1. Letter to  
Neighb...ion.pdf



Untitled

attach...07.html



Buffer Map.docx



Untitled  
attach...10.html

## Public Notice of Hearing

Date: April 9, 2021

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 5' Wall along the curb (summary of request).

Property owner: Rachel Salas

Agent (If applicable): \_\_\_\_\_

Property Address: 8921 Democracy Rd NE, Albuquerque, NM, 87109 (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: Rachel Salas

Applicant's Number or Email Address: Rachel@EaglerockNM.com

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505- 924-3894 or [suzannasanchez@cabq.gov](mailto: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: ☒ ☐ Yes ☐ No

Mailed Notice required: ☒ ☐ Yes ☐ No

Electronic Mail required: ☐ Yes ☐ No ☒

Is this a Site Plan Application: ☐ Yes ☐ No ☒ **Note: if yes, see second page**

**PART II – DETAILS OF REQUEST**

Address of property listed in application: 8921 Democracy Rd NE - 87109

Name of property owner: Rachel Salas

Name of applicant: Rachel Salas

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](http://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.

\_\_\_\_\_ (Applicant signature) \_\_\_\_\_ April 9, 2021 (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.

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

WILLIAMS VICKI K  
8913 DEMOCRACY RD NE  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

MAY JERRY A & SUSAN J  
GONZALES  
8925 DEMOCRACY RD NE  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

William Harken  
8917 Democracy Rd NE  
Albuquerque NM 87109

HARRELL JOHN EDWARD & JANE  
E TRUSTEES HARRELL RYT  
9004 Liberty Dr NE

WALKER MARY K  
7827 Democracy Rd NE  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

EVANS-GREGORY J & MCKINELL  
MARGARET S  
7828 Republic Dr  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

Susan Laberge E  
8920 Liberty Dr NE  
Albuquerque NM 87109

Rachel Sales  
8921 Democracy Rd NE  
Albuquerque NM 87109

FLORES OSCAR ALONSO ESPINO  
9000 Liberty Dr NE  
Albuquerque NM 87109

STEVENS DONALD M & ELEANOR H  
9004 Liberty Dr NE  
Albuquerque NM 87109

# Avery8160EasyPeelAddressLabels.pages

Pages Document - 196 KB

## Information

Show More

Created February 5, 2020 at 2:35 PM

Modified April 13, 2021 at 11:56 AM

Last opened Today, 3:04 PM



More  
094















Only submit photos of properties that are within the linear area up to 330 feet. (Only properties in green, along the yellow lines).

Take a picture of any fence/wall that is over 3 feet.

Write the address on the front.

Mark the address off on the map.

Print all and submit to the ZHE.

14 Properties = 3 Photos















## PERMIT JUSTIFICATION LETTER – WALL OR FENCE

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

RE: Request for Wall Permit of 8921 Democracy Rd NE - 8709  
at \_\_\_\_\_ (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  $\frac{1}{2}$  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.)



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**:

\_\_\_\_\_  
This wall will add architectural aesthetic to the neighborhood hiding the unkept RV pad.  
\_\_\_\_\_.

(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the **BECAUSE**:

\_\_\_\_\_  
This will close off the traffic to my back yard and ditch. I get lots of unwanted traffic seeking quick access to the ditch.  
\_\_\_\_\_.

(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**:

\_\_\_\_\_  
The wall does not block anything.  
\_\_\_\_\_  
\_\_\_\_\_.

2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area. **PLEASE EXPLAIN**:

\_\_\_\_\_  
Beautifully built it conceals the dirt.  
\_\_\_\_\_  
\_\_\_\_\_.

Signature \_\_\_\_\_ 

Date April 9, 2021

**VARIANCE JUSTIFICATION LETTER - GENERAL**

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

RE: Request for Variance of I'd like to close off access to my back yard to the general public.  
at 8921 Democracy Rd NE - ABQ NM 87109 (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, topography, 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:**

Directly backing the ditch passerby's see my back yard as quick access to the ditch and have.  
With a 3' wall it's very easy to hop over.

2) The Variance will not be materially contrary to the public safety, health, or welfare **BECAUSE:**

This material will benefit the neighbors. My back yard is the only side yard that has access to the ditch.

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


The wall will match the aesthetic of the neighborhood.

4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district **BECAUSE:**

No it will cause no conflicts.

5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties **BECAUSE:**

The majority of my neighbors would enjoy if the the foot traffic in our neighborhood would decrease.

Signature 

Date June 17, 2021

## 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 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)

5/4/21  
(Date)

I issued 1 signs for this application, 5/4/2021, MARCELO IBARRA  
(Date) (Staff Member)

PROJECT NUMBER: PR-2021-005420

VA-2021-00124

# 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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#### 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.

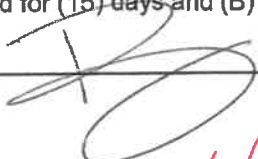
#### 4. TIME

Signs must be posted from AUG. 02, 2021 To AUG. 17, 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.

  
\_\_\_\_\_  
(Applicant or Agent)

7/2/21  
\_\_\_\_\_  
(Date)

I issued 1 signs for this application, 6/16/2021, MARCELO IBARRA  
\_\_\_\_\_  
(Date) (Staff Member)

PROJECT NUMBER: PR-2021-005420

VA-2021-00232  
109



# CITY OF ALBUQUERQUE INVOICE

RACHEL SALAS

8921 DEMOCRACY RD NE

Reference NO: VA-2021-00232

Customer NO: CU-133860707

Date	Description	Amount
6/16/21	Application Fee	\$210.00

Due Date: **6/16/21**

Total due for this invoice:

**\$210.00**

Options to pay your Invoice:

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
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:** 6/16/21  
**Amount Due:** \$210.00  
**Reference NO:** VA-2021-00232  
**Payment Code:** 130  
**Customer NO:** CU-133860707

RACHEL SALAS  
8921 DEMOCRACY RD NE  
ALBUQUERQUE, NM 87109



130 0000VA20210023200102110137164600000000000000021000CU133860707



## Sanchez, Suzanna A.

---

**From:** Rachel <rachel@eaglerocknm.com>  
**Sent:** Wednesday, August 04, 2021 9:48 AM  
**To:** Sanchez, Suzanna A.  
**Subject:** Re: Public Notice-8921 Democracy

**Importance:** High

Good Morning Suzi

Attached is the photos of all the addressed and them in the mail box.

Rachel Salas

Eagle Rock Contracting  
[www.eaglerocknm.com](http://www.eaglerocknm.com)  
505.828.2535 o  
505.730.0672 c  
[rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)  
<http://optimizedacoustics.com>





On Aug 4, 2021, at 8:27 AM, Sanchez, Suzanna A. <[suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)> wrote:

Good morning,

Just sending a reminder for notice.

Thank you,

Suzie

---

**From:** Sanchez, Suzanna A.  
**Sent:** Thursday, July 22, 2021 11:52 AM  
**To:** 'Rachel'  
**Subject:** Public Notice-8921 Democracy  
**Importance:** High

Dear Applicant,

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- August. 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.

Owner	Complete Owner Address
SECRETARY OF HUD SUITE 7301	500 GOLD AVE FLOOR 7TH ALBUQUERQUE NM 87102-3118
LEWIS DENNIS R & ELIZABETH L TR LEWIS TRUST & LEWIS STEPHEN E & ETAL	2930 SAMARKAND DR SANTA BARBARA CA 93105-3118
WILLIAMS VICKI K	8913 DEMOCRACY RD NE ALBUQUERQUE NM 87109-5118
MAY JERRY A & SUSAN J GONZALES	8925 DEMOCRACY RD NE ALBUQUERQUE NM 87109-5118
HARKEN WILLIAM M	8917 DEMOCRACY RD NE ALBUQUERQUE NM 87109-5118
SALAS RACHEL MARIE	8921 DEMOCRACY RD NE ALBUQUERQUE NM 87109-5118
LEFTHAND DANIEL & LAUREN CLARA	7827 REPUBLIC DR NE ALBUQUERQUE NM 87109-5118
EVANKO GREGORY J & MCDONNELL MARGARET S	7828 REPUBLIC DR NE ALBUQUERQUE NM 87109-5118
LABARGE SUSAN E	8920 LIBERTY DR NE ALBUQUERQUE NM 87109-5118
FLORES OSCAR ALONSO ESPINO	9000 LIBERTY DR NE ALBUQUERQUE NM 87109-5118
STEVENS DONALD M & ELEANOR H	9004 LIBERTY DR NE ALBUQUERQUE NM 87109-5118
HARRELL JOHN EDWARD & JANE E TRUSTEES HARRELL RVT	9008 LIBERTY DR NE ALBUQUERQUE NM 87109-5118

Please forward me a copy of the letter and proof of notice by **Wednesday, August 11<sup>th</sup>**.

Lack of notice may result in a deferral.

Thank you,

*Suzie Sanchez*

<image001.jpg>

**SUZIE SANCHEZ**

zhe administrative assistant

o 505.924.3894

e [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

<2. Letter to Property Owners-August.pdf>

## City of Albuquerque ZHE – August 17, 2021

Agenda Item #8

VA-2021-00124

PR-2021-005420

**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)]**

**Ownership:** Owner: SALAS RACHEL MARIE

**Zone District/Purpose:** R-1/The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area.

**Allowable Use:** n/a

**Applicable Comp Plan Designation(s):** Area of Consistency

**Applicable Overlay Zones:** None listed

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

### Applicable Dimensional/Development Standards:

Table 5-7-2: Options for a Taller Front or Side Yard Wall <sup>(1)</sup>		
Wall Type and Location	Maximum Wall Height	Illustration
<b>View Fencing</b>		
View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:		
<10 ft. from lot line abutting the street	5 ft.	0
≥10 ft. from lot line abutting the street	6 ft.	0
<b>Courtyard Walls</b>		
≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(g)2
<b>Corner Lots</b>		
On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:		
<10 ft. from the lot line abutting the street	5 ft.	5-7(D)(2)
(1) The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-4(h) [Permit – Wall or Fence – Major].		

**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.



City of Albuquerque ZHE – August 17, 2021

Agenda Item #9

VA-2021-00232

PR-2021-005420

**Rachel Marie Salas requests a variance of 3 feet to the 3 feet maximum wall height in the front yard for Lot 34, Heritage Hills Unit 5, located at 8921 Democracy Rd NE, zoned R-1C [Section 14-16-5-7-D]**

**Ownership:** Owner: SALAS RACHEL MARIE

**Zone District/Purpose:** R-1/The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area.

**Allowable Use:** n/a

**Applicable Comp Plan Designation(s):** Area of Consistency

**Applicable Overlay Zones:** None listed

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

**Applicable Dimensional/Development Standards:**

Table 5-7-2: Options for a Taller Front or Side Yard Wall <sup>[1]</sup>		
Wall Type and Location	Maximum Wall Height	Illustration
<b>View Fencing</b>		
View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:		
<10 ft. from lot line abutting the street	5 ft.	0
≥10 ft. from lot line abutting the street	6 ft.	0
<b>Courtyard Walls</b>		
≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(g)2
<b>Corner Lots</b>		
On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:		
<10 ft. from the lot line abutting the street	5 ft.	5-7(D)(2)
<small>[1] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-6(h) (Permit – Wall or Fence – Major).</small>		

**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.





William Harken  
8917 Democracy Rd NE  
Albuquerque, NM 87109

August 9, 2021

Zoning Hearing Examiner  
City of Albuquerque Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

RE: 8921 Democracy Rd NE Zoom hearing scheduled for Aug 17, 2021 at 900am.  
Project Number #: PR 2021-0054: VA 2021-00124 and VA 2021-00232

Dear Zoning Hearing Examiner:

Since I do not have Zoom capability, I am writing this to be included in the file and for your reference and information. It has been updated from my July comments to reflect recent changes to this property.

The Announcement I received in the mail regarding this meeting was postmarked Aug. 4, 2021 and it states that the variance is for a 5-foot wall at the curb. Please view Attachment 1, a picture looking toward the east at the wall in question. This wall is over 5 feet tall and is not located at the curb. Now I see a variance request, 00232, for a 6-foot wall. Which is it?

The original request, 00124, was deferred in July to allow the homeowner to submit an additional variance request and justification. After reviewing the 00232 request, I believe that the homeowner has submitted no new Justification information.

The reasons given for these requests, as stated in the homeowner's applications, are to provide for increased security that a 3-foot wall does not provide by blocking access to the back yard, stop access to the ditch through this area, and blocking the view of the unkept RV parking area.

Look again at Attachment 1. There is about a 2 1/2-foot wall at the east end separating the adjacent property and nothing at the west end of this wall. How does this wall improve security or stop access? It does not in any way do this. In addition, there is no way an RV larger than a pick-up truck can safely get into and out of this area with this wall in place. Look again at Attachment 1. This is no longer an unkept RV parking area, since it has been concreted over.

When a new concrete slab was poured on July 23<sup>rd</sup> and 24<sup>th</sup>, 2021 the original side yard wall and gates, which met both code and covenant requirements, were removed. Evidence of this previous wall shows up on the house and east property wall, see Attachment 2.

In the 39 years I have lived here I have never seen anyone who does not live there, or their guests, use this side yard to get to the ditch. Two previous homeowners never mentioned incursions either. To my knowledge this homeowner has had no incursions and no police reports have been filed. Also, there has never been an incident with a motor vehicle jumping the curb and entering this area.

If this homeowner was really concerned about security they would turn on their existing exterior perimeter lights at night. The front lights have not been on overnight more than twice in the last year, when someone was working in the area, and the back ones never. In addition, a family members pickup truck parks on the street, not in the driveway or in the side yard.

This property is at the intersection of Republic and Democracy. Both these streets intersect and end here. I do not think this is a corner lot or in a cul-de-sac as stated in the homeowner's submission.

All the other properties with large side yards within 330 feet of this property have constructed walls and/or gates between the house and the adjacent property that are behind the front façade of the house. This is enhanced security whereas what is proposed here is not. Attachment 3 is a picture taken on Republic looking North. Both the subject wall and the property directly east of the subject property are shown. The property directly east has installed walls and gates that accomplish something and the construction is typical of the other large side yard walls in the neighborhood. Gates are typically either metal or wood.

The homeowner has included several pictures of walls over 3 feet high which are supposed to be within 330 feet of the property. None of these are. The map is also not marked showing the location of the walls pictured. There are no walls over 3 feet, in the front of the houses, adjacent to and parallel to the sidewalk anywhere with 330 feet of this property.

The homeowner stated in the variance requests that this walls construction reflects the architectural character of the surrounding area. All other walls in this area are either grey cement block, painted block, or stucco over block. This brown block wall does not blend into the neighborhood or even its immediate surroundings at all. Look at Attachment 3.

The response from the Heritage Hills Neighborhood Association does not address this wall only the existing wall in the back of the property. Therefore, their e-mail is not their approval of these requests.

The developers of this subdivision clearly wanted the front yards of all the houses to be open. This is reflected in the Covenants Imposed on Heritage Hills Unit 5. These are on file with the County Clerk, Document # 1980032181, and are still valid. This property is lot 34 in Unit 5. An excerpt from

Paragraph 18 states: "Fences and walls shall be in conformance with all applicable zoning ordinances and any other public ordinance pertaining thereto. In addition, all fences or walls erected closer to the front property line than the front of the building, except necessary retaining walls of minimum height, shall be equal to or less than three feet (3') in height." There are no exceptions to this paragraph.

On July 23<sup>rd</sup> and 24<sup>th</sup>, 2021 a concrete slab was poured from this wall to the back of the property and from the house and driveway to the property line wall on the east. This is obviously meant to be used as a parking area. With this slab in place there is now no way to verify the construction of the existing wall without jackhammering out the sidewalk, driveway, or this new slab. No engineering statement or other construction information on this wall is included in either of these variance requests.

I believe this is a poorly constructed wall since no permit was granted, therefore, no inspections were made and now it is almost impossible to verify its construction. Also, I do not believe this wall meets the Integrated Development Ordinance (IDO) Part 14-16-5-7(E) requirements. Whether these variances are approved or not, the existing wall should be torn down. If the homeowner chooses to rebuild some sort of wall or fence it must be done, with a valid permit, from the foundation up in accordance with current code and in compliance with the Heritage Hills Unit 5 Covenants.

I am opposed to these requests and strongly recommend you deny them. This neighborhood does not need walls, of any height, sprouting up along all the properties sidewalks. This useless, brown, monolithic eyesore needs to go.

If you approve these requests, please include in your approval that these variances only apply to a wall between the existing driveway east to the adjoining property abutting the sidewalk and that the wall will not ever exceed 5 feet in height as measured from the sidewalk side of the wall.

Please send me a copy of your decision and any further deferments.

Sincerely,

*signed*

William Harken

2 Attachments

1. Picture of wall West to East
2. Evidence of previous wall
3. Picture from Republic looking North



Subject wall looking east taken on August 4, 2021.





Evidence of previous wall which was removed when slab was poured July 23 and 24, 2021.





Standing on Republic looking North. Subject brown wall is just left of center.

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
INTER-OFFICE MEMORANDUM

**August 2, 2021**

**To:** Lorena Patten-Quintana, ZHE Planner

**From:** Matt Grush, P.E. Senior Engineer

**Subject:** COMMENTS FOR THE ZHE HEARING OF August 17, 2021

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

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**VA-2021-00232**

**PR-2021-005420**

**Address:** 8921 Democracy Rd NE

**Transportation Review:** No objections

After review of the provided application, Transportation has no objection to the construction of a wall greater than 3 feet tall. The wall location/type will not adversely impact the driveway/sight distance due to the location of the driveway is at the end of cul-de-sac.



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

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)]

Special Exception No:..... **VA-2021-00124**  
Project No: ..... **Project#2021-005420**  
Hearing Date: ..... 08-17-21  
Closing of Public Record: ..... 08-17-21  
Date of Decision: ..... 09-01-21

On the 17th day of August, 2021, property owner Rachel Marie Salas (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit-Wall or Fence-Major (“Application”) upon the real property located at 8921 Democracy Rd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a Permit-Wall or Fence-Major.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(H)(3) Permit-Wall or Fence-Major reads: *“An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if the following criteria are met:*
  - 6-6(H)(3)(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.*

- 6-6(H)(3)(b) *The proposed wall would strengthen or reinforce the architectural character of the surrounding area.*
- 6-6(H)(3)(c) *The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
- 6-6(H)(3)(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.*
  - 2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.*
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. All property owners within 100 feet and affected neighborhood associations were notified of the application.
  6. The subject property is currently zoned R-1C.
  7. City Transportation issued a report stating that it does not object.
  8. Based on photographs, maps and oral evidence presented by Applicant, at least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area.
  9. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. Specifically, photographs were submitted showing several walls/fences in the neighborhood. It appears from the evidence that the proposed wall would not be out of character with the surrounding area, but rather would reinforce the architectural character of the neighborhood by being in harmony with the other improvements on the Subject Property.
  10. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, applicant provided testimony that the wall would enhance the safety of both the subject property and neighboring properties by discouraging trespassers from coming into the community and property. A neighbor submitted correspondence stating that the wall would obstruct views for traffic, but the City Traffic Engineer submitted a report indicating no interference with traffic or driveway views.
  11. Based on evidence presented by Applicant, the design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following: (a) 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; and (b) The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

12. A neighbor submitted correspondence arguing that the proposed wall violates private covenants. However, it is not the role of the City to enforce any private covenant to which it is not a party.
13. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
14. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a Permit-Wall or Fence-Major.

APPEAL:

If you wish to appeal this decision, you must do so by September 16, 2021 pursuant to Section 14-16-6-4(V), 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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Rachel Marie Salas, rachel@eaglerocknm.com



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

Rachel Marie Salas requests a variance of 3 feet to the 3 feet maximum wall height in the front yard for Lot 34, Heritage Hills Unit 5, located at 8921 Democracy Rd NE, zoned R-1C [Section 14-16-5-7-D]

Special Exception No:..... **VA-2021-00232**  
Project No: ..... **Project#2021-005420**  
Hearing Date: ..... 08-17-21  
Closing of Public Record: ..... 08-17-21  
Date of Decision: ..... 09-01-21

On the 17th day of August, 2021, property owner Rachel Marie Salas (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 feet to the 3 feet maximum wall height in the front yard (“Application”) upon the real property located at 8921 Democracy Rd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a variance of 3 feet to the 3 feet maximum wall height in the front yard.
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. Applicant 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 R-1C.
8. Based on evidence submitted by or on behalf of Applicant, it appears that 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, as required by Section 14-16-6-6(N)(3)(a)(1). Specifically, Applicant testified and provided written evidence that, the Subject Property has special circumstances because of its location on a cul de sac and abutting a drainage channel, which give rise to the need for this request. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not provide sufficient privacy or protection for the Subject Property.
9. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to construct the wall in a manner that is consistent with the IDO and the Development Process Manual (DPM).
10. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(N)(3)(a)(3). Specifically, the proposed wall is designed to be in harmony and consistency with what currently exists in the neighborhood, which was supported by photographic evidence and oral testimony. Photographs were submitted showing the neighborhood. Although not all walls were of the same construction, it appears from the evidence that neighborhood architectural styles differ. The proposed wall would not be out of character with the surrounding area, but rather would reinforce the architectural character of the neighborhood by being in harmony with the other improvements existing and proposed for the Subject Property.
11. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4). Specifically, Applicant presented evidence that the intent of IDO will still be met in that the subject site will continue the existing use and the proposed variance would merely add to the safety and usability of the site.
12. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the privacy, safety, and usability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
13. City Transportation submitted a report stating no objection.

14. A neighbor submitted correspondence arguing that the proposed wall violates private covenants. However, it is not the role of the City to enforce any private covenant to which it is not a party.
15. A neighbor submitted correspondence stating that the wall would obstruct views for traffic. However, as stated, above, City Transportation submitted a report indicating no interference with traffic or driveway views.
16. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
17. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of 3 feet to the 3 feet maximum wall height in the front yard.

APPEAL:

If you wish to appeal this decision, you must do so by September 16, 2021 pursuant to Section 14-16-6-4(V), 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  
Rachel Marie Salas, rachel@eaglerocknm.com



**Hearing on Special Exceptions  
to the Integrated Development Ordinance**

**MINUTES**

**August 17, 2021**

**600 2<sup>nd</sup> St NW, Albuquerque, NM 87102**

**CITY STAFF PRESENT:**

**Robert Lucero – Zoning Hearing Examiner**

**Lorena Patten-Quintana – ZHE Planner, Planning Department**

**Suzie Sanchez – Hearing Monitor**

VA-2021-00232  
PR-2021-005420  
Applicant: Rachel M. Salas

ZHE: We will go on to agenda items 8 and 9, which will be heard together. And, those are VA-2021-00124 and 232, both listed under project number, PR-2021-005420, Rachel Marie Salas requests a permit wall or fence major and a variance of 3 feet to the 3 foot maximum wall height in the front yard for Lot 34, Heritage Hills Unit 5, located at 8921 Democracy RD NE and it's zoned R-1C. Ms. Salas, are you there?

RACHEL SALAS: Yes, can you hear me?

ZHE: Yes, thank you. Would you please state your full name and mailing address for the record?

RACHEL SALAS: Rachel Salas, 8921 Democracy RD, Albuquerque, New Mexico, 87109.

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

RACHEL SALAS: I do.

ZHE: Thank you. Okay, would you please briefly summarize the application, the proposed wall?

RACHEL SALAS: So, yes. I would like a wall. Before, I had a little, tiny, pony wall that just, passerbyers, mainly teenagers - - I back a ditch and they just would love to, you know, have the easy access, if not they have to go all the way around the block to get to the ditch whereas, my backyard was just a quick, easy access for them. I don't see it being a huge problem for anybody else. It goes along with the neighborhood and I also have some pictures of a gate I added.

ZHE: Oh, I don't - - Did you submit those into the record? I don't think I've seen the gate.

RACHEL SALAS: No, no I haven't. The gate was just recent, as of last week.

ZHE: Do you have - - Can you do a screen share to show that?

RACHEL SALAS: Yes. Yes. So, mainly, this area - - Okay, so it was concreted also, maybe a couple of weeks ago and then here is the new gate. Can you see my screen?

ZHE: Not yet. Did you hit that share screen button on the bottom?

RACHEL SALAS: There we go, share.

ZHE: Okay. Oh, yes.

RACHEL SALAS: So, here is the gate, it still, you can still kind of visibly see but here is a picture of the concrete and as you can see, my backyard, when I stand in my backyard, my, basically everything from my kneecaps up is visible. So, I just wanted this little area to be kind of private and away from neighbors' view.

ZHE: Okay. All right. And then, I did see that there were some, there was a letter submitted in opposition.

RACHEL SALAS: Yes.

ZHE: Would you like to comment on that?

RACHEL SALAS: Yes, this neighbor lives right next door to me. Basically, he doesn't care for anything new to happen or growth or happiness. As you can see, he's, in this picture right here, he is standing in my backyard, while taking the picture. So, privacy is not granted near this man.

ZHE: Okay and - -

RACHEL SALAS: As you can see, in this other picture, he's standing right about where my trashcans are which, makes me pretty uncomfortable but... I'm a single mom and I don't have like - - I'm not a big, scary man. I don't have a dog. I just, you know, kind of want to keep my family safe.

ZHE: And, do you have any troubles, sort of getting in and out of the driveway? Does the wall block the view or does it create any?

RACHEL SALAS: It does not. Let me see if I can - - This gate is humongous, it's 16 feet. A skilled driver could get an RV in but I do not have an RV. As it is now, it's a lot easier to get an RV in there than the dirt lot that it was before.

ZHE: And so, like, when you come out of your driveway, because this is sort of looking across your yard, is that right?

RACHEL SALAS: Yes.

ZHE: Okay. And so, if you come out of the garage and come out, does that block wall - - What do you see when you look left? It's just sort of the end of the street, isn't that right? It's sort of like a cul-de-sac?

RACHEL SALAS: It's a cul-de-sac, yes, so, you're just gonna see another house.

ZHE: Okay, because I did note that the City Transportation Engineer, submitted a report indicating that they had no objection. They didn't think the wall would adversely impact the sight triangles or the traffic sight because of the location at the end of the cul-de-sac.

RACHEL SALAS: Okay.

ZHE: Okay, did you have anything else that you'd like to add before we call for public comment?

VA-2021-00232  
PR-2021-005420  
Applicant: Rachel M. Salas

RACHEL SALAS: No, sir, no, sir.

ZHE: Okay, very good. Thank you. Well, let's see if there's public comment and if so, you'll get the chance to respond. Again, these are agenda items 8 and 9 and it's Rachel Marie Salas requesting a higher wall at 8921 Democracy RD NE. Please raise your hand if you'd like to speak on agenda items 8 or 9. I'm scrolling through the participants list and I don't see anyone raising their hand. Again, this is agenda items 8 and 9. Last call for agenda items 8 and 9. Okay, Ms. Salas, it doesn't appear that there's anyone wishing to add public comment. Did you have anything that you'd like to add in closing?

RACHEL SALAS: No, sir. I don't want to take up too much of anybody's time.

ZHE: All right, well, thank you for your submittals. We'll take everything under consideration and issue the written decision in 15 days.

RACHEL SALAS: Very good, thank you.

ZHE: Thank you.

RACHEL SALAS: Bye.

ZHE: Have a good day.

RACHEL SALAS: You too.

ZHE: That concludes agenda items 8 and 9.





**Hearing on Special Exceptions  
to the Integrated Development Ordinance**

**MINUTES**

**June 15, 2021**

**600 2<sup>nd</sup> St NW, Albuquerque, NM 87102**

**CITY STAFF PRESENT:**

**Robert Lucero – Zoning Hearing Examiner**

**Lorena Patten-Quintana – ZHE Planner, Planning Department**

**Suzie Sanchez – Hearing Monitor**

VA-2021-00124  
PR-2021-005420  
Applicant: Rachel M. Salas

ZHE: We're picking up where we left off, with agenda item 18. It's VA-2021-00124, project number, PR-2021-005420, 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. Do we have Ms. Salas?

RACHEL SALAS: Yes, I'm here.

ZHE: Oh good.

RACHEL SALAS: I'm here.

ZHE: Hello.

RACHEL SALAS: Hello.

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

RACHEL SALAS: Rachel M. Salas, S as in Sam, A-L-A-S, 8921 Democracy Road, Albuquerque, New Mexico, 87109.

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

RACHEL SALAS: Yes.

ZHE: Thank you. Okay, so I see we have a request for a wall, taller wall permit.

RACHEL SALAS: Yes.

ZHE: Would you please summarize? What is the wall constructed of or what will it be constructed of?

RACHEL SALAS: It's actually already existing. I was unaware that I would - - I didn't know I needed to get a permit for this or a variance. So, I went ahead and built the wall last year. I - - If you want, I have a submittal prepared for, so you can see what the wall is.

ZHE: That'd be great, yeah. Let's see if we can do a screen share because I appreciate you sending the photos but it wasn't clear which ones were of your property and which were the neighbors.

RACHEL SALAS: Sure.

ZHE: There you go.

RACHEL SALAS: Sure. Okay. Am I on?

ZHE: Yes.

RACHEL SALAS: Okay.

VA-2021-00124  
PR-2021-005420  
Applicant: Rachel M. Salas

ZHE: Did you hit on the bottom there, share screen?

RACHEL SALAS: Yes. Let's see. I'm not great at this system.

ZHE: It's okay. At the very bottom, there should be a green button with an arrow that says share screen and then you can pick which window you want to share.

RACHEL SALAS: Okay.

ZHE: Do you see that?

RACHEL SALAS: It looks - - Okay, I think it's letting me share now.

ZHE: Oh good.

RACHEL SALAS: Can you see?

ZHE: Let's see. There it is. Yup, I see it.

RACHEL SALAS: Okay, so my house right here, is the one with the little dot. And, as you can see, I back a ditch. And, just, passerbyers think my backyard - - This is the wall that I built. And, this is the space that the randos just kind of walk back and hop the fence and then they can have access to the ditch and they hang out right underneath the ditch and just kind of you know, cause problems for everybody, for the neighborhood. So, anyways, yes, the - - My child and a couple of the other children play in the cul-de-sac, kind of making it a little dangerous so, I just thought I would just kind of make this little space. Well, eventually it will be a nice little space for the kids to play.

ZHE: Okay. How tall is the wall from the ground level?

RACHEL SALAS: The wall is just under 5 feet.

ZHE: Okay. You know, I think that for - - I know that you applied for a wall or fence major but because it's a front yard setback, if you want to keep it as is, I think you're gonna need to apply for a variance instead.

RACHEL SALAS: Okay.

ZHE: Because, with a wall or fence major, the most that we could do is a 3-foot tall, solid block with 2 feet of transparent on top, you know, like wrought iron or something like that.

RACHEL SALAS: Okay. Sure.

ZHE: So, if you want to apply to keep it as is, I think you'd have to revise it to apply for a variance and the justification is slightly different. You'd have to fill out a different justification form but Suzie can help you.

VA-2021-00124  
PR-2021-005420  
Applicant: Rachel M. Salas

RACHEL SALAS: Okay.

ZHE: So, that sort of - - It's your option. You can either - - If you want to leave it as is, go variance. Or, if you're willing to you know, sort of take down, you know, the top part down to 3 feet and put wrought iron or some other transparent, view fencing on top. You could do it under the current application.

RACHEL SALAS: I filled out the application that I was advised to. Again, I'm very new to all this, I was unaware that I needed to apply for a variance. Which, I thought that's what I did, was apply for the variance.

ZHE: Yeah, no, I understand. No, it is, it is, you know, the IDO is still new and actually, these wall regulations are new too. They were updated at the end of the year, last year so, don't feel bad. I mean, people are still working out, you know, how these work but yeah, I think - - But, the bottom line is, you want to keep it as is, is that right?

RACHEL SALAS: That would be preferable, yes.

ZHE: Okay, yeah, I mean, what I would suggest is that we defer this to allow you to apply for the variance, that way you could keep it as is, if it were approved. Would that be okay?

RACHEL SALAS: That would be okay. What did I apply for currently?

ZHE: It's - - So, the thing that you applied for is called a permit wall or fence major.

RACHEL SALAS: Oh, okay.

ZHE: And so, you'd have to - - You'd keep that one active because you would need to have it but you'd need to apply for the variance to allow the solid wall because yeah, for the one that you applied for now, you can go up to 5 feet but it has to be transparent, the top 2 feet, like wrought iron or something like that. And so, if you want to keep it solid, we'll need to add the variance application.

RACHEL SALAS: Okay.

ZHE: And, Suzie Sanchez, ZHE Admin., she can help you offline, with that. After today's hearing, you can communicate with her.

RACHEL SALAS: Okay, very good.

ZHE: Okay. So, we'll go ahead and defer this one, then...

RACHEL SALAS: Okay.

ZHE: To allow, to revise the application.

RACHEL SALAS: Okay, very good.

VA-2021-00124  
PR-2021-005420  
Applicant: Rachel M. Salas

ZHE: Thank you, very much.

RACHEL SALAS: Thank you.

ZHE: That concludes agenda item 18.

***Planning Department***  
***Alan Varela, Interim, Planning Director***  
***Development Review Division***  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

## **NOTICE OF APPEAL**

September 16, 2021

### **TO WHOM IT MAY CONCERN:**

The Planning Department received an appeal on September 15, 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 Senior 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-21-14**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2021-005420, VA-2021-00124, VA-2021-00347**

**APPLICANT: William Harken**  
**8917 Democracy Rd. NE**  
**Albuquerque NM, 87109**

cc: Crystal Ortega, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
Rachel Salas, [rachel@eaglerocknm.com](mailto:rachel@eaglerocknm.com)  
William Harken, [never4evr@msn.com](mailto:never4evr@msn.com)





## **ZONING HEARING EXAMINER'S AGENDA**

TUESDAY, August 17, 2021 9:00 A.M.

Join Zoom Meeting

<https://cabq.zoom.us/j/7044490999>

**Meeting ID: 704 449 0999**

One tap mobile

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+12532158782,,7044490999# US (Tacoma)

Dial by your location

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+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/j/7044490999>

*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.

\*\*\*\*\*

### **PLEASE ADDRESS ALL CORRESPONDENCE TO:**

**Robert Lucero, Esq., Zoning Hearing Examiner at [suzannasanchez@cabq.gov](mailto: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#<br>PR-2021-<br>005413 | Ariel Cano & Donna T requests a variance for Lot 3, Block 9, Mandell Addn No 2, located at 2800 4 <sup>TH</sup> ST NW, zoned MX-M [Section 14-16-5-7(D)] |
|------------------|--------------------------------|--|

- |    |               |                                |  |
|----|---------------|--------------------------------|--|
| 2. | VA-2021-00230 | Project#<br>PR-2021-<br>005591 | Carmelo Lozada-Alquicira requests a conditional use to allow a family home daycare for Lot 760, Block 39, Atrisco Village Unit 3A of Hoffman, located at 1113 Del Mastro Dr SW, zoned R-1C [Section 14-16-4-2] |
| 3. | VA-2021-00238 | Project#<br>PR-2021-<br>005643 | Luis Reyes requests a permit-wall or fence-major for Lot 4, Honeycutt Addn, located at 209 Bergquist PI NW, zoned R-1B [Section 14-16-5-7-D]   |
| 4. | VA-2021-00272 | Project#<br>PR-2021-<br>005703 | Martha Ibarra, Olivia Ramirez & Jose Morales request a permit-wall or fence-major for Lot 2, Honeycutt Addn, located at 213 Bergquist PI NW, zoned R-1B [Section 14-16-5-7-D]                                  |
| 5. | VA-2021-00273 | Project#<br>PR-2021-<br>005703 | Martha Ibarra, Olivia Ramirez & Jose Morales request a variance of 3 feet to the 3 feet Maximum wall height for Lot 2, Honeycutt Addn, located at 213 Bergquist PI NW, zoned R-1B [Section 14-16-5-7-D]        |
| 6. | VA-2021-00274 | Project#<br>PR-2021-<br>005712 | Reina Esther Argueta & Nery Pelico request a permit-wall or fence-major for Lot 13, Block 4, Esperanza Addn, located at 5414 Southern Ave SE, zoned R-1B [Section 14-16-5-7-D]                                 |

## NEW BUSINESS:

- |     |               |                                |   |
|-----|---------------|--------------------------------|---|
| 7.  | VA-2021-00231 | Project#<br>PR-2021-<br>005592 | Beatriz Cantillo requests a permit to allow a carport in the front/side setback for Lot 37, Block 67, Snow Heights Addn, located at 10513 Menaul Blvd NE, zoned R-1B [Section 14-16-5-5(F)(2)]            |
| 8.  | VA-2021-00124 | Project#<br>PR-2021-<br>005420 | 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)]  |
| 9.  | VA-2021-00232 | Project#<br>PR-2021-<br>005420 | Rachel Marie Salas requests a variance of 3 feet to the 3 feet maximum wall height in the front yard for Lot 34, Heritage Hills Unit 5, located at 8921 Democracy Rd NE, zoned R-1C [Section 14-16-5-7-D] |
| 10. | VA-2021-00234 | Project#<br>PR-2021-<br>005618 | Christopher Roybal requests a permit-wall or fence-major for Lot 16, Block 12, Vista Encantada, located at 2717 Georgia St NE, zoned R-1C [Section 14-16-5-7-D]   |
| 11. | VA-2021-00240 | Project#<br>PR-2021-<br>005646 | Merardo Cera requests a variance of 3 feet to the 3 feet maximum wall height in a corner lot for Lot 12, Block 1, Fairgrounds Addn, located at 6420 Central Ave SE, zoned MX-M [Section 14-16-5-7-D]      |

12.	VA-2021-00241	Project# PR-2021-005646	Merardo Cera requests a variance of 3 feet to the 3 feet maximum wall height in a corner lot for Lot 13, Block 1, Fairgrounds Addn, located at 6420 Central Ave SE, zoned MX-M [Section 14-16-5-7-D]
13.	VA-2021-00244	Project# PR-2021-005651	Fidel Chacon & Dalila Solis request a variance of 3 feet to the 3 feet maximum wall height for Lot 48, Block 9, Mesa Verde Addn, located at 201 Wyoming Blvd NE, zoned MX-M [Section 14-16-5-7(D)(3)(g)]
14.	VA-2021-00246	Project# PR-2021-005651	Fidel Chacon & Dalila Solis request a variance of 3 feet to the 3 feet maximum wall height for Lot 47, Block 9, Mesa Verde Addn, located at 201 Wyoming Blvd NE, zoned MX-M [Section 14-16-5-7(D)(3)(g)]
15.	VA-2021-00247	Project# PR-2021-005651	Fidel Chacon & Dalila Solis request a variance of 3 feet to the 3 feet maximum wall height for Lot 46, Block 9, Mesa Verde Addn, located at 201 Wyoming Blvd NE, zoned MX-M [Section 14-16-5-7(D)(3)(g)]
16.	VA-2021-00248	Project# PR-2021-005651	Fidel Chacon & Dalila Solis request a variance of 3 feet to the 3 feet maximum wall height for Lot 45, Block 9, Mesa Verde Addn, located at 201 Wyoming Blvd NE, zoned MX-M [Section 14-16-5-7(D)(3)(g)]
17.	VA-2021-00249	Project# PR-2021-005674	Vincent Garcia requests a permit-wall or fence-major for Lot 29, Block 16, Snow Heights Addn, located at 8035 Princess Jeanne Ave NE, zoned R-1B [Section 14-16-5-7-D]
18.	VA-2021-00250	Project# PR-2021-005678	Berns LLC requests a variance of 1 mile to the required 1 mile distance from another pawn shop for Lot A, Fourth & Menaul LTD, located at 401 Menaul Blvd NW, zoned MX-M [Section 14-16-4-3(D)(40)]
19.	VA-2021-00251	Project# PR-2021-005680	Victoria Brace (Agent, Patrick Brace) requests a permit-wall or fence-major for Lot 18, Block 6, Wagner—WJ, located at 1903 Palomas Dr NE, zoned R-1C [Section 14-16-5-7-D]
20.	VA-2021-00258	Project# PR-2021-005680	Victoria Brace (Agent, Patrick Brace) requests a variance of 3 ft to allow an opaque wall/fence 6 ft in height for Lot 18, Block 6, Wagner—WJ, located at 1903 Palomas Dr NE, zoned R-1C [Section 14-16-5-7-D]
21.	VA-2021-00259	Project# PR-2021-005692	Theresa Salas (Agent, Consensus Planning) requests a conditional use to allow a drive-through or drive-up facility for Lot 24A, Block 24, Buena Ventura, located at 301 Eubank BLVD NE, zoned MX-L [Section 14-16-4-2]
22.	VA-2021-00261	Project# PR-2021-005692	Theresa Salas (Agent, Consensus Planning) requests a conditional use to allow a drive-through or drive-up facility for Lot 22, Block 24, Buena Ventura, located at 309 Eubank BLVD NE, zoned MX-L [Section 14-16-4-2]

23.	VA-2021-00263	Project# PR-2021-005692	Theresa Salas (Agent, Consensus Planning) requests a conditional use to allow a drive-through or drive-up facility for Lot 21, Block 24, Buena Ventura, located at 313 Eubank BLVD NE, zoned MX-L [Section 14-16-4-2]
24.	VA-2021-00260	Project# PR-2021-005693	Eric Schultz (Agent, Gilbert Austin) requests a permit to allow a carport in the front/side yard setback for Lot 5, Block 46, Snow Heights Addn, located at 9718 Woodland Ave NE, zoned R-1B [Section 14-16-5-5(F)(2)]
25.	VA-2021-00262	Project# PR-2021-005694	Pat Rhoads & Margaret Dickens (Agent, Gilbert Austin) requests a permit to allow a carport in the front/side yard setback for Lot 10, Block 1A, Loma Del Norte Addn Unit 7, located at 8025 Deming Ct NE, zoned R-1C [Section 14-16-5-5(F)(2)]
26.	VA-2021-00264	Project# PR-2021-005695	David & Vanessa Ibarbo (Agent, Gilbert Austin) requests a permit to allow a carport in the front/side yard setback for Lot 15-P1, Block J, Avalon Unit B3, located at 652 Galleon Dr NW, zoned R-1A [Section 14-16-5-5(F)(2)]
27.	VA-2021-00265	Project# PR-2021-005696	Joy Hickman (Agent, Gilbert Austin) requests a permit to allow a carport for Lot 6, Block 10, Homestead Hills, located at 5501 Territorial Rd NW, zoned R-1C [Section 14-16-5-5(F)(2)]
28.	VA-2021-00266	Project# PR-2021-005697	Mary Otero (Agent, Gilbert Austin) requests a permit to allow a carport in the front/side yard setback for Lot 9, Block 25, McDuffie Place Addn Unit 2, located at 3408 Wilway Ave NE, zoned R-1B [Section 14-16-5-5(F)(2)]
29.	VA-2021-00268	Project# PR-2019-002253	Holly Potter and Jeffrey Garcia request a permit-wall or fence-major for Lot 50, MRGCD MAP 38, located at 222 San Pasquale Ave NW, zoned R-MH [Section 14-16-5-7-D]
30.	VA-2021-00270	Project# PR-2019-002253	Holly Potter and Jeffrey Garcia request a variance of 3 feet to the 3 feet Maximum wall height in the front yard for Lot 50, MRGCD MAP 38, located at 222 San Pasquale Ave NW, zoned R-MH [Section 14-16-5-7-D]
31.	VA-2021-00271	Project# PR-2021-005702	DHS Properties LLC (Agent, Dave Slade) requests a conditional use to allow an accessory dwelling unit without a kitchen for Lot 25, Block 9, Knob Heights Addn Replat of Tr 9, located at 3428 Kathryn AVE SE, zoned R-1B [Section 14-16-4-3(F)(5)]

- |     |               |                                |  |
|-----|---------------|--------------------------------|--|
| 32. | VA-2021-00275 | Project#<br>PR-2021-<br>005713 | Karen Marcum (Agent, Ron Cram) requests a permit-wall or fence-major for Lot 13, Block 2, Monterey East, located at 4705 Brenda St NE, zoned R-1B [Section 14-16-5-7-D]  |
| 33. | VA-2021-00276 | Project#<br>PR-2021-<br>005719 | Maldonado Home & Investments (Agent, Gustavo Maldonado) requests a permit-wall or fence-major for Lot 31, Vista Manzano Unit 1, located at 1348 Ojo Sarco ST SW, zoned R-1A [Section 14-16-5-7-D]                        |
| 34. | VA-2021-00277 | Project#<br>PR-2021-<br>005719 | Maldonado Home & Investments (Agent, Gustavo Maldonado) requests a variance to allow an 11ft block wall for Lot 34-P1, Block A, Vista Manzano Unit 1, located at 1348 Ojo Sarco ST SW, zoned R-1A [Section 14-16-5-7-D]  |
| 35. | VA-2021-00278 | Project#<br>PR-2021-<br>005720 | Brar Hotels Group Inc. - Kenwalroop Brar (Agent, Trish Kosel) requests a permit-wall or fence-major for Lot E1, Broadbent Business Park, located at 1315 Menaul Blvd NE, zoned NR-C [Section 14-16-5-7-D]                |
| 36. | VA-2021-00279 | Project#<br>PR-2021-<br>005723 | Ashlea Hannamann (Agent, Ty Hannamann) requests a variance to allow a shade structure 1ft from property line for Lot 34-P1, Block A, Vista De La Luz, located at 5008 Sala De Tomas DR NW, zoned R-T [Section 14-16-5-1] |
| 37. | VA-2021-00280 | Project#<br>PR-2020-<br>004765 | S&S Development, LLC (Agent, Arch+Plan Land Use Consultants) requests a variance of 5ft to the required 15ft rear yard setback for Block 8, Carters, located at 3511 Gibson BLVD SE, zoned MX-L [Section 14-16-5-1]      |
| 38. | VA-2021-00281 | Project#<br>PR-2020-<br>004765 | S&S Development, LLC (Agent, Arch+Plan Land Use Consultants) requests a variance of 17 parking spaces to the required 38 spaces for Block 8, Carters, located at 3511 Gibson BLVD SE, zoned MX-L [Section 14-16-5-5]     |
| 39. | VA-2021-00282 | Project#<br>PR-2020-<br>004765 | S&S Development, LLC (Agent, Arch+Plan Land Use Consultants) requests a variance of 20ft to the required 20ft edge buffer for Block 8, Carters, located at 3511 Gibson BLVD SE, zoned MX-L [Section 14-16-5-6-E-3]       |
| 40. | VA-2021-00283 | Project#<br>PR-2019-<br>003030 | Third Gen Properties, LLC (Agent, Arch+Plan Land Use Consultants) requests a variance to allow 6ft Fence on property line for Lots 2-7, Block 2, Sellers, located at 1112 3rd ST NW, zoned MX-M [Section 14-16-5-7-D]    |

41. VA-2021-00284      Project#  
PR-2021-  
005724      PublicHouse ABQ, LLC (Agent, Consensus Planning) requests a conditional use to allow a tap room/tasting room for Lot A, Block 1, College View Addn, located at 3619 Copper Ave NE, zoned MX-L [Section 14-16-4-2]





## **ZONING HEARING EXAMINER'S AGENDA**

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

Join Zoom Meeting

<https://cabq.zoom.us/j/7044490999>

**Meeting ID: 704 449 0999**

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+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/j/7044490999>

*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.

\*\*\*\*\*

### **PLEASE ADDRESS ALL CORRESPONDENCE TO:**

**Robert Lucero, Esq., Zoning Hearing Examiner at [suzannasanchez@cabq.gov](mailto: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 4<sup>TH</sup> ST NW, zoned MX-M [Section 14-16-5-7(D)]

### **OLD BUSINESS:**

- |    |               |                                |   |
|----|---------------|--------------------------------|---|
| 2. | VA-2021-00092 | Project#<br>PR-2021-<br>005324 | Juan J. Risueno 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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2020-<br>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)]  |

14.	VA-2021-00119	Project# PR-2020-004207	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	Project# PR-2021-005417	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	Project# PR-2021-005418	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	Project# PR-2021-005419	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	Project# PR-2021-005420	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	Project# PR-2021-005421	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	Project# PR-2021-005423	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	Project# PR-2021-005423	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	Project# PR-2021-005422	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	Project# PR-2021-005422	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	Project# PR-2019-002291	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	Project# PR-2021-005425	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	Project# PR-2021-005426	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]

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| 27. | VA-2021-00135 | Project#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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#<br>PR-2021-<br>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)] |