

Agenda Item: 8
 Case # SI-2021-01712
 Project # PR-2021-006115
 February 9, 2022

Supplemental Staff Report to November 10, 2021 Staff Report

| | |
|--------------------------|---|
| Agent | |
| Applicant | Josh & Melinda Krause |
| Request | Certificate of Appropriateness for New Construction |
| Legal Description | Lot 3 Coronado Place Addition |
| Address/Location | 912 Forrester Ave. NW |
| Size | 0.069 Acres |
| Zoning | R-1A |
| Historic Location | Eighth & Forrester Historic Preservation Overlay Zone (HPO-2) |

Staff Recommendation

APPROVAL of Case # SI-2021-01712 Project # PR-2021-006115, a request for a Certificate of Appropriateness for new construction, based on the Findings beginning on page 9 and subject to the Conditions on page 10.

Silvia Bolivar
 Historic Preservation Planner

Summary of Analysis

The application for a Certificate of Appropriateness for construction of a storage shed was deferred by the Landmarks Commission in November 2021. Since the November 2021 deferral, the applicant has gone before the City of Albuquerque Zoning Hearing Examiner and obtained a variance of 5 feet for the required 5 foot passage along the side yard. The applicant has also submitted revised drawings that now take into consideration the design of the shed and there is now a semblance of connection to the existing house. The proposed shed will now be 119 square feet.

This Staff report only provides new information and should be read in conjunction with the original report. The request was reviewed against the relevant guidelines for the Eighth & Forrester Historic Overlay Zone and the criteria for approval of a Certificate of Appropriateness.

Staff considers the proposal is consistent with the guidelines and the criteria.

SUMMARY OF REQUEST

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|---------------------------------|--|
| <i>Request</i> | <i>Certificate of Appropriateness for New Construction</i> |
| <i>Historic Location</i> | <i>Eighth & Forrester Historic Preservation Overlay Zone</i> |

I New Information

The application is for a Certificate of Appropriateness for new construction of a storage shed, located at 912 Forrester Avenue NW, in the Eighth & Forrester Historic Preservation Overlay Zone was reviewed by the Landmarks Commission in November 2021. At that time, the Landmarks Commission decided to allow the applicant to present their case but determined to defer the application in order to allow the applicant to obtain a variance and revise the storage shed drawings.

On January 18, 2022 the applicant went before the City of Albuquerque Zoning Hearing Examiner and obtained a variance of 5 feet for the required 5 foot passage along the side yard (see attachments).

Revised Drawings

The applicant is proposing for the new shed structure to attach to the existing main house. The shed layout sheet (A1) reveals that the shed will be 7'0" x 17'-0" for a total of 119 square feet. The proposed height of the shed will be 10'-0".

The applicant is proposing asphalt shingle roofing that will match the existing roof in materials and slope (6:12 pitch) and a 24" x 24" skylight. A stucco finish will be applied to the shed that will match the stucco finish of the main house. The exterior wall of the main house will be framed out to allow for the new storage shed to be attached to the house.

APPLICABLE PLANS, ORDINANCES, DESIGN GUIDELINES & POLICIES

III ANALYSIS

Policies are written in regular text and staff analysis and comment in italic print.

Integrated Development Ordinance (IDO)

In May 2018, the Integrated Development Ordinance (IDO) replaced the City's Zoning Code and the property was zoned R-1A

The property is located within the Eighth and Forrester Historic Preservation Overlay Zone. The Integrated Development Ordinance Part 14-16-3-5 establishes controls and procedures for Historic Protection Overlay Zones (HPO). Part 14-16-3-5 (G) identifies standards and guidelines for HPO 2: Eighth & Forrester.

6-6(D)(3) Review and Decision Criteria

An application for a Historic Certificate of Appropriateness – Major shall be approved if it complies with all of the following criteria:

6-6(D)(3)(a) The change is consistent with Section 14-16-3-5 (Historic Protection Overlay Zones), the ordinance designating the specific HPO zone where the property is located, and any specific development guidelines for the landmark or the specific HPO zone where the property is located.

The applicant has obtained a variance from the City of Albuquerque Zoning Hearing Examiner allowing for the shed to encroach on the 5 foot setback. The waiver will allow for the change to be consistent with the development guidelines where the property is located.

6-6(D)(3)(b) The architectural character, historical value, or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished.

The proposal will not diminish the character of the streetscape as well as the adjoining property. The applicant has provided letters of support from neighbors.

6-6(D)(3)(c) The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable.

Not applicable

6-6(D)(3)(d) The structure or site's distinguished original qualities or character will not be altered. For the purposes of Section 14-16-3-5 (Historic Protection Overlay Zones) and this Subsection 14-16-6-6(D), "original" shall mean as it was at the time of initial construction or as it has developed over the course of the history of the structure.

Unfortunately, the insensitive early addition to the original house already detracts from the historic characteristics of the original bungalow. However, the applicant has revised the original shed design so that now it is smaller and will be more compatible than the original design. The applicant has also obtained a variance for the setback which offers a slight improvement from the original design.

6-6(D)(3)(e) Deteriorated architectural features shall be repaired rather than replaced, if possible. If replacement is necessary, the new material shall match the original as closely as possible in material and design.

Original house details are not affected by this proposal.

6-6(D)(3)(f) Additions to existing structures and new construction may be of contemporary design if such design is compatible with its landmark status (if any) or the HPO zone.

The new shed uses an asphalt shingle roof that will match the existing materials of the main house. The new roof slope will match the existing roof slope of the main house.

New Town Neighborhoods Development Guidelines for the Eighth and Forrester Historic Overlay Zone

The (design) development guidelines were revised and adopted by the LC in October 2010 and again revised in 2016 when the uniform guidelines for New Town Neighborhoods were adopted. The guidelines include direction on such issues as building height, massing, proportion and scale, use of materials in new and existing buildings, relationship between buildings, landscaping, roadways, sidewalks, and the overall neighborhood character.

Those Guidelines relating to Accessory Buildings and Site features and are relevant to this proposal.

POLICY

Historic accessory buildings should be preserved when feasible. This may include preserving the structure in its present condition, rehabilitating it or executing an adaptive use.

Guidelines

Accessory Buildings

1. Contributing accessory buildings should be preserved when feasible. The Landmarks Commission recognizes that these buildings may be inadequate to serve the needs of today's families and businesses. Rehabilitation and adaptive use to serve a new function is encouraged. A Certificate of Appropriateness is required for demolition (see demolition section).

Not Applicable.

2. Alterations to contributing accessory buildings are to follow guidelines for historic buildings.
 - New garages and accessory buildings should complement the historic resource.
 - Accessory buildings must be subordinate to the main building.
 - The main building should inspire design for new garages with building details derived
 - i. from the main building.

Not Applicable.

3. Building materials and finishes should be compatible with the main building, although
 - i. some contemporary materials are acceptable substitutes for wood siding. Unfinished concrete block and plywood are not appropriate materials for new accessory buildings.

The applicant is proposing a stucco finish that will match the stucco finish of the main house. Frame construction is being proposed that will match the main house (see Sheet A2).

4. New garages and accessory buildings should complement the historic resource.
 - Accessory buildings must be subordinate to the main building.
 - The main building should inspire design for new garages with building details derived from the main building.
 - Building materials and finishes should be compatible with the main building, although some contemporary materials are acceptable substitutes for wood siding. Unfinished concrete block and plywood are not appropriate materials for new accessory buildings.

The roof pitch will match the pitch of the main house . Building details have been derived from the main house and materials and finishes are now compatible with the main building.

5. New accessory buildings should be sited towards the rear of the property and should not be located in front or side yards.

The accessory shed is located in the side/front yard, in direct violation of the guidelines but the applicant has been granted a waiver by the Zoning Hearing Examiner for the 5' foot setback.

6. Access to these structures such as driveways shall be consistent with other existing driveways in the neighborhood.

Not Applicable.

7. Garage doors that are substantially visible from the public street must be of a style and material appropriate to the main building and the district.
 - Stamped metal or vinyl are not considered to be appropriate materials.
 - Two single doors on two car garages are preferable to a single door. This presents a
 - i. less "blank" appearance.

Not Applicable.

8. Carports may be considered if they complement the primary structure in building materials and design. All other guidelines apply including location. Carports attached to the main building are considered additions to the building and follow guidelines for additions.

Not Applicable.

9. Prefabricated storage sheds should be located in the rear yard in locations where they are not substantially visible from any street.

Not Applicable.

POLICY

Historic site features should be retained. New site features should be compatible with the architectural character of the historic district.

Guidelines

Parking (Planting) Strips

5. Maintain the planting strip.
Impervious materials such as brick pavers, concrete pavers and concrete are prohibited. City Ordinance prohibits the planting or removal of street trees in the parking strip or other public right-of-way without a permit from the City Forester. Refer to Chapter 6-6-1 (R.O.A. 1994)

Front strip is unaffected.

Fences and Free-Standing Walls

6. Preserve historic fences and yard walls when feasible.
 - Replace only those portions that are deteriorated beyond repair.

No walls or fences are being proposed.

7. When constructing new fences, use materials that appear similar to those used historically.
 - Simple designs consistent with historic iron fencing, wood picket fencing and other historic types are recommended over more contemporary styles. In all cases, the fence components should be similar in scale to those seen historically in the neighborhood.
 - Where an ornate style of fencing can be documented as having been present at the property, that historic fencing may be replicated.
 - A painted wood picket fence is an appropriate replacement in most locations.
 - A simple metal fence, similar to traditional “wrought iron” or wire may be appropriate.
 - Coyote fencing, split rail fencing and chain link fencing are not appropriate materials for these historic districts and are prohibited.

- Vinyl and other synthetic fencing are reviewed on a case-by -case basis. In some instances, it may be allowed if it is not seen from the street, if the style of the fence is compatible with the house and if the vinyl fence is not replacing a historic fence or landscape feature.
- The use of extruded vinyl fencing material is not permitted in the front yard.
- Cellular vinyl fencing may be appropriate if painted.

Not Applicable.

8. A front yard fence should have a “transparent” quality, allowing views into the yard from the street.
- Using a solid fence, with no spacing between the boards, is not appropriate in a front yard.
 - A front yard fence should not obscure the character defining features of the house.

Not Applicable.

Parking area and driveways

18. Avoid large expanses of parking

- Divide large parking lots with planting areas. Large parking areas are those with more than five cars.
- Locate parking areas to the rear of the property when physical conditions permit.
- An alley should serve as the primary access to parking when physical conditions permit.
- Parking shall not be located in the front yard, except in driveways. Existing driveways should not be widened or expanded. Paving in the front yard setback other than for driveways is prohibited.

Not Applicable.

19. Screen parking areas from view of the street.

- Automobile headlight illumination should be screened from adjacent lots and the street. Fences, walls and planting, or a combination of these should be used to screen parking.

Not Applicable.

Conclusion

As discussed in the analysis above and subject to the Conditions of Approval, the project complies with the applicable guidelines for the Eighth and Forrester Historic Protection Overlay Zone and the criteria for approval of a Certificate of Appropriateness. The applicant has provided letters of support from neighbors (see attachments).

Staff concludes that the project is eligible for a Certificate of Appropriateness, subject to the Conditions of Approval.

FINDINGS for Approval of a request for a Certificate of Appropriateness for new construction- Case SI-2021-01712 / Project # PR-2021-006115, February 9, 2022.

1. This application is a request for a Certificate of Appropriateness for new construction at 912 Forrester Avenue NW, a property in the Eighth & Forrester Historic Protection Overlay Zone (HPO-2).
2. The subject site is 0.069 acres.
3. The proposal is for a 119 square foot one-story storage shed attached to the side front of the house.
4. On January 18, 2022 the applicant obtained a variance of 5 feet for the required 5 foot passage along the side yard from the City of Albuquerque Zoning Hearing Examiner (see attachments).
5. Section 14-16-6-6(D) of the Integrated Development Ordinance states that within the boundaries of an HPO zone, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a Certificate of Appropriate has been duly approved.
6. Section 14-16-6-6(D)(3)(b) states that a Certificate of Appropriateness shall be approved if, *“The architectural character, historical value or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished”*.

The proposal will not diminish the character of the streetscape as well as the adjoining property. The applicant has provided letters of support from neighbors.

7. Section 14-16-6-6(D)(3)(d) states that the site’s distinguished original qualities or character will not be altered. For the purposes of Section 14-6-3-6 (Historic Protection Overlay Zones) and this Subsection 14-16-6-6(D), “original” shall mean as it was at the time of initial construction or as it has developed over the course of the history of the structure.

Unfortunately, the insensitive early addition to the original house already detracts from the historic characteristics of the original bungalow. However, the applicant has revised the original shed design so that now it is smaller and will be more compatible that the original design. The applicant has also obtained a variance for the setback which offers a slight improvement from the original design.

8. Section 14-16-6-6-(D)(3)(e) states that deteriorated architectural features shall be repaired rather than replaced, if possible. If replacement is necessary, the new material shall match the original as closely as possible in material and design.

Original house details are not affected by this proposal.

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9. Section 14-16-6-6-(D)(3)(f) states that additions to existing structures and new construction may be of contemporary design if such is design is compatible with this landmark status (if any) or the HPO zone. deteriorated architectural features shall be repaired rather than replaced, if possible.

The new shed uses an asphalt shingle roof that will match the existing materials of the main house. The new roof slope will match the existing roof slope of the main house.

RECOMMENDATION

Case SI-2021-01712/Project # PR-2021-006115, February 9, 2022.

APPROVAL of *Case SI-2021-01712/Project #PR-2021-006115*, an application for a Certificate of Appropriateness for new construction, located at 912 Forrester Avenue NW, legally described as Lot 3 Coronado Place Addition, a property in the Eighth & Forrester Historic Protection Overlay Zone (HPO-2), based on the above nine (9) Findings and subject to the following Conditions:

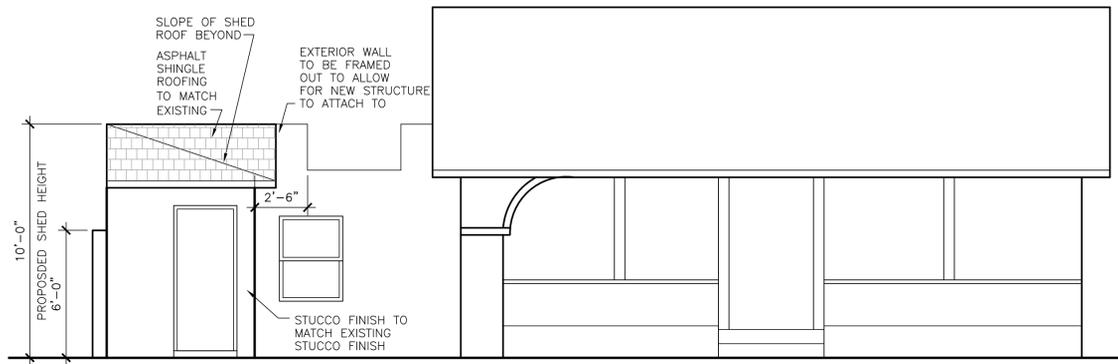
Recommended Conditions of Approval

1. Applicant is responsible to acquire, and approval is contingent upon, all applicable permits and related approvals.

Silvia Bolivar

Silvia Bolivar, PLA, ASLA
Historic Preservation Planner
Urban Design and Development Division

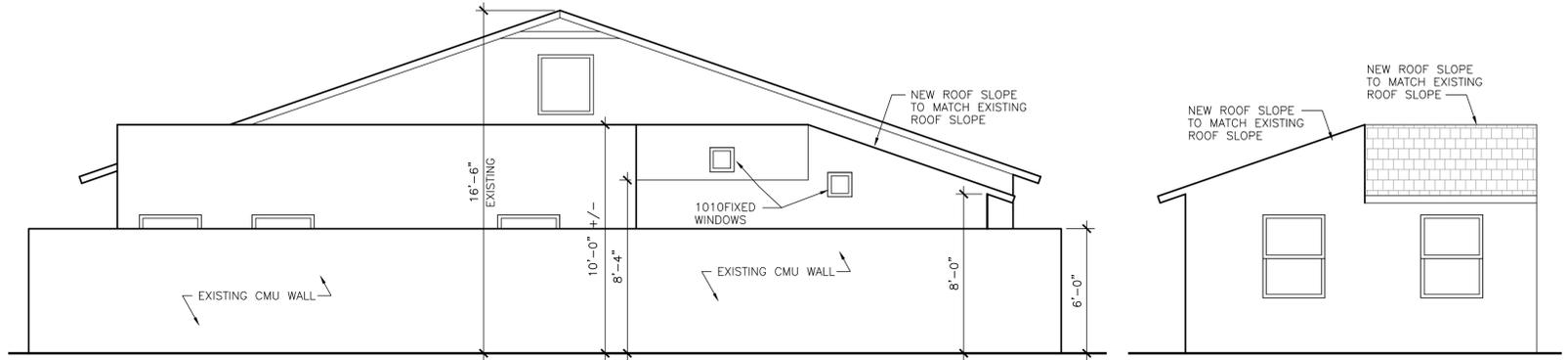
SITE PLAN REDUCTIONS



WEST ELEVATION (STREET VIEW)

SCALE: 1/4"=1'-0"

3
A1



NORTH ELEVATION

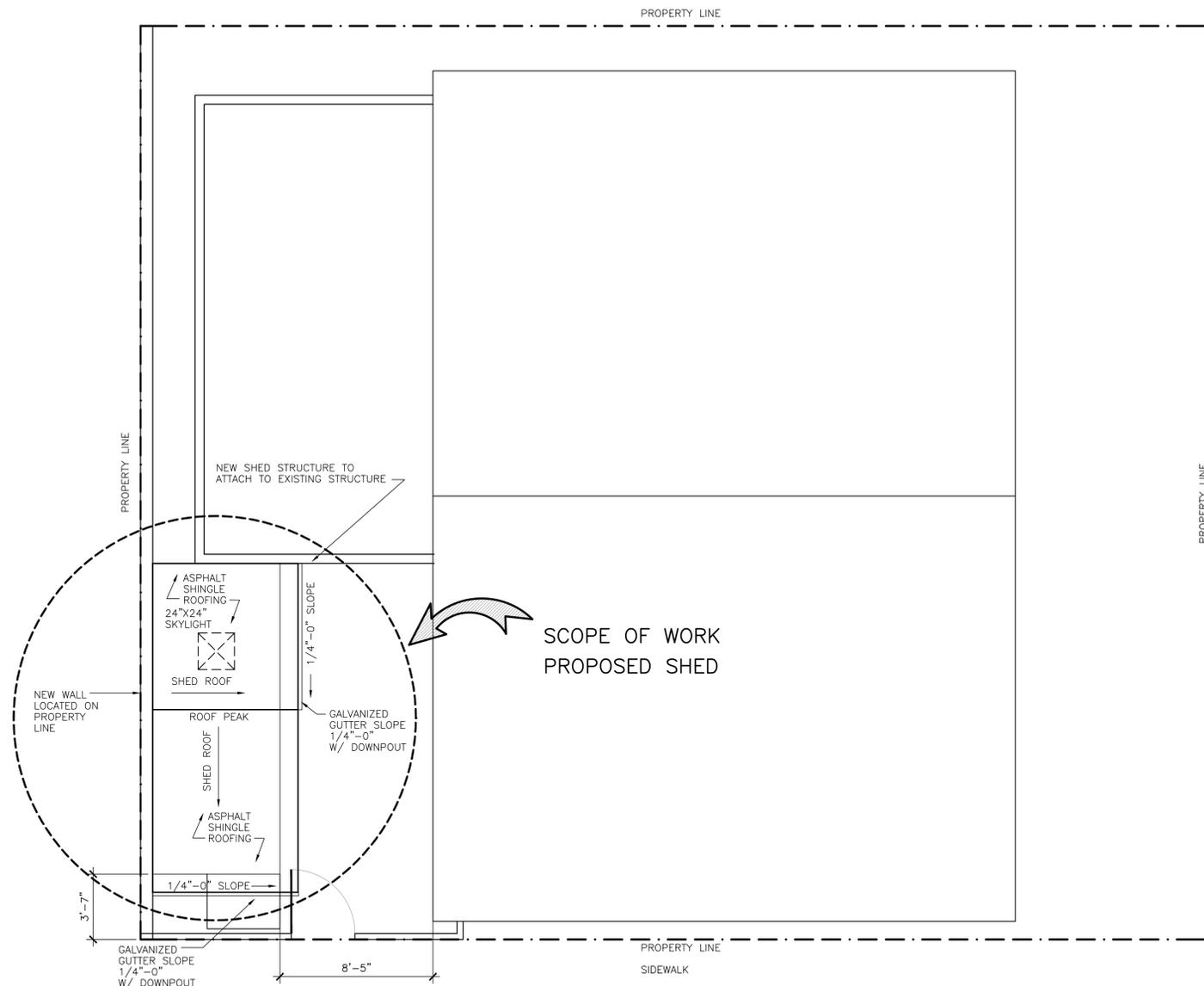
SCALE: 1/4"=1'-0"

4
A1

SOUTH ELEVATION

SCALE: 1/4"=1'-0"

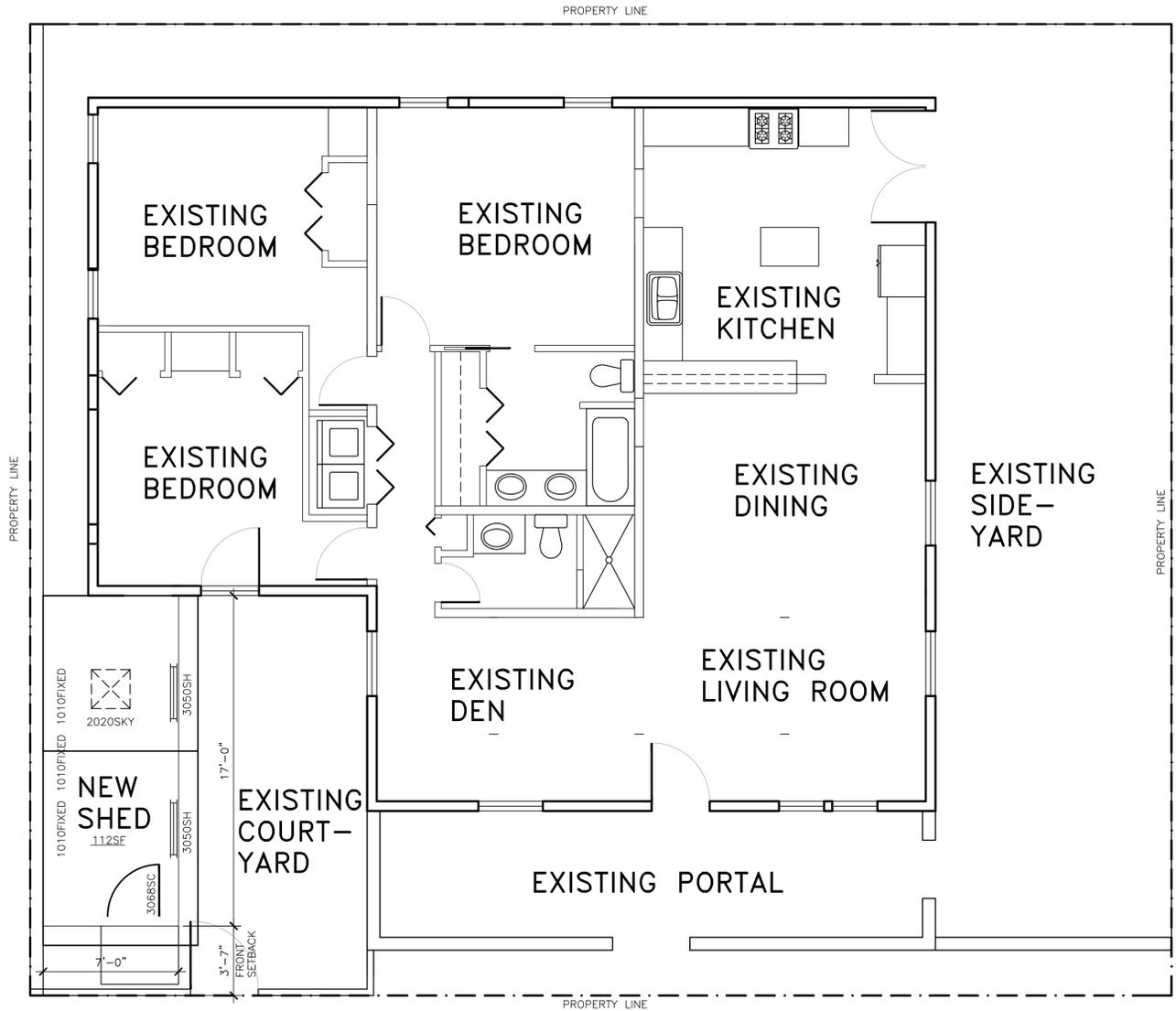
5
A1



SITE PLAN

SCALE: 1/4"=1'-0"

2
A1



FLOOR PLAN

SCALE: 1/4"=1'-0"

1
A1



NEW SHED CONSTRUCTION
JOSH AND MOLLY KRAUSE
 912 FORRESTER AVE, NW ALBUQUERQUE
 NEW MEXICO

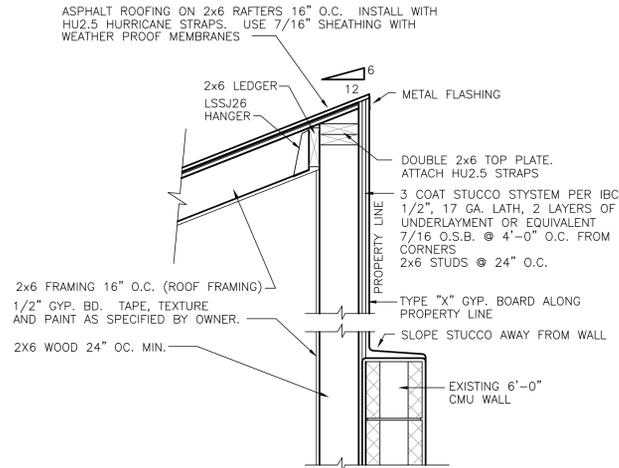
JOB TITLE:

SHED LAYOUT

SHEET TITLE:

REVISIONS:

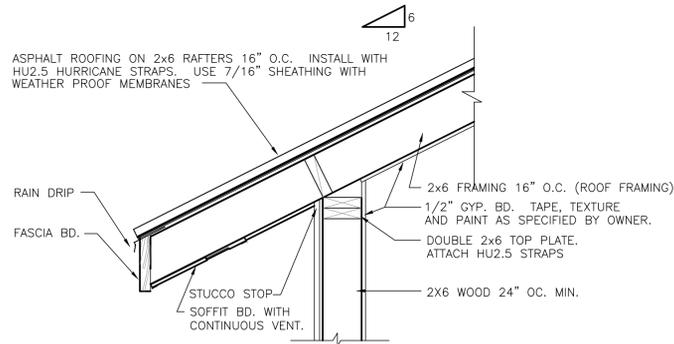
SHEET NO: **A1**
 STATUS: 95% CD'S
 JOB NO. 0001
 DATE: 9/22/21



DETAIL

SCALE: 1"=1'-0"

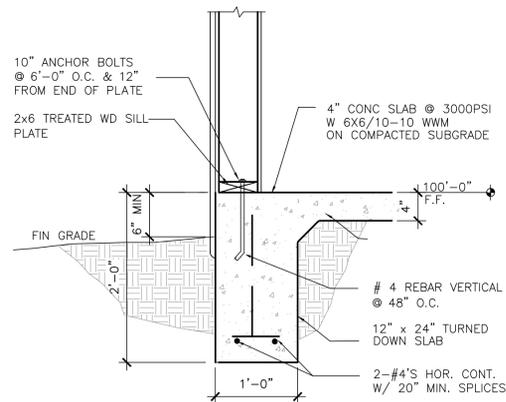
6
A2



DETAIL

SCALE: 1"=1'-0"

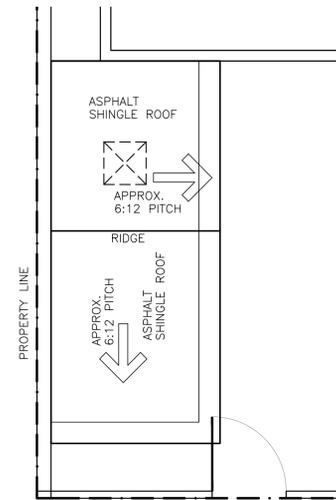
5
A2



DETAIL

SCALE: 1"=1'-0"

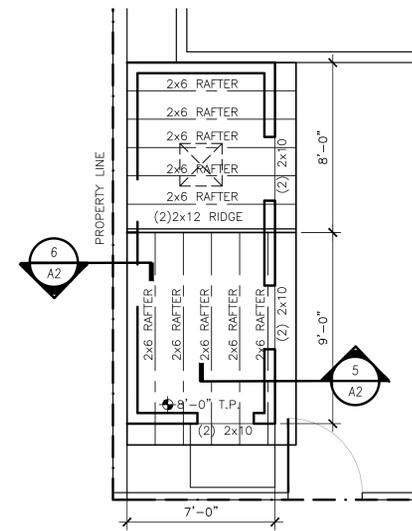
4
A2



ROOF PLAN

SCALE: 1/4"=1'-0"

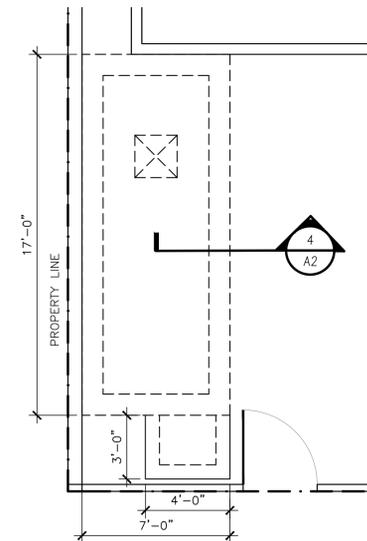
3
A2



FRAMING PLAN

SCALE: 1/4"=1'-0"

2
A2



FOUNDATION PLAN

SCALE: 1/4"=1'-0"

1
A2

GENERAL NOTES:

- A. DIMENSIONS SHOWN ARE TO FACE OF STUD. UNLESS NOTED OTHERWISE.
- B. ALL CONSTRUCTION SHALL BE IN STRICT COMPLIANCE WITH ALL PROVISIONS OF APPLICABLE BLDG CODES. CODE COMPLIANCE SHALL BE THE RESPONSIBILITY OF THE SUBCONTRACTORS. IN CASE OF CONFLICT BETWEEN THE DRAWINGS AND APPLICABLE CODES OR CONFLICT WITHIN THE DRAWINGS THE MOST STRINGENT REQUIREMENTS SHALL APPLY.
- C. VERIFY DIMENSIONS PRIOR TO CONSTRUCTION
- D. CONSTRUCTION SITE TO BE CLEAN AND SAFE AT ALL TIMES
- E. INTERIOR FINISH TO BE SPECIFIED BY OWNER
- F. SEE SITE PLAN FOR MORE INFORMATION ON SITE ISSUES
- G. FLR. MATERIALS TO BE SPECIFIED BY OWNER

FOUNDATION NOTES:

- 1. CONCRETE STRENGTH OF 3000 PSI MIN. / 4" MIN. SLAB THICKNESS ON COMPACTED GRADE.
- 2. DIMENSIONS WIDTH, THICKNESS, STEM, SPOT FOOTINGS, DEPTH BELOW FROST-LINE.
- 3. CONC. WALLS WIDTH, BOND BEAMS, GIRDER POCKETS, JOINT REINFORCEMENT @ 16" O.C. VERTICAL REINFORCEMENT AT 48" O.C. MAX.
- 4. ANCHORING 1/2"x10" MIN. BOLTS 6'-0" MAX. AND WITHIN 12" FROM END OF PLATE. / RAMSET @ 24" O.C. - INTERIOR BEARING.
- 5. REBAR SIZES, 40 BAR DIAMETER SPLICES 20" MIN. FOR #4 MINIMUM COVERAGE OF 3" REINFORCEMENT SECURED IN PLACE.
- 6. EXCAVATIONS AND FOUNDATIONS TO CONFORM TO CHAPTER 18 & 33 ASCENDING / DESCENDING SLOPES, CUTS, CUT/FILLS. FOOTINGS MUST EXTEND A MIN. OF 12" INTO UNDISTURBED SOIL OR ENGINEERS, CERTIFICATION WILL BE REQUIRED S.I.R. MAY BE REQUIRED.
- 7. CONCRETE ENCASED ELECTRODES: ONE OR MORE #4 REBAR NOT LESS THAN 20" IN LENGTH OF 20" OR MORE OF #4 BARE COPPER LOCATED WITHIN OR NEAR THE BOTTOM OF THE FOUNDATION OR FOOTING ENCASED BY AT LEAST 2" OF CONCRETE, AND TO EXTEND A MIN. OF 18" ABOVE STEM WALL. MUST BE LOCATED AS CLOSE AS POSSIBLE TO ELECTRICAL SERVICE PANEL.

FRAMING NOTES:

- *ALL FRAMING LAYOUT BY FRAMER. ANY DISCREPANCIES WITH DIMENSIONS, FOUNDATIONS, ETC. MUST BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE SUPERINTENDENT.
- *FRAMER TO COMPLY WITH ALL STATE AND LOCAL CODES AND REGULATIONS.
- *IT IS THE FRAMERS RESPONSIBILITY TO REVIEW ALL DRAWINGS FOR ALL REASONABLE FRAMING REQUIREMENTS FOR THIS PROJECT.
- *FRAMER TO KEEP JOB SITE IN A CLEAN AND SAFE CONDITION. REGULAR PICK UP AND BROOMING IS A REQUIREMENT FOR THIS PROJECT.
- *ALL FRAMING TO BE SQUARE, PLUMB, STRAIGHT AND SOLID. ANY FRAMING NOT TO THE ABOVE SPECIFICATIONS TO BE CORRECTED BY THE FRAMER TO THE SATISFACTION OF THE SUPERINTENDENT.
- *EXTERIOR DOORS AND WINDOWS TO BE PERMANENTLY INSTALLED AND ANCHORED BY FRAMER PER MANUFACTURES INSTALLATION REQUIREMENTS.
- *FRAMER TO INCLUDE ALL BLOCKING AND BACKING NECESSARY FOR FIRE CODE, RAILINGS, BATH HARDWARE, SHELVING, CABINETS, MECHANICAL AND ELECTRICAL REQUIREMENTS, SHEETROCK, ETC..
- *ALL VENTING MUST HAVE UNRESTRICTED AIR FLOW TO VENTS
- *FRAMER TO PROVIDE PROPER CLEARANCES (2" MIN.) AT ALL FIREPLACE ASSEMBLIES. PROPER ANCHORING IS ALSO REQUIRED.
- *FRAMER IS TO VERIFY WITH SUPERINTENDENT ALL ROUGH OPENING SIZES.
- *FRAMER IS TO CROSS REFERENCE ALL DRAWINGS TO INSURE PROPER FRAMING.
- *ALL INTERIOR HEADERS TO BE 2-2x10 HEADERS
- *ALL EXTERIORS HEADERS TO BE 2-2x10 HEADERS

FIRE BLOCKING REQUIRED

- AT CONCEALED SPACES OF STUD WALLS AND PARTITIONS INCLUDING FURRED SPACES. AT THE CEILING AND FLOOR LEVELS AND AT 10 FT. INTERVALS BOTH VERTICAL AND HORIZONTAL.
- AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS SOFFITS DROPPED CEILINGS, AND COVE CEILINGS.
- IN OPENINGS AROUND VENTS, PIERS, DUCTS, CHIMNEYS, FIREPLACES, AND SIMILAR OPENINGS WHICH AFFORD A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS, USE NON-COMBUSTIBLE MATERIALS.
- ALL OPENINGS BETWEEN ATTIC SPACES AND CHIMNEY CHASES FOR FACTORY BUILT CHIMNEYS.
- WALLS HAVING PARALLEL OR STAGGERED STUDS FOR SOUND CONTROL, SHALL HAVE FIRE BLOCKS OF MINERAL FIBER OR GLASS FIBER, OR OTHER APPROVED NON-RIGID MATERIALS.
- THE INTERGRITY OF ALL FIRE BLOCKING, AND DRAFTS STOPS, SHALL BE MAINTAINED.
- ALL METAL CONNECTORS TO BE "SIMPSON" OR EQUAL U.N.O JOIST HUNG ON FLUSH BEAMS TO BE ATTACHED WITH U210 OR EQUIVALENT. MULTIPLE JOISTS USE U210-2210-3 AS REQUIRED. USE OF 100x1-1/2" NAILS ARE CONVERSION CHART FROM CURRENT SIMPSON CATALOG FOR OTHER NOTES AND RESTRICTIONS THAT MAY APPLY.

PROVIDE FIRE BLOCKING, DRAFTING, DRAFT STOPS, & FIRE STOPS AS PER THE I.R.C. SECTION R602.8 TOE NAIL WITH (3) 16d FOR EACH 24" LENGTH TO WALL TOP PLATES OR BEAMS UNLESS NOTES OTHERWISE ON PLANS. ALL FLOOR AND ROOF SHEATHING TO BE NAILED TO BLOCKING.

INSTALL H2.5A HURRICANE STRAPS AT ENDS OF ALL TRUSSES & JOIST CONNECTING TO EXTERIOR WALLS.

WALL BRACING NOTES:

- ALL EXTERIOR WALLS ARE TO BE CONTINUOUSLY SHEATHED W/ OSB, GAPPED, AND BLOCKED
- FASTEN OSB 6" EDGES / 12" FIELD
- FASTEN GB 7" EDGES / 7" FIELD

NEW SHED CONSTRUCTION
JOSH AND MOLLY KRAUSE
 912 FORRESTER AVE, NW ALBUQUERQUE
 NEW MEXICO
 JOB TITLE:
WORKING DRAWINGS
 SHEET TITLE:

REVISIONS:
 SHEET NO: **A2**
 STATUS: 95% CD'S
 JOB NO. 0001
 DATE: 9/22/21

ZONING HEARING EXAMINER

NOTIFICATION OF DECISION



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

Joshua Krause requests a variance of 5 feet for the required 5 foot passage along the side yard for Lot 3 West 50 feet, Coronado Place Addn, located at 912 Forrester Ave NW, zoned R-1A [Section 14-16-5-11(C)(4)(e)]

Special Exception No:..... **VA-2021-00414**
Project No: **Project#2021-006289**
Hearing Date: 01-18-22
Closing of Public Record: 01-18-22
Date of Decision: 02-02-22

On the 18th day of January, 2022, property owner Joshua Krause (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 5 feet for the required 5 foot passage along the side yard (“Application”) upon the real property located at 912 Forrester Ave NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 5 feet for the required 5 foot passage along the side yard.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).

5. Agent and 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-1A.
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 and the location of structures thereon in relation to access ways and adjacent properties based on unusual historic platting, 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 allow for the reasonably proposed use that otherwise would be in compliance with the IDO
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 improvement 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 proposal is designed to be in harmony and consistency with what currently exists in the neighborhood, which was supported by written evidence and oral testimony. The proposal 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 area and 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 be in harmony with existing uses 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 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. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
15. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of 5 feet for the required 5-foot passage along the side yard.

APPEAL:

If you wish to appeal this decision, you must do so by February 17, 2022 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
Joshua Krause, joshua@nacainspiredschoolsnetwork.org

NEIGHBORHOOD SUPPORT

November 5th, 2021

Dear Ms. Naji,

I'm writing to expand on a few points related to our shed design and location decision. Please find a few points below.

1. As you know, I started the paperwork with zoning today to take care of the setback variance. I've also begun the process with Ms. Ortiz and the Building Safety Division to gain "addition" status and comply with fire code.
2. Given that we have an irregular lot that has been sliced different ways prior to our purchasing the home 12 years ago, there is really nowhere for us to go with a space for storage. We do not have a back yard. Our south yard is the only private, outdoor space we have on our property and we didn't want to give that up for a shed. The decision to place the shed on the north side yard was that that it is already an irregular shaped yard due to additions prior to our arrival.
3. We did our best to blend the structure into the existing pitch of the original bungalow home, the existing stucco, and did our best to get the advice of our neighbors and make adjustments according to their requests.

Thank you for your support during this process.

Josh and Molly Krause

joshcolinkrause@gmail.com

505-573-7850

Greetings,

This letter of support is on behalf of my neighbors at 912 Forrester, Josh and Molly Krause. I appreciate the opportunity to express my feelings toward their addition of a shed to their existing house.

I live directly across the street from Josh and Molly, and understand both the value of preserving the neighborhood's historic aspect and the challenges of security and limited space that can impact homeowners in this area. The addition of the shed to their property will give their family necessary storage space and will enhance the security of the home. It addresses their need to protect and enhance the existing structure, and when finalized will blend in well with the facade of their home.

The shed is attached to an area of the existing house which appears to have been built in the 1970s or 80s, with an architectural style more in line with the pueblo style popular at the time. That area of the house doesn't contribute to the historical aspects of the street; their shed addition will be in harmony with the existing structure to which it's attached.

I feel there are no negative aspects to the project. It will help to create a functional and appealing space for Josh and Molly's complicated lot. I totally back its construction. Please feel free to contact me if any further comment or information is needed.

With much thanks,
Kenneth Sandoval and family
907 Forrester Ave., NW
Albuquerque, New Mexico
505-379-0891

City of Albuquerque
Historic Preservation Review Board
City Planning Department
Plaza del Sol

Re: Certificate of Appropriateness PR-2021 006115/SI-2021-0172

11/5/2021

To whom it may concern,

I live at 909 Forrester Ave NW, across from the subject site. I am fully aware of the plans for the shed and am in support of the owner's permit request. As a downtown resident, I am supportive of a property improvement that makes living in a challenging area a little easier, particularly when it will minimally impact the historic character of the house and our neighborhood. Allowing a shed, behind two tall walls, that is designed in the character of the main house, seems like an appropriate improvement to a home to improve its livability. The owners of this property are long-time downtown residents, and deserve the accommodation of making their home more functional, particularly when the historic impact is negligible. Please feel free to reach out with any questions.

Thank you for your consideration,

A handwritten signature in black ink that reads "Lola Bird". The signature is written in a cursive, flowing style.

Lola Bird, owner 909 Forrester Ave NW
505-270-5285

Greetings,

This letter of support is on behalf of my neighbors at 912 Forrester, Josh and Molly Krause. I appreciate the opportunity to express my feelings toward their addition of a shed to their existing house.

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With much thanks,
Kenneth Sandoval and family
907 Forrester Ave., NW
Albuquerque, New Mexico
505-379-0891