# TABLE OF CONTENTS

AC-20-13  
PR-2020-004198 VA-2020-00246  
VA-2020-00357

<table>
<thead>
<tr>
<th>PAGE(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEMO .................................................................................................................1 - 2</td>
</tr>
<tr>
<td>NOTICE OF DECISION, SEPTEMBER 15, 2020 .............................................. 3 - 5</td>
</tr>
<tr>
<td>APPEAL APPLICATION / REASON FOR APPEAL ................................................. 6 - 16</td>
</tr>
<tr>
<td>MATERIAL SUBMITTED TO ZHE ................................................................. 17 - 80</td>
</tr>
<tr>
<td>ZHE MINUTES, SEPTEMBER 15, 2020 .............................................................. 81 - 94</td>
</tr>
<tr>
<td>ADDITIONAL INFORMATION ........................................................................... 95 - 100</td>
</tr>
</tbody>
</table>
CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM
October 23, 2020

TO: Pat Davis, President, City Council
FROM: Brennon Williams, Planning Director

SUBJECT: AC-20-13, Project PR-2020-004198, VA-2020-00246: Walter Gallegos, appeals the Zoning Hearing Examiner’s decision to approve a variance of 3 ft to the 3 ft maximum wall height upon the real property located at 3812 Zion Ct NE.

The appellant, Walter Gallegos, opposes Findings 7, 8, 9, and 10 in the Zoning Hearing Examiner’s Notice of Decision. These specific findings reference architectural character, neighborhood safety, and requirements listed in 14-16-6-6(N)(3)(c)(3). Please refer to the Appellant’s letter and submittal packet for further details.

Planning Staff Response:

- The City Traffic Engineer reviewed the application and determined that clear site requirements were met.
- The Zoning Hearing Examiner obtained testimony from the applicant that requirements listed in 14-16-6-6(N)(3)(c) were satisfied.
- Evidence in opposition to the application stating issues concerning traffic and architectural harmony was timely entered into the record.

Lorena Patten-Quintana, ZHE Planner
AC-20-13 Appeal Memo

Final Audit Report

2020-10-23

Created: 2020-10-23
By: Lucinda Montoya (lucindamontoya@cabq.gov)
Status: Signed
Transaction ID: CBJCHBCAABAAlqZmDSuG1hpxb_ZioGkPAH3G0u_pp

"AC-20-13 Appeal Memo" History

Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2020-10-23 - 7:48:04 PM GMT - IP address: 73.98.36.191

Document emailed to BN Williams (bnwilliams@cabq.gov) for signature
2020-10-23 - 7:48:30 PM GMT

Document e-signed by BN Williams (bnwilliams@cabq.gov)
E-signature obtained using URL retrieved through the Adobe Sign API
Signature Date: 2020-10-23 - 8:25:42 PM GMT - Time Source: server - IP address: 143.120.133.65

Agreement completed.
2020-10-23 - 8:25:42 PM GMT
On the 15th day of September, 2020, property owners Ramona and Philip Segura (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 ft to the 3 ft maximum wall height (“Application”) upon the real property located at 3812 Zion CT NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 3 ft to the 3 ft maximum wall height.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(N)(3)(c) Variance for a Taller Front or Side Yard Wall reads: “A variance application for a taller front or side yard wall shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:
   (1) The proposed wall would strengthen or reinforce the architectural character of the surrounding area;
   (2) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community;
   (3) The wall is proposed on a lot that meets any of the following criteria:
      a. The lot is at least ½ acre;
      b. The lot fronts a street designated as a collector or above in the LRTS guide;
      c. 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.
   (4) 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.
      b. 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 ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. All property owners within 100 feet and affected neighborhood association were notified of the application.

5. The subject property is currently zoned R-1C.

6. City Transportation issued a report stating that it does not object.

7. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. Specifically, the wall is constructed in harmony with the home on site and neighboring properties. No evidence to the contrary was submitted.

8. 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, as apparently has occurred. No evidence to the contrary was submitted.

9. Based on 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. No evidence to the contrary was submitted.

10. 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. No evidence to the contrary was submitted.

11. 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).

12. The ZHE finds that the Applicant has authority to pursue this Application.

**DECISION:**

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

**APPEAL:**

If you wish to appeal this decision, you must do so by October 15, 2020 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
Ramona and Philip Segura, filthysegura11@gmail.com
Yvonne Gonzales, 3805 Glen Canyon NE, 87111
Walter Gallegos, 3805 Glen Canyon NE, 87111
Mary Griffin, 3820 Zion CT, 87111
Linda Winters, 3808 Glen Canyon RD NE, 87111
<table>
<thead>
<tr>
<th>Administrative Decisions</th>
<th>Decisions Requiring a Public Meeting or Hearing</th>
<th>Policy Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Archaeological Certificate (Form P3)</td>
<td>☐ Site Plan – EPC including any Variances – EPC (Form P1)</td>
<td>☐ Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)</td>
</tr>
<tr>
<td>☐ Historic Certificate of Appropriateness – Minor (Form L)</td>
<td>☐ Master Development Plan (Form P1)</td>
<td>☐ Adoption or Amendment of Historic Designation (Form L)</td>
</tr>
<tr>
<td>☐ Alternative Signage Plan (Form P3)</td>
<td>☐ Historic Certificate of Appropriateness – Major (Form L)</td>
<td>☐ Amendment of IDO Text (Form Z)</td>
</tr>
<tr>
<td>☐ Minor Amendment to Site Plan (Form P3)</td>
<td>☐ Demolition Outside of HPO (Form L)</td>
<td>☐ Annexation of Land (Form Z)</td>
</tr>
<tr>
<td>☐ WTF Approval (Form W1)</td>
<td>☐ Historic Design Standards and Guidelines (Form L)</td>
<td>☐ Amendment to Zoning Map – EPC (Form Z)</td>
</tr>
<tr>
<td></td>
<td>☐ Wireless Telecommunications Facility Waiver (Form W2)</td>
<td>☐ Amendment to Zoning Map – Council (Form Z)</td>
</tr>
</tbody>
</table>

### Appeals
- ☐ Decision by EPC, LC, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

**Applicant:** Walter Gallegos + Yvonne Gonzales  
**Address:** 3805 Glen Canyon Road NE  
**Phone:** 505-459-8618  
**Email:** Homesbyyvonne@gmail.com  
**City:** Albuquerque  
**State:** NM  
**Zip:** 87111  
**City:**  
**State:**  
**Zip:**  
**Proprietary Interest in Site:** List all owners:

### BRIEF DESCRIPTION OF REQUEST

Disagree with the approval of a variance of 3 feet to the 3 feet maximum wall height based on the attached photos - Ordinance.

### SITE INFORMATION

(Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

- **Lot or Tract No.:** 54  
- **Block:** 5  
- **Unit:** 10  
- **Subdivision/Addition:** Holiday Park  
- **MRGCD Map No.:**  
- **UPC Code:** 1022206042136411654  
- **Zone Atlas Page(s):** 622  
- **Existing Zoning:** R1C  
- **Proposed Zoning:**  
- **# of Existing Lots:**  
- **# of Proposed Lots:**  
- **Total Area of Site (acres):** 1.7

### LOCATION OF PROPERTY BY STREETS

- **Site Address/Street:** 3812 Zion Ct  
- **Between:** Glen Canyon Road  
- **and:**

### CASE HISTORY

(List any current or prior project and case number(s) that may be relevant to your request.)

**Project No.:** 2020-004198  
**Date:** 10/13/2020

### FOR OFFICIAL USE ONLY

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

**Meeting/Hearing Date:**  
**Staff Signature:**  
**Fee Total:**  
**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@cabg.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: PR2020-004198

☑ Application number of the case being appealed, if applicable: VA 2020-00246

☑ Type of decision being appealed: Approval of a 10' fence variance

☐ 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: Matthew Balch Los Angeles
Printed Name: Walter Balch Los Angeles

Date: 01/14/2020

☐ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers: Project Number:

Staff Signature:
Date:
Ramona and Philip Segura request a variance of 3 ft to the 3 ft maximum wall height for Lot 54, Block 5, Holiday Park Unit 10, located at 3812 Zion CT NE, zoned R-1C [Section 14-16-5-7(D)].

Special Exception No: ............. VA-2020-00246
Project No: ......................... Project#2020-004198
Hearing Date: ....................... 09-15-20
Closing of Public Record: ........... 09-15-20
Date of Decision: ..................... 09-30-20

On the 15th day of September, 2020, property owners Ramona and Philip Segura ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3 ft to the 3 ft maximum wall height ("Application") upon the real property located at 3812 Zion CT NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FININDS:

1. Applicant is requesting a variance of 3 ft to the 3 ft maximum wall height.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(N)(3)(c) Variance for a Taller Front or Side Yard Wall reads: "A variance application for a taller front or side yard wall shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:
   (1) The proposed wall would strengthen or reinforce the architectural character of the surrounding area;
   (2) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community;
   (3) The wall is proposed on a lot that meets any of the following criteria:
      a. The lot is at least ½ acre;
      b. The lot fronts a street designated as a collector or above in the LRTS guide;
      c. 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.
   (4) 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.
      b. 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 ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. All property owners within 100 feet and affected neighborhood association were notified of the application.
5. The subject property is currently zoned R-1C.
6. City Transportation issued a report stating that it does not object.
7. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. Specifically, the wall is constructed in harmony with the home on site and neighboring properties. No evidence to the contrary was submitted.
8. 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, as apparently has occurred. No evidence to the contrary was submitted.
9. Based on 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. No evidence to the contrary was submitted.
10. 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. No evidence to the contrary was submitted.
11. 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).
12. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

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

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2020 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
Ramona and Philip Segura, filthysegural1@gmail.com
Yvonne Gonzales, 3805 Glen Canyon NE, 87111
Walter Gallegos, 3805 Glen Canyon NE, 87111
Mary Griffin, 3820 Zion CT, 87111
Linda Winters, 3808 Glen Canyon RD NE, 87111
October 13, 2020

To Whom It May Concern:

The variance decision does not comply to the ordinances of the neighborhood based on the following:

The ordinance that was created for the safety and continuity of the neighborhood finds the fence fails on all parts. Photos are submitted with this letter.

Reference the Notification of Decision, September 15, 2020:

Paragraph #7. The proposed wall does not strengthen or reinforce the architectural character of the surrounding area and neighborhood per the ordinance of the neighborhood. Photos are attached showing the white fence that does not meet the architecture of the neighborhood. The ordinance states no fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above roadways shall be erected. A 3 foot height fence is acceptable per the ordinance and it will satisfy the architectural design and safety issues of the neighborhood.

Attached are photos showing the houses on the Glen Canyon Road with no fences in the front facing the street.

Paragraph #8. The wall Does Not enhance the safety of the neighborhood. The house next door at 3805 Glen Canyon does not have views of oncoming traffic while driving out of the garage and driveway. This is a major safety issue. Oncoming traffic on Glen Canyon Road drive faster than the speed limit of 25 mph on a daily basis. Even though slow down signs have been installed to remind drivers to slow down.

Attached are photos showing the fence blocking sight of oncoming traffic from 3805 Glen Canyon Road.

Paragraph #9. All properties within 330 feet of the lot where the vinyl fence is being requested do not have walls or fences over 3 feet in the front yards. See photos showing the houses in the front and sides of the requested fence.

Paragraph #10. The vinyl fence that has been installed is not a wall that does not meet the architectural requirements per the ordinance of the neighborhood. See attached photos of houses in the neighborhood.

We appreciate your consideration.

Walter Gallegos
3805 Glen Canyon Road NE
Albuquerque, NM 87111
## REQUEST FOR SPECIAL EXCEPTION

- **Variance**
- **Conditional Use**
- **Other**
- **Interpreter:**
  - **Yes**
  - **No**

### Details

- **Date:** 7/2/2020
- **Address of Request:** 3812 ZION CT NE
- **City:** Albq.
- **State:** NM
- **Zip:** 87111
- **Lot:** 54
- **Block:** 5
- **Zone:** R-1C
- **Subdivision:** Holiday Park Unit 10
- **UPC:** 102206042136411254
- **Property Owner(s):** Ramona and Phillip Segura
- **Mailing Address:** Same as above
- **City:** Albq.
- **State:** NM
- **Zip:** 87111
- **Phone:** 505-822-1478 720-373-1494
- **Email:** filthysegura11@gmail.com

### Agent

- **Mailing Address:** Same as above

### 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:** 7/31/2020

### ZONING OFFICIAL USE ONLY

- **Request for exception to IDO Section:** 14-16-5-7-D

### Description of request:

- Variance of 3ft to the 3ft maximum wall height

### Case history number(s) from AGIS:

- **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 parcel, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the Development Process Manual (DPM).

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 or 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the DPM. Walls may not encroach onto 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 this IDO, walls shall comply with the height standards in Table 5-7-1.

<table>
<thead>
<tr>
<th>Standard Wall Height</th>
<th>Residential</th>
<th>Commercial</th>
<th>Low-Density Residential</th>
<th>High-Density Residential</th>
<th>Other Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall in the front yard or street side yard[1]</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>6 ft.</td>
<td>5-7(D)(2)</td>
</tr>
<tr>
<td>Wall in other locations on the lot[2]</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>10 ft.</td>
<td>5-7(D)(2)</td>
</tr>
<tr>
<td>Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;10 ft. from the lot line abutting the street[1]</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>3 ft.</td>
<td>6 ft.</td>
<td>5-7(D)(2) 5-7(D)(3)/d</td>
</tr>
<tr>
<td>10 ft. from the lot line abutting the street</td>
<td>6 ft.</td>
<td>Low-density residential: 6 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>5-7(D)(2)</td>
</tr>
<tr>
<td>Wall in a rear or interior side yard abutting a major alley</td>
<td>6 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>5-7(D)(2) 5-7(E)(4)</td>
</tr>
<tr>
<td>Wall in a rear or Interior side yard abutting Major Public Open Space</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>6 ft.</td>
<td>10 ft.</td>
<td>5-7(D)(2) 5-7(E)(4)</td>
</tr>
</tbody>
</table>

[1] A Variance – 2HE for a wall greater than 3 ft. In height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-5-6(N)(3)(c) (Variance for a Taller Front or Side Yard Wall) if it meets the standards in Table 5-7-2.

[2] Portion of walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.

[3] 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.
Accounts

From: PHILLIP SEGURA <filthysegura11@gmail.com>
Sent: Monday, July 6, 2020 4:02 PM
To: Marie Hugaboom
Subject: Fwd: ZHE Contacts 3812 Zion Ct NE
Attachments: Buffer Map.docx; ZHE Public Noticing Req.pdf; September Zoom.docx

---------- Forwarded message ----------
From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Date: Mon, Jul 6, 2020 at 1:12 PM
Subject: ZHE Contacts 3812 Zion Ct NE
To: filthysegura11@gmail.com <filthysegura11@gmail.com>

Dear Applicant,

Below are the neighborhood associations that need to be notified of your ZHE application. Please use the attached Request for Neighborhood Meeting letter for guidance.

You must give the neighborhood association 15 days to respond before you are able to submit your application.

<table>
<thead>
<tr>
<th>Association Name</th>
<th>First Name</th>
<th>Last Name</th>
<th>Email</th>
<th>Address Line 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 8 Coalition of Neighborhood Associations</td>
<td>Mary Ann</td>
<td>Dix</td>
<td><a href="mailto:dix.mary.ann@gmail.com">dix.mary.ann@gmail.com</a></td>
<td>11312 Malguena NE</td>
</tr>
<tr>
<td>District 8 Coalition of Neighborhood Associations</td>
<td>Donald</td>
<td>Couchman</td>
<td><a href="mailto:dhc@zianet.com">dhc@zianet.com</a></td>
<td>6441 Concordia F NE</td>
</tr>
</tbody>
</table>

Below is a list of property owners within 100+ feet of the subject property. Please use the Public Notice of Hearing letters (one attached within ZHE Public Noticing Requirements and the other titled September Zoom) to notify the property owners surrounding the subject property. Also, please provide a receipt from the post office as proof that letters were sent out.

<table>
<thead>
<tr>
<th>Owner</th>
<th>Owner Address</th>
<th>Owner Address 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOPEZ EDWIN P &amp; MELINDA J</td>
<td>3733 GLEN CANYON RD NE</td>
<td>ALBUQUERQUE NM 87 4194</td>
</tr>
<tr>
<td>GARCIA KELLEY AC &amp; JOAQUIN M</td>
<td>3815 ZION CT NE</td>
<td>ALBUQUERQUE NM 87 4140</td>
</tr>
<tr>
<td>GRIFFIN MATTHEW J &amp; MARY ANN</td>
<td>3820 ZION CT NE</td>
<td>ALBUQUERQUE NM 87 4140</td>
</tr>
<tr>
<td>MANCUSO-NELSON MICHELE R &amp; NELSON RICHARD E</td>
<td>3823 ZION CT NE</td>
<td>ALBUQUERQUE NM 87 4140</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>City</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>GALLEGOS WALTER M</td>
<td>3805 GLEN CANYON RD NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>STICE CARRIE E</td>
<td>3744 GLEN CANYON RD NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>COOK NANCY LYNN MCDONALD</td>
<td>3800 GLEN CANYON RD NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>HOFFMAN LOU DUANE &amp; MARCIA J</td>
<td>3804 GLEN CANYON RD NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>USNICK FRANK E &amp; MARTHA C</td>
<td>2607 WOLFLIN AVE #267</td>
<td>AMARILLO</td>
</tr>
<tr>
<td>STRONG FREDERICK C IV &amp; JANET G</td>
<td>3740 GLEN CANYON RD NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>WAINWRIGHT IRENE D &amp; ADKINS DAWN M</td>
<td>3809 GLEN CANYON RD NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>THOMPSON LORI A</td>
<td>3819 ZION CT NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>MILLER DAVID W &amp; WINTERS LINDA G</td>
<td>3808 GLEN CANYON RD NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>BACHIM ALICE L &amp; HAMILTON NANCY L CO-TRUSTEES BACHIM TRUST</td>
<td>3816 ZION CT NE</td>
<td>ALBUQUERQUE</td>
</tr>
<tr>
<td>DENIS MARK E</td>
<td>3827 ZION CT NE</td>
<td>ALBUQUERQUE</td>
</tr>
</tbody>
</table>

Please let me know if you have any questions.

Thank you,

Suzie Sanchez

---

**Suzie Sanchez**

zhe administrative assistant
o 505.924.3894
e suzannasanchez@cabq.gov
cabq.gov/planning
HAVE A GREAT DAY

Marie Hugaboom Segura, CBA
REQUEST FOR NEIGHBORHOOD MEETING

Date: _____JULY 8, 2020___________

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 _FENCE ON OUR SIDEYARD. 5FT WHITE VINYL
FENCE__________________ (summary of request).

Property owner ____PHILIP & RAMONA SEGURA_____________________
Agent if applicable ________________________________
Property Address ___3812 ZION CT NE________, Albuquerque, NM, 87111_______ (zip code).

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

Thank you,

Applicant Name ____RAMONA AND PHILIP SEGURA______________
Email __rmh4sure18@gmail.com______________________________
Phone Number ___505-822-1478 home call 505-459-8694__________________

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

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application."
The original message was received at Fri, 10 Jul 2020 07:44:26 -0600 from ame8.swcp.com [216.184.2.163]

----- The following addresses had successful delivery notifications ----- 
<dix.mary.ann@gmail.com> (relayed to non-DSN-aware mailer) <dhc@zianet.com> (relayed to non-DSN-aware mailer)

----- Transcript of session follows ----- <dix.mary.ann@gmail.com>... relayed; expect no further notifications <dhc@zianet.com>... relayed; expect no further notifications
Public Notice of Hearing

Date: ___7/8/20______________

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 ___6FT VINYL FENCE FOR THE SIDE YARD_(GlenCanyon side)______________ (summary of request).

Property owner: ___PHILIP & Ramona Marie SEGURA____________________________________________

Agent (if applicable): ________________________________________________________________

Property Address: ___3812 ZION CT NE__________________________, Albuquerque, NM, 87111__________ (zip code).

A hearing will be held on September 15, 2020 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: ___PHILIP & Ramona Marie SEGURA________________________________________

Applicant’s Number or Email Address: __rnh4sure18@gmail.com________________________________

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

Please note: “You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral.”
Public Notice of Hearing

Date: 7/8/20

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 Fence on Sideyard (summary of request).

Property owner: Philip & Marie Segura

Agent (if applicable):

Property Address: 3812 Zioni CT NE, Albuquerque, NM, 87111 (zip code).

A hearing will be held on September 15, 2020 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/0a2a7t1dnA

Thank you,

Applicant’s Name: Ramona Segura

Applicant’s Number or Email Address: rmh4sure18@gmail.com

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

Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral.
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Delivery Date</td>
<td></td>
</tr>
<tr>
<td>Friday 07/17/2020</td>
<td></td>
</tr>
<tr>
<td>Cert of Mail</td>
<td></td>
</tr>
<tr>
<td>Affixed Amount: $0.00</td>
<td></td>
</tr>
<tr>
<td>First-Class Mail@ Letter</td>
<td></td>
</tr>
<tr>
<td>Domestic</td>
<td></td>
</tr>
<tr>
<td>ALBUQUERO, NM 87111</td>
<td></td>
</tr>
<tr>
<td>Weight: 0 Lb 0.60 Oz</td>
<td></td>
</tr>
<tr>
<td>Estimated Delivery Date</td>
<td></td>
</tr>
<tr>
<td>Friday 07/17/2020</td>
<td></td>
</tr>
<tr>
<td>Cert of Mail</td>
<td></td>
</tr>
<tr>
<td>Affixed Amount: $0.00</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$28.70</td>
</tr>
<tr>
<td>Credit Card Remit</td>
<td></td>
</tr>
<tr>
<td>Card Name: VISA</td>
<td></td>
</tr>
<tr>
<td>Account #: XXXXXXXXXX0065926</td>
<td></td>
</tr>
<tr>
<td>Approval #: 562412</td>
<td></td>
</tr>
<tr>
<td>Transaction #: 404</td>
<td></td>
</tr>
<tr>
<td>AID: A0000000980840 Chip</td>
<td></td>
</tr>
<tr>
<td>AL: US DEBIT</td>
<td></td>
</tr>
<tr>
<td>PIN: Not Required</td>
<td></td>
</tr>
</tbody>
</table>

*Due to limited transportation availability as a result of nationwide COVID-19 impacts, package delivery times may be extended.*
Only submit photos of properties that are within the linear area up to 330 feet. (Only 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.

29 Properties 20% = 5.8
Only submit photos of properties that are within the linear area up to 330 feet. (Only 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.

29 Properties 20% = 5.8
Our House has small yard
We want to expand from fence to street
30' and along 5th street 60' and back to
House 37' with white vinyl private fence
and still leave 60' to corner of Zion St
and Glen Canyon Rd. Dotted is where
we would like to fence off.
From circle 4 to line 12
B wall = Brick wall
R wall = Retaining wall
P line = Property line
T wall = Temp wall

Back yard now

R wall 32'
THIS REPORT IS NOT FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE. THIS IS NOT A BOUNDARY SURVEY AND MAY NOT BE SUFFICIENT FOR THE REMOVAL OF THE SURVEY EXCEPTION FROM AN OWNER'S TITLE POLICY. IT MAY OR MAY NOT REVEAL ENCROACHMENTS, OVERLAPS, CONFLICTS IN BOUNDARY LINES, SHORTAGES IN AREA, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE BOUNDARY SURVEY.

THE SURVEY OFFICE, LLC
ALBUQUERQUE, NEW MEXICO PHONE: (505) 998-0303
333 LOMAS BLVD., N.E. 87102 FAX: (505) 998-0305

IMPROVEMENT LOCATION REPORT OF LOT 54, BLOCK 5
HOLIDAY PARK, UNIT 10
BERNALILLO COUNTY, NEW MEXICO

037

This map/plat/n.r is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, encroachments, distances, location of easements, acreage, or other matters shown thereon.
July 27, 2020

To whom it may concern:

We are requesting a special exception for a fence on our side yard. We just purchased the corner home at 3812 Zion Ct, NE Alb., NM 87111. The back yard is a pie shape of 36 inches to 20 ft at the 3 ft cinderblock wall to the street side. This pie shape has concrete and we need the grassy side yard to be enclosed for our enjoyment, security and privacy. The 3 ft fence does nothing for privacy, the home to the north is up higher than our house and they and anyone walking down the street can see straight into our home. With crime the way it is and since we are senior citizens we need the security of a private back yard.

We have moved into our home and have put up a temporary fence I have enclosed pictures. This gives us room for our pets and to use our yard. This fence is in good taste and increases the beauty of the surrounding homes. Vinyl white fencing to match our home and the shutters and garages of our neighbors. This will increase privacy and keep pedestrians and vehicles from looking into our windows and into our back yard.

We have taken into account line of site from the corner and have set back 10 ft from the curb, making sure the road can be seen up the street for at least 50-60 ft. The 6 ft fence starts midway behind trees and provides us the homeowners with security privacy and sufficient use as the homeowner.

This fence strengthens the architectural character of the surrounding area. This fence is not injurious to adjacent properties, neighborhood or the larger community. This wall will not block any portion of the front of the house.

Thank you for your consideration of our request to use our side yard in a useful, tasteful and private way.

Thank you

Mr. and Mrs. Segura

3812 Zion Ct NE

Albuquerque, New Mexico 87111
July 22, 2020

City of Albuquerque
ATTN: ZHE Suzie Sanchez,
Administrative Assistant
P.O. Box 1293
Albuquerque, New Mexico 87103

RE: Hearing Meeting ID: 704 449 0999; To Be Held On September 15, 2020.

Dear Ms. Sanchez:

This is to introduce ourselves to you and your people that will chair the above mentioned meeting. Matthew and I have been residents of this address in Zion Court NE since 1973. We love all about living here and have enjoyed our neighbors even as life has wrought changes here.

Today we would like to express our opinion regarding Mr. & Mrs. Segura’s request for a variance in the city’s fence rule / law. We have seen and studied the information sent to us on that subject.

The proposed fence does not involve us very much because it is on the Glen Canyon Rd. side of their home which is out of view to us (from our home). That being said, it would involve us as we exit Zion Court and look to our left. If the fence was extended on to the edge of the sidewalk it could possibly be a “line of sight” problem for anyone as cars pass, speeding down and west on Glen Canyon. Cars often speed down that street but the Segura’s had no way to know that.

My husband and I have both had conversations with Mr. Segura and explained our concerns. Once he was aware of the situation he immediately offered to move his requested fence line in a few feet closer to the house which would more than correct the problem.

Matthew and I are in favor of our new neighbors being allowed to build what we consider a necessary improvement to his property. They currently have a postage stamp size back yard! The side yard extension with a 6 foot fence will greatly improve their quality of life on this property. We think it should be noted that the Segura’s have told us and others that the plan is to put one of the new white vinyl fences up. They are neither cheap nor an eyesore. A family about 5 or 6 houses up Glen Canyon (on the east side of the street) has one in their side yard and it looks very nice.

Thank you for your consideration of our comments.

Sincerely,

Matthew J. Griffin and Mary A. Griffin

cc: Mr. & Ms. Segura
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. Vacation 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 8/31/2020 To 9/15/2020

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) 7/31/20
(Date)

I issued 2 signs for this application, 7/31/2020, [Signature]
(Staff Member)

PROJECT NUMBER: AR-2020-004198/VA-2020-002460

Revised 2/19/19
# CITY OF ALBUQUERQUE

## INVOICE

**RAMONA AND PHILIP SEGURA**  
3812 ZION CT NE

<table>
<thead>
<tr>
<th>Reference NO:</th>
<th>VA-2020-00246</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer NO:</td>
<td>CU-118926232</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/31/20</td>
<td>Application Fee</td>
<td>$210.00</td>
</tr>
</tbody>
</table>

**Due Date:** 7/31/20  
**Total due for this invoice:** $210.00

**Options to pay your Invoice:**

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

---

- payment made online
- balance $0

**CM 7/31/2020**

---

**PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT**

---

**City of Albuquerque**  
PO Box 1293  
Albuquerque, NM 87103

<table>
<thead>
<tr>
<th>Date:</th>
<th>7/31/20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount Due:</td>
<td>$210.00</td>
</tr>
<tr>
<td>Reference NO:</td>
<td>VA-2020-00246</td>
</tr>
<tr>
<td>Payment Code:</td>
<td>130</td>
</tr>
<tr>
<td>Customer NO:</td>
<td>CU-118926232</td>
</tr>
</tbody>
</table>

**RAMONA AND PHILIP SEGURA**  
3812 ZION CT NE  
ALBUQUERQUE, NM  87111

---

130 0000VA202000246001025467118926210000000000000021000CU118926232

041
Date: 7/31/2020
Office: WEB       Cashier: admin
Batch: 11381       Tran #: 74

Building Permits
2:57 PM       Station ID
Office       WEB
Receipt #: 00639087
Reference   VA-2020-00246
Trans Amt: $210.00

130  Building Permit       $210.00

Payment Total: $210.00

----------------------------------------
Transaction Total: $210.00
VISA Tendered: $210.00

Thank you for your payment.
Have a nice day!
September 1, 2020

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF September 15, 2020

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

VA-2020-00246 PR-2020-004198

Address: 3812 Zion Ct NE

Transportation Review: No objections

After review of the provided application, Transportation has no objection to the construction of the wall. It does not present a sight distance problem for the driveway or intersection.
Ramona and Philip Segura request a variance of 3 ft to the 3 ft maximum wall height for Lot 54, Block 5, Holiday Park Unit 10, located at 3812 Zion CT NE, zoned R-1C [Section 14-16-5-7(D)]

Ownership:  Owners: USNICK FRANK E & MARTHA C

Zone District/Purpose:  R1/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>
<thead>
<tr>
<th>Table 5-7-1: Maximum Wall Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Category</td>
</tr>
<tr>
<td>----------------------------------</td>
</tr>
<tr>
<td>Standard Wall Height</td>
</tr>
<tr>
<td>Wall in the front yard or street side yard[1]</td>
</tr>
<tr>
<td>Wall in other locations on the lot[2]</td>
</tr>
<tr>
<td>Corner Lot Abutting Residential Zone District</td>
</tr>
<tr>
<td>&lt;10 ft. from the lot line abutting the street[3]</td>
</tr>
<tr>
<td>≥10 ft. from the lot line abutting the street</td>
</tr>
<tr>
<td>Walls Abutting Major Arteries and Major Public Open Space</td>
</tr>
<tr>
<td>Wall in a rear or interior side yard abutting a major artery</td>
</tr>
<tr>
<td>Wall in a rear or interior side yard abutting Major Public Open Space</td>
</tr>
</tbody>
</table>

[1] A variance – ZHE for a wall greater than 3 ft. in height on a lot with low-density residential development may be approved pursuant to the criteria in Subsection 14-16-5-1(B)(3)(d) (Variances for Taller Front or Side Yard Wall) if it meets the standards in Table 5-7-2.

[2] Perimeter walls in the rear yard abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.

[3] Where the rear yard of a through lot abuts at least 1 lot with any residential development that takes 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 adjoining residential property.

Prior Approval Conditions:  No prior special exceptions listed

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.
Here are the pictures on the buffer map.

---

Dear Applicant,

Upon initial review of your application submittal, the following items (necessary for acceptance and review by the Zoning Hearing Examiner) are missing. The missing documents are highlighted below.

**ZHE ADMINISTRATIVE CHECKLIST**

*Buffer Map Photos (Pictures of walls/fences over 3 feet)*

**APPLICATION COMPLETENESS**

- A complete application contains all information and materials required by the administrative checklist. Incomplete applications shall be rejected.

- No development application shall be reviewed for compliance with this IDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

Please send the missing documents to me at suzannasanchez@cabq.gov and copy the ZHE Planner at lpatten-quintana@cabq.gov as soon as possible but no later than 9-9-20 to ensure your request is heard on the next hearing date.
HAVE A GREAT DAY

Marie Hugaboom Segura, CBA

This message has been analyzed by Deep Discovery Email Inspector.
Only submit photos of properties that are within the linear area up to 330 feet. (Only 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.

29 Properties 20% = 5.8
3813 Glen Canyon
Susie;

Thank you for your quick response. The address requesting the variance is 3812 Zion Ct. NE 87111. My concern is the line of sight to the East of Zion ct. will be greatly diminished with the addition of a 6 ft fence. I will be happy to mail a written response with my concerns if this is this proper channels to go through or if this e-mail is adequate I will leave it at that. I am attaching 2 photos, the first depicts the line of sight as it currently is (following the yellow line) and the 2nd photo shows the sight line if a 6 ft fence was to be added.

This message has been analyzed by Deep Discovery Email Inspector.
Dear Ms. Sanchez,

This email is in reference to the variance requested by Phillip and Ramona Segura at the address of 3812 Zion Court NE, Albuquerque, NM, 87111 that affects the south side of the property facing Glen Canyon Road. Also attached are photos of the property before and after the new vinyl fence was erected.

Our home is on the south side of Glen Canyon Road and two houses east. We feel that we were totally misled as to what the fence would be and for what purpose.

We do not approve of the request for the following reasons:

The original block wall with a gate was taken down and it was our understanding that it would be replaced with a 6 ft. long (not high) vinyl fence to protect and confine their small chihuahua dogs. We had no idea that the fence would be 6 ft high and extend all the way out to within a few feet from the sidewalk on the south side of the property that runs adjacent to Glen Canyon Road; enclosing most of the side yard. We DO NOT APPROVE of this.

Glen Canyon Road is an access street used by many cars cutting through the neighborhood from Comanche to Montgomery and vice-versa and at times is quite busy. Most of the time, the 25 mph speed limit is not observed. As a result, the vinyl fence limits visibility on Glen Canyon Rd. and also from the cul-de-sac that is Zion Court and should be considered a hazard. The home at 3805 Glen Canyon Rd. is next door to the property in question and on the north side of the street and is also the 2nd house west of the blind curve coming west down Glen Canyon. They now have limited visibility from both directions from the driveway creating a hazard and could be considered dangerous. Also, we believe that traffic exiting from Zion Court onto Glen Canyon have a very limited view of oncoming traffic.

We are very concerned about the danger of incidents/accidents that could potentially happen to cars, pedestrians, children, and pets that are a daily presence on a residential street.

We have lived at 3808 Glen Canyon Rd for over 36 years as have many of our close neighbors. Glen Canyon Road has always been a very attractive street with a lot of eye appeal. We feel that the 6 ft white vinyl fence has removed this eye appeal and does not fit the neighborhood and we do not approve. We also feel that with all the homes for sale in Albuquerque; Mr. and Mrs. Segura could have purchased a home with a large backyard for their Chihuahuas. The fence also detracts from the beauty of the home at 3805 Glen Canyon Rd. and limits street visibility.

We do not approve of this unsightly fence and would appreciate your help by not allowing this eyesore to become permanent.

Thank you for your attention and concern.

Sincerely,
David Miller and Linda Winters
3808 Glen Canyon Rd NE
Albuquerque, NM 87111
(505)294-4923
BEFORE:
AFTER:
This message has been analyzed by Deep Discovery Email Inspector.
Sanchez, Suzanna A.

From: Yvonne Gonzales <homesbyyvonne@msn.com>
Sent: Sunday, July 26, 2020 7:43 PM
To: susannasanchez@cabq.gov
Subject: 3812 Zion Court NE Fence Disagreement
Attachments:
3904 Glen Canyon Road.jpg; 3813 Glen Canyon Road.jpg; 3800 La Charles Corner of Glen Canyon.jpg; 4100 Glen Canyon Road.jpg; 3812 Glen Canyon Road.jpg; 3717 Glen Canyon Road.jpg; 3812 Zion Court backyard block 4’ fence.jpg; 3812 Zion Front Corner without new fence.jpg; Zion Court Protective Covenants.pdf; 3805 Glen Canyon Road and 3812 Zion Court.jpg; 3812 Zion Court Side Fence.jpg

Suzie,

This email is in reference to our prior phone conversation last week.

Attached are photos of the houses on Glen Canyon Road with front 3’ fences. Our home is 3805 Glen Canyon Road NE with photos of the vinyl fence that was installed without a permit this weekend, July 24 and 25, 2020. I have also attached photos of the house on 3812 Zion Court showing the front corner and also shows the 5’ block fence that was knocked down by the new owner. Attached are the property covenants for your review as well.

We do not approve with the new owner placing a 6’ vinyl fence in front of his house towards the street and the side of our house. For the following safety reasons:

1. The 6’ wall is a danger for oncoming traffic to the residents on the culdesac of Zion Court and the street of Glen Canyon Road.
2. We do not agree with the common wall fence being 6’ vinyl fencing on the side of 3805 Glen Canyon and 3812 Zion Court because oncoming traffic blocks the view of traffic from backing up from our garage to the street and also blocks walkers walking their pets from the sidewalk. We almost had an accident on Friday while backing out because we could not see if a car was upcoming. Luckily the car coming towards us stopped so that we could back out of our driveway. The neighbors working on the fence saw what happened and just pretended not to see what could have been an accident.
3. Glen Canyon Road is a thorough way for the neighborhood and is always very busy. Cars drive by fast even though we placed slow down signs from the City of Albuquerque Police Dept..
4. The 6’ fence in front and side take away from the safety of residents living in this area and walkers with pets.
5. The vinyl fence also takes away from the appearance of the neighborhood. Many of the neighbors have lived her for more than 40 years. We have lived here for 38 years and have never had a problem like this.
6. We Appreciate your concern and help with not permitting this fence to be a Permanent Fence.

Sincerely,
Walter Gallegos and Yvonne Gonzales, CRS
Your Certified Residential Specialist
RE/MAX Alliance Realtors
Mobile: 505-688-2534

https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.YvonneGonzales.RemaxAgent.co&umid=e740b1b7-0727-495b-9108-04dba54856e4&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-0889e304aed0ccbf03c3416e0ddbc19c687883fm

=================================================================
This message has been analyzed by Deep Discovery Email Inspector.
PROTECTIVE - COVENANTS

STATE OF NEW MEXICO:
COUNTY OF Bernalillo:

KNOW ALL MEN BY THESE PRESENTS:

A - PREAMBLE

That THE TEXAS LAND AND DEVELOPMENT COMPANY, being the owner of the property known and described as Lots 1 through 29, Block 1; Lots 1 through 30, Block 2; Lots 1 through 25, Block 3; Lots 1 through 21, Block 4; Lots 1 through 27, Block 5; all of the Amended Plat of HOLIDAY PARK UNIT #10, a Subdivision in the City of Albuquerque, New Mexico, as the same is shown and designated on the Plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on March 15, 1968. ALSO, Lots 1 through 31, Block 1; Lots 1 through 27, Block 2; Lots 1 through 8, Block 3; Lots 1 through 11, Block 4; All of HOLIDAY PARK UNIT #11, a Subdivision in the City of Albuquerque, New Mexico, as the same is shown and designated on the Plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on October 29, 1967, do hereby restrict and reserve property as hereinafter set out, which restrictions shall be binding upon all of the owners or purchasers of the lots in said Subdivision, his, her, or their heirs, executors, administrators or assigns, as follows to wit:

B - GENERAL PROVISIONS

B-1. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of forty-five years from the date hereof, or their heirs, executors, administrators or assigns, as follows to wit:

B-2. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

B-3. SEVERABILITY. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

B-4. MEMBERSHIP. The Architectural Control Committee is composed of Wilson H. Brown, A. R. Rutledge, and Barbara Joy Rutledge. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee the remaining members shall have full authority to designate a successor. Neither the members of the Committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. Any time, the then owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the Committee or to withdraw from the Committee or restore it to any of its powers and duties.

B-5. ARCHITECTURAL CONTROL. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of craftsmanship and materials, harmony external design with existing structures, and as to location with respect to topography and finish grade elevations. No fence or wall shall be erected, placed, or altered on any lot nearer to any street that the minimum building setback line unless similarly approved. Approval shall be as provided in Paragraph B-4.
(1). PROCEDURE. The committee's approval or disapproval as required in these covenants shall be in writing. If the committee or its designated representative fails to approve or disapprove within thirty days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

C-1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, placed, altered, or permitted to remain on any lot other than one detached single family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars. No garage, servant house, garage house or outbuilding shall be occupied by owner, tenant, or any one prior to the erection of the main building.

C-2. DWELLING SIZE. The ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 1100 square feet for a one story dwelling, nor less than 700 square feet for a dwelling of more than one story.

C-3. BUILDING LOCATION. (a) No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event, no building shall be located on any lot nearer than 25 feet to the front lot line or nearer than 15 feet to any side street line, a two inch tolerance by reason of mechanical variance of construction is allowed for minimum distance requirements for front, side and rear lines. A 6" tolerance shall be allowed for brick corner returns not exceeding two feet in width on brick front dwellings. (b) No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 65 feet or more from the minimum setback line. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line. (c) For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

C-4. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 60 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 6000 square feet.

C-5. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot. Within these easements, no structures, planting or other material shall be placed or permitted to remain which may cause damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. All or any public utility shall have the right to remove and keep removed all or parts of any building, fence, shrub, or other improvement growth which may in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system in easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity of procuring permission at any time from anyone.

C-6. GUESSENG. No noisy or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

C-7. TEMPORARY STRUCTURE. No structure of a temporary character, trailer, automobiles, not in regular use, basement, tent, shack, garage, barn, or other outbuilding shall be placed or used on any lot at anytime as a residence other temporarily or permanently.

C-8. SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

C-9. OIL AND MINING OPTIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No, derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

Land Records Corp. FT ALB11356 BE 1968007 0003
C-10. LIVESTOCK AND POULTRY. No animals, livestock, or poultry, of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

C-11. DUMPING, TRASH STORAGE. No lots shall be kept or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall be kept only in sanitary containers. No lot shall be used for storage of new or used materials not immediately to be used in constructions of improvements which comply with restrictive covenants herein.

C-12. RETAINING WALLS. Retaining walls shall be party walls if placed on common property line of two lots, and shall not be removed by either property owner.

C-13. GAS METERS. No gas meter shall be set nearer the street than the front or side dwelling, unless the meter is of an underground type.

C-14. EXTERIOR CONSTRUCTION MATERIALS. The exterior construction of any dwelling or garage or outbuilding erected on any lot may be of wood, brick veneer, stucco, brick, stone, asbestos, or any other fire resisting material approved by the Architectural Control Committee.

C-15. FENCING, WALLS, LANDSCAPING. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet from intersection of the street lines, or in case a rounded property corner, from the intersection of the street and property lines extended. No trees shall be permitted to remain within such distances of such intersections unless the foliage is maintained at sufficient height to prevent obstruction of such sight lines. No fence or wall except necessary retaining walls of minimum height shall be erected or allowed to remain nearer the front street than the front setback line. On corner lots no side street fence or wall except necessary retaining walls of minimum height shall be erected or allowed to remain nearer to the front street than the rear of the dwelling, nor nearer the side street than the property line. There shall be no openings in the garden walls of properties which side or back to another street unless details and specifications are submitted to the Architectural Control Committee and are approved by all members of said committee.

C-16. PROTECTIVE SCREENING. Protective screening, planting, or fencing shall be maintained by owners of the respective lot and at their expense for the protection of residential areas. No building or structures, except screening or drainage facilities, shall be permitted to remain in such areas.

C-17. BREACH OF COVENANTS. It is further stipulated that upon breach of any of the foregoing conditions and covenants within forty-five years from the date hereof, it shall not affect any mortgage or other lien which is in good faith, which may be existing at the time upon said property or any improvements thereon.

In witness whereof, the undersigned party has hereunto set his hand and seal this 18th day of April, 1956.

THE TEXAS LAND AND DEVELOPMENT COMPANY

[Signature]

R. L. Rutledge, General Manager

STATE OF NEW MEXICO

COUNTY OF BERNALILLO

Before me, [Notary Public], a Notary Public, in and for said County and State, on this day personally appeared R. L. Rutledge, General Manager, THE TEXAS LAND AND DEVELOPMENT COMPANY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires: 11-26-70

[Notary Public]

[Signature]

[Legal seal]

[Date stamped]

[Stamp: Juco MISC 103/9/11]
UNITED STATES OF AMERICA

TO ORIFLANO J. GUTIERREZ

STATE OF NEW MEXICO
County of Bernalillo.

I hereby certify that the instrument was filed for record on the 29th day of April, A.D. 1896, at 9:15 A.M., and was duly recorded in Book 77 of Records of Deeds, page 193, on the 29th day of April, A.D. 1896.

John Douglass
Probate Clerk and Ex-Officio Recorder.

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Santa Fe, New Mexico, having been deposited in the General Land Office of May 20th, whereby it appears that, pursuant to the Act of Congress approved June 30th, 1882, "To enable the Patentee to actual settle on the Public Domain," and the acts supplemental thereto, the same has been established and duly consummated, in conformity to law, for the

Lots one, two, three, and four and the south half of the north half of Section three in Township ten north and the Lots one, two, three, and four of Section thirty-three north all in Range Four east of the New Mexico Meridian, New Mexico, containing six hundred forty-two acres and thirty-four hundredths of an acre,

according to the official plat of the survey of said land, filed in the General Land Office by the Surveyor-General.

NOW KNOW YE that there is, therefore, granted by the United States unto the said

the tract of land above described, to have and to hold the said tract of land, with all appurtenances thereto, unto the said

of the said claimant

and to the

Above bound and submerged water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and canals now or hereafter used in connection with such water rights as may be concurred and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the people at large to enter and remove the same to the extent of the water rights granted, and provided by law and there is reserved from the bounds herein described a right of way therein for the said grantee, to be used and occupied for the purpose of constructing the same to be held in perpetuity, and subject to the same terms, conditions, and limitations as hereinbefore granted, and provided by law and there is reserved from the bounds herein described a right of way therein for the said grantee, to be used and occupied for the purpose of constructing the same to be held in perpetuity, and subject to the same terms, conditions, and limitations as hereinbefore granted, and provided by law.

IN WITNESS WHEREOF, I, FRANKLIN D. ROOSEVELT, President of the United States of America, have caused the above to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the "FOURTH" day of APRIL, in the year of our Lord One Thousand Nine Hundred and Thirty-Five, and of the Independence of the United States the One Hundred and Fifty-Second.

By the President:

FRANKLIN D. ROOSEVELT,

By Louise Polk Wilson, Secretary.

RECEIVED: Patent Number 1076173. (GRAL)

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington, D.C.

I hereby certify that the original copy of patent is true and correct reproduction from the record which is in my custody in this office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and sealed the seal of this office to be of record, at the day of Washington, the day of the month of the year.

Land Records Corp. FT ALB1356 BE 1968094316.001

077
Ramona and Philip Segura request a variance of 3 ft to the 3 ft maximum wall height for Lot 54, Block 5, Holiday Park Unit 10, located at 3812 Zion CT NE, zoned R-1C [Section 14-16-5-7(D)].

Special Exception No:............ VA-2020-00246
Project No:.................. Project#2020-004198
Hearing Date:..................09-15-20
Closing of Public Record: .......09-15-20
Date of Decision:..............09-30-20

On the 15th day of September, 2020, property owners Ramona and Philip Segura (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 ft to the 3 ft maximum wall height (“Application”) upon the real property located at 3812 Zion CT NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 3 ft to the 3 ft maximum wall height.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(N)(3)(c) Variance for a Taller Front or Side Yard Wall reads: “A variance application for a taller front or side yard wall shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:
   (1) The proposed wall would strengthen or reinforce the architectural character of the surrounding area;
   (2) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community;
   (3) The wall is proposed on a lot that meets any of the following criteria:
      a. The lot is at least ½ acre;
      b. The lot fronts a street designated as a collector or above in the LRTS guide;
      c. 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.
   (4) 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.
      b. 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 ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. All property owners within 100 feet and affected neighborhood association were notified of the application.
5. The subject property is currently zoned R-1C.
6. City Transportation issued a report stating that it does not object.
7. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. Specifically, the wall is constructed in harmony with the home on site and neighboring properties. No evidence to the contrary was submitted.
8. 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, as apparently has occurred. No evidence to the contrary was submitted.
9. Based on 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. No evidence to the contrary was submitted.
10. 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. No evidence to the contrary was submitted.
11. 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).
12. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

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

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2020 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.

_______________________________
Robe                        
rt Lucero, Esq.            
Zoning Hearing Examiner

cc:  
ZHE File
Zoning Enforcement
Ramona and Philip Segura, filthysegura11@gmail.com
Yvonne Gonzales, 3805 Glen Canyon NE, 87111
Walter Gallegos, 3805 Glen Canyon NE, 87111
Mary Griffin, 3820 Zion CT, 87111
Linda Winters, 3808 Glen Canyon RD NE, 87111

080
Hearing on Special Exceptions
to the Integrated Development Ordinance

MINUTES

September 15, 2020
600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:
Robert Lucero – Zoning Hearing Examiner
Lorena Patten-Quintana – ZHE Planner, Planning Department
Suzie Sanchez – Hearing Monitor
ZHE Minutes
VA-2020-00246
PR-2020-004198
Ramona and Phillip Segura

ZHE: Next is agenda item number 29. It’s VA-2020-00246, project PR-2020-004198, Ramona and Phillip Segura request a variance of 3 feet to the 3-foot maximum wall height for Lot 54, Block 5, Holiday Park Unit 10, located at 3812 Zion Court Northeast, zoned R-1C. Do we have the Segura’s?

PHILLIP SEGURA: Hello?

RAMONA SEGURA: Hello? Yes.

ZHE: Hello. It sounds like we have an echo.

RAMONA SEGURA: It does.

ZHE: Will one of you unmute it?

RAMONA SEGURA: Can you hear us now? Is that better?

ZHE: Yes, that is better.

RAMONA SEGURA: Okay. We are here.

ZHE: Very good. Would you please state - - are both of you gonna be testifying?

PHILLIP SEGURA: Yes.

ZHE: Okay, very good. Would you please state your full names and mailing address for the record?

PHILLIP SEGURA: Phillip Segura, 3812 Zion Court Northeast, Albuquerque, 87111.

RAMONA SEGURA: Ramona Segura, 3812 Zion Court Northeast, Albuquerque, New Mexico, 87111.

ZHE: Thank you. You know, I’m still getting an echo and I see there’s a Galaxy J3 seems to be speaking and then there’s also a Phillip Segura that shows like a insignia screen, that seems to be speaking. Is it possible - - are you guys - - and then there’s another Phillip Segura who’s unmuted…

RAMONA SEGURA: Looks like it’s both of us. Sorry.

ZHE: What was that?

RAMONA SEGURA: It’s both of us.

ZHE: Are you in the same place?

RAMONA SEGURA: Yes.
ZHE: Would it be possible for you to shut down some of these screens so that we’re only using one? I think that will eliminate the echo.

RAMONA SEGURA: Okay. [Close them out].

ZHE: I just want to preserve a good record so that we can have the recording.

RAMONA SEGURA: Okay. How’s that?

ZHE: That sounds much better.

RAMONA SEGURA: Okay.

ZHE: That’s great! Would you please raise your right hands? And do you attest under penalty of perjury that your testimony will be true?

RAMONA SEGURA: Yes.

PHILLIP SEGURA: Yes.

RAMONA SEGURA: We do.

ZHE: Thank you. Very good. Go ahead and please tell me about your variance request.

PHILLIP SEGURA: Okay, as you know, we purchased this house in early July and I called the Zoning Department - - I had other people working at the house at the time - - I called zoning for a temporary, temporary fence for my dogs because I didn’t have one. The block wall that we had there was all deteriorated and it wasn’t a very safe wall. Plus, if you look at the pictures, our back yard is in a pie shape. The house was built in a different way so, we have no backyard at all. We have - - we bought this big corner lot and we got a huge area on the street side. So, I put a small temporary fence over there for meanwhile while we got the approval here. Now, when I did the fence, I didn’t go by the correct dimensions but they called the Zoning Department and well - - when I called the Zoning Department, I called them twice. The first time they said I couldn’t do it, the second time, somebody told me I could do a temporary fence, so I did. Now, when the Zoning Officer came over, he told me that they got a call from the City Council’s Office saying that - - to come and check on the fence because it’s getting built illegally. So, they came out, Mr. Lovato came out, he looked at it, he said he didn’t see nothing wrong with it. He called his boss, Charles Maestas at the Zoning Department. Charles Maestas sent him a diagram of where we could put the fence legally. So, being that my fence was already there, I did move it because he - - we were talking about the variance. So, that same week, the wind came up real bad so on the following weekend, I had to reinforce the fence a little bit. So, on Monday morning, I had zoning out here saying that somebody from the City Council called again saying that, that we were working on the fence. So, Mr. Lovato came out on Monday and then Mr. Nathan Vigil, his boss came out on Monday and Mr. Vigil didn’t see anything wrong with the fence but he told me I
had to stop working on the fence, not to touch it until the variance. So, the next day, I went to the City, to the Zoning Department and I talked to Mr. Charles Maestas, he gave me the, the - - what I could do to fix the fence. So, I had to…

RAMONA SEGURA: …permit the fence.

PHILLIP SEGURA: So, we got a permit for the fence, so I went and measured through my survey papers that I got. I measured my - - 105 feet from the corner to the side street where my property line is. Right now, my fence is 3 foot inside the property line from the street. So, he says that I gotta go 10 foot from the…

RAMONA SEGURA: …property line.

PHILLIP SEGURA: …From the Property line in, to be able to do the 6-foot fence. Right now, I’m 7 foot - - I think I’m 7 foot out so, I gotta come in 7 more feet. So, I guess what we’re saying is, we need the variance for the 7 feet. We needed a privacy fence because if you look at the pictures we sent. Our house is built different.

RAMONA SEGURA: And it’s exposed.

PHILLIP SEGURA: And it’s exposed. My whole backyard would be exposed with a 3-foot fence. You could see everything inside. I can’t put anything in there. You could look into our windows. I mean, there’s no privacy at all. Mr. Gallegos’ house is about 5 feet above mine and he can see everything from his back window into my yard because the house is that close to the fence. In the backyard of the house we have a retaining wall that takes from 2.5 feet all the way to 5 feet so that’s cutting down our backyard real small. On one end of the backyard, we got 36 inches and then the wider open spot, we got 21 (inaudible). So, we went and put that fence up there. It was, it’s 41x22 feet now with the fence. Now, our corner lot is over 100 foot x 30 foot so all we needed was a little area of grass because we didn’t have no, no grass for our pets. We don’t have no play area for our grandkids but I guess Mr. Gallegos doesn’t like our fence. So, it’s a white vinyl fence as you can see the pictures. All the paperwork is in there and you can see that there’s plenty of sight. For the, for people driving out of Zion Court looking up east and there’s plenty of sight for him backing out of his garage to pull out to the street. So, I didn’t have no complaints from all the neighbors. We sent all the letters out and after everybody got their letters, I went out there and I talked to all the neighbors and I asked them if they had any input on the fence. And, Ms. Lori Thompson, she told me that she was concerned about the view, so I moved the fence in so the view would be clearly wide open so she could see all the way to the corner. So, everybody else in the neighborhood had no objections. Mr. Gallegos didn’t have no objections at the beginning when I first talked to him about the fence. He, himself told me that he had thought about putting a fence there. Now, down the road, I don’t know what changed his mind. And then he didn’t want the fence he said that I was blocking his view. While, I also have an RV. I also parked an RV on the north side of the wall.
ZHE Minutes
VA-2020-00246
PR-2020-004198
Ramona and Phillip Segura

ZHE: Can I interrupt you for a second because we’re running short on time and I want to make sure that you have all the elements for approval? Although, I appreciate the background, I don’t need to know the entire - - sort of - - sequence of events.

PHILLIP SEGURA: Okay.

ZHE: Let’s talk about the - - sort of the elements that have to be satisfied. You know, one is that the wall must strengthen or reinforce the architectural character of the surrounding area. Does your wall do that?

PHILLIP SEGURA: Yes.

ZHE: And how does it do that?

PHILLIP SEGURA: Well, it is buried in concrete - - it will be buried in concrete once I get the approval. It’s away from the street.

RAMONA SEGURA: It’s a high-dollar, vinyl white fence.

PHILLIP SEGURA: It’s a white fence. It’s not an ugly fence, it’s not blocking anybody. All it’s blocking is our privacy. We need some privacy in our backyard. Everybody else has privacy in their backyards. In our - - the way our house is built, there’s no privacy that way. You can see right through our windows and everything.

ZHE: And would you - - would the wall cause any injury to adjacent properties or the surrounding neighborhood?

PHILLIP SEGURA: No, the fence is on our property alone, it’s not on his property, it’s not on nobody else’s property.

ZHE: Okay. And, does it block the view for any traffic or people pulling in and out of streets or driveways?

PHILLIP SEGURA: If you look at the pictures, the pictures will tell you themselves. They got plenty of view. Mr. Gallegos has plenty of view to back out. Traffic has gotta go through east on that side of the road, they can’t be coming - - they can’t be going east on the left side of the road so he’s got plenty of room to see.

RAMONA SEGURA: And, he’s up on a hill above us so, there’s plenty of sight.

PHILLIP SEGURA: Yeah, he’s above the hill and he’s got plenty of view.

ZHE: Okay and I will note for the record that the City Traffic Engineer submitted a report stating no objection.

RAMONA SEGURA: Thank you.
PHILLIP SEGURA: Thank you.

ZHE: Okay and then I can see that you submitted photos here that indicate that at least 20% of the properties within 330 feet…

PHILLIP SEGURA: Yes.

ZHE: …have a wall or fence within 3 feet of the front yard, is that right?

PHILLIP SEGURA: Yes.

ZHE: Is that right?

PHILLIP SEGURA: Yes, yes we did.

ZHE: Now, does this wall block any portion or your front façade of the house?

PHILLIP SEGURA: No sir, it doesn’t block…

ZHE: If you’re standing out in the street in front of the house?

PHILLIP SEGURA: No.

ZHE: Okay, very good. And, do the design and the materials for the fence reflect the character of the surrounding area?

PHILLIP SEGURA: Well this is a white vinyl, beautiful fence - - I don’t know, everybody tells us it’s nice.

RAMONA SEGURA: It goes with everybody’s garage, it goes with the shutters of the people next door. It’s brand new. It looks good.

ZHE: Very good. Okay. Good. Well I - - those were sort of the elements to the variance so let’s, let’s see if there’s any public comment and then we’ll give you another opportunity to respond, if anyone has spoken.

PHILLIP SEGURA: Okay.

ZHE: So, let’s see. Is there anyone to speak on agenda item 29?

UNKNOWN SPEAKER: *9.

YVONNE GONZALES: Yes.

ZHE: Is this Yvonne Gonzales?

YVONNE GONZALES: This is Yvonne Gonzales and Walter Gallegos and we would like to submit our comments, so. Go ahead Walter.
ZHE: Very good. Let’s start one at a time. Ms. Gonzales, would you please state your name and mailing address for the record?

YVONNE GONZALES: Okay, my name is Yvonne Gonzales, 3805 Glenn Canyon Road Northeast, Albuquerque, New Mexico, 87111.

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

YVONNE GONZALES: Yes.

ZHE: Okay, thank you. Please proceed. Two minutes.

YVONNE GONZALES: Well, we’ve lived here for over 36 years. The neighborhood is a beautiful neighborhood. We’ve all gotten along with each other until Mr. Segura moved in. We were happy and excited that they bought the house but he decided to put this 6-foot fence on our common wall line. According to the covenants, it states that only a 3-foot fence can be placed there. And, we understand that he doesn’t have much of a backyard but that is something that he should have considered before buying the house. And, our objection to the fence is that it just stands out. It looks horrible in the neighborhood and a lot of the neighbors that we’ve talked to have said they don’t like it and, and so, we’re opposing this 6-foot fence because it takes away from the character of the neighborhood. It looks - - it just stands out and it looks horrible so those are my comments and Walter has more to say.

ZHE: Thank you Ms. Gonzales. Is it Mr. Gallegos? Is that right?

WALTER GALLEGOS: Yes.

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

WALTER GALLEGOS: Walter Gallegos, 0828 Glen Canyon Road Northeast, Albuquerque, New Mexico, 87111.

YVONNE GALLEGOS: 3805…

WALTER GALLEGOS: 3805 Glen Canyon Road.

ZHE: Thank you, sir. Please raise your right hand. Thank you, sir. And, do you attest that your testimony will be true upon penalty of perjury?

WALTER GALLEGOS: Yes, I do.

ZHE: Thank you. Please proceed, two minutes, please.
WALTER GALLEGOS: Okay - - this - - we have a very busy street, it’s Commanche. We have a blind spot to the, to the north because of the turn of the road, which you can’t fix that. The fence blocks us from driving out of our driveway. The car is almost half way to the street before we can see any upcoming traffic. Both ways are dangerous. We have grandchildren that come over and spend some time. Grandchildren, you can’t put a harness on them to keep them away but, with a blind spot that could be an accident. There’s people walking all the time on the street, walking dogs, skateboards and so forth - - walkers. Coming out of our garage, we already had an instance where we almost had an accident backing out of our driveway because of the blind spots. Besides that, the fence just sticks out like a sore thumb. It doesn’t do anything for the neighborhood at all. At first everybody in the court in the neighborhood were against it. Now, we don’t know if everybody is against it but they don’t have to deal with what we have to deal having being next door and a blind spot which takes away from the view of my house, which I have a lot of pride on it and I’ve spent a lot of money to make it look presentable and it’s one of the nicest homes in the neighborhood, to my opinion. And, to have somebody come and put a fence there like a corral doesn’t make sense at all. He told me it was for his dogs. I said, your dogs don’t need a 6-foot fence. He said, “It’s my house, I can do whatever I want to. If I want to put a horse there, I could put a horse there.” So, you know, it started off as a bad relationship between neighbor and neighbor so, - - and I never did, I never did accept to him to put a fence. The ex-neighbor and I decided to put a 3-foot wall just to separate it and then the neighbor came and told me, “Well we don’t have to put a wall there, a 3-foot wall, the way it is, is fine with me if it’s okay with you.” So, I agreed and we never put a wall but he’s saying that I agreed to putting up his fence; I never agreed to that.

PHILLIP SEGURA: I didn’t say that.

WALTER GALLEGOS: And going by the covenants that we’ve acquired, the fence can only be 3 foot high.

ZHE: Okay, thank you, Mr. Gallegos, you know, and just so everyone understands, I, I’m not in a position to enforce private covenants that run with the land, that would be up to you know, a civil action or if you have an association that would administer those but I have to just enforce the City Zoning Code.

WALTER GALLEGOS: Yeah.

ZHE: I appreciate your, your testimony, thank you.

WALTER GALLEGOS: If I might add to this street - - traffic on this street - - several years back - - because the traffic is so fast, we’ve already posted signs to slow down but several years back a young girl was killed on her bicycle because of the traffic. After she was killed, they put a stop sign on the street. So, you know, we’re trying to avoid accidents which is the most important thing.
ZHE: Okay, thank you. Very good, let’s see - - is there anyone else here who has not yet spoken who would like to speak on agenda item 29? Please raise your hand. Let’s see, I see a Griffin. Is that right? Hello? I think you’re still muted ma’am.

MARY GRIFFIN: How’s that for you?

ZHE: There you go! Now I can hear you.

MARY GRIFFIN: My name is Mary Griffin, I’m speaking for myself and my husband who is seated here with me, Matt Griffin. We both live at 3820 Zion Court Northeast, Albuquerque, New Mexico 87111.

ZHE: Thank you ma’am. Please raise your right hand. Do you attest under penalty of perjury that your testimony will be true?

MARY GRIFFIN: It will.

MATT GRIFFIN: It will.

MARY GRIFFIN: Matt said it, you may not have heard it.

ZHE: Thank you.

MARY GRIFFIN: In the interest of time, if you will, I have in front of me a letter that I wrote and addressed to your hearing meeting and it was dated July 22nd of this year and it speaks to the issue of us supporting Phillip and his wife Maria in their request for a waiver. If you have that letter available to you, I would like it entered as part of the record. If you don’t have it and you want me to read it quickly, I can certainly do that.

ZHE: Thank you. Let me verify. I believe it’s here but let’s just be sure. Hold on one second.

MARY GRIFFIN: Okay.

ZHE: Yes, I see it here. It’s dated July 22nd and it has letterhead stating Matthew J. and Mary A. Griffin, 3820 Zion Court Northeast, is that right?

MARY GRIFFIN: That is correct.

MATT GRIFFIN: That is correct.

ZHE: Very good. Yes, I do have it. Thank you for that submittal.

MARY GRIFFIN: I can understand because of the shortness of time that you don’t want me to read the whole thing but I would like to call to your attention as I did in the first paragraph that we are the, the second oldest living residents in that area. Not the oldest residents but the people who have been there the longest. We have been in that house 47 years, okay? Yes, I understand
that Mr. Gallegos has been there, he said 36 I believe. The bottom line is that the new gentleman
and wife coming in are entitled to have a quality of life. I know you did not want Mr. Segura to
go off on the subject of his mobile home - - motor home, excuse me, on the other side of his
property but I think so that you understand what’s going on, it’s important for you to know that
he did park one there. It’s on his property, it’s not affecting any rules that are against it and the
City has so indicated. That being said, nobody, nobody anywhere around us is in favor of motor
homes. They’ve - - I’ve had one in my driveway for 47 years and they didn’t like it when it came
and they don’t like it now but they have been kind enough to quit gripping about it. Years ago,
they quit doing that and I appreciate that. But, the bottom line is, he’s new and his is bigger than
mine and no, they don’t like it and so it feeds over to the fence. If they don’t like that then they
don’t like the fence and that’s why we feel he’s getting such feedback on the fence. The fence
was going to be involved in the line of sight as you leave Zion Court. As soon as Phillip found
that out by talking to us, he said no problem, I’ll move it back and he did. A whole number of
feet back and so there is no issue of line of sight. Phillip had no way - - and his wife had no way
of knowing that Glen Canyon Road is a through-way from Montgomery going down toward
eventually La Charles and people drive like idiots on it so in that sense, Mr. Gonzales’ is quite
right about not wanting children hurt. I know that he has a nice backyard for his grandchildren to
play in. Phillip has nothing for an existing backyard. That neighborhood is all the same age. The
cinder block walls in his property and adjacent properties, they’re falling apart in some cases, not
all. Some people have had them re-supported but in his particular property, the walls are not in
good shape so, asking to have this other side wall is only common sense. They say, well he
should know what he bought. Yes, but anybody looking at the property and seeing this huge side
yard and would normally think, oh my God, nothing, I’ll just put a fence over that way and that
way I’ll have a little bit of space to have a little bit of privacy and a place to put a chair or two if
I have company come over. It’s just common sense.

MATT GRIFFIN: And the street has a 25-speed limit but people do 40 and 50 miles an hour
down that street.

MARY GRIFFIN: Yes, they do and I hope you heard that. He said the speed limit is slower but
the people just zip along there. You know, it’s just - - I don’t know what to tell you. I understand
the, the annoyance when you have people bringing in motor homes when it wasn’t a
neighborhood when it was originally designed for it. That being said, if you make a right-hand
turn heading west out of our Zion Court, you can go down the street and you can find 3 travel
trailers sitting on the property right before you even get - - what’s that cross street?

MATT GRIFFIN: La Charles.

MARY GRIFFIN: Where the church is.

MATT GRIFFIN: La Charles.
MARY GRIFFIN: La Charles is a cross street down there. Relative to the child being killed, I was - - let me get that (inaudible).

MATT GRIFFIN: That was 35 years ago.

MARY GRIFFIN: Yeah, it was 35 years ago and I was here at the time. I don’t know if Mr. Gonzales was here or if he just heard about it but the child did not die, is my recollection of it. The child was badly, badly brain injured. It is my impression that many years later that she recovered some of her brain capabilities but she was not killed in that accident. The other thing is, nobody was sighted in that accident because the child rode the bike into the street and that was no doubt an accident. In those days, it was not so much of a through-way. About 6 or 7 houses north, when you come out of Zion and you make a left-hand turn, because the streets curved, I don’t know whether you want to call it east or north and Mr. Gonzales is quite right, about 3 houses up above him, that street turns drastically to a left-hand curve and people come zooming around it and its worth your life for anybody to pull out of a driveway there. (Inaudible) all these years…

ZHE: Thank you Mrs. Griffin…

MARY GRIFFIN: And so, they have learned to adapt. As you’re pulling out of your driveway in those houses and going south or west or whatever you want to call it, in other words, out of Zion Court and making a right, those people don’t have a problem seeing if they come out of their driveway carefully. I mean, it’s wide open. And, even…

ZHE: Ms. Griffin, thank you very much. I see that the time limit has expired but I appreciate your testimony. Thank you so much for that and for your written submittal as well.

MARY GRIFFIN: Okay.

ZHE: Thank you, ma’am.

MARY GRIFFIN: And that letter will be part of the record?

ZHE: Yes, ma’am, it already is, thank you.

MARY GRIFFIN: Thank you. I appreciate your time and the courtesy of all of your people there as well as, the other people who have come to participate.

ZHE: Thank you, ma’am. Thank you for your participation. Let’s see if there’s anyone else here who has not yet spoken on agenda item 29 and would like to do so. This is agenda item 29. Please raise your hand if you’re here for agenda item 29 and you have not yet spoken.

LINDA WINTERS: Can you hear me?

ZHE: Yes.
LINDA WINTERS: My name is Linda Winters and I also live on Glen Canyon Road.

ZHE: Well thank you. Would you please state your mailing address for the record?

LINDA WINTERS: Yes, my mailing address is 3808 Glen Canyon Road Northeast, Albuquerque, New Mexico, 87111.

ZHE: Thank you, ma’am. Please raise your right hand. And, do you attest under penalty of perjury that your testimony will be true?

LINDA WINTERS: Yes, sir, I do.

ZHE: Thank you. Please limit your comments to two minutes. Please proceed.

LINDA WINTERS: In the beginning when - - after the Segura’s moved in we received a letter from the City stating that he wanted to install a 6-foot vinyl fence. It did not say it was a 6-foot high fence and it was my understanding that he was gonna remove the block wall that was there with a gate and put a - - and replace it with a 6-foot long fence. I have submitted in writing my concerns over what he calls a temporary vinyl fence that he did put up. It does not do anything for this neighborhood. It stands out like a sore thumb. Everything in this neighborhood is, is block or stucco or gravel and grass and trees. The white fence - - there’s nothing white in this neighborhood. As far as the motor home goes, I can’t see the motor home. I’m, I’m east of Mr. and Mrs. Segura’s home and the motor home is no concern to me. But, what does concern me is that fence. And I can see the concerns for - - of Mr. Gallegos and yes, I have been in their car when they backed out of the driveway. You cannot see what’s coming east up the street until you’re halfway out in the street because of the fence now. And, that’s all I have to say. I submitted my letter with pictures of before and after the fence was, was erected and I hope you have those.

ZHE: Yes, thank you. I do see the email with the four photos attached, two before and two after.

LINDA WINTERS: Yes.

ZHE: It was dated September 2nd.

LINDA WINTERS: And, as you can see, the white fence does not contribute to anything in the neighborhood.

ZHE: Thank you for your testimony Ms. Winters.

LINDA WINTERS: Thank you.

ZHE: Is there anyone else here who has not yet spoken? Ms. Griffin, I see you raising your hand but unfortunately, we have to confine it to people who have not yet spoken. I’m sorry, we’re just running out of time, I need to give everyone else an opportunity on the other cases. Okay, last
call for agenda item 29. If you have not yet spoken, please raise your hand. Okay. Mr. and Mrs. Segura, are you there? You do have an opportunity to respond to the public comment.

PHILLIP SEGURA: Yes, we are.

ZHE: Okay, good. Go ahead, sir.

PHILLIP SEGURA: Okay, well for Mrs. Winters email here, when I first went and talked to them after they received the letter and, and I explained to them what I was going to do with my plans and if they had any suggestions or whatever and they had no issues at the time. So, they didn’t have no issues at the time until Mr. Gallegos got involved with them, with the issue. So, you know, it doesn’t take a rocket scientist to figure out where the City Council came into play. So, they live two houses above, one house above Mr. Gallegos’ house. Now, I don’t know why they want to look into our windows or want to look into our backyards or they just like to look into people’s yards. I don’t understand why they would just want to do that. As far as the fence goes, you got the pictures, you got the line of sight, you know where Mr. Gallegos’ house is at, you know where his driveway is at. You already said that the traffic engineer said there was no problem so I don’t understand what problem she sees. As far as the email Mrs. Walter Gallegos and Yvonne sent out there, well, the number one concern there is already there, the 6-foot wall she says is blocking and it’s not blocking, you can see that in the picture. And, also, he said about the - - he said him and I were going to do a fence. I never said that. I told him I was going to do the fence and when I started doing the fence, I went and asked him if he wanted me to put it on his line of sight so it could be even with his fence and he said no. He said, no so, I put it right in the middle of the fence because it’s a common fence, it’s his and it’s ours. So, I put the fence right in the middle so it wouldn’t be in his and it would be in mine it would be right in the middle but it’s a common fence now. As far as the code for the City, for the fence, I’ve got the, the papers saying that as long as I’m 10 foot from the property line, I could put a 6-foot fence up. So, like I said, right now, I am only 7-foot inside and all I’m fighting for is a 7-foot - - if that’s too much to ask for, I'll move my fence 7-foot and I’ll still have my fence there. I mean, that’s what the paper says. I mean that’s what Mr. Charles Maestas told me. And, we went through the process and that’s what we did. So, you know, I don’t want to make any mess with my neighbors. I went around and I talked to all my neighbors and I wanted to get their input and see what they thought and we applied and we went through the process and here’s where we’re at today. So, I understand it’s up to your decision to decide but you got all the paperwork there, you got all the pictures, you got all the testimonies and you got everything you could see for yourself what we got and if your decision say move your fence back 7-foot, I’ll move it back 7-foot. So, I appreciate your time and I hate to keep going on and on but I can’t. Thank you very much, Mr. Lucero.

ZHE: Thank you, sir. I appreciate you working through the process. I know it’s - - it can take time and can be frustrating but I appreciate everyone who spoke on this matter and I’ll do my
best, I’ll take it under consideration and do my best to be fair and render a decision within 15 days. Thank you all.

PHILLIP SEGURA: Okay, thank you very much.

ZHE: Certainly. That concludes agenda item 29 and next on the agenda is item 30.
October 15, 2020

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on October 14, 2020. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer. If you have any questions regarding the appeal please contact Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

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

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

CITY COUNCIL APPEAL NUMBER: AC-20-13
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2020-004198, VA-2020-00246, VA-2020-000357

APPLICANT: Walter Gallegos & Yvonne Gonzales
3805 Glen Canyon Rd. NE
Albuquerque NM, 87111

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-ZHE file
Walter Gallegos & Yvonne Gonzales, 3805 Glen Canyon Rd. 87111
Ramona & Philip Segura filthysegura11@gmail.com
Mary Griffin, 3820 Zion Ct. Albuquerque NM, 87111
Linda Winters, 3808 Glen Canyon Rd. NE, Albuquerque NM, 87111
ZONING HEARING EXAMINER’S AGENDA

TUESDAY, September 15, 2020 9:00 A.M.

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

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 suzzanasanchez@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-2020-00232  Project# PR-2020-004150
   Ramon Chacon requests a conditional use to allow a family home daycare for Lot 4-P-1, Torrentino, located at 612 97th ST SW, zoned R-1A [Section 14-16-4-2]

2. VA-2020-00233  Project# PR-2020-004151
   Maria Borjas requests a variance of 3 feet to the 3 feet maximum wall height for Lot 35, Bell Park Villa Townhouses, located at 312 Utah ST SE, zoned R-T [Section 14-16-5-7(D)]
3. VA-2020-00234  Project# PR-2020-004152  Flora Fernandez requests a permit to allow a carport in the front yard setback for Lot 1, Block 1, Mariposa Addn, located at 1823 William ST SE, zoned R-1A [Section 14-16-6-6(L)(3)(d)]

4. VA-2020-00237  Project# PR-2020-004155  Nain Hernandez requests a variance of 3 feet to the 3 feet maximum wall height for Lot S, Bergquist Addn, located at 220 Estancia DR NW, zoned R-ML [Section 14-16-5-7(D)]

5. VA-2020-00240  Project# PR-2020-004163  Arthuro Nunez-Guiano requests a variance of 2 feet to the 3 feet maximum wall height for Lot 688, Block 30, Atrisco Village Unit 3B of Hoffman City, located at 10504 Benavides RD SW, zoned R-1C [Section 14-16-5-7(D)]

6. VA-2020-00259  Project# PR-2020-004219  Gary Libman and Erika Gerety (Agent, Thomas Nelson) request a conditional use to allow accessory living quarters without a kitchen for Lot 6A, Block B, Cenaroca, located at 404 Turner CT NE, zoned R-1D [Section 14-16-4-2]

7. VA-2020-00261  Project# PR-2020-004221  Maria and Luis Carlos Arreola requests a variance of 3 feet to the 3 feet maximum wall height for Lot 1, Block 5, Four Hills Addn, located at 12500 Elyse PL SE, zoned R-1C [Section 14-16-5-7(D)]

8. VA-2020-00267  Project# PR-2020-004240  Raydel Horta-Vigil requests a conditional use to allow family home daycare for Lot 7, Block 1, Rackheath Park Addn No 1, located at 3013 Conchas ST NE, zoned R-1C [Section 14-16-4-2]

NEW BUSINESS:

9. VA-2020-00265  Project# PR-2020-004223  Shanna Schultz & Skyler Rexroad request a conditional use to allow an accessory dwelling unit for Lot 1, Block 3, Lewis & Simonds Addn, located at 715 Edith Blvd SE, zoned R-1C [Section 14-16-4-3(F)(5)]

10. VA-2020-00200  Project# PR-2020-004038  Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 4, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

11. VA-2020-00203  Project# PR-2020-004038  Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 3, Block 8, Broad Acres, located at 7509 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

12. VA-2020-00204  Project# PR-2020-004038  Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 5, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

13. VA-2020-00209  Project# PR-2020-004038  Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for a fueling station adjacent to a residential zone for Lot 6, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)]
14. VA-2020-00215  
Project# PR-2020-004038  
Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 3, Block 8, Broad Acres, located at 7509 Menaul BLVD NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]

15. VA-2020-00216  
Project# PR-2020-004038  
Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 4, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]

16. VA-2020-00217  
Project# PR-2020-004038  
Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 5, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]

17. VA-2020-00218  
Project# PR-2020-004038  
Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 6, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]

18. VA-2020-00225  
Project# PR-2020-004085  
Edward Standefer requests a variance of 5ft to the 3ft maximum wall height for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-7(D)]

19. VA-2020-00226  
Project# PR-2020-004085  
Edward Standefer requests a variance of 20ft to the 20ft required front yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]

20. VA-2020-00227  
Project# PR-2020-004085  
Edward Standefer requests a variance of 10 ft to the 10ft required side yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]

21. VA-2020-00231  
Project# PR-2020-004149  
Phyllis Rademacher requests a variance of 3 feet to the 3 feet maximum wall height for Lot 1-P1, Block 2, Tompiro, located at 5923 Gran Quivira RD NW, zoned R-1B [Section 14-16-5-7(D)]

22. VA-2020-00235  
Project# PR-2020-004153  
Veronica Arteaga requests a variance of 2ft to the 3ft maximum wall height for Lot 48, Block 11, Skyview West Amended Replat, located at 416 Judith LA SW, zoned R-1B [Section 14-16-5-7(D)]

23. VA-2020-00236  
Project# PR-2020-004154  
Laith Rehani (Agent, Amjad Awwad) request a variance of 10.15% to the 10% maximum facade allowance for a wall sign for Lot A1, Block 8, South San Pedro Shopping Center, located at 901 San Pedro DR SE, zoned MX-L [Section 14-16-5-12(F)(2)]

24. VA-2020-00238  
Project# PR-2020-004156  
Brian Johnson (WT Group/Speedway, LLC) requests a variance of 8ft to the required 15ft rear setback for Lot B1A, Block 101, Brentwood Hills, located at 2912 Juan Tabo Blvd NE, zoned MX-M [Section 14-16-5-1]

25. VA-2020-00239  
Project# PR-2020-004158  
Helen Bachicha requests a variance of 3 feet to the 3 feet maximum wall height for Lot 2-P1, Block 8, Las Marcadas 2, located at 4908 Sherry Ann RD NW, zoned R-1C [Section 14-16-5-7(D)]
26. VA-2020-00241  Project# PR-2020-004173  Kelly Watson requests a conditional use to allow a family home daycare for Lot 27, Block 3, La Mariposa Addn Unit 1, located at 5229 College ST NW, zoned R-1C [Section 14-16-4-2]

27. VA-2020-00242  Project# PR-2020-004190  Edna Martinez Schroeder requests a variance of 3ft to the 3ft maximum wall height for Lot 138A, Valle Alto Addn, located at 1209 Aztec RD NW, zoned MX-L [Section 14-16-5-7(D)]

28. VA-2020-00245  Project# PR-2020-004196  Scott E Romberg requests a variance of 3 feet to the 3 feet maximum wall height for Lot 44, Heritage East Unit 3, located at 9512 Bent RD NE, zoned R-T [Section 14-16-5-7(D)]

29. VA-2020-00246  Project# PR-2020-004198  Ramona and Philip Segura request a variance of 3 ft to the 3 ft maximum wall height for Lot 54, Block 5, Holiday Park Unit 10, located at 3812 Zion CT NE, zoned R-1C [Section 14-16-5-7(D)]

30. VA-2020-00250  Project# PR-2020-004201  Russell Tidenberg requests a variance of 15 feet to the required 15 foot front yard setback for Lot 7, Block 13, Altamont Addn, located at 5704 Aztec RD NE, zoned R-1B [Section 14-16-5-1]

31. VA-2020-00251  Project# PR-2020-004206  Don and Penny Dudley request a variance of 5ft to the required 10ft side setback for Lot 104, Los Alamos Addn, located at 302 Sandia RD NW, zoned R-A [Section 14-16-5-1]

32. VA-2020-00252  Project# PR-2020-004207  Damian Chimenti (Agent, Wes Lansford) requests a conditional use to allow outdoor storage for Lot 1, Anderson & Harris Addn, located at 1212 Aztec RD NW, zoned MX-L [Section 14-16-4-2]

33. VA-2020-00253  Project# PR-2020-004208  Leann Chavez (Agent, Arch+Plan Land Use Consultants) requests a variance of 3ft to the 3ft maximum wall height for Lot 35A, Block 12, Country Club Addn, located at 1120 Las Lomas RD NE, zoned MX-T [Section 14-16-5-7(D)]

34. VA-2020-00254  Project# PR-2020-004209  Archie Grine requests a permit to allow a carport in the front yard setback for Lot 36, Block 14B, Princess Jeanne Park Addn, located at 10417 San Jacinto Ave NE, zoned R-1B [Section 14-16-6-6(L)(3)(d)]

35. VA-2020-00255  Project# PR-2020-004210  Carlos Jurado (Agent, Arch+Plan Land Use Consultants) requests a variance of 3 feet to the required 10 feet separation of a residential building for Lot 5, Block 4, John Baron Park Addn, located at 919 20th ST NW, zoned R-1A [Section 14-16-3-4-(L)(3)]

36. VA-2020-00256  Project# PR-2020-004210  Carlos Jurado (Agent, Arch+Plan Land Use Consultants) requests a variance of 5 feet to the required 15 feet rear setback for Lot 5, Block 4, John Baron Park Addn, located at 919 20th ST NW, zoned R-1A [Section 14-16-3-4-(L)(3)]

37. VA-2020-00257  Project# PR-2020-003657  Angelina Lucero (Agent, Arch+Plan Land Use Consultants) requests a variance of .6936 acres to allow a larger lot than the allowable contextual standards for Lots A1 and A2, Lands of Melquiades Chavez, located at 6120 Central Ave SW, zoned R-1C [Section 14-16-5-1(C)(2)(b)]
<table>
<thead>
<tr>
<th>Project#</th>
<th>Project#</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR-2020-004215</td>
<td>PR-2020-004220</td>
<td>Ethridge Properties, LLC / Prime Properties, LLC (Agent, Consensus Planning) requests a conditional use to allow a drive through or drive up facility for Lot C, Block 7, Boyds Addn, located at 6201 Montgomery Blvd NE, zoned MX-L [Section 14-16-4-2]</td>
</tr>
<tr>
<td>PR-2020-004220</td>
<td>PR-2020-003006</td>
<td>Natalie Rhoades requests a variance of 3 feet to the 3 feet maximum wall height for Lot 11, Block 12, Hoffmantown Addn, located at 2705 Parsifal ST NE, zoned R-1B [Section 14-16-5-7(D)]</td>
</tr>
<tr>
<td>PR-2020-003006</td>
<td>PR-2020-003006</td>
<td>La Luz Real Estate LLC / Joshua Lange requests a conditional use to allow a drive through or drive up facility for Lot 6A, Block 2, Sandia Plaza, located at 1115 Griegos RD NW, zoned MX-L [Section 14-16-4-2]</td>
</tr>
<tr>
<td>PR-2020-003006</td>
<td>PR-2020-003006</td>
<td>La Luz Real Estate LLC / Joshua Lange requests a conditional use to allow a drive through or drive up facility for Lot 7A, Block 2, Sandia Plaza, located at 1111 Griegos RD NW, zoned MX-L [Section 14-16-4-2]</td>
</tr>
<tr>
<td>PR-2020-003006</td>
<td>PR-2020-003006</td>
<td>La Luz Real Estate LLC / Joshua Lange requests a variance of 30 ft to the required 50 ft separation for a drive through lane between a regulated lot and a protected lot for Lot Lot 7A, Block 2, Sandia Plaza, located at 1111 Griegos RD NW, zoned MX-L [Section 14-16-5-9(F)(1)]</td>
</tr>
</tbody>
</table>