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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

October 23, 2020

TO: Pat Davis, President, City Council

FROM: Brennon Williams, Planning Director *Brennon Williams*

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:	CBJCHBCAABAAllqZmDSuGIG1hqxb_ZioGkPAH3G0u_pp

"AC-20-13 Appeal Memo" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
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-  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



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

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.



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



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

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

APPLICATION INFORMATION

Applicant: <u>Walter Gallegos + Yvonne Bonzales</u>		Phone: <u>505 459 8618</u>
Address: <u>3805 Glen Canyon Road NE</u>		Email: <u>Homesbyyvonne@msn.com</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87111</u>
Professional/Agent (if any):		Phone: <u>505-688-2534</u>
Address:		Email:
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.: <u>54</u>	Block: <u>5</u>	Unit: <u>10</u>
Subdivision/Addition: <u>Holiday Park</u>	MRGCD Map No.:	UPC Code: <u>102206042136411259</u>
Zone Atlas Page(s): <u>622</u>	Existing Zoning: <u>RIC</u>	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres): <u>.17</u>

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. 2020-004698

Signature: <u>Walter Gallegos</u>	Date: <u>10/13/2020</u>
Printed Name: <u>Walter Gallegos</u>	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:				Fee Total:	
Staff Signature:			Date:	Project #	

FORM A: Appeals

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


- APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)

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

- Interpreter Needed for Hearing? No if yes, indicate language: _____
- A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov 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 6' 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: Walter Gallegos & Yvonne Corrales Date: 8/14/2020
 Printed Name: Walter Gallegos & Yvonne Corrales Applicant or Agent

FOR OFFICIAL USE ONLY	
Case Numbers:	Project Number:
Staff Signature:	
Date:	



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

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

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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

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





012



013



014



015



016

REQUEST FOR SPECIAL EXCEPTION

Variance Conditional Use Other Interpreter: Yes No

VA# 2020-00246 PR# 2020-004198

Date: 7/2/2020	Received By: Robert / CHARLES MAESTAS		
Address of Request: 3812 ZION CT NE			
City: Albq.	State: NM	Zip: 87111	
Lot: 54	Block: 5	Zone: R-1C	Map page: G22
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: Same as above			
Mailing Address:			
City:	State:	Zip:	
Phone:	Email:		
			Fee Total: \$ 210.00

Completed Application Requirements:

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

Approved for acceptance by: cm Date: 7/31/2020 Hearing Date: SEP 15, 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			
<input type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
Case history number(s) from AGIS:			
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 5-7-1: Maximum Wall Height

Zone District	Residential	Workshop	Neighborhood Office/Industrial	Neighborhood Office/Community	Setback
Standard Wall Height					
Wall in the front yard or street side yard ⁽¹⁾	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot ⁽²⁾	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
Corner Lot Abutting Residential Zone District					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street ⁽³⁾	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(d)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
Walls Abutting Major Arroyos and Major Public Open Space					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
Wall in a rear or interior side yard abutting Major Public Open Space	6 ft.	6 ft.	6 ft.	10 ft.	5-7(D)(2) 5-7(E)(4)

[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 14-16-6(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.

Association Name	First Name	Last Name	Email	Address Line 1
District 8 Coalition of Neighborhood Associations	Mary Ann	Dix	dix.mary.ann@gmail.com	11312 Malguena NE
District 8 Coalition of Neighborhood Associations	Donald	Couchman	dhc@zianet.com	6441 Concordia f NE

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.

Owner	Owner Address	Owner Address 2
LOPEZ EDWIN P & MELINDA J	3733 GLEN CANYON RD NE	ALBUQUERQUE NM 87 4194
GARCIA KELLEY AC & JOAQUIN M	3815 ZION CT NE	ALBUQUERQUE NM 87 4140
GRIFFIN MATTHEW J & MARY ANN	3820 ZION CT NE	ALBUQUERQUE NM 87 4140
MANCUSO-NELSON MICHELE R & NELSON RICHARD E	3823 ZION CT NE	ALBUQUERQUE NM 87 4140

GALLEGOS WALTER M	3805 GLEN CANYON RD NE	ALBUQUERQUE NM 87 4170
STICE CARRIE E	3744 GLEN CANYON RD NE	ALBUQUERQUE NM 87 4173
COOK NANCY LYNN MCDONALD	3800 GLEN CANYON RD NE	ALBUQUERQUE NM 87 4171
HOFFMAN LOU DUANE & MARCIA J	3804 GLEN CANYON RD NE	ALBUQUERQUE NM 87 4171
USNICK FRANK E & MARTHA C	2607 WOLFLIN AVE #267	AMARILLO TX 79109-1
STRONG FREDERICK C IV & JANET G	3740 GLEN CANYON RD NE	ALBUQUERQUE NM 87
WAINWRIGHT IRENE D & ADKINS DAWN M	3809 GLEN CANYON RD NE	ALBUQUERQUE NM 87 4170
THOMPSON LORI A	3819 ZION CT NE	ALBUQUERQUE NM 87 4140
MILLER DAVID W & WINTERS LINDA G	3808 GLEN CANYON RD NE	ALBUQUERQUE NM 87 4171
BACHIM ALICE L & HAMILTON NANCY L CO-TRUSTEES BACHIM TRUST	3816 ZION CT NE	ALBUQUERQUE NM 87 4140
DENIS MARK E	3827 ZION CT NE	ALBUQUERQUE NM 87

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

Accounts

From: Accounts <accounts@franks-supply.com>
Sent: Wednesday, July 8, 2020 10:57 AM
To: 'dix.mary.ann@gmail.com'; 'dhc@zianet.com'
Subject: REQUEST FOR MEETING
Attachments: REQUEST FOR N.MTG.pdf

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. 6FT 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 cell 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.

Accounts

From: Mail Delivery Subsystem <MAILER-DAEMON@ika.swcp.com>
Sent: Friday, July 10, 2020 7:44 AM
To: accounts@franks-supply.com
Subject: Return receipt
Attachments: details.txt; Untitled attachment 00068.txt

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/j/7044490999>

Thank you,

Applicant's Name: PHILIP & Ramona Marie 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.

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 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/j/a2s7T1dnA>

Thank you,

Applicant's Name: Ramona Segura

Applicant's Number or Email Address: cmh4sure18@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.

Estimated Delivery Date
Friday 07/17/2020
Cert of Mail \$1.50
Affixed Amount:\$0.00
First-Class Mail® 1 \$0.55 \$0.55
Letter

Domestic
ALBUQUERQUE, NM 87111
Weight:0 Lb 0.60 Oz
Estimated Delivery Date
Friday 07/17/2020
Cert of Mail \$1.50
Affixed Amount:\$0.00
First-Class Mail® 1 \$0.55 \$0.55
Letter

Domestic
ALBUQUERQUE, NM 87111
Weight:0 Lb 0.60 Oz
Estimated Delivery Date
Friday 07/17/2020
Cert of Mail \$1.50
Affixed Amount:\$0.00

Total: \$28.70

Ce

Fi Credit Card Remitd \$28.70
Le Card Name:VISA
Account #:XXXXXXXXXX6926
Approval #:562412
Transaction #:404
AID:A0000000980840 Chip
AL:US DEBIT
Gei PIN:Not Required

Fi
Le

Due to limited transportation
availability as a result of
nationwide COVID-19 impacts
package delivery times may be
extended. Priority Mail Express

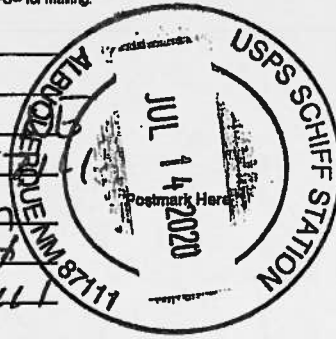


Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

To pay fee, affix stamps or meter postage here.

From: Seguna
3812 Zion Ct
Alb
To: Lori Thompson
3819 Zion Ct
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065

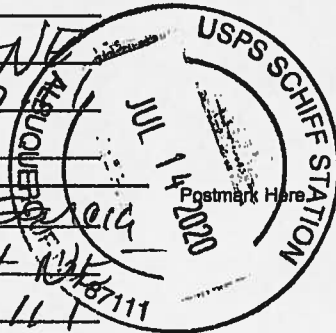


Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

To pay fee, affix stamps or meter postage here.

From: Seguna
3812 Zion Ct NE
Alb NM 87111
To: Kelley Joaguen Garcia
3815 Zion Ct NE
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

To pay fee, affix stamps or meter postage here.

From: Seguna
3812 Zion Ct NE
Alb 87111
To: Walter Gallegos
3805 Glen Canyon Rd NE
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065

Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

To pay fee, affix stamps or meter postage here.



Certificate Of Mailing

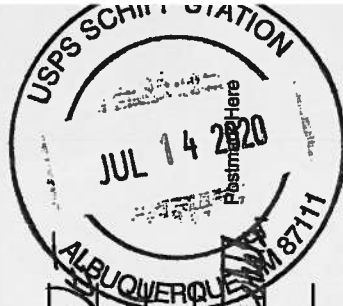
This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From:

To pay fee, affix stamps or meter postage here.

To pay fee, affix stamps or meter postage here.

From: Seguna
3812 Zion Ct NE
Alb NM 87111
To: Michelle Richard
3803 Zion Ct NE
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065

Certificate Of Mailing



This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From:

To pay fee, affix stamps or meter postage here.

From: Seguna
3812 Zion Ct
87111
To: Marty Abraham
3820 Zion Ct NE
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065

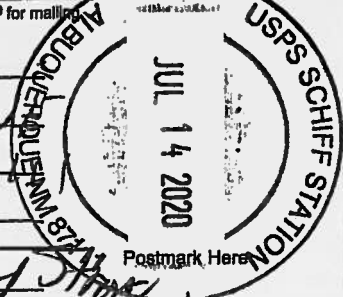


Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Sogung
3812 Zion Ct NE
Alb NM 87111



To: Fredrick & Jand Stone
3740 Glen Canyon Rd NE
Alb NM

PS Form 3817, April 2007 PSN 7530-02-000-9065

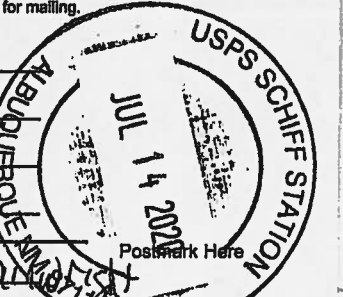


Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Sogung
3812 Zion Ct NE
Alb NM 87111



To: Frene & Alkins Wanda
3809 Glen Canyon Rd NE
Alb NM 87111

PS Form 3817, April 2007 PSN 7530-02-000-9065

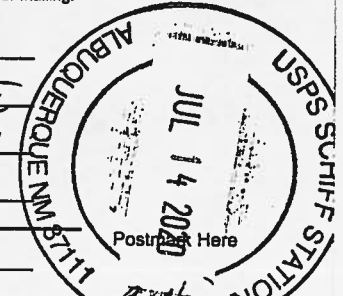


Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Sogung
3812 Zion Ct NE
Alb NM 87111



To: Nancy Cook
3809 Glen Canyon Rd NE
Alb NM 87111

PS Form 3817, April 2007 PSN 7530-02-000-9065

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE
Certificate Of Mailing
From: Sogung
3812 Zion Ct NE
Alb NM 87111
To: Carne Stee
3744 Glen Canyon Rd NE
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE
Certificate Of Mailing
From: Sogung
3812 Zion Ct NE
Alb NM 87111
To: Lopez & Edulint Madeline
3333 Glen Canyon Rd NE
Alb NM 87111





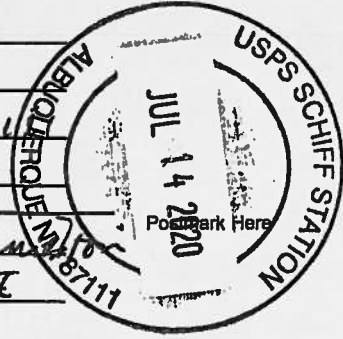
Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Segura
3812 210th NE
Alb 87111

To: Alice & Nancy Hansen
3816 210th NE
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065



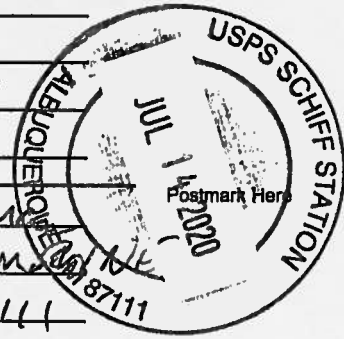
Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Segura
3812 210th
Alb NM 87111

To: LOW & MARIE HUBBARD
3814 6th Canyon NE
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065



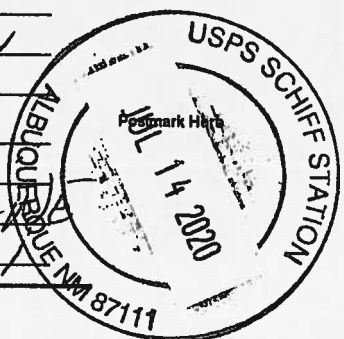
Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Segura
3812 210th
Alb NM 87111

To: Mark Denis
3827 210th NE
Alb NM 87111



PS Form 3817, April 2007 PSN 7530-02-000-9065

PS Form 3817, April 2007 PSN 7530-02-000-9065

To: Segura
3812 210th
Alb
DAVID MILLON
3818 6th Canyon NE
Alb NM 87111



This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

Certificate Of Mailing

Google Maps 3815 Zion Ct NE

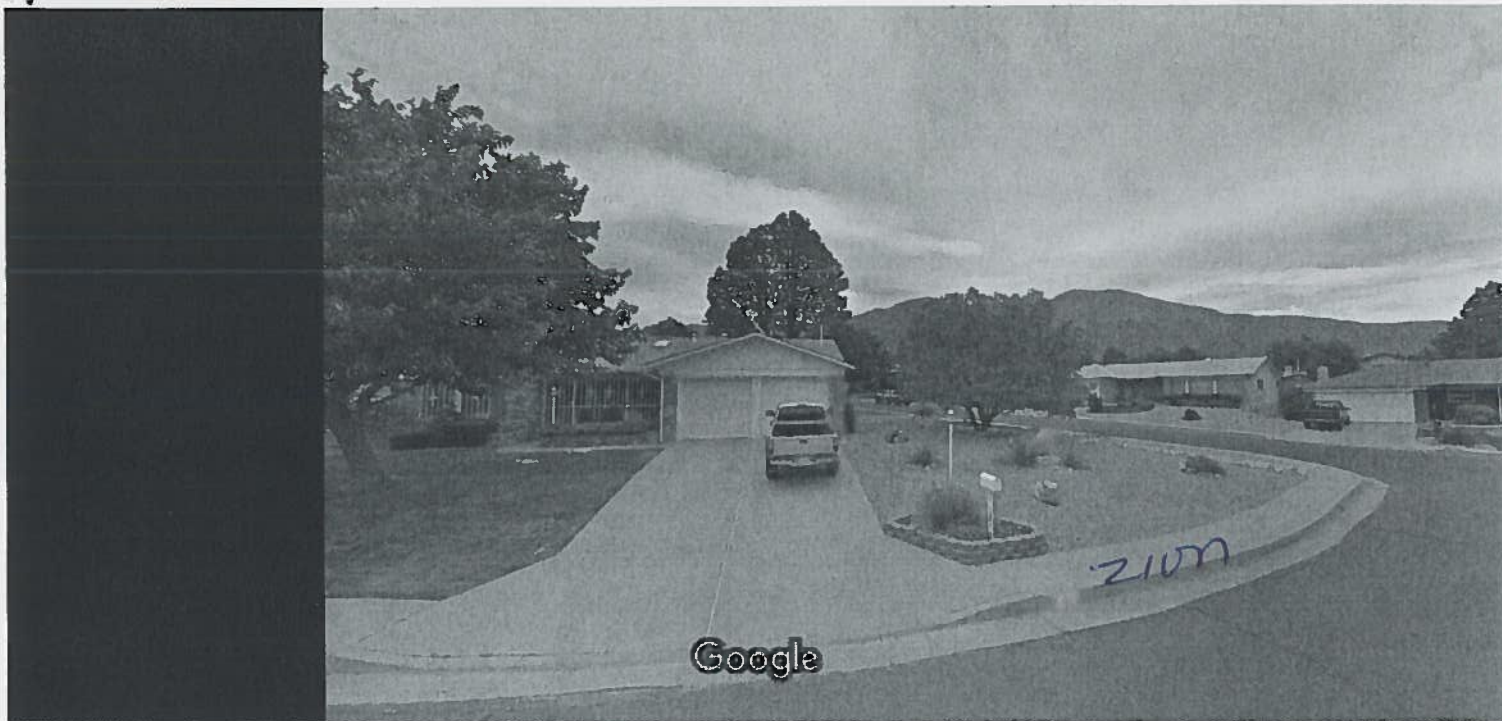
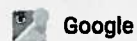


Image capture: Jun 2014 © 2020 Google

Albuquerque, New Mexico



Street View

*Line of site
VIEW*



Google Maps 3805 Glen Canyon Rd NE



Image capture: Apr 2019 © 2020 Google

Albuquerque, New Mexico



Street View



Google Maps 3805 Glen Canyon Rd NE



Image capture: Apr 2019 © 2020 Google

Albuquerque, New Mexico



Street View





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

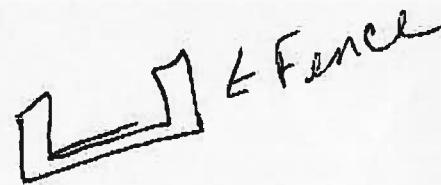
Take a picture of any fence/wall that is over 3 feet.

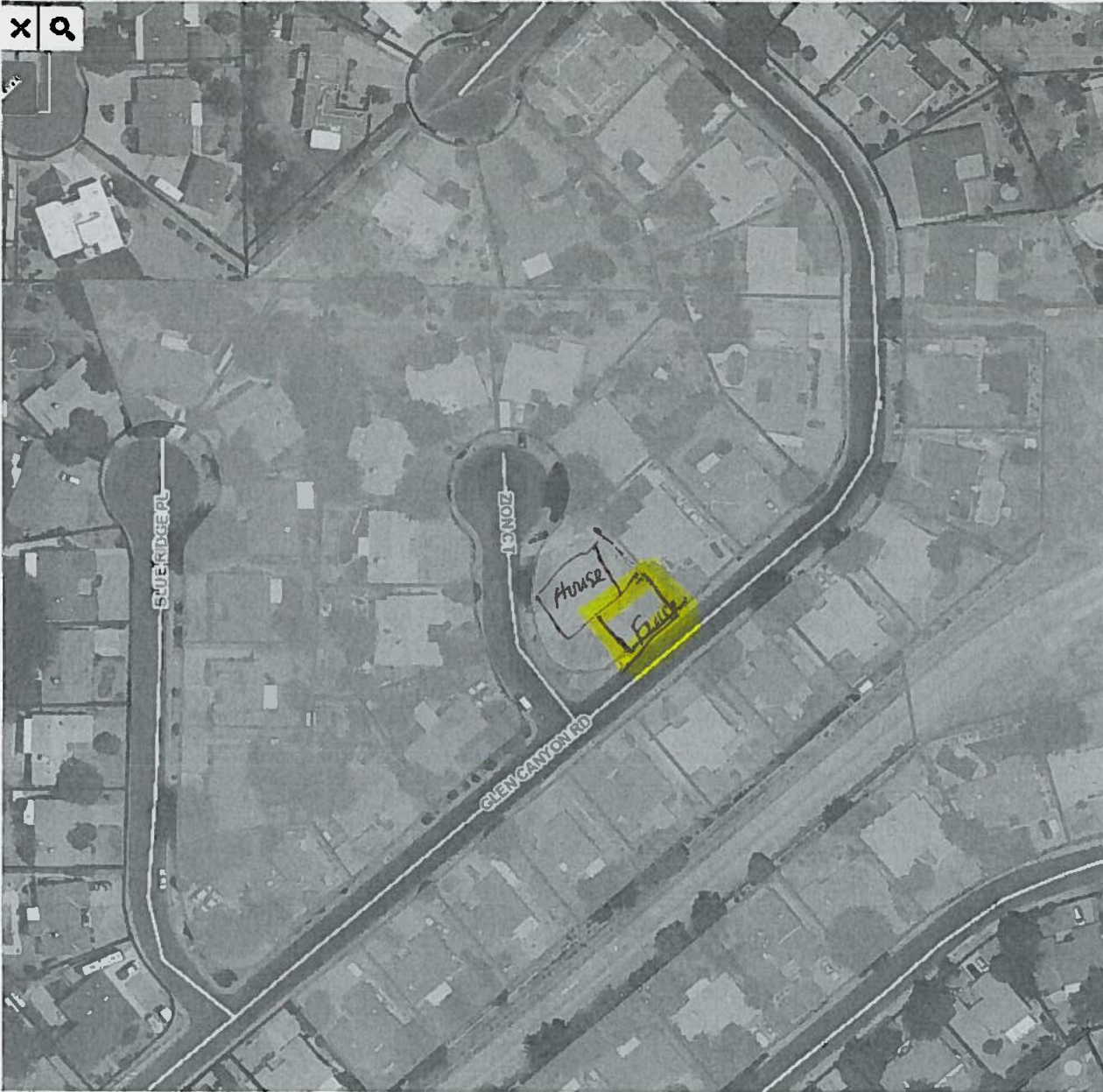
Write the address on the front.

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.

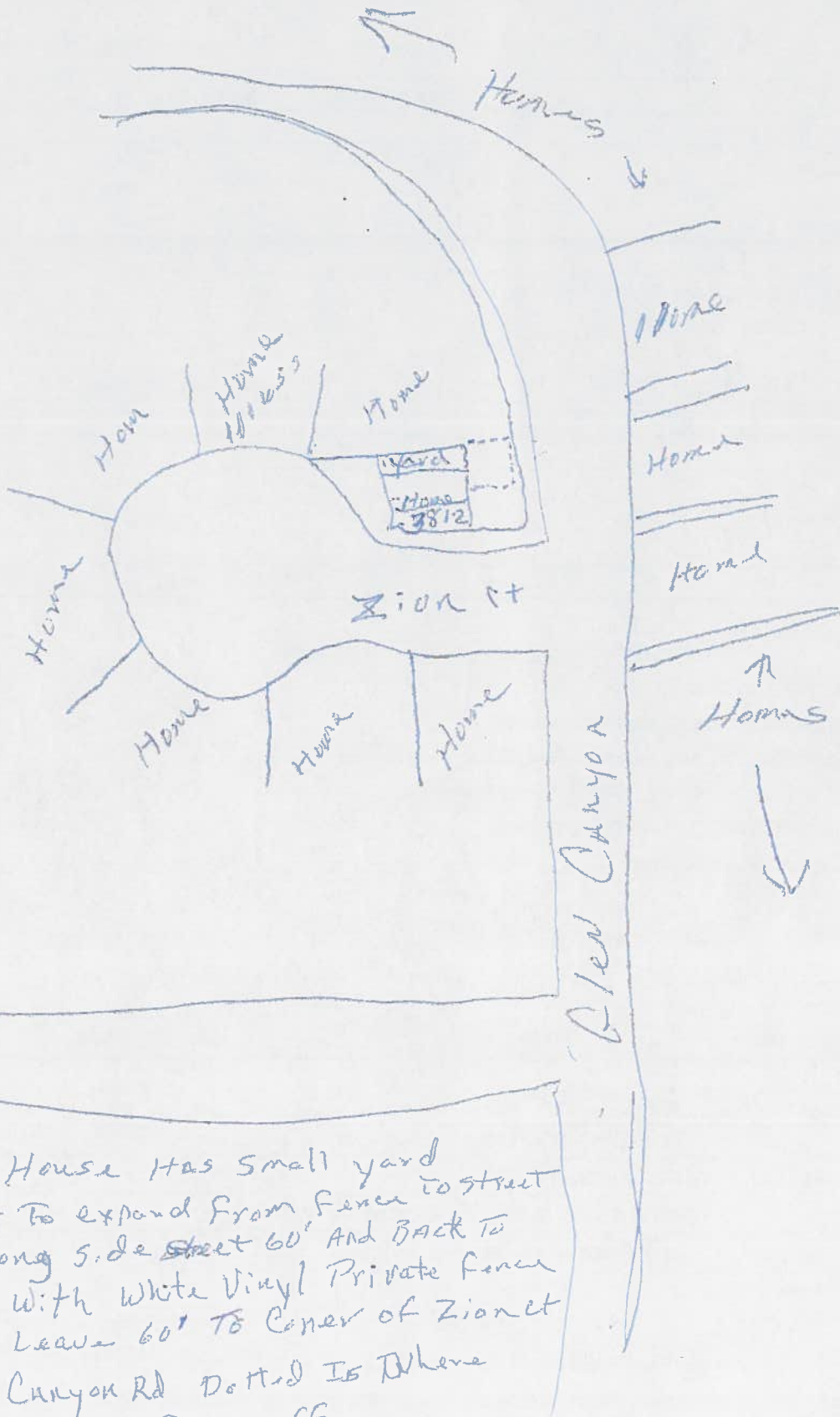
Write the address on the front.

Mark the address off on the map.

Print all and submit to the ZHE.

29 Properties 20% = 5.8

Fence

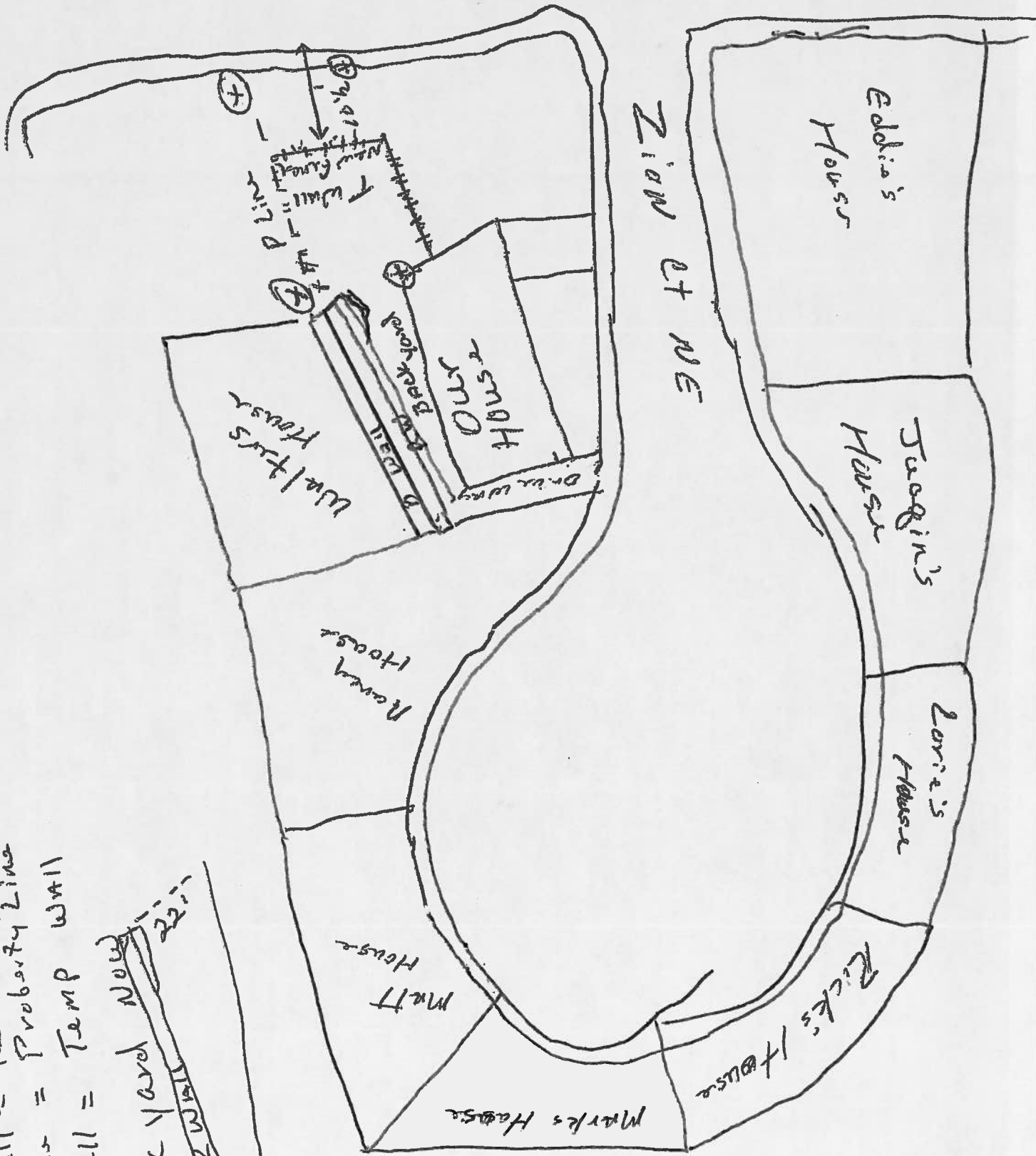


Our House Has small yard
 We want to expand from fence to street
 30' and along side street 60' and back to
 house 37' with white vinyl private fence
 and still leave 60' to corner of Zion St
 and Glen Canyon Rd dotted is where
 we would like to fence off.

Drawing

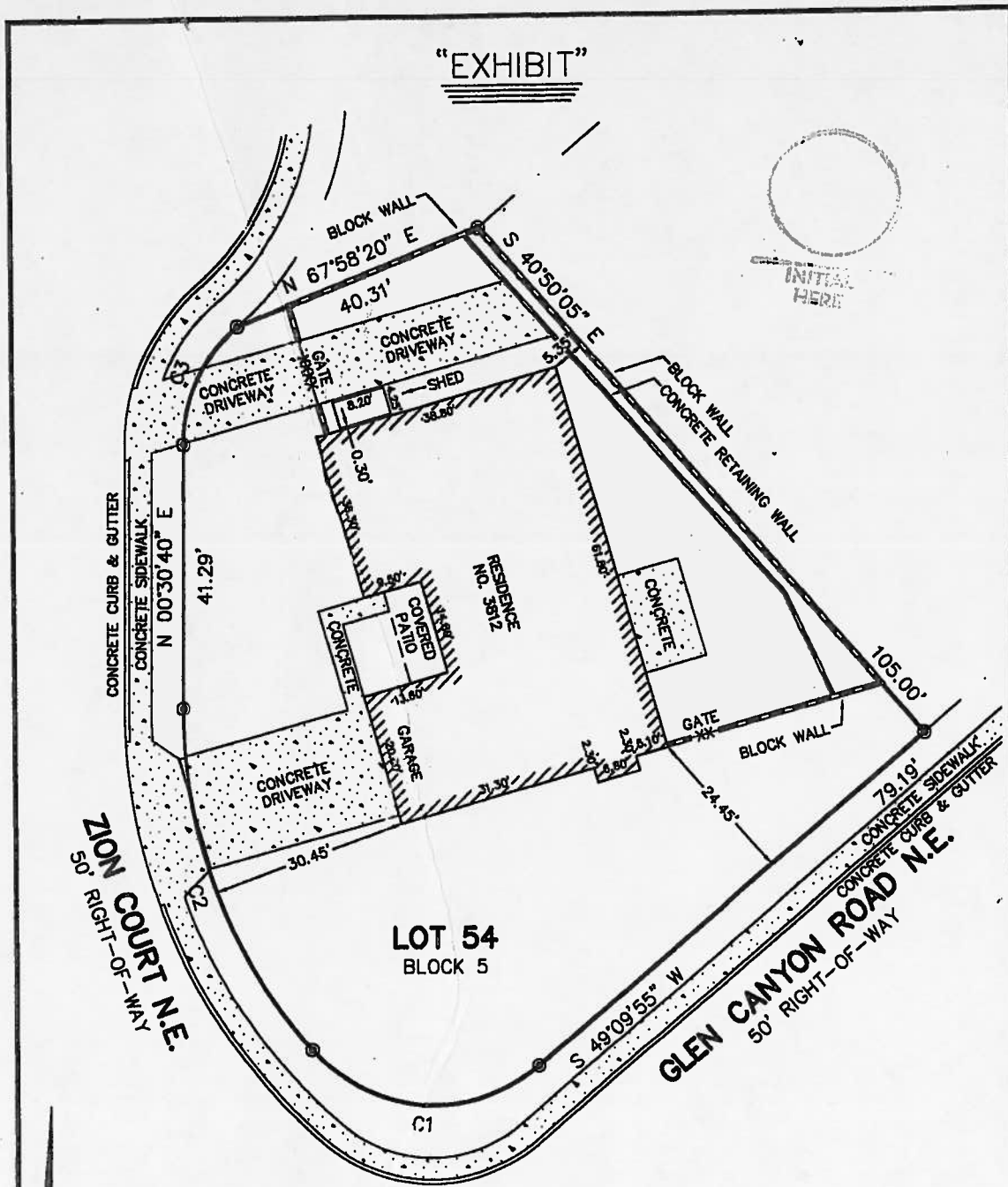
Glen Canyon Dr.

Zion St NE



From Circle to Glen Canyon Dr
 B Wall = Brick wall
 R Wall = Retaining wall
 P Line = Property Line
 T Wall = Temp wall
 Back Yard New
 P Wall

"EXHIBIT"



SCALE 1" = 20'
 DRAWN BY: JBS
 6/9/2020
 ORDER #20-0580

TSD

NORTH

CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	
C1	39.27'	25.00'	90°00'04"	N 85°50'03" W	35.36'	
C2	58.46'	81.01'	41°20'41"	N 20°09'41" W	57.20'	
C3	21.03'	25.00'	48°11'23"	N 24°36'21" E	20.41'	

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

This map/plan/LR 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 36inches to 20ft at the 3ft cinder block 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 3ft 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 10ft from the curb, making sure the road can be seen up the street for at least 50-60ft. The 6ft 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

MATTHEW J. & MARY A. GRIFFIN

3820 Zion Court, NE, Albuquerque, New Mexico 87111

Phone: 505-228-1020

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.

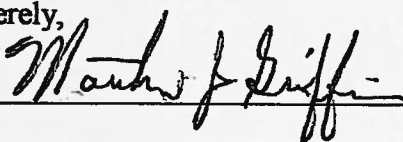
The proposed fence does not involve us very much because it is on the Glen Canyon Rd. side of their home which is out of view to us (from our home). That being said, it would involve us as we exit Zion Court and look to our left. If the fence was extended on to the edge of the sidewalk it could possibly 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.

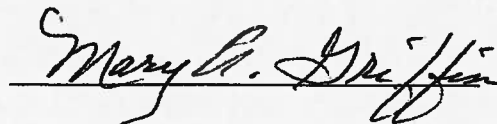
Matthew and I are in favor of our new neighbors being allowed to build what we consider a necessary improvement to his property. They currently have a postage stamp size back yard! The side yard extension with a 6 foot fence will greatly improve their quality of life on this property. We think it should 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,



and



cc: Mr. & Ms. Segura

COPY

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

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

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

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from 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.

Raminam Segura
(Applicant or Agent)

7/31/20
(Date)

I issued 2 signs for this application, 7/31/2020 (Date), Charles Montes (Staff Member)



CITY OF ALBUQUERQUE INVOICE

RAMONA AND PHILIP SEGURA

3812 ZION CT NE

Reference NO: VA-2020-00246

Customer NO: CU-118926232

Date	Description	Amount
7/31/20	Application Fee	\$210.00

Due Date: **7/31/20**

Total due for this invoice:

\$210.00

Options to pay your invoice:

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

- 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

Date: 7/31/20
Amount Due: \$210.00
Reference NO: VA-2020-00246
Payment Code: 130
Customer NO: CU-118926232

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



130 0000VA20200024600102546711892621000000000000021000CU118926232



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!

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

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.

City of Albuquerque ZHE – September 15, 2020

Agenda Item #29

VA-2020-00246

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)]

Ownership: Owner: 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 5-7-1: Maximum Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP)	Non-residential (NR-LM, NR-GM)	See also:
Standard Wall Height					
Wall in the front yard or street side yard ^[1]	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot ^{[2][3]}	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
Corner Lot Abutting Residential Zone District					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street ^[1]	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(d)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
Walls Abutting Major Arroyos and Major Public Open Space					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
Wall in a rear or interior side yard abutting Major Public Open Space	6 ft.	6 ft.	6 ft.	10 ft.	5-7(D)(2) 5-7(E)(4)
<small>[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 14-16-6-6(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.</small>					

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.



Sanchez, Suzanna A.

From: Accounts <accounts@franks-supply.com>
Sent: Wednesday, August 12, 2020 10:57 AM
To: Sanchez, Suzanna A.; Patten-Quintana, Lorena
Subject: pics
Attachments: 3812 Zion buffer map pics.pdf

Here are the pictures on the buffer map.

From: **Sanchez, Suzanna A.** <suzannasanchez@cabq.gov>
Date: Tue, Aug 11, 2020 at 4:00 PM
Subject: ZHE Application Documents Needed
To: PHILLIP SEGURA <filthysegura11@gmail.com>

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.

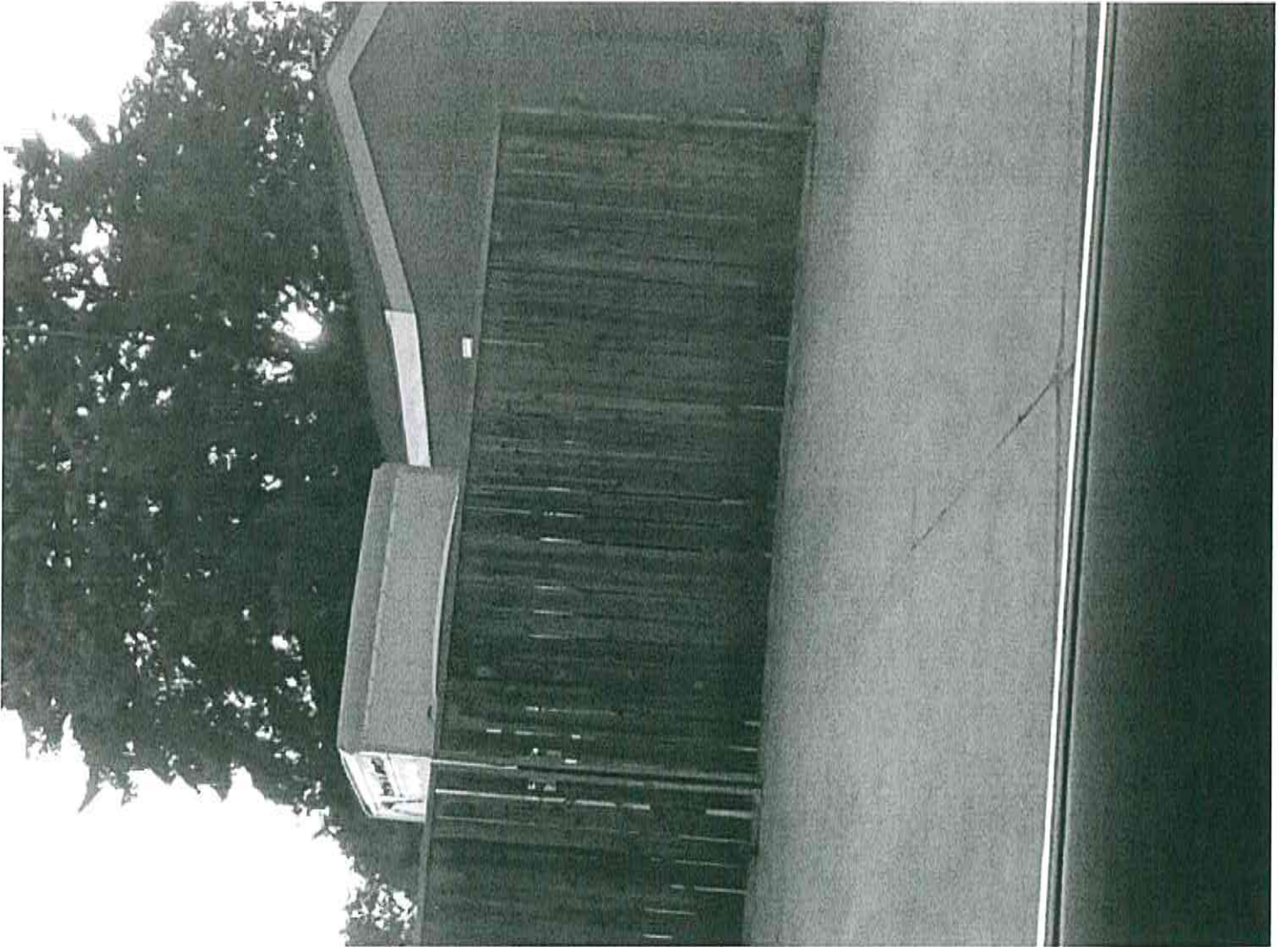
Mark the address off on the map.

Print all and submit to the ZHE.

29 Properties 20% = 5.8

3808 Glen Canyon

3813 Glen Canyon



White Vinyl
3900 Glen Canyon

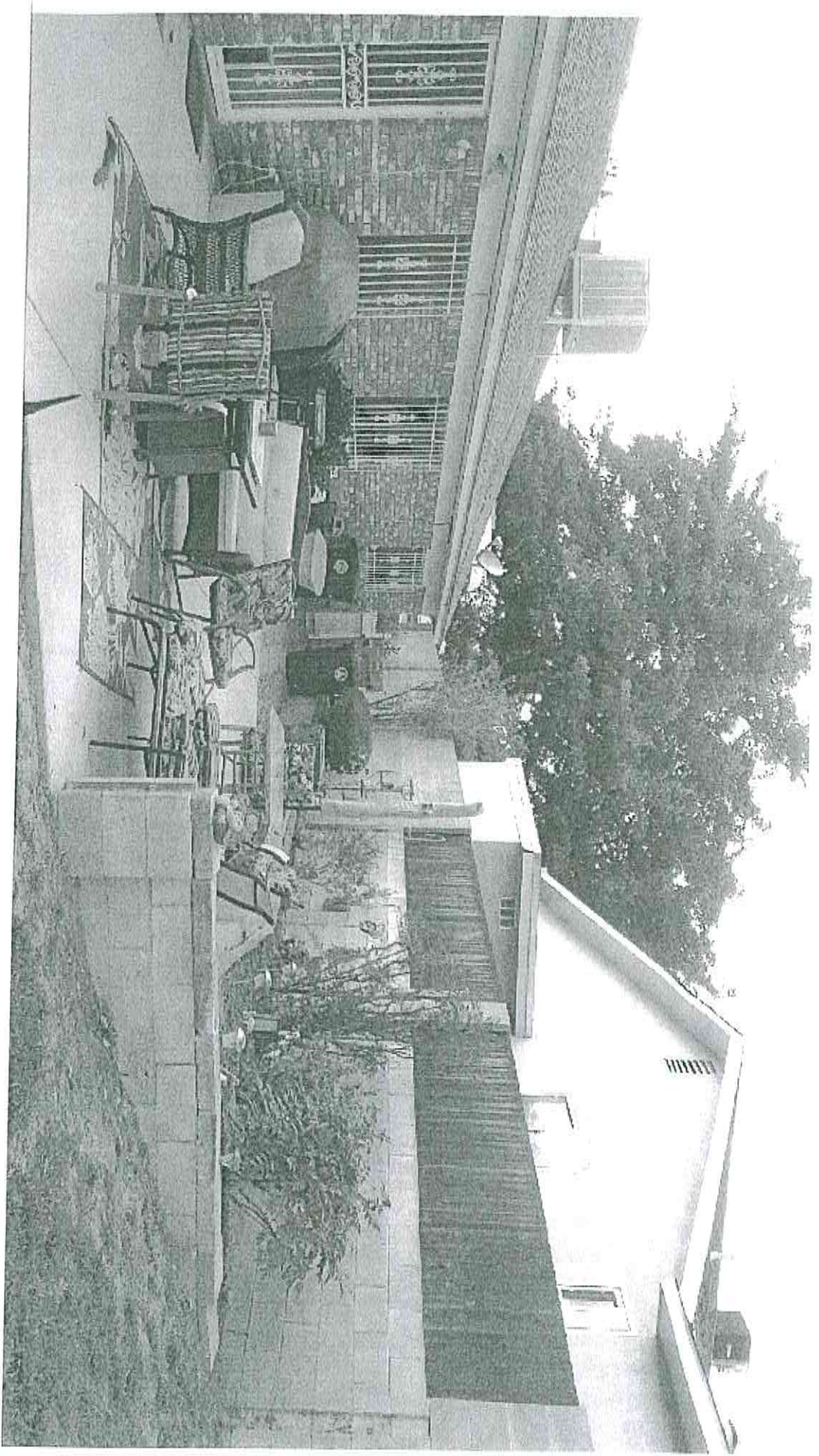




4009 Glen Canyon

3808 Glen Canyon Dr





3812 210N

Sanchez, Suzanna A.

From: Lori Thompson <lathomp01@comcast.net>
Sent: Monday, July 20, 2020 2:45 PM
To: Sanchez, Suzanna A.
Subject: Re: Concerns of variance to build fence
Attachments: image2.jpeg; image3.jpeg; ATT00001.txt

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.

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This message has been analyzed by Deep Discovery Email Inspector.



Zion Ct NE

Glen Canyon Rd NE

© 2020 Google

Imagery Date: 10/25/2018

35°07'37.05" N 106°30'00"



Zion Ct NE

Glen Canyon Rd NE

© 2020 Google

Imagery Date: 10/25/2018 35°07'35.87" N

Sanchez, Suzanna A.

From: Linda Winters <lindavemil@gmail.com>
Sent: Wednesday, September 02, 2020 3:45 PM
To: Sanchez, Suzanna A.
Subject: 3812 Zion Court NE Variance Request

Dear Ms. Sanchez,

This email is in reference to the variance requested by Phillip and Ramona Segura at the address of 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 6ft. long (not high) vinyl fence to protect and confine their small chihuahua dogs. We had no idea that the fence would be 6ft 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 6ft 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; 3805 Glen Canyon Road NE.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



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.](https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.YvonneGonzales.)

[RemaxAgent.co&umid=e740b1b7-0727-495b-9108-](https://hes32-RemaxAgent.co&umid=e740b1b7-0727-495b-9108-)

[04dba54856e4&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-](https://hes32-04dba54856e4&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-)

[0889e304aed0ccbdf03c3416e0ddbc19c687883fm](https://hes32-0889e304aed0ccbdf03c3416e0ddbc19c687883fm)

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This message has been analyzed by Deep Discovery Email Inspector.



3717

3717



064



065



3005

066



067



068



069



070



071



072



073

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 20, Block 1; Lots 1 through 30, Block 2; Lots 1 through 25, Block 3; Lots 1 through 21, Block 4; Lots 1 through 57, 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 20, 1967, do hereby restrict said 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 these covenants are recorded, after which time said covenants shall be automatically extended for successive period of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

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 judgement 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, R. 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. At 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 to it 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 workmanship and materials, harmony external design with existing structures, and as to locations 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 than the minimum building setback line unless similarly approved. Approval shall be as provided in Paragraph B-6.

B-6. PROCEDURE. The committee's approval or disapproval as required in these covenants shall be in writing. In the event 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 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. NUISANCES. No noxious 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 either 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.

UNITED STATES OF AMERICA
 TO
 OFIMIANO J. GUTIERREZ,
 STATE OF NEW MEXICO,
 County of Bernalillo,
 I hereby certify that this instrument was filed for record on the 29th day of April, A. D. 1936, at 9:50 o'clock A. M., and was duly recorded in Book 77, of Records of Patents page 193, on this 29th day of April, A. D. 1936,
 Edna Lonshan,
 Probate Clerk and Ex-Officio Recorder.
 By: Deputy.

Rt. 2 Box 193
 Santa Fe 056493 and 064873
 Homestead Certificate No. 4-1007
 4-773A

THE UNITED STATES OF AMERICA.
 TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:
 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 has been deposited in the General Land Office of May 20th whereby it appears that, pursuant to the Act of Congress of May 20th 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Ofimiano J. Gutierrez 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-two and the Lots one, two, three, and four of Section thirty-four in Township eleven 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,

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

NOW KNOW YE that there is, therefore, granted by the United States unto the said claimant the tract of land above described: To have and to hold the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these letters 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-NINTH.

Franklin D. Roosevelt,
 By Louise Polk Wilson, Secretary.
 Ruth Lockett,
 Recorder of the General Land Office.

RECORDED: Patent Number 1075173. (SEAL)

DEPARTMENT OF THE INTERIOR
 GENERAL LAND OFFICE
 Washington

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.
 IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year of our writing.



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

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.



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



**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.

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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 backyard 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.

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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.

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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.

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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.

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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 griping 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.

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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.

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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

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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.

Planning Department
Brennon Williams, Interim Planning Director

Development Review Division

600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

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

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

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

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

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

***INTERPRETER NEEDED:**

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| 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 97 th 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 Arturo 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)]

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| 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)]

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| 38. | VA-2020-00258 | Project#
PR-2020-
004215 | 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] |
| 39. | VA-2020-00260 | Project#
PR-2020-
004220 | 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)] |
| 40. | VA-2020-00262 | Project#
PR-2020-
003006 | 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] |
| 41. | VA-2020-00263 | Project#
PR-2020-
003006 | 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] |
| 42. | VA-2020-00264 | Project#
PR-2020-
003006 | 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)] |