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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

December 28, 2020

TO: Pat Davis, President, City Council

FROM: Brennon Williams, Planning Director *BWilliams*

SUBJECT: AC-20-14, Project PR-2020-004158, VA-2020-00239, VA-2020-00439: Martin R. Bachicha, agent for Helen Bachicha, appeals the Zoning Hearing Examiners decision to Deny 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)]

OVERVIEW

Applicant filed a request for a variance of 3 feet to the maximum 3 foot wall height and was scheduled and heard at the September 15, 2020 public hearing.

September 30, 2020: because the evidence so far in the record did not support approval, the applicant was granted a deferral to allow for submission of additional evidence.

October 20, 2020: the opportunity to provide additional evidence was given by the Zoning Hearing Examiner.

November 11, 2020: The Zoning Hearing Examiner found that the applicant had still not provided evidence sufficient to support a finding that criteria 14-16-6-6(N)(3)(c)(3) was met. Specifically, based on photographs, maps and oral evidence presented by Applicant: (a) the lot is smaller than 1/2 acre, (b) the lot does not front a street designated as a collector or above in the LRTS guide, and (c) less than 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. Because, the criteria had not been met, the application must be denied.

BASIS FOR APPEAL AND STAFF RESPONSE

Section 14-16-6-4(V)(4) outlines the applicable criteria for the appeal in determining whether the Zoning Hearing Examiner erred in their decision:

6-4(V)(4) Criteria for Decision

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes:

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

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

6-4(V)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

The reasons for the appeal, excerpted from appellant's letter, are listed below, with a bulleted, italicized response from the Planner for the Zoning Hearing Examiner. Please see the Appellant's letter and submittal packet for further details.

"... we are filing this appeal because, based on IDO Section 14-1-6-4(U)(4), we believe the original decision erred in that it was formed based on incomplete information causing the 3rd requirement of the IDO Section 14-16-6-6(N)(3)(c)(3), "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" to be incorrectly applied.

- The February 2019 administrative interpretation of 330 linear feet is illustrated below:*



- An address is searched in the Office of Neighborhood Coordination Interactive Map. There are 15 properties **within 330 linear feet** of 4908 Sherry Ann Road.*



- The handout is a non-required courtesy provided to assist applicants.
- The Zoning Hearing Examiner has applied the City's administrative interpretation to the request at 4908 Sherry Ann Road NW.

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





AC-20-14 Memo

Final Audit Report

2020-12-28

Created:	2020-12-28
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA8g3azKQJVfQnf4Zex4XPbxoRHg9JzdtA

"AC-20-14 Memo" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2020-12-28 - 3:57:46 PM GMT- IP address: 198.175.173.4
-  Document emailed to BN Williams (bnwilliams@cabq.gov) for signature
2020-12-28 - 3:58:14 PM GMT
-  Document e-signed by BN Williams (bnwilliams@cabq.gov)
E-signature obtained using URL retrieved through the Adobe Sign API
Signature Date: 2020-12-28 - 5:08:42 PM GMT - Time Source: server- IP address: 198.175.173.4
-  Agreement completed.
2020-12-28 - 5:08:42 PM GMT



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

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)]

Special Exception No:..... **VA-2020-00239**
Project No: **Project#2020-004158**
Hearing Date: 10-20-20
Closing of Public Record: 10-20-20
Date of Decision: 11-04-20

On the 20th day of October, 2020, property owner Helen Bachicha (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 feet to the 3 feet maximum wall height (“Application”) upon the real property located at 4908 Sherry Ann RD NW (“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 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).
3. The ZHE finds that the Applicant has authority to pursue this Application.
4. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
5. All property owners within 100 feet and affected neighborhood association were notified of the application.
6. The subject property is currently zoned R1-C.
7. City Transportation issued a report stating that it does not object.
8. 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.

9. Applicant has not provided evidence sufficient to support a finding that criteria 14-16-6-6(N)(3)(c)(3) is met. Specifically, based on photographs, maps and oral evidence presented by Applicant: (a) the lot is smaller than 1/2 acre, (b) the lot does not front a street designated as a collector or above in the LRTS guide, and (c) less than 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. Because, this criteria has not been met, the application must be denied.

DECISION:

DENIAL 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 November 19, 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
Helen Bachicha, bachichahelen@gmail.com
James & Diane Gray, james@gray.org
Noel Lopez, NL@lsplegal.com
Cynthia Arellano, ca@lsplegal.com
Marty Bachicha, mrbach@sandia.gov
Louis Martinez, 6101 Wildflower Pass NE, Rio Rancho, 87144



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

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)]

Special Exception No:..... **VA-2020-00239**
Project No: **Project#2020-004158**
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 owner Helen Bachicha (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 feet to the 3 feet maximum wall height (“Application”) upon the real property located at 4908 Sherry Ann RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDING:

1. Applicant is granted a deferral of this matter to allow Applicant and the public to timely submit additional evidence in this matter.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing at 9:00 a.m. on October 20, 2020.

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
Helen Bachicha, bachichahelen@gmail.com
James & Diane Gray, james@gray.org
Noel Lopez, NL@lsplegal.com
Cynthia Arellano, ca@lsplegal.com
Annette Bachicha, 1801 Gibson Blvd SE, 87106
Linda Ortega, 1552 Camino Hermosa, 87048



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 checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: <u>Helen D. Bachicha</u>	Phone: <u>505-280-5698</u>
Address: <u>4908 Sherry Ann Road NW</u>	Email: <u>bachichahelen@gmail.com</u>
City: <u>Albuquerque</u> State: <u>NM</u>	Zip: <u>87114</u>
Professional Agent (if any): <u>Martin R. Bachicha</u>	Phone: <u>505-697-9805</u>
Address: <u>9544 Flint Rock Dr NW</u>	Email: <u>martybachicha@gmail.com</u>
City: <u>Albuquerque</u> State: <u>NM</u>	Zip: <u>87114</u>
Proprietary Interest in Site: <u>Owner</u>	List all owners: <u>Helen Bachicha</u>

BRIEF DESCRIPTION OF REQUEST

Appeal of Notification of Decision on Nov. 4, 2020 by ZHE Robert Lucero on denial of a variance of 3 feet to the maximum 3 feet wall height

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

Lot or Tract No.: <u>Lot 2 - P1</u>	Block: <u>8</u>	Unit: <u>NA</u>
Subdivision/Addition: <u>Las Marcadas 2</u>	MRGCD Map No.: <u></u>	UPC Code: <u>101206410635921015</u>
Zone Atlas Page(s): <u>C12</u>	Existing Zoning: <u>R1-C</u>	Proposed Zoning: <u>R1-C</u>
# of Existing Lots: <u>1</u>	# of Proposed Lots: <u>1</u>	Total Area of Site (acres): <u>.19</u>

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 4908 Sherry Ann Rd NW Between: Paseo Del Norte and: Paradise Blvd

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

Project No. 2020-004158, Special Exception No. VA-2020-00239

Signature: Helen D. Bachicha Date: Nov. 15, 2020
 Printed Name: Helen D. Bachicha ☒ Applicant or ☐ 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: Project # 2020-004158
- ☒ Application number of the case being appealed, if applicable: VA-2020-00239
- ☒ Type of decision being appealed: Denial of Variance Special Exemption No. VA-2020-00239
- ☒ 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: <u>Helen D. Bachicha</u>	Date: <u>Nov. 15, 2020</u>
Printed Name: <u>Helen D. Bachicha</u>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers:	Project Number:
Staff Signature:	
Date:	

November 16, 2020


City of Albuquerque
Office of Administrative Hearings
Zoning Hearing Examiner
Albuquerque, NM 87102

Re.: Establishment of Martin R. Bachicha as Agent to Act on Behalf of Helen D. Bachicha for Appeal of Decision for Project No. 2020-004158, Special Exemption No. VA-2020-00239

To Whom it May Concern:

Please accept this letter as my proof of establishing Martin R. Bachicha as the agent to act on my behalf for the appeal of the decision by the Zoning Hearing Examiner ("ZHE") denying my request for a variance of 3 feet to the 3 feet maximum wall height upon the real property located at 4908 Sherry Ann Road NW, Albuquerque, NM (Project No. 2020-004158, Special Exemption No. VA-2020-00239). All further questions regarding this appeal should be directed to Mr. Bachicha at 505-697-9805 (his cell). If you have any questions, please do not hesitate to contact me at 505-280-5698.

Sincerely,


Helen D. Bachicha

Cc: Robert Lucero, Esq.
Cc: Suzanna Sanchez

November 18, 2020

City of Albuquerque
Office of Administrative Hearings
Zoning Hearing Examiner
Albuquerque, NM 87102

Re.: Appeal of Decision for Project No. 2020-004158, Denial of Request for Variance, Special Exemption
No. VA-2020-00239

To Whom it May Concern:

Please accept this letter documenting Helen Bachicha's appeal of the decision by the Zoning Hearing Examiner ("ZHE") denying her request for a variance of 3 feet to the 3 feet maximum wall height upon the real property located at 4908 Sherry Ann Road NW, Albuquerque, NM (Project No. 2020-004158, Special Exemption No. VA-2020-00239). Per IDO Section 14-1-6-4(U)(2), Helen has legal standing to file this appeal as she is the property owner of this address (see attached property tax form exhibit A).

We would like to begin this appeal by stating Helen is no longer requesting a variance of 3 feet to the 3 feet maximum wall height, but is modifying her request to a variance of 1 foot to the 3 feet maximum wall height for a maximum wall height of 4 feet. Furthermore, we are filing this appeal because, based on IDO Section 14-1-6-4(U)(4), we believe the original decision erred in that it was formed based on incomplete information causing the 3rd requirement of IDO Section 14-16-6-6(N)(3)(c)(3), "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 " to be incorrectly applied. Helen agrees that she does not meet the 1st two criteria of IDO Section 14-16-6-6(N)(3)(c)(3)—i.e., her lot is NOT *at least ½ acre* and Sherry Ann Road is NOT a *collector* street. However, we would like to demonstrate that the original instructions provided by the ZHE Administrator to determine the 3rd criteria were confusing and were not correctly applied (see exhibit B). Once again, the 3rd criteria states:

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.

The exhibit B instructions emailed to Helen have a map that does not include all the houses within the 330 feet distance from Helen's lot (4908 Sherry Ann Road has a dot in the middle of the lot). It also includes houses that are outside of the 330 feet limit. Secondly, it says to "only submit properties that are within the linear area up to 330 feet. (Only along the **yellow** lines)," and to "write the address on the front." The diagram is in black in white, so the yellow lines are not obvious and can only be assumed to be the streets on the map. The instructions then mention "15 properties, 20% of which equals 3 photos." Fifteen is the number of houses on her block (excluding her house), of which only 2 have front walls higher than 3 feet, which if correctly applied, would be an automatic fail. As already stated, there are houses not on her block nor on the map provided that are within the 330 feet maximum distance. All of this was very confusing. Helen, nevertheless, did her best and provided pictures of the 6 houses on the map in Exhibit B with front walls higher than 3 feet. Still, the instructions and the map provided to

her were incomplete, and this resulted in incomplete information being submitted with her original application.

Upon further research we discovered Exhibits C and D (maps 95C-103(3) and 95C-103(4)) which show all the houses within 330 feet of 4908 Sherry Ann Road. Houses colored yellow are within 330 feet. Houses colored pink are houses within 330 feet with front walls higher than 3 feet. There is a total of 43 houses within 330 feet of her lot at 4908 Sherry Ann Road. Of these, there are 9 houses with walls higher than 3 feet, including one more house on Tia Christina and two more on Mikell Court that were not originally submitted. This means 21% of the houses ($9 \div 43$) within 330 feet of 4908 Sherry Ann Road have walls higher than 3 feet, which meets criteria c. above of IDO Section 14-16-6-6(N)(3)(c)(3). The addresses of these houses, for which photos have been provided, are:

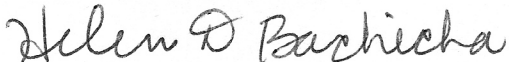
8715 Tia Christina Drive NW, approximately 291 feet from 4908 Sherry Ann Road
8005 Tia Christina Drive NW, 188 feet from 4908 Sherry Ann Road
8819 Tia Christina Drive NW, 132 feet from 4908 Sherry Ann Road
8915 Tia Christina Drive NW, approximately 295 feet from 4908 Sherry Ann Road
4905 Sherry Ann Road NW, 64 feet from 4908 Sherry Ann Road
4804 Sherry Ann Road NW, 260 feet from 4908 Sherry Ann Road
4809 Shelly Rose Road NW, 180 feet from 4908 Sherry Ann Road (2 pictures submitted)
4901 Mikell Court NW, 276 feet from 4908 Sherry Ann Road
4909 Mikell Court NW, 276 feet from 4908 Sherry Ann Road

We must also state that a 3 feet high wall in front of Helen's house would not allow for the addition of a gate and would look like an unfinished product, detracting from the architectural character of the surrounding neighborhood. Conversely, extending the wall height to 4 feet would allow the addition of an attractive gate while allowing a full view of the front window. The wall will be stuccoed to match the house, making it consistent with the 9 adjacent properties with walls higher than 3 feet, adding to the overall architectural character of the Las Marcadas II neighborhood. Based on the presented facts, we have demonstrated that we meet the requirements criteria of IDO Section 14-16-6-6(N)(3)(c)(3). Consequently, we are requesting that our appeal for a requested variance of 1 foot to the 3 feet maximum wall height for a maximum wall height of 4 feet be granted.

Sincerely,


Martin R. Bachicha

Agent for Helen D. Bachicha



Helen D. Bachicha

Property Owner of 4908 Sherry Ann Road NW

Cc: Robert Lucero, Esq.

Cc: Suzanna Sanchez

1 012 064 106 359 21015
 PROPERTY ADDRESS AND DISTRICT: 4908 SHERRY ANN RD NW
 LOT 2 PL BLK 8 VACATION & REPS FOR LAB MAGNACAS & CONT 0.1818
 ACRES, ON E 151 ST MS

BACHICHA HELEN
 4908 SHERRY ANN RD NW
 ALBUQUERQUE NM 87114-5764

2020 TAX BILL
NANCY M. BEARCE
BERNALILLO COUNTY
TREASURER
 ONE CIVIC PLAZA NW, SUITE 200
 ALBUQUERQUE, NM 87102
 (505) 468-7081
<http://www.bernalillo.gov/treasurer>

SCAN HERE TO
PAY ONLINE

TAX DISTRICT A1A

PROPERTY CLASSIFICATION 100 - RESIDENTIAL

TAXABLE VALUE IS 10% OF FULL VALUE

PROPERTY	FULL VALUE	TAXABLE VALUE
LAND	63,642	21,212
IMPROVEMENTS	172,952	57,548
PERSONAL PROPERTY		
MANUFACTURED HOME		
TOTAL VALUATION		78,760

PROPERTY	CRIMPTION CODE	VALUE
HEAD OF FAMILY	5	2,000
VETERAN		
OTHER		
TOTAL NET TAXABLE VALUE		76,760

TAX RATES ARE SHOWN IN DOLLARS PER THOUSAND

TAX RATES AND/OR AMOUNTS AS SET BY STATE, COUNTY, OR LOCAL GOVERNMENTAL AGENCIES

AGENCY	TAX RATE	NET TAXABLE VALUE	TAX AMOUNT
State of New Mexico	1.360	76,760	104.55
Bernalillo County	8.982	76,760	688.01
City of Albuquerque	11.237	76,760	867.98
Albuquerque Charter Schools	10.508	76,760	813.75
Cham	5.823	76,760	233.76
Univ. New Mexico HESDM	6.400	76,760	493.90
Albuq. Metro Airport Const	8.49	76,760	65.25

TOTAL RATE	42.894	2020 TAX \$	3,296.82
THE FIRST HALF PAYMENT IS DUE: NOV. 10, 2020.			
TO AVOID INTEREST AND PENALTY CHARGES, PAYMENT MUST BE POSTMARKED BY DEC. 10, 2020.			
THE SECOND HALF PAYMENT IS DUE: APR. 10, 2021.			
TO AVOID INTEREST AND PENALTY CHARGES, PAYMENT MUST BE POSTMARKED BY MAY 10, 2021.			

YEAR	TAX	INTEREST	PENALTY	FEES	PAYMENT RECEIVED	PAST DUE AMOUNT
					-1,270.00	

PLEASE RETAIN THIS UPPER PORTION FOR YOUR RECORDS

PRINT THIS PARCEL NO. ON YOUR CHECK: **1 012 064 106 359 21015**

BACHICHA HELEN

SECOND HALF PAYMENT

PLEASE MAKE YOUR PAYMENT PAYABLE TO THE BERNALILLO COUNTY TREASURER AND MAIL TO:
NANCY M. BEARCE
BERNALILLO COUNTY TREASURER
 PO BOX 27800 • ALBUQUERQUE, NM 87125-7800

2020	2021	DELINQUENT AFTER
Total 2nd Half Due	1,648.41	05-10-21

SECOND HALF PAYMENT IS DUE APRIL 10, 2021, AND IS DELINQUENT AFTER MAY 10, 2021.
 DO NOT WRITE ON THE FACE OF THIS STUB. IT COULD CAUSE A PAYMENT POSTING DELAY.

20 010120641063592101500 60000036941 70000164841 80000201782

BACHICHA HELEN

FIRST HALF PAYMENT

PLEASE MAKE YOUR PAYMENT PAYABLE TO THE BERNALILLO COUNTY TREASURER AND MAIL TO:
NANCY M. BEARCE
BERNALILLO COUNTY TREASURER
 PO BOX 27800 • ALBUQUERQUE, NM 87125-7800

PRINT THIS PARCEL NO. ON YOUR CHECK: **1 012 064 106 359 21015**

TOTAL	AMOUNT DUE	Past Due	DELINQUENT AFTER
1st Half 2020	1,648.41	.00	
Total 1st Half Due	369.41	-1,278.00	12-10-20
Full Payment Option	2,017.82	Available Refund	.00

FIRST HALF PAYMENT IS DUE NOVEMBER 10, 2020, AND IS DELINQUENT AFTER DECEMBER 10, 2020.
 DO NOT WRITE ON THE FACE OF THIS STUB. IT COULD CAUSE A PAYMENT POSTING DELAY.

20 010120641063592101500 60000036941 70000164841 80000201782

Exhibit B (1 of 2) ZHE Admin Instructions

Bachicha, Martin R.

Subject: FW: [EXTERNAL] Fwd: ZHE Application Documents Needed
Attachments: Completed Application to Neighborhood Association.pdf; REQUEST FOR NEIGHBORHOOD MEETING.docx; September Zoom.docx

From: helen bachicha <bachichahelen@gmail.com>
Sent: Monday, November 16, 2020 11:31 AM
To: Marty Bachicha <mrbachicha@q.com>; Bachicha, Martin R. <mrbachich@sandia.gov>
Subject: [EXTERNAL] Fwd: ZHE Application Documents Needed

On Tue, Aug 11, 2020 at 1:42 PM Sanchez, Suzanna A. <suzannasanchez@cabq.gov> wrote:

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

Copy of relevant IDO section

*Proof of Neighborhood Meeting or Proof the 15 Day Response Period Expired

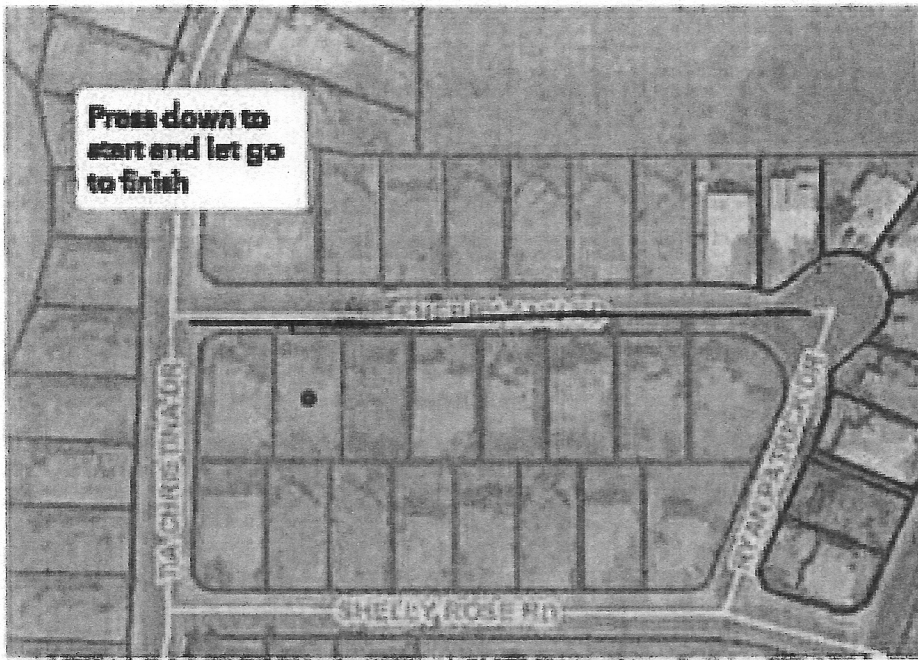
*Proof of Mailed Notice of Hearing to Public

*Proof of Electronic and Mailed Notice to Neighborhood Associations

*Photos (site and existing structure)

*Buffer Map With Photos (Below)

(2 of 2)
Exhibit B. ZHE Administrator Instructions



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.

15 Properties 20% = 3 Photos

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.

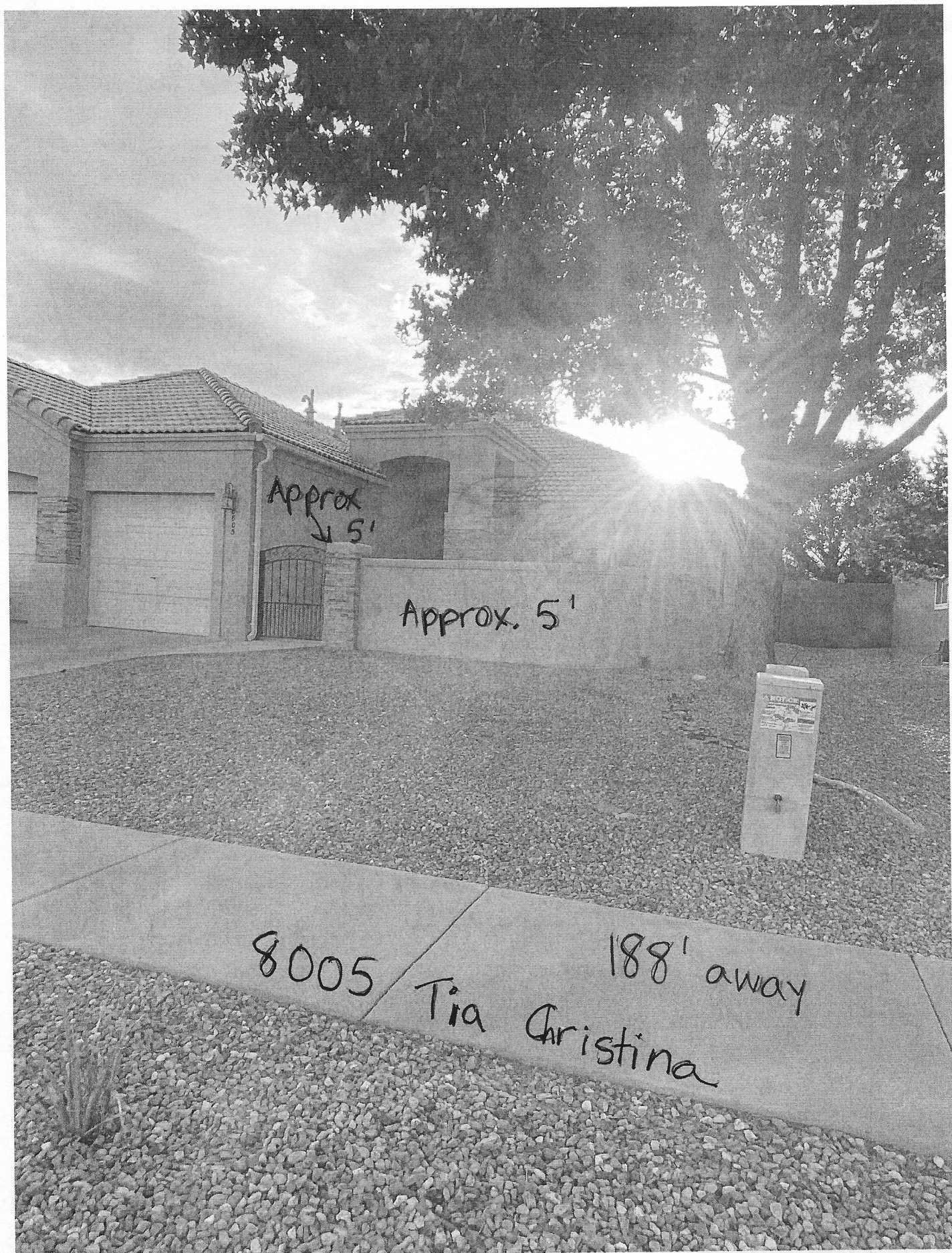
Please send the missing documents to me at suzannasanchez@cabq.gov and copy the ZHE Planner at lpatten-quintana@cabq.gov as soon as possible but no later than 9-9-20 to ensure your request is heard on the next hearing date.

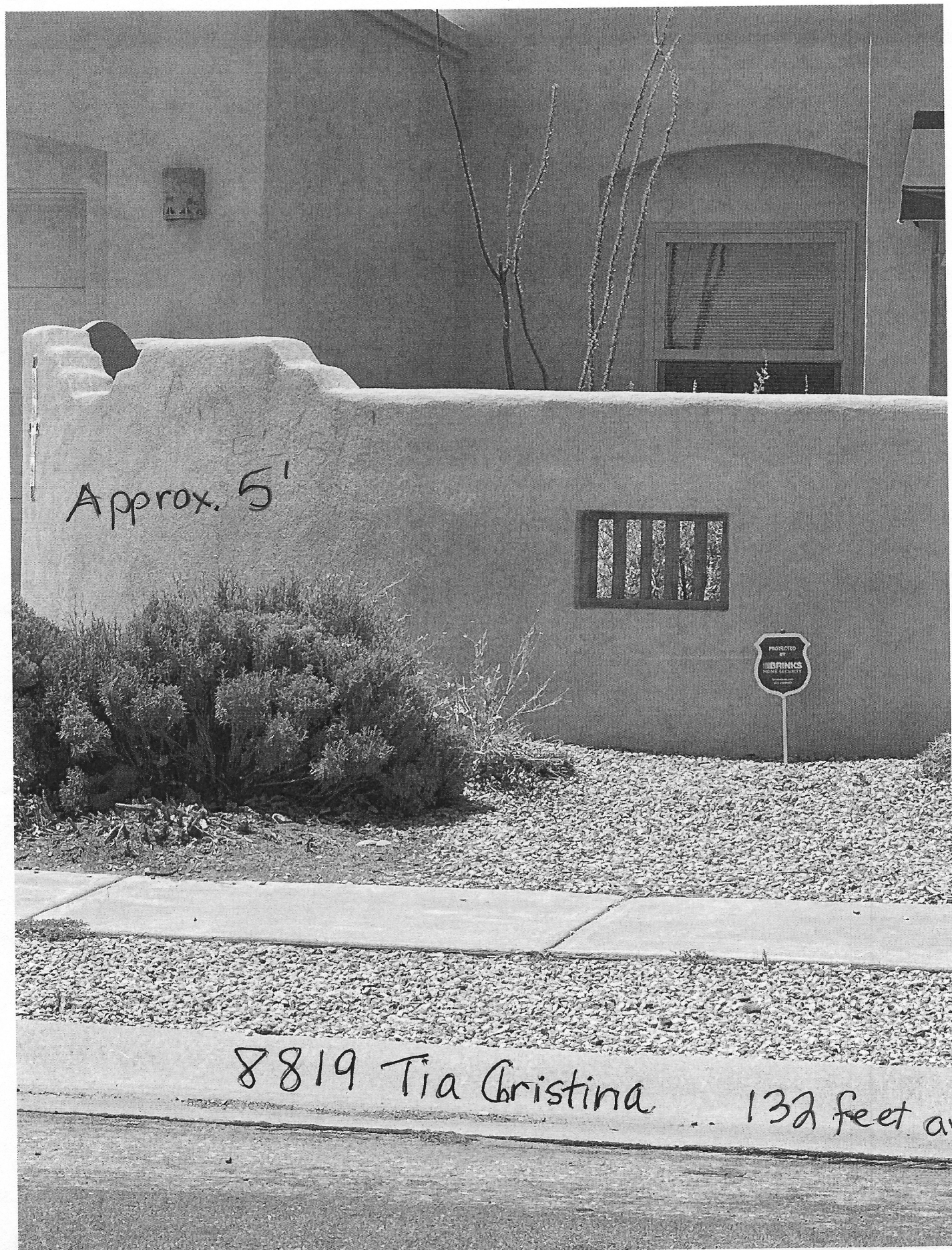
8715 Tia Christina Dr NW

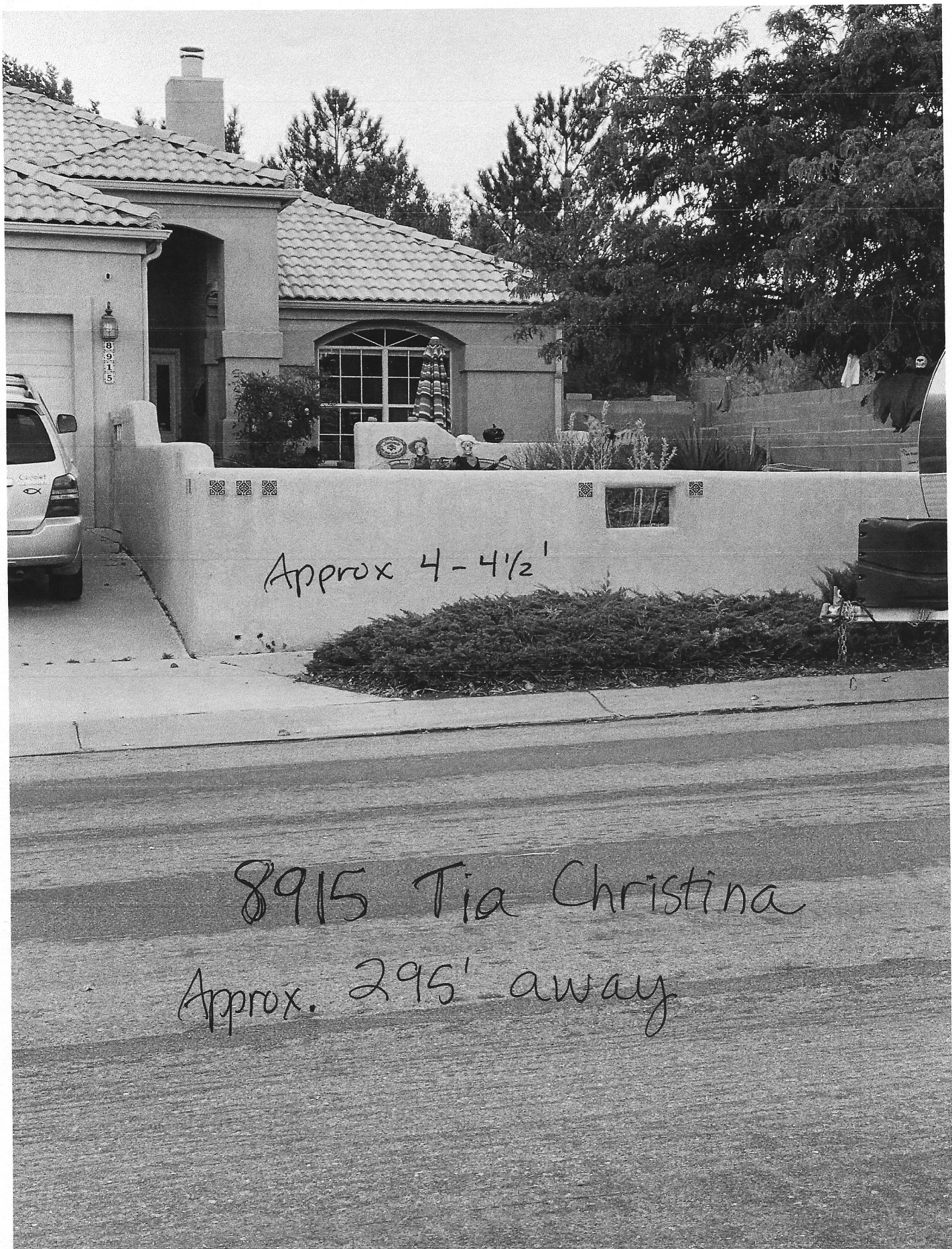


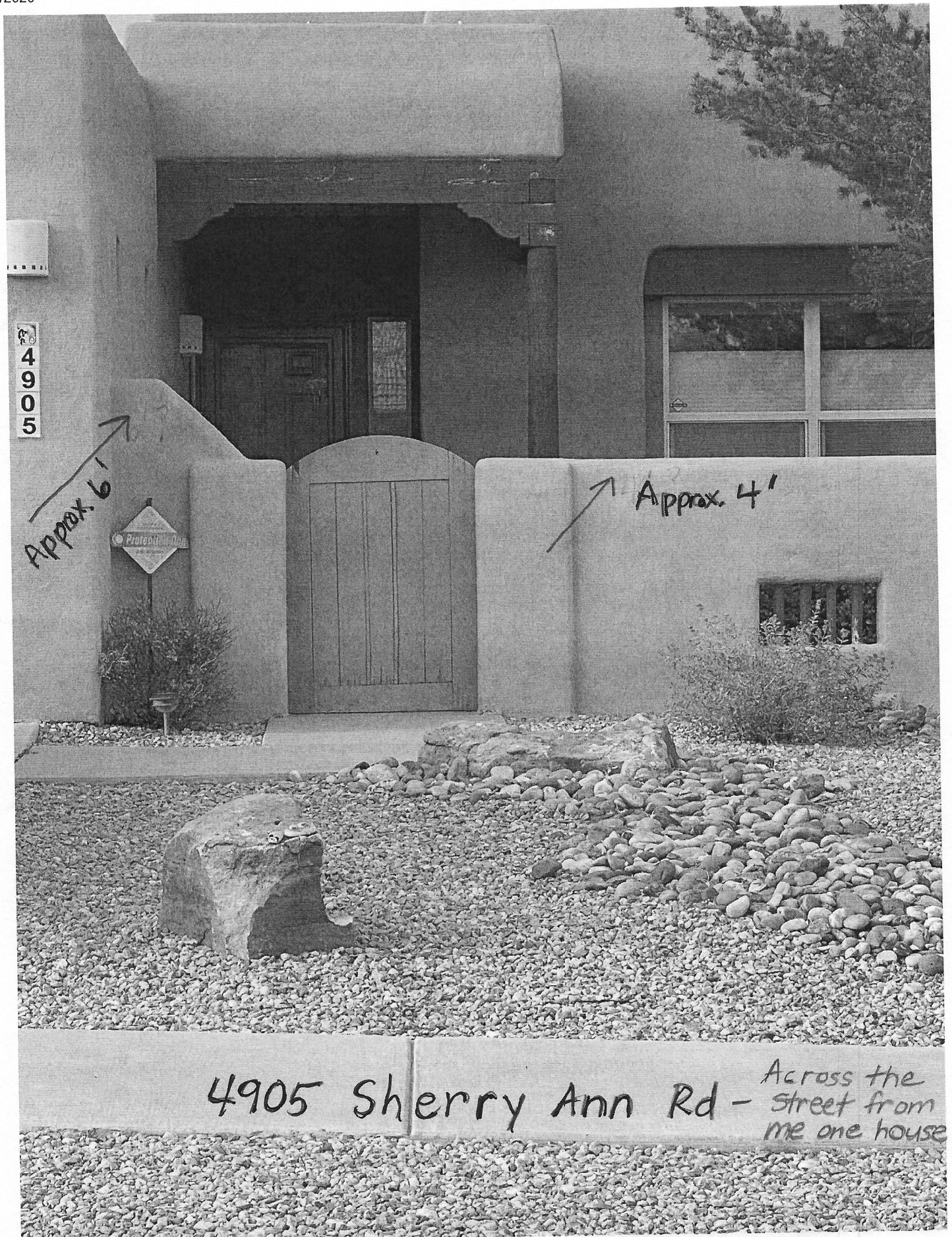
Wall
3 ft 6"
Pillars
4 ft. 2"

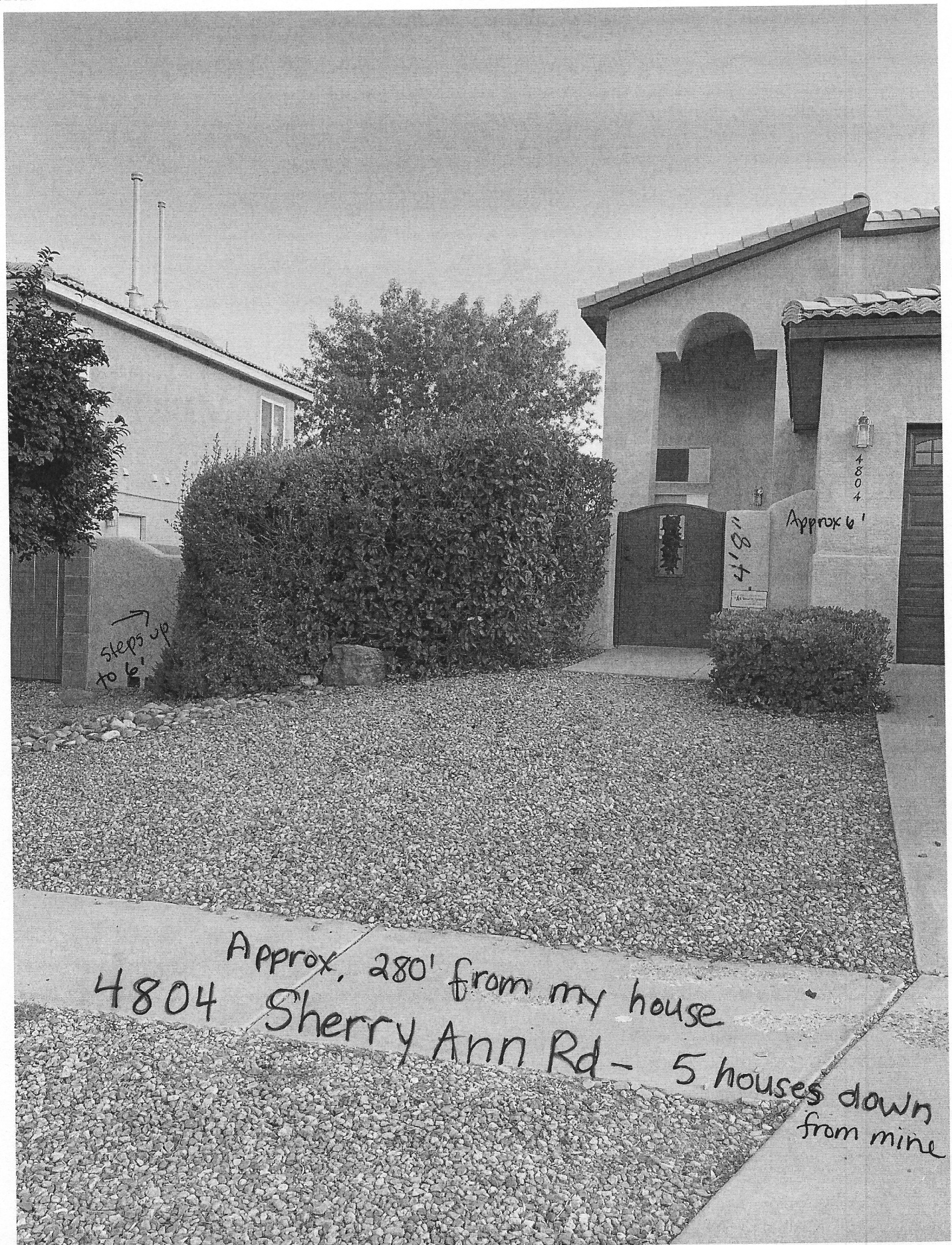
Approx. 291 ft. from 4908 Sherry Ann Rd







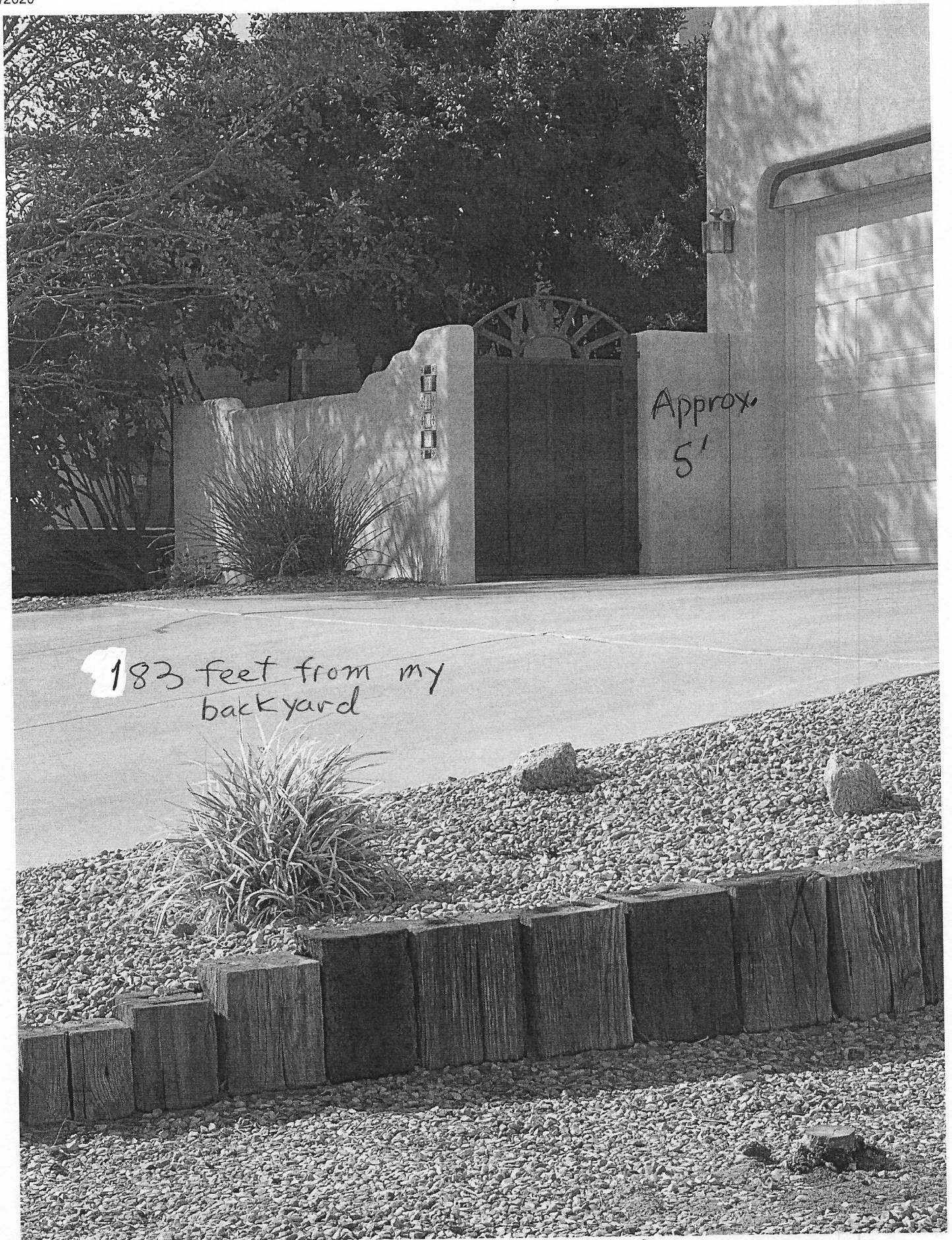




Whole025icture



Pic # 1² 4809 Shelly Rose - Behind my house about 4 houses down



Pic #242 4809 Shelly Rose - Behind my home about 4 houses down

4901 Mikell Ct. NW



Wall
3 ft 6"
rising to
4 ft. 8"

276 feet from 4908 Sherry Ann Rd.

4909 Mikell Ct. NW



Wall
4 ft 8"

276 feet from 4908 Sherry Ann Rd.



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

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)]

Special Exception No:..... VA-2020-00239
Project No: Project#2020-004158
Hearing Date: 10-20-20
Closing of Public Record: 10-20-20
Date of Decision: 11-04-20

On the 20th day of October, 2020, property owner Helen Bachicha ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3 feet to the 3 feet maximum wall height ("Application") upon the real property located at 4908 Sherry Ann RD NW ("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 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).
3. The ZHE finds that the Applicant has authority to pursue this Application.
4. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
5. All property owners within 100 feet and affected neighborhood association were notified of the application.
6. The subject property is currently zoned R1-C.
7. City Transportation issued a report stating that it does not object.
8. 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.

9. Applicant has not provided evidence sufficient to support a finding that criteria 14-16-6-6(N)(3)(c)(3) is met. Specifically, based on photographs, maps and oral evidence presented by Applicant: (a) the lot is smaller than 1/2 acre, (b) the lot does not front a street designated as a collector or above in the LRTS guide, and (c) less than 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. Because, this criteria has not been met, the application must be denied.

DECISION:

DENIAL 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 November 19, 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
Helen Bachicha, bachichahelen@gmail.com
James & Diane Gray, james@gray.org
Noel Lopez, NL@lsplegal.com
Cynthia Arellano, ca@lsplegal.com
Marty Bachicha, mrbach@sandia.gov
Louis Martinez, 6101 Wildflower Pass NE, Rio Rancho, 87144

REQUEST FOR SPECIAL EXCEPTION

☒ Variance ☐ Conditional Use ☐ Other Interpreter: ☐ Yes ☒ No
VA# 2020-00239 PR# 2020-004158

Date: 7/14/2020		Received By: Marcelo	
Address of Request: 4908 SHERRY ANN RD NW			
City: Albuquerque	State: NM	Zip: 87114	
Lot: 2-P1	Block: 8	Zone: R-1C	Map page: C12
Subdivision: LAS MARCADAS 2		UPC# 101206410635921015	
Property Owner(s): BACHICHA HELEN			
Mailing Address: 4908 Sherry Ann Rd NW			
City: Albuquerque	State: NM	Zip: 87114	
Phone: 505-280-5698	Email: bachichahelen@gmail.com		
Agent: Helen Bachicha			
Mailing Address: Same as Above			
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: _____ **Date:** _____ **Hearing Date:** SEPT 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/fence height.			
<input checked="" type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
Case history number(s) from AGIS:			
APO:	CPO#	HPO#	VPO# 2
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					
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)
^[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.					

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip
Westside Coalition of Neighborhood Assoc	Elizabeth	Haley	ekhaley@comcast.net	6005 Chaparral Circle NW	Albuquerque	NM	87114
Westside Coalition of Neighborhood Assoc	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120
			land@trna.org				
Piedras Marcadas NA	Susan	Deese-Roberts	sdeese@unm.edu	9124 Laura Lee Place NW	Albuquerque	NM	87114
			croberts523@q.com				
Piedras Marcadas NA	Lawrence	Fendall	lfendall@netscape.net	8600 Tia Christina Drive NW	Albuquerque	NM	87114
Paradise Hills Civic Association	Tom	Anderson	ta_a@msn.com	10013 Plunkett Drive NW	Albuquerque	NM	87114
Paradise Hills Civic Association	Maria	Warren	samralphroxy@yahoo.com	5020 Russell Drive NW	Albuquerque	NM	87114

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

7/19/2020

[Date*]

Westside Coalition of Neighborhood Association: Rene Horvath & Elizabeth Haley

[Name* of Property Owner or Neighborhood Association (NA) Representative, Name of NA]

6005 Chaparral Cir NW & 5515 Palomino Dr NW

[Address* of Property Owner or NA Representative]

RE: Public Notice of Proposed Project

Dear Ms. Horvath and Ms. Haley [Name* of Property Owner or NA Representative],

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance

(IDO) Subsection 14-16-6-4(K)(2) Mailed Public Notice, we are notifying you as a

Property Owner [Property Owner or NA Representative] that

Helen Bachicha [Name of Agent/Property Owner/Developer]

will be submitting the following application(s): [Application(s) per Table 6-1-1 in the IDO]

to be reviewed and decided by [Decision-making body per Table 6-1-1]

The application(s) is/are for [description of project/request]

to build a patio wall 6' high in my front yard. I am currently applying for the wall permit to build it 3' high, but would like to add three more feet to it when approved

1. Property Owner* Helen Bachicha
2. Agent* [if applicable]
3. Subject Property Address* 4908 Sherry Ann Rd NW
4. Location Description Las Marcadas 2 Subdivision
5. Zone Atlas Page R-1C zone/ C12 map page [Available here: <http://data.cabq.gov/business/zoneatlas/>]
6. Legal Description Lot 2-P1
7. Area of Property [typically in acres]
8. IDO Zone District

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

9. Overlay Zone(s) [if applicable] _____
10. Center or Corridor Area [if applicable] _____
11. Current Land Use [vacant, if none] _____
12. Deviations Requested [if applicable] _____
13. Variances Requested [if applicable] 3' to 6' _____

The anticipated public hearing _____ [meeting or hearing] for this request will be on
9/15/2020 _____ [date] at 9:00 _____ [time]
in the Hearing Room (Basement Level) of Plaza Del Sol, 600 2nd St NW, Albuquerque, NM 87102.*

You can check the agenda for the relevant decision-making body online here:

<https://www.cabq.gov/planning/boards-commissions> or call the Planning Department at 505-924-3860.

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project [IDO Section 14-16-6-4(D)]. To request a Facilitated Meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at (505) 280-5698 [phone number*] or
via bachichahelen@gmail.com [email*].

More information about the project can be found here: [project webpage*, if applicable]
_____.

Useful Links

Integrated Development Ordinance (IDO):

<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Sincerely,

Helen Bachicha Digitally signed by Helen Bachicha
Date: 2020.07.19 16:11:51 -06'00'

[Agent/Property Owner/Developer]

Cc: _____ [Other Neighborhood Associations, if any]

Owner	Owner Address	Owner Address 2
DUBOIS JOHN & JESSIE	8904 TIA CHRISTINA DR NW	ALBUQUERQUE NM 87114-5744
CHAVEZ ARTHUR W II & RENEE D	4901 SHERRY ANN RD NW	ALBUQUERQUE NM 87114-5765
COBB-LOHKAMP GREGORI SHAWN	4912 SHERRY ANN RD NW	ALBUQUERQUE NM 87114-5764
BEAN SHEILA C	8900 TIA CHRISTINA DR NW	ALBUQUERQUE NM 87114-5744
GRAY JAMES L & GRAY DIANNE MARILYN SCHOFIELD TRUSTEES GRAY FAMILY TRUST	4904 SHERRY ANN RD NW	ALBUQUERQUE NM 87114-5764
MATTS JARED J & KARLA J	4819 SHELLY ROSE RD NW	ALBUQUERQUE NM 87114
WERNER TERRI L	4815 SHELLY ROSE RD NW	ALBUQUERQUE NM 87114
BACHICHA HELEN	4908 SHERRY ANN RD NW	ALBUQUERQUE NM 87114-5764
GALLEGOS ANDREA & JOHN	4905 SHELLY ROSE RD NW	ALBUQUERQUE NM 87114-5752
DOW FRANK W & SANDRA E	4909 SHELLY ROSE RD NW	ALBUQUERQUE NM 87120
RANDOLPH MARVA J	4901 SHELLY ROSE NW	ALBUQUERQUE NM 87120
PIPER LAVERNE M	PO BOX 11216	ALBUQUERQUE NM 87192
CLIFTON MICHAEL P & BELINDA JEAN	4905 SHERRY ANN RD NW	ALBUQUERQUE NM 87114
DILLEY DARLENE & BEATRICE CHAVEZ	4909 SHERRY ANN RD NW	ALBUQUERQUE NM 87114





040

Front View of Stone Pathway



041

Front Yard picture of Prunella mat 51 from my front door



042

East View L sidewalk



Bamboo
has
grown
as high
as this
roof

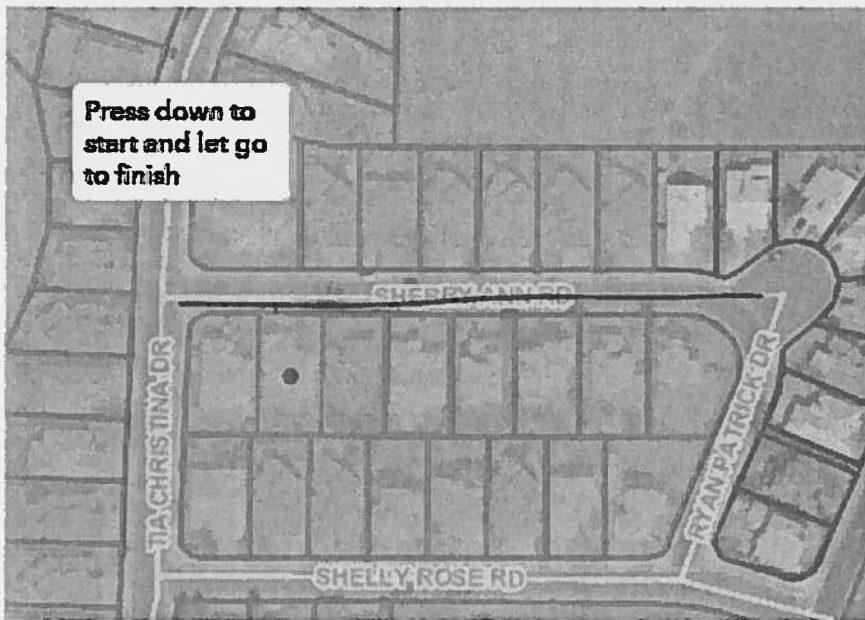
Bamboo
↓

→
Right
here -
have
other
features

Back
yard
view



Back Yard 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.

15 Properties 20% = 3 Photos

Sherry Ann Rd NW

Driveway

sidewalk

← To sidewalk 3' high

40' 6"

31' 0" High → Potentially 6' high

New Block wall

33' 6"

Front Door

Window

Side of House

sidewalk gate

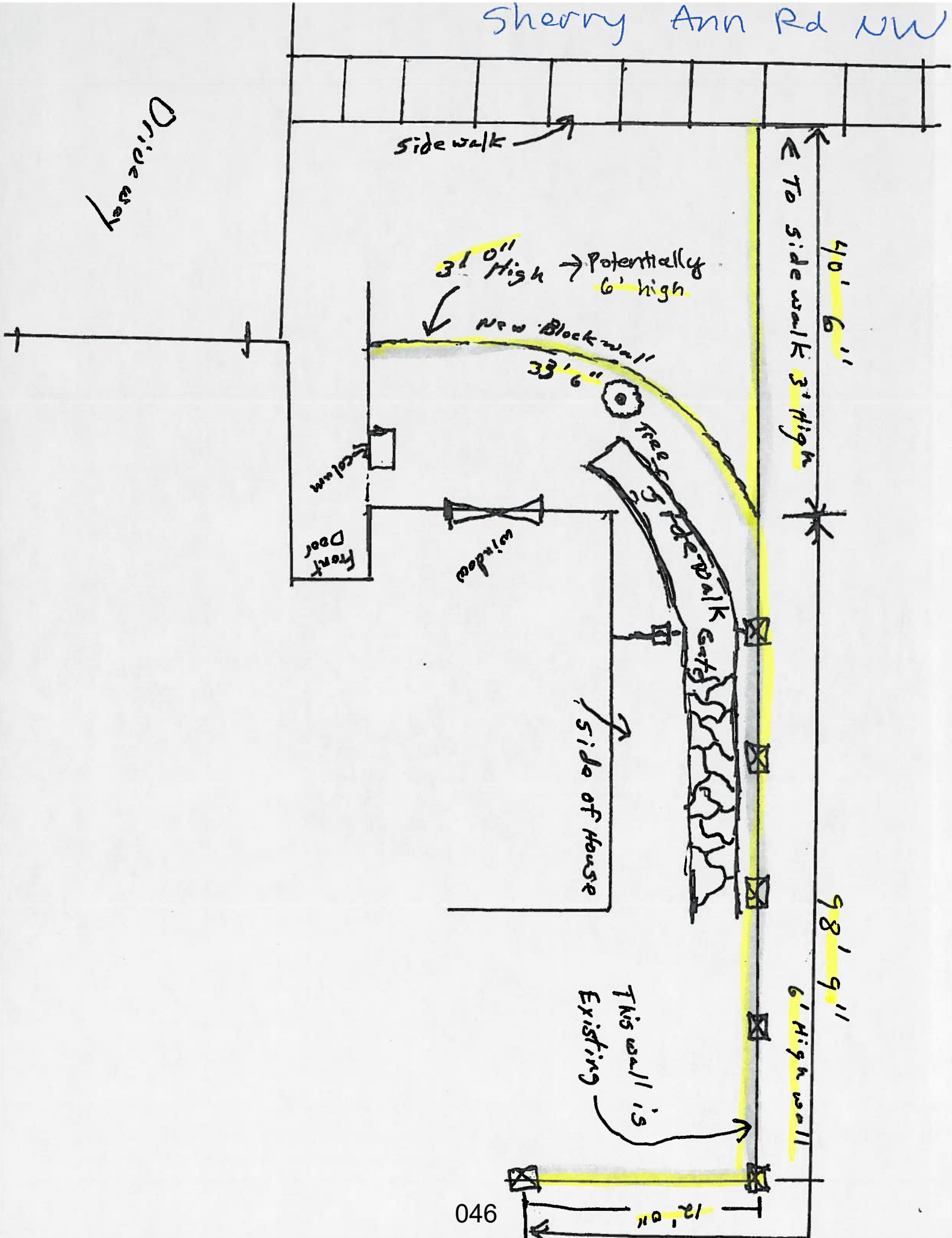
98' 9"

6' High wall

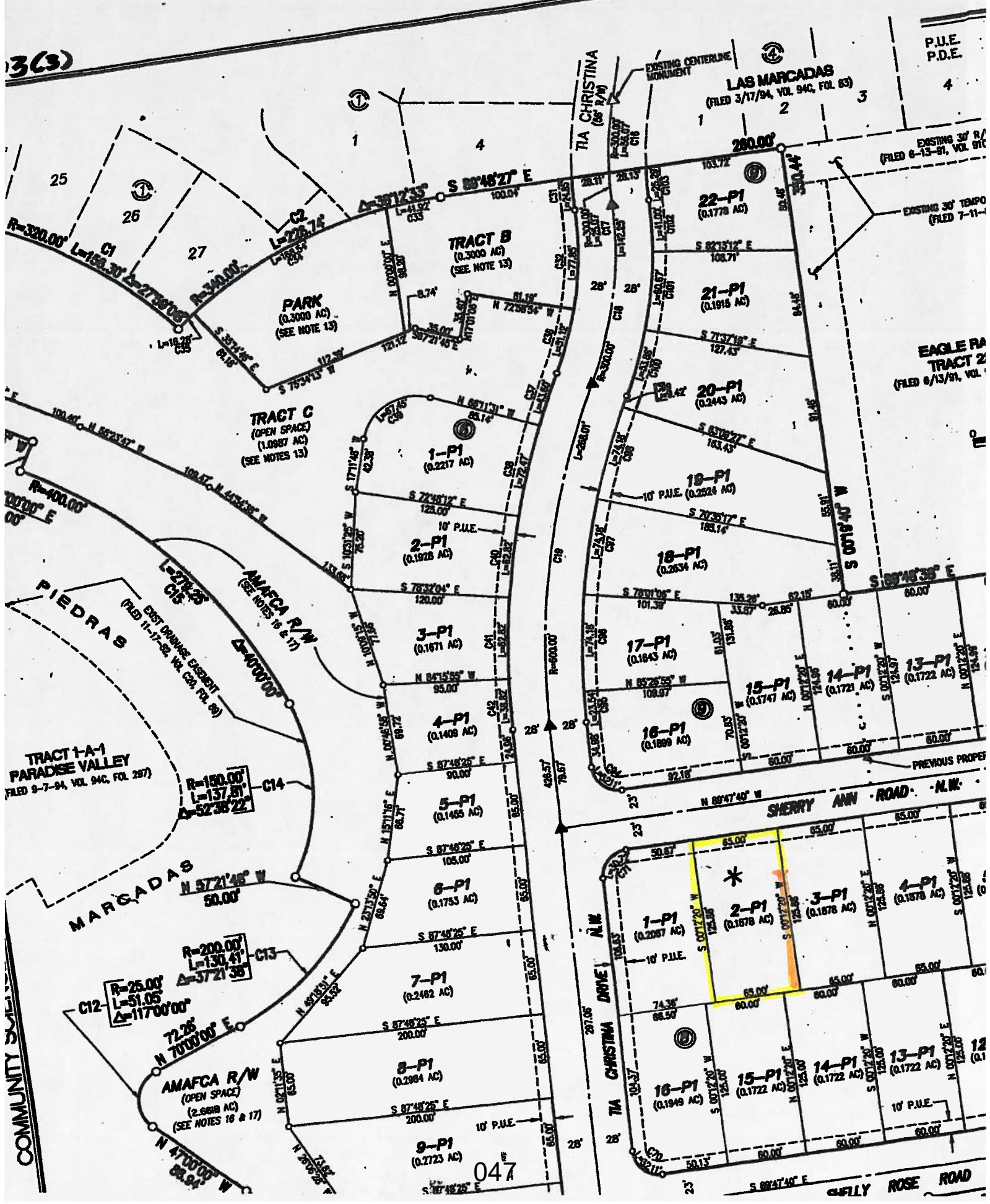
This wall is Existing

12' 0"

046



* 4908 Sherry Ann Rd NW
2-P1



July 23, 2020

City of Albuquerque
One Albuquerque Planning
Plaza del Sol
600 2nd Street NW
Albuquerque, NM

Please accept this justification letter to accompany the Variance Request for a Special Exception for my property at 4908 Sherry Ann Rd, NW, Alb., NM 87114.

I am in the process of requesting a small wall permit to raise my existing backyard wall to 6' and then drop the wall to 3' to the end of the sidewalk. It also includes requesting a 3' patio wall in my front yard. The variance permit will be asking to raise the 3' patio wall to 6' or from 0' to 6' if the 3' wall is not approved with a normal small wall application permit.

The reasons for the walls are to secure some privacy and safety for myself and my family. I am a single woman and it is very uncomfortable to know that my neighbor on the east side of my home has full viewing opportunities at any time into my yards. My yards are an extension of my home and I hope to secure my property for myself, my children, and my future grandchildren.

Another reason for the walls is to hopefully impede the growth of the prolific bamboo plants that grow into my yard from the neighbor to the east of my property. The bamboo on his property has rhizome roots that grow all the way to my front door. I have cut down bamboo plants that have grown higher than my roof. I am hoping that the footings and the cement for the patio will hopefully help stop the growth of these problematic bamboo plants.

This is a sole investment on my part. I feel the price I need to pay for privacy and hopefully getting control of the bamboo plants will be well worth the effort.

Thank you for your consideration.

I may be reached at 505-280-5698 or at bachichahelen@gmail.com.

Sincerely,
Helen Bachicha

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 AUG. 31, 2020 To SEPT. 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.

Helen Bachicha
(Applicant or Agent)

7/22/20
(Date)

I issued 1 signs for this application, 07/23/2020 MARCELO IBARRA
(Date) (Staff Member)

PROJECT NUMBER: PR-2020-004158
VA-2020-00239



CITY OF ALBUQUERQUE INVOICE

HELEN BACHICHA

4908 SHERRY ANN RD NW

Reference NO: VA-2020-00239

Customer NO: CU-118483358

Date	Description	Amount
7/23/20	Application Fee	\$210.00

Due Date: **7/23/20**

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

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 7/23/20
Amount Due: \$210.00
Reference NO: VA-2020-00239
Payment Code: 130
Customer NO: CU-118483358

HELEN BACHICHA
4908 SHERRY ANN RD NW
ALBUQUERQUE, NM 87114



130 0000VA20200023900102546711848368400000000000021000CU118483358

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Wednesday, September 02, 2020 12:30 PM
To: Chuck & Susan Roberts; sdeese@unm.edu; lfendall@netscape.net; ta_@msn.com; samralphroxy@yahoo.com
Cc: Sanchez, Suzanna A.
Subject: Notice of privacy wall plans
Attachments: 1. Letter to Neighborhood Association.docx

Dear Susan Deese Roberts, Lawrence Fendall, Maria Warren, and Tom Anderson:

Please accept this email and attachment as part of the standard process of notification on possibly raising a privacy wall to 6' from 3'.

Thank you,
Helen Bachicha

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

REQUEST FOR NEIGHBORHOOD MEETING

Date: 9/2/20

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 3' private patio wall to reach 6' in part of my front yard.**

_____ (summary of request).

Property owner: **Helen Bachicha**

Agent if applicable _____

Property Address **4908 Sherry Ann Rd NW**, **Albuquerque, NM, 87114** (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 **Helen Bachicha**

Email **bachichahelen@gmail.com**

Phone Number **505-280-5698**

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.

REQUEST FOR NEIGHBORHOOD MEETING

Date: Aug. 17, 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 an extension of a 3' patio wall patio wall. The whole wall if approved will be 6 feet. I was approved for a 3' patio wall project with a small wall application on 7/23/20.

_____ (summary of request).

Property owner _____

Helen Bachicha

Agent if applicable _____

Property Address 4908 Sherry Ann Rd NW, Albuquerque,
NM, 87114 (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 Helen Bachicha

Email bachichahelen@gmail.com

Phone Number 505-280-5698

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.

Public Notice of Hearing

Date: Aug. 17, 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 a 3' front patio/privacy wall to be built to 6' (summary of request).

Property owner: Helen Bachicha

Agent (If applicable): _____

Property Address: 4908 Sherry Ann Rd NW, Albuquerque, NM,
87114 (zip code).

A hearing will be held on September 15, 2020 beginning at 9:00AM via ZOOM.

Join Zoom Meeting

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

Meeting ID: 704 449 0999

One tap mobile

+16699006833,,7044490999# US (San Jose)

+12532158782,,7044490999# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 704 449 0999

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

Thank you,

Applicant's Name: Helen Bachicha

Applicant's Number or Email Address: bachichahelen@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: September 2, 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 a 3' private patio wall to reach 6' (summary of request).

Property owner: Helen Bachicha

Agent (If applicable): _____

Property Address: 4908 Sherry Ann Rd NW, Albuquerque, NM, 87114 (zip code).

A hearing will be held on September 15, 2020 beginning at 9:00AM via ZOOM.

Join Zoom Meeting

Meeting ID: 704 449 0999

One tap mobile

+16699006833,,7044490999# US (San Jose)

+12532158782,,7044490999# US (Tacoma)

Dial by your location

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+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:

Thank you,

Applicant's Name: Helen Bachicha

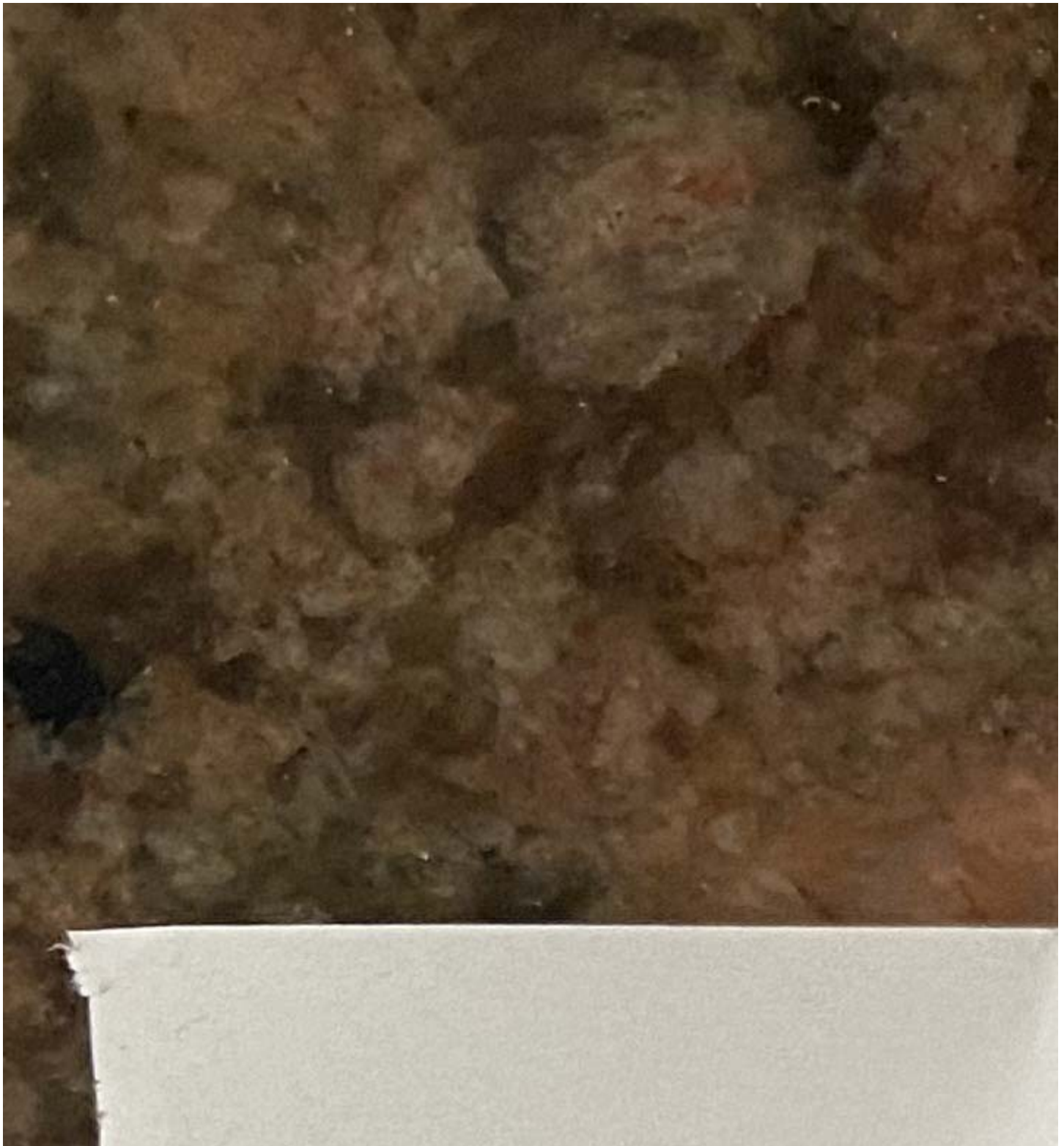
Applicant's Number or Email Address: 505-280-5698 / bachichahelen@gmail.com

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505- 924-3894 or

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."

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Wednesday, September 02, 2020 11:44 AM
To: Sanchez, Suzanna A.
Subject: Receipt for mailings notices of hearing to neighbors.





RICHARD J PINO
4600 PARADISE BLVD NW
ALBUQUERQUE, NM 87114-9997
(800)275-8777

09/02/2020

11:33 AM

Product	Qty	Unit Price	Price
PurpleHeartMedal	13	\$0.55	\$7.15
Total			\$7.15

Grand Total: \$7.15

Cash \$20.00
Change (\$12.85)

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail
Track your Packages
Sign up for FREE @
www.informedelivery.com

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

HELP US SERVE YOU BETTER







4905







Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Tuesday, August 18, 2020 2:48 PM
To: Sanchez, Suzanna A.
Subject: Fwd: Privacy fence

Ms. Sanchez,
Here is one letter from one of my neighbors. She lives to the right of me on the corner lot.

To Whom It May Concern,

My name is Shawn Lohkamp. I have lived nextdoor west of Helen Bachicha, at 4912 Sherry Ann Road Nw for 14 years. I am writing this in support of Ms. Bachicha's plan to build a privacy fence on her property. I have reviewed her plan and agree that the fence would enhance our neighborhood as well as add privacy/security for her home. The neighborhood home values will also increase because she has taken care to make the fence a beautiful addition to the home.

Helen Bachicha has been a considerate and upstanding neighbor all the years living nextdoor to her. I am in favor of approving Ms Bachicha's fence request.

Thank You, Be Well,

Shawn Lohkamp

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

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Wednesday, September 02, 2020 8:02 AM
To: Sanchez, Suzanna A.
Subject: Fwd: Letter for the wall

Follow Up Flag: Follow up
Flag Status: Completed

----- Forwarded message -----

From: Darlene Dilley <dmidilley7@gmail.com>
Date: Tue, Sep 1, 2020 at 7:57 PM
Subject: In support of Privacy Wall for Helen Bachicha
To: <bachichahelen@gmail.com>

To whom it may concern, My name is Darlene Dilley and I am Helen Bachicha's neighbor and I live across the street. We have been friends for 24 years and our families have grown up together. She has been a great neighbor and I would like to express my approval of her petition to raise her block wall to 6 feet. The walls around my property are 7 feet tall and I am able to relax and enjoy my privacy. I feel secure and comfortable knowing that I can be in my yard without also infringing on my neighbors privacy. I just wanted to express my approval and support for her situation and to inform you that many of the brick walls have been raised without any concern.

Sincerely,
Darlene Dilley
4909 Sherry Ann Rd NW
505-440-8221

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

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Wednesday, September 02, 2020 8:01 AM
To: Sanchez, Suzanna A.
Subject: Fwd: Privacy wall

Follow Up Flag: Follow up
Flag Status: Completed

----- Forwarded message -----

From: **Shannon Aguilar** <smaguilar4904@gmail.com>
Date: Tue, Sep 1, 2020 at 5:43 PM
Subject: In support of privacy wall for Helen Bachicha
To: bachichahelen@gmail.com <bachichahelen@gmail.com>

Suzanna Sanchez,

We are writing this letter on behalf of Helen Bachicha and her privacy wall. We have lived in this neighborhood for 21 years, and have known Helen and her family for most of those years. She is a wonderful neighbor and takes excellent care of her house. A privacy wall is a great addition to her property. There are numerous privacy walls we admire in our neighborhood that we see on our daily walk. Helen is a single woman and needs to feel safe and secure in her own home. By building this wall, she hopes the footing and the patio area will impede the bamboo that has been growing in her yard from her neighbor. We request that you approve and allow her wishes to build her wall.

Sincerely,

Ricardo & Shannon Aguilar
4904 Shelly Rose Road NW

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

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Monday, September 07, 2020 11:18 AM
To: Sanchez, Suzanna A.
Subject: Fwd: Letter of support for Helen Bachicha

Hello Ms Sanchez
Here is my 4th letter of support.

Thank you!

Helen Bachicha

----- Forwarded message -----

From: **Andrea Gallegos** <acgallegos@hotmail.com>
Date: Sun, Sep 6, 2020 at 9:24 AM
Subject: Letter of support
To: bachichahelen@gmail.com <bachichahelen@gmail.com>

To whom it may concern:

My name is Andrea Gallegos and I am a neighbor of Ms. Bachicha.

I support the building of the privacy wall at [4908 Sherry Ann Rd., NW, Albuquerque, NM 87114](#).

Please feel free to contact me if you have any questions, (505) 350-4716.

Thank you,

Andrea Gallegos

[4905 Shelly Rose Rd., NW](#)

[Albuquerque, NM 87114](#)

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Monday, September 07, 2020 1:14 PM
To: Sanchez, Suzanna A.
Subject: Fwd:
Attachments: IMG-0215.jpg; IMG-0218.jpg

----- Forwarded message -----

From: **helen bachicha** <bachichahelen@gmail.com>
Date: Mon, Sep 7, 2020 at 12:59 PM
Subject: Pic for Helen Bachicha 4908 Sherry Ann Rd NW
To: <bachichahelen@gmail.com>

Ms. Sanchez,

These are pictures of the bamboo that grows in my yard from the neighbors on the east side (Jim and Dianne Gray).

As you know in my justification letter, I am hoping the cement footing and cement patio will hopefully help this bamboo to stop growing so prolifically in my yard. It has been a big problem. As you see the bamboo grows up close to my front door in picture 2. The first picture shows how it was growing again near the railroad ties that separate our property. It also grows in my back yard as they have many plants there as well.

I currently have a permit to continue building a wall between his house and mine. The back yard is complete and now I have some privacy and safety in the back yard. I am so thankful for that. After all this is done, I will be able to have some privacy in the front yard too.

Thank you for your work on on this and all the other cases going on.
Oh, by the way, I received another support letter and sent it to you from my phone. Please let me know if you did not get it.

Helen Bachicha

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





**LAW OFFICES OF
LASTRAPES, SPANGLER & PACHECO, P.A.**

**P.O. BOX 15698
RIO RANCHO, NM 87174**

MATTHEW M. SPANGLER
ALEXANDRA N. LOPEZ
NATHANIEL A. LENKE
RICHARD L. LASTRAPES, JR.
OF COUNSEL
CHRISTOPHER M. PACHECO
OF COUNSEL
LEEANN WERBELOW*
OF COUNSEL
*also licensed in Colorado

**333 RIO RANCHO BLVD., SUITE 401
RIO RANCHO, NEW MEXICO 87124**
TELEPHONE: (505) 892-3607
FACSIMILE: (505) 892-1864
EMAIL: lsp@lsplegal.com
WEBSITE: www.lsplegal.com

October 14, 2020

VIA EMAIL (suzannasanchez@cabq.gov)

Mr. Robert Lucero, Zoning Hearing Examiner
City of Albuquerque Zoning Department
600 2nd Street NW,
Albuquerque, New Mexico, 87102

Re: Letter in Opposition to Variance Request VA-2020-00239
Project Number PR-2020-004158
4908 Sherry Ann Rd. NW, Albuquerque, NM 87114

Dear Mr. Lucero,

Our law firm represents James and Dianne Gray (the "Grays") with regard to that certain Variance Request VA-2020-00239 ("Variance") on the property located at 4908 Sherry Ann Rd. NW, Albuquerque, NM, 87107 ("the Property") by Property owner Helen Bachicha (the "Applicant"). The Grays reside at 4904 Sherry Ann Rd. NW, Albuquerque, NM 87107 (the "Grays' Property"). The Grays continue to object to the Applicant's request for the Variance because it does not meet the requirements for a variance under the City of Albuquerque's Integrated Development Ordinance Section 14-16-6-6(N)(3)(a) and Section 14-16-6-6(N)(3)(c).

The Property is adjacent to the Grays' Property and Applicant and the Grays share a backyard side wall between their two properties. The Variance requested by the Applicant requests that the Applicant be allowed to construct a wall that is six feet in height along the front yard property line between the Property and the Grays' Property. A hearing was held on the Applicant's Application on September 15, 2020. During the September 15, 2020 Hearing, the City Zoning Hearing Examiner determined the Applicant should have more time to supplement her incomplete Application.

The Applicant has had an extra twenty-five days to supplement her Application with the requested photographs of residences with high front yard walls and other missing criteria. Even with the extra time available to Applicant, the Applicant has failed to show how the Variance request satisfies the requirements for a variance under IDO Section 14-16-6-6(N)(3)(a) and Section 14-16-6-6(N)(3)(c). Because the Applicant has failed to show how her Application meets the Variance requirements under the IDO, it must be denied.

I. The Applicant's Variance request does not meet the specific raised front yard wall criteria of IDO Section 14-16-6-6(N)(3)(c).

The Applicant's Variance request for a six-foot-high front yard wall must be denied because it does not meet the variance criteria for the raising of a small wall as stated in IDO Section 14-16-6-6(N)(3)(c). In order for the Applicant to obtain the Variance, the Applicant must meet all of the following specific criteria for a taller front yard wall:

- 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 lot is:
 - a. at least $\frac{1}{2}$ acre; or
 - b. is designated as a collector street; or
 - c. is in an area where 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 standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment) and Subsection 14-16-5-7(E)(3) (Wall Design).

The Applicant's Variance request fails to meet each of the criteria as listed in Section 14-16-6-6(N)(3)(c) for the reasons discussed below. Thus, the Applicant's Variance request must be denied.

A. Granting the Variance will destroy the architectural character of Sherry Ann Rd.

Granting this Variance will not strengthen or reinforce the architectural character of Sherry Ann Rd. The Variance, if granted, will fundamentally change the character and aesthetic of Sherry Ann Rd. because the Applicant will 1) have the only front yard wall on Sherry Ann Rd., that is six feet in height, ultimately destroying the open front yard plan shared by almost all other properties on Sherry Ann Rd. No other residents on Sherry Ann Rd. have a six-foot high wall in their front yards.

In the City's instructions to the Applicant, the City requested that the Applicant provide labeled photographs "of properties that are within the linear area up to 330 feet" of any property with a fence or wall that is over three feet in height. These instructions further state that the City believes there are fifteen properties that surround the Property, and that the Applicant must submit

three photos from the surrounding fifteen (15) properties with a front yard wall that is greater than three feet in height. There are fifteen (15) properties on Sherry Ann Rd. The City requested the Applicant provide proof from the fifteen properties that sit linearly on Sherry Ann Rd. A copy of the City's instructions to Applicant is attached hereto as Exhibit A.

The Applicant failed to produce the correctly labeled photographs as requested by the City Zoning Hearing Examiner during the September 15, 2020 Hearing. A close examination of the photographs of the homes on Sherry Ann Rd. outside of the Property attached hereto as Exhibit B shows that only two of the fifteen properties on Sherry Ann Rd. have a small wall front yard wall. Exhibit B further shows that only two properties have a wall that is over three feet in height. The properties with existing front yard walls on Sherry Ann Rd. are under six feet in height, do not block the view of any portion of any window on the front façade of the primary building, and are compliant with IDO design standards.

Adding a six-foot-high wall to a single property on Sherry Ann Rd. would eliminate the open front yard plan shared by the overwhelming majority of other property owners on the Sherry Ann Rd. It is impossible for the Applicant to argue that a six-foot wall addition to the Property would reinforce and strengthen the architectural character of the neighborhood or surrounding area when the Applicant would be the only property owner with a six-foot-high wall within 330 feet from the Property. The Applicant's desire to erect a six-foot-high front yard wall only detracts from and destroys the architectural character of the surrounding neighborhood.

It is impossible for the Applicant to meet the Section 14-16-6-6(N)(3)(c)(1) requirement that the proposed wall would strength or reinforce the architectural character of the surrounding area when the proposed wall would create an architectural outlier among the residential homes on Sherry Ann Rd. Because the clear majority of homes on Sherry Ann Rd. do not have front yard walls and because a majority of homes on Sherry Ann Rd. have an open front yard plan, the Applicant's proposed six-foot-high wall will destroy the architectural character of Sherry Ann Rd. Thus, the Applicant's request for the Variance must be denied.

B. The proposed wall discussed in the Variance will be injurious to an adjacent property and the larger community.

The Variance, which requests a six-foot-high wall, is injurious to the adjacent property at 4904 Sherry Ann Rd. The Grays are an elderly couple who have lived next door to the Applicant for more than fifteen years. The Grays will be directly affected by the construction of the proposed wall. James Gray is 76 years old and suffers from Parkinson's Disease. Dianne Gray is 73 years old has suffered several serious health setbacks and was recently discharged from the hospitable for home care. The Applicant's actions have placed so much stress on Mr. Gray that he experienced a Parkinson's episode shortly after the September 15, 2020 Hearing, the effects of which impacted Mr. Gray for days after the Hearing.

The Grays believe a solid six-foot cinderblock wall will only function to encourage criminal activity at their residence. A solid six-foot wall running across a large portion of their front yard will shield criminals and those who may trespass onto the Grays' Property from view.

The Grays are especially concerned because they have a window that will be fully shielded from view by the proposed six-foot cinderblock wall. If the Variance is approved, a large portion of their home once visible to all members of the neighborhood will be hidden, making the Grays' property attractive to criminals because it is fully shielded from view.

The construction of the proposed six-foot cinderblock wall at the Property will destroy the safety and security the Grays have come to rely on for the past fifteen years. The Grays will have no recourse to protect the side of their home from possible criminals and will be forced to install new lighting, security and safety measures to replace the feeling of safety provided by open visibility of their home. The approval of the Variance will have an immediate material adverse impact on the Grays' property which the Grays will be forced to remediate without financial assistance from the Applicant.

Moreover, the Applicant's desire for the proposed six-foot wall will make her home a target for criminal activity. If the Variance is approved, the Applicant will have the only property on Sherry Ann Rd. fully shielded from street view by an opaque cinderblock wall. The Applicant has not provided any information in her Application to show how she intends to light the wall or Property to discourage criminal activity attracted by the natural shield a six-foot cinderblock wall will create. The proposed six-foot wall will not provide extra safety for Applicant, but instead will function to attract criminal activity to the Property as the front of the Property will be completely hidden and shielded from view.

The Applicant's Variance request will be injurious to the Grays and to their property. Although the Applicant has argued that the higher wall requested in the Variance will provide a sense of safety and security, the raised wall will make the Property and the Grays' neighboring property attractive to criminals. A higher wall will bring more criminal activity to the immediate surrounding area. Section 14-16-6-6(N)(3)(2) states that the proposed should not be injurious to adjacent properties or the surrounding neighborhood. The proposed six-foot-high wall will be injurious to the Grays, and possibly to the Applicant herself, by working to attract criminals to the only two properties on Sherry Ann Rd. that would be shielded from open view. Because the Variance request will be injurious to the Grays and their property, it must be denied.

C. The Applicant's proposed wall does not meet or satisfy any of the criteria in Section 14-16-6-6(N)(3)(c)(3).

Although Section 14-16-6-6(N)(3)(c)(3) only requires that the Applicant meet one of the criteria listed in Section 14-16-6-6(N)(3)(c)(3), the Property fails to meet any of the stated criteria. Section 14-16-6-6(N)(3)(c)(1) states the Property must be larger than 0.5 acres. The Property is less than 0.5 acres in size. The Property Record Report from the Bernalillo County Assessor's Office attached hereto as Exhibit C shows that the Property is only 0.1878 acres in size.

Moreover, Section 14-16-6-6(N)(3)(c)(2) states that the Property front must be designated as a collector street in the LRTS Guide. The Property front is not a street designated as a collector street. Sherry Ann Rd. is designated as a local street according to the City's LRTS Guide attached

hereto as Exhibit D. The correspondence from City of Albuquerque employee Kathryn Carrie Barkhurst attached hereto as Exhibit E confirms that Sherry Ann Rd. is classified as a local street.

Finally, Section 14-16-6-6(N)(3)(c)(3) states that at least twenty percent of the properties within 330 feet of the lot where the wall is being requested must have a wall over three feet in their respective front yard. As discussed above, the Applicant failed to produce the correctly labeled proof that three homes in the linear 330 feet from the Property have a front yard wall over three feet in height. A close examination of the photographs attached hereto as Exhibit B shows that only two of the fifteen properties on Sherry Ann Rd. have a front yard wall that is over three feet in height and the City's requirement for three existing properties that already meet this standard has not been satisfied.

Even if the linear 330-foot area is expanded to include all properties noted on the map provided to the Applicant by the City, the Applicant has not provided proof that twenty percent (20%) of the surrounding properties have a wall or fence over three feet in their front yard. The City marked a total of fifty surrounding properties on the map provided to the Applicant. Thirty-nine of those properties are residential properties. The Applicant would need to provide the City with photographs of eight surrounding properties, which is twenty percent of the thirty-nine residences in the area, with a front wall or fence over three feet in height. At this present time, there are not enough residences in this area with a front yard wall over three feet in height. An examination of the photographs of the surrounding areas attached hereto as Exhibit F show that this specific criterion has not been met.

Section 14-16-6-6(N)(3)(c)(3)(c) requirement that at least twenty percent of the properties within 330 feet of the lot from where the wall is being requested have a wall that is over three feet in height in their respective front yard. It is impossible for the Applicant to meet these criteria set forth by the City in the IDO because less than twenty percent of the surrounding properties have a front yard wall over three feet in height. Therefore, the Applicant has not satisfied the requirements of Section 14-16-6-6(N)(3)(c)(3), and the Variance request must be denied.

D. The Applicant has failed to explain how the proposed wall will comply any applicable standards in Section 14-16-5-7 (Walls and Fences) as required by Section 14-16-6-6(N)(3)(c)(4).

The Applicant has provided the City with no information related to the design of the proposed six-foot wall. The Applicant has not disclosed the materials that will be used to construct the proposed six-foot wall. The Applicant has failed to provide the City with any information to show that the proposed six-foot wall will be compliant with the required design standards in IDO Sections 14-15-5-7, 14-16-5-7(E)(2) and 14-16-5-7(E)(3) or that the design and materials proposed for the wall will reflect the architectural character of the surrounding area. There has been little to no discussion as to how the proposed wall will appear when finished.

The Variance should be denied because the Applicant has failed to disclose how the design and materials of the proposed will reflect the architectural character of the surrounding area. The Grays are concerned that the Applicant will construct a wall that is not compliant with IDO design

standards. There are no other walls in the area or on Sherry Ann Rd. that are not covered in stucco. Section 14-16-5-7(E)(1)(b) requires that exposed flat-faced concrete masonry unit blocks shall not constitute for than fifty percent of any wall facing a public street. The Applicant's current construction of the wall already shows that fifty percent of the wall consists of concrete masonry unit blocks. The Applicant's use of rebar in the proposed wall, as depicted in the photograph attached hereto as Exhibit G, shows the Applicant's intention to complete the wall with concrete masonry unit blocks.

The Applicant has also failed to show how she will comply with Section 14-16-5-7(E)(2), which contains the Articulation and Alignment section of the IDO. Section 14-16-5-7(E)(2) requires that the Applicant incorporate a decorative feature to break up the massing of the wall. The Applicant has failed to explain which one of the five provided options will be used to break up the massing of the proposed wall. The portions of the proposed wall that have already been constructed by the Applicant, as shown in the photograph attached hereto as Exhibit H, have already eliminated some of the decorative options provided in Section 14-16-5-7(E)(2).

Moreover, the Applicant's initial sketch provided to the City of Albuquerque for the proposed wall did not accurately depict how close the six-foot boundary wall and the proposed six-foot front yard wall will run parallel on the Property. Permitting the Applicant to extend the six-foot front yard wall as it runs parallel to the shorter, terraced boundary wall allows the Applicant to extend the six-foot side yard wall well beyond the corner of her home. The photographs of the current work, attached hereto as Exhibit I, show the completed work that illustrates how the proposed six-foot front yard wall effectively work to extend the six-foot boundary line wall beyond the corner of the Property, shielding a significant portion of the Grays' property in addition to the Property.

The Applicant has failed to show how she will meet the requirements of Section 14-16-6-6(N)(3)(c)(4). The Applicant has failed to fully provide the City with the information required in Section 14-16-6-6(N)(3)(c)(4). Thus, the Variance must be denied.

II. The Applicant also fails to meet any of the general criteria for a requested variance under Section 14-16-6-6(N)(3)(a) of the IDO.

The Applicant's Variance should be denied because it does not meet any of the general variance criteria as provided by Section 14-16-6-6(N)(3)(a) of the IDO. Section 14-16-6-6(N)(3)(a) of the IDO states that the Applicant must meet five separate conditions before her Variance should be approved. The five set conditions are as follows:

1. The applicant shows special circumstances applicable to the property that are not self-imposed, do not apply generally to other property in the general vicinity, and the special circumstances create an extraordinary hardship or practical difficulties for Applicant.
2. The variance will not be materially contrary to the public safety, health or welfare.

3. The variance will not cause significant material adverse impacts on surrounding properties.
4. The variance will not materially undermine the purpose of the IDO or the zone district.
5. The variance, if approved, will be the minimum necessary to avoid extraordinary hardship or practical difficulties.

The Variance request submitted by the Applicant does not satisfy any of the general requirements as listed in Section 14-16-6-6(N)(3)(a).

A. The Applicant does not have a special circumstance that merits a variance under IDO Section 14-16-6-6(N)(3)(a).

The Applicant seeks to build a six-foot wall to shield the Property and provide more privacy for herself and her family. Although the Applicant has justified her request by stating that she needs to secure privacy and safety for herself and her family, the Applicant's desire for more privacy is not a "special circumstance" contemplated by Section 14-16-6(N)(3)(a)(1).

The Applicant lives in a residential neighborhood and the Property is subject to the same level of general observation by foot and vehicular traffic as all of the other properties in the area. The Applicant's witnesses at the September 15, 2020 Hearing did not live, and have lived for some time, with the Applicant on the Property and cannot speak to the level of privacy experienced by an individual who dwells in the Property. The Applicant's desire for more privacy does not present an extraordinary hardship or practical difficulty that cannot be overcome by a smaller, IDO compliant wall that will function to shield the majority of the Property.

B. The proposed Variance is materially contrary to public safety and welfare and will cause a material adverse impact on the neighboring property.

The Variance, as requested, is materially contrary to public safety and welfare and will have a significant adverse impact on the Grays' property. The Grays are elderly and in poor health. As discussed at length above, if the proposed wall is built, the Grays will be forced to spend a considerable amount of time and money to ensure their home has the level of open safety and visibility it had before the wall would be constructed. The Grays believe an opaque six-foot wall will only function to encourage criminal activity at their home and that the home of the Applicant, as these two properties would be the only properties on Sherry Ann Rd. with little front yard or side yard visibility.

C. The Variance request undermines the purpose of the IDO.

The Variance, as requested, functions to materially undermine the purpose of the IDO. The IDO was adopted to protect the quality and character of the residential neighborhoods throughout the City of Albuquerque. IDO Section 14-16-5-5-7(D)(1) permits a three-foot (3') front yard wall.

The Applicant's Variance request for a six-foot front yard wall will set the Property apart from all other properties on Sherry Ann Rd. where the Property sits. As discussed at length above, there are only two other properties with a wall higher than three feet on Sherry Ann Rd. These properties have a wall that is significantly smaller than six feet in height. The Applicant's request, if granted, will only work to destroy the open front yard plan shared by the majority of homes on Sherry Ann Rd.

D. The Variance request would not constitute the “minimum action” necessary for the Applicant to avoid hardship or difficulties.

A six-foot front yard wall is not “a minimum action” necessary for the Applicant to achieve the privacy desired by the construction of such a large wall. The Applicant can build a three-foot wall and utilize landscaping to create an opaque shield of her home without forcing the entire neighborhood to be subject to the proposed six-foot cinderblock front yard wall. The Applicant has a myriad of options that can ensure privacy without the need of a six-foot front yard wall. The Applicant has failed to show how the proposed wall constitutes the minimum action necessary to provide privacy to the Applicant. The Applicant has shown no personal difficulty and her desire for privacy does not constitute an “extraordinary hardship” as contemplated by the IDO. Section 14-16-6-6(L)(3)(a) defines an “extraordinary hardship” as a substantial and unjustified limitation on the reasonable use of the property or presents a practical difficulty resulting front strip compliance with the provided minimum standards. The Applicant has provided no evidence that shows she will experience an extraordinary hardship if she is not allowed to build a front yard wall to six feet in height.

The Applicant has failed to show how the proposed wall Variance request will meet the specific raised front yard wall criteria under IDO Section 14-16-6-6(N)(3)(c). The Applicant has also failed to show how the proposed wall will meet the general variance criteria under IDO Section 14-16-6-6(N)(3)(a). For all of the reasons listed above, the Applicant's Variance request should be denied and the City should further examine the Applicant's non-compliance with regard to the Small Wall Permit and the construction of the illegal and non-compliant backyard Side Wall.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me.

Sincerely,

LASTRAPES, SPANGLER & PACHECO, P.A.



Alexandra Noel Lopez, Esq.

ANL

Mr. Robert Lucero, Zoning Hearing Examiner
October 14, 2020
Page 9

Enclosures
cc: Mr. and Mrs. James Gray

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-2020-00239

PR-2020-004158

Address: 4908 Sherry Ann RD NW

Transportation Review: **No objections**

After review of the provided application, Transportation has no objection to the construction of a wall.

City of Albuquerque ZHE – September 15, 2020

Agenda Item #25

VA-2020-00239

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)]

Ownership: Owner: BACHICHA HELEN

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; Golf Course Rd MT

Applicable Overlay Zones: VPO-2

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)

[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.

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.





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

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)]

Special Exception No:..... **VA-2020-00239**
Project No: **Project#2020-004158**
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 owner Helen Bachicha (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 feet to the 3 feet maximum wall height (“Application”) upon the real property located at 4908 Sherry Ann RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDING:

1. Applicant is granted a deferral of this matter to allow Applicant and the public to timely submit additional evidence in this matter.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing at 9:00 a.m. on October 20, 2020.

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
Helen Bachicha, bachichahelen@gmail.com
James & Diane Gray, james@gray.org
Noel Lopez, NL@lsplegal.com
Cynthia Arellano, ca@lsplegal.com
Annette Bachicha, 1801 Gibson Blvd SE, 87106
Linda Ortega, 1552 Camino Hermosa, 87048

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Monday, October 12, 2020 9:40 PM
To: Sanchez, Suzanna A.
Subject: Fwd:

Dear Ms. Sanchez and Mr. Lucero,

Thank you for reading this. I am afraid to speak too much at the hearing as I have been threatened to be sued by the Grays. I have received 2 very intimidating legal letters demanding I cease and desist from talking to them. The second letter was to cease and desist the job in my front yard the night before the cement pour of the footings as well as demanding a 3rd party sprinkler company to repair a sprinkler head. I will summarize below a bit more below, but I had a correction on one of the pictures that I sent earlier.

The Side View picture of my home states "Gray's east wall"it is the "west" wall. He has two windows on that west wall that have bamboo plants in front of them. My private patio wall is ahead of both of those windows and not blocking any side windows. If you will, please notice that the side wall was finally beautifully constructed measuring 5'9" on his side and 5'1" on my side and then it drops to 3' reaching the sidewalk. With this measurement in mind and the geography of my yard, I am requesting a 5'1"- 5'5" wall height instead of 6'. I am hoping to add a little flagstone or paver on top making it about 2-3 inches higher than 5'1". I hope that this will be satisfactory as I take into consideration the average heights of the walls near my home as well. I plan to one day add more plants in front to complement the pine tree and add a gate to the wall near the sidewalk.

Since the last hearing, here is a little timeline of what I have experienced. I never thought this could escalate to such an experience where I have become afraid and uncomfortable to even check my mail alone or take a walk in my neighborhood. I have had people stay with me more often than ever before, but am getting better. I thank God for that.

09/18/20 The back wall was corrected; a call was given to Mr. Gray that we could clean up the cement spill in his backyard on 9/26. He agreed to that, but it never happened since the legal letter was received before that date.

09/24/20 My contractor started digging footers in the front yard. Mr. Gray approached him and told him he called the city. He was afraid and so was I. My co-worker was here with me and went with me to ask Mr. Gray why he called the city. He said something about a Stop Permit. My contractor stopped working only after a half hour and gave me back the money for the cement truck that was to be scheduled on 9/26/20. I called Mr. Marcus Trujillo and he confirmed that I did not have Stop Permit. My friend, Louie Martinez who was overseeing the job showed Mr. Gray the red tag at 5:15 pm and explained it was not a Stop Permit. He told Mr. Gray that he may have to file a restraining order if he interferes with the men working for me. I had already called the police after my contractor left at about 3:30pm and complained about harassing and scaring my hired help. I was very scared that my job would not be finished and so upset that I finally emailed a family lawyer and asked for advice about a restraining order.

9/25/20 Ms. Deborah Rowley, the building complaints investigator and Marcus Trujillo both came and inspected the back wall. It passed inspection and the case was closed. Mr. Bachicha, my ex-husband was here that morning as well. Ms. Rowley and Mr. Truillo both spoke to the Grays that morning also.

9/30/20 My contractor came back thankfully and began working at 8:45 am. I asked my ex-husband, Marty Bachicha to be here in case Mr. Gray came out again and tried to intimidate my contractor while he worked. I had Louie Martinez relieve Marty to stay until my contractor finished. My contractor dug the whole footing in one day. This same day I received a certified letter telling me and Mr. Martinez to cease and desist from communicating with the Grays and this is the letter that threatened to sue us. It was full of other intimidating statements and accusations. I have been so affected emotionally and psychologically by this couple that I have sought counseling. I have meet with a Judy Venczel the last two Mondays as a benefit with Albuquerque Public Schools.

10/2/20 A call from the Gray's lawyer was received telling me to cease and desist the job because of a damaged sprinkler. I explained that Mr. Martinez is a licenced plumber and can fix it. It was explained to the lawyer that the cement truck was already scheduled and this would be the 2nd time the job would be interrupted and stopped. I called my contractor and he said he can't call the cement company because it's closed and asked what the problem was. I later received an email from the lawyer to stop and desist the job and demanded a third party sprinkler company to fix the sprinkler. They sent me a video of the problem and I forwarded it to Just Sprinklers. They said they could fix it on Monday and that it was not an emergency and to protect it with plywood. We spoke to the contractor and he bought plywood that night to be ready to place it appropriately in the morning.

10/3/20 The Gray's sprinkler system was running from about 5:30 am and it kept running till about 9:15 am with 15 intermittent breaks. The cement truck driver, the workers and Mr. Martinez all witnessed this. I had emailed the lawyer saying that it was best for the integrity of work already done to have the sprinklers off. When they still did not stop, I sent another email stating that the sprinklers are still on and that Just Sprinklers will be called this morning. I had no response to these emails. Just Sprinklers was here from about 8:20-8:57 and replaced the sprinkler head that was apparently damaged by my contractor. The sprinklers still continued however. I was so afraid of what Mr. Gray was doing and concerned with the integrity of the job being done. I was terrified that my contractor and his help were going to get frustrated and leave my home.

After Just Sprinklers left, I called 311 to report that the sprinklers still keep coming on. They referred me to the water authority. I called them and they could only report water waste and referred me to the police. I called the police about 9:02 and reported that his sprinklers keep coming on while my guys are trying to work. I was again concerned for the welfare of my workers and the integrity of the job that they have been working so hard on. The water was interfering with the bricklaying and the water was running down the street and into the storm drain around the corner. At about 9:10 Mr. Gray came out and started taking pictures of my worker's trucks. Everyone stopped working. My contractor asked why he was taking pictures of his truck and he was told it was a public street. Mr. Martinez who is not allowed to speak to Mr. Gray whispered loud enough in the contractor's son's ear to tell Mr. Gray that it's okay because we have a video of the water waste and that the water authority and police have been called. It was then that Mr. Gray walked into his garage and turned off the sprinklers. The police arrived at about 9:50 am. I showed them my permits and explained what had been happening. They spoke to Mr. Gray and we were able to finish the job.

Mr. Lucero, I do not know what constitutes special circumstances, but I do appreciate these hearing sessions to help expose what I have been up against. I am a lifetime New Mexico resident, born in Santa Fe. I have lived in Albuquerque since 1980 and to own a home is a privilege to me. I am doing my best to take care of what I own and hope to give this to my children one day. After what I have had to do to get to this place and all the city entities that I have called on more than one time, every dollar spent on property taxes, city and state taxes are all worth it to me.

Thank you for your consideration.
Helen Bachicha

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This message has been analyzed by Deep Discovery Email Inspector.

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Tuesday, October 13, 2020 1:36 PM
To: Sanchez, Suzanna A.
Subject: Fwd:

Thank you Suzie for always responding and letting me know that you received my emails. It is very helpful.

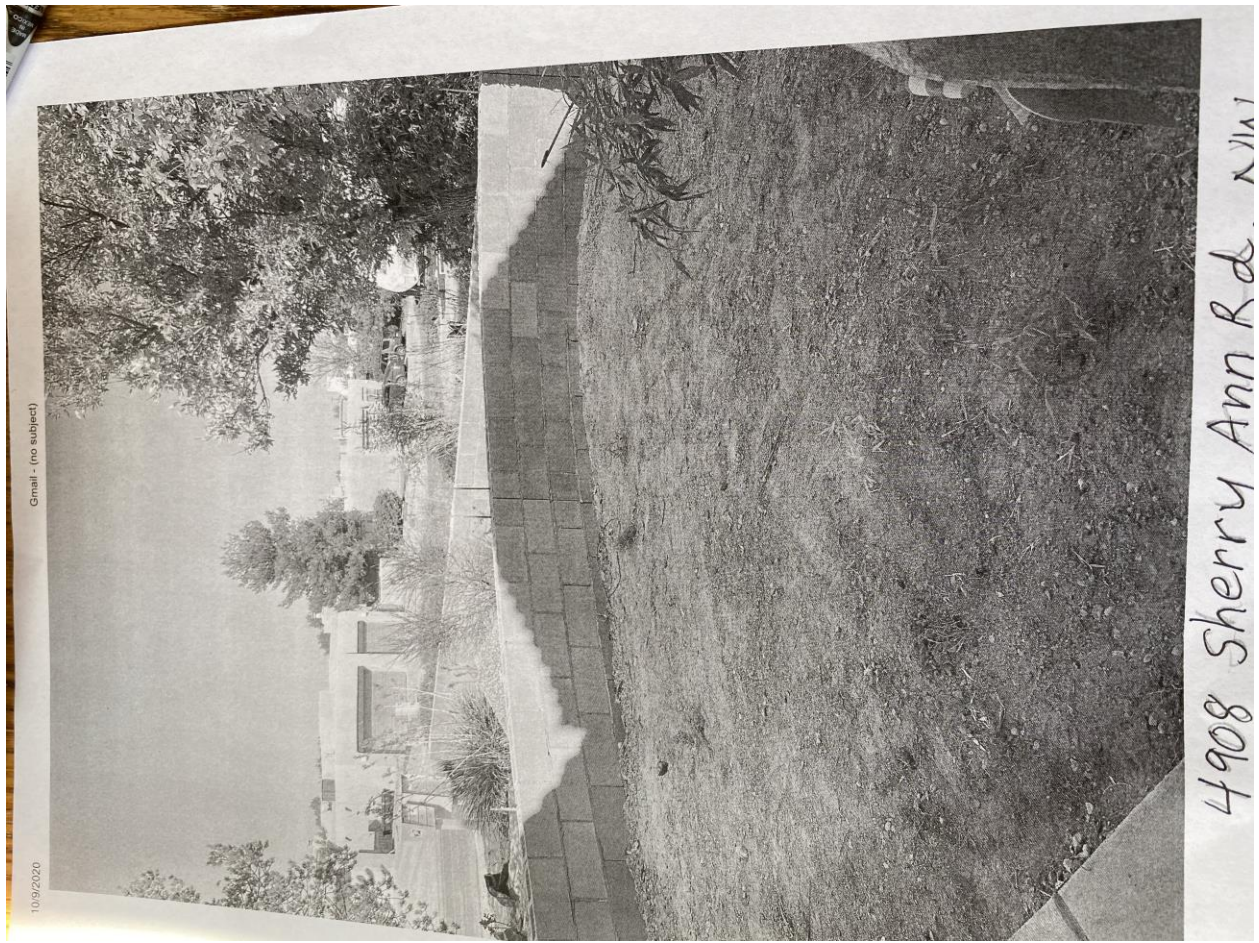
This is just another picture of my front yard so far. You can see the other 3 foot wall between the two properties and how the private patio wall sits a little bit higher because of the geography of my property in the front yard.

I also just wanted to add something to day **9/25/20**. There was a city planner car that had been parked across my street on this day shortly after Ms. Rowley and Mr. Trujillo left my home. The driver told me he had an email from the neighbors lawyer and spoke of a stop permit. I had explained to him (with Marty Bachicha there with me) that the case was just closed. He assured me things were okay. I emailed Ms. Rowley the next day to inform her that I also saw another similar car earlier that week parked in the same area.

Also to add on **10/2/20**, after speaking to the lawyer on the phone, I did reach out again to the family lawyer and left a message of what I was experiencing. I felt helpless and needed support. Thankfully, the wall finally got built the next day.

Thank you again for your organization skills with all this material. I appreciate it very much.

Helen Bachicha



10/9/2020

Gmail - (no subject)

4908 Sherry Ann Rd. NW

Sanchez, Suzanna A.

From: helen bachicha <bachichahelen@gmail.com>
Sent: Wednesday, October 14, 2020 12:30 PM
To: Sanchez, Suzanna A.
Subject: Fwd: redone
Attachments: cousin helen.docx

Hello Ms. Sanchez
Please see the attachment below from my cousin as a support letter.
Thank you once again.
Helen

----- Forwarded message -----

From: **Richard Rodriguez** <rrodriguez@capitolfordnm.com>
Date: Wed, Oct 14, 2020 at 12:25 PM
Subject: support letter
To: helen bachicha <bachichahelen@gmail.com>

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This message has been analyzed by Deep Discovery Email Inspector.

To whom it may concern,

Helen Bachicha is my cousin, who I have known a lifetime. That said and knowing her current endeavor to create a space that is both appealing, with regards to “curbside” and is also private in nature, to me a natural extension of the person my cousin is.

I know she has put a great deal of thought and planning into this project, never losing sight of either the intrinsic value of personal property or the overall character of the well thought out integrity and planning of the neighborhood.

She has been a resident of the same neighborhood, now for 24 years and I know her desire to not only build a front patio area as an opportunity to better enjoy the space at the front of her property now, but does look forward to having the space available for her grandchildren to safely play in the future.

As a homeowner of several residents throughout the years, I can speak to the sense of ownership helen takes with regards to her home. She also has the desire to be a welcoming and friendly neighbor and to be able to have her home guests feel comfortable and relaxed when they visit. Her privacy and safety are values that many people hold.

With Regards,

Richard Rodriguez

505-715-7700

rrodriguez@capitolfordnm.com

Sanchez, Suzanna A.

From: Bachicha, Martin R. <mrbach@sandia.gov>
Sent: Tuesday, October 13, 2020 4:21 PM
To: Sanchez, Suzanna A.
Cc: helen bachicha
Subject: Helen Bachicha Project# PR-2020-004158

Dear Ms. Sanchez and Mr. Lucero,

I am writing this letter to request that you please grant the variance requested by Helen Bachicha per Project# PR-2020-004158 of 3 feet to a maximum of 3 foot wall height in front of her front living room window at address 4908 Sherry Ann RD NW. The actual wall height will actually be closer to 5' 3" and will be the same height as the recently built sidewall adjacent to the house on the east. Helen would like this wall as a way to provide her privacy while being able to enjoy her front yard. The wall would be an attractive addition to her house, adding value to a property that she will ultimately leave to our children. Being her ex-husband and a former owner of this property, I have been at her house several times to provide her support during this on-going construction project. Helen would greatly appreciate it if you would grant her this request.

Sincerely,

Martin R. Bachicha

9544 Flint Rock Drive NW

Albuquerque, NM 87114

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This message has been analyzed by Deep Discovery Email Inspector.

**LAW OFFICES OF
LASTRAPES, SPANGLER & PACHECO, P.A.**

**P.O. BOX 15698
RIO RANCHO, NM 87174**

**MATTHEW M. SPANGLER
ALEXANDRA N. LOPEZ
NATHANIEL A. LENKE
RICHARD L. LASTRAPES, JR.
OF COUNSEL
CHRISTOPHER M. PACHECO
OF COUNSEL
LEEANN WERBELOW*
OF COUNSEL
*also licensed in Colorado**

**333 RIO RANCHO BLVD., SUITE 401
RIO RANCHO, NEW MEXICO 87124
TELEPHONE: (505) 892-3607
FACSIMILE: (505) 892-1864
EMAIL: lsp@lsplegal.com
WEBSITE: www.lsplegal.com**

September 09, 2020

VIA EMAIL (suzannasanchez@cabq.gov)

Mr. Robert Lucero, Zoning Hearing Examiner
City of Albuquerque Zoning Department
600 2nd Street NW,
Albuquerque, New Mexico, 87102

Re: Letter in Opposition to Variance Request VA-2020-00239
Project Number PR-2020-004158
4908 Sherry Ann Rd. NW, Albuquerque, NM 87114

Dear Mr. Lucero,

Our law firm represents James and Dianne Gray (the “Grays”) with regard to that certain Variance Request VA-2020-00239 (“Variance”) on the property located at 4908 Sherry Ann Rd. NW, Albuquerque, NM, 87107 (“the Property”) by Property owner Helen Bachicha (the “Applicant”). The Grays reside at 4904 Sherry Ann Rd. NW, Albuquerque, NM 87107 (the “Grays’ Property”). The Grays object to the Applicant’s request for the Variance because it attempts to extend an existing wall constructed illegally by the owner on the Property and does not meet the requirements for a variance under the City of Albuquerque’s Integrated Development Ordinance.

The Property is and is directly adjacent to the Grays’ Property and Applicant and the Grays share a backyard side wall between their two properties. The Variance requested by the Applicant requests that the Applicant be allowed to construct a wall that is six feet in height along the front yard property line between the Property and the Grays’ Property. The Applicant and the Grays have been neighbors for more than fifteen years (15) and have shared the boundary line without issue until now. The Grays are concerned that the Variance will negatively impact the Grays’ Property and request that the Variance be denied for the below reasons.

- I. Applicant seeks to extend the construction of an illegally built side wall on the Property.**

On July 23, 2020, the Applicant obtained a Small Wall Permit CEP-2020-001211 (the “Small Wall Permit”) from the City of Albuquerque Zoning Department. A copy of the Small Wall Permit is attached hereto as Exhibit A. The Small Wall Permit granted to Applicant permits the Applicant to raise an existing backyard side wall to six-feet (6’) in height. It also permits the Applicant to construct a three-foot (3’) side wall on the street side of the yard and a three-foot (3’) patio wall.

In the time since the approval of the Small Wall Permit, the Applicant raised the backyard side wall (the “Side Wall”) to a height that is greater than six-feet (6’). On the Applicant’s Property, the Side Wall measures six-feet and nine-inches (6’9”) in height from the ground. On the Grays’ Property, the Side Wall measures seven-feet and four-inches (7’4”) in height from the ground. A wall’s height “shall be measured from the grade on the side of the wall the provides a taller height.” See City of Albuquerque Integrated Development Ordinance (the “IDO”) Section 14-16-7-1(M) “Wall Height” Definition. The Applicant raised the Side Wall higher than six-feet in height and is currently not in compliance with the permissions granted to the Applicant in the Small Wall Permit.

In order to maintain the Side Wall’s height at seven-feet, four-inches (7’4”), the Applicant must submit building plans the City of Albuquerque Building Safety Division and Permitting Office for review and approval. Because the Side Wall is over six-feet (6’) in height, the submitted plans must be drawn to scale and should sufficiently indicate the nature and extent of the work proposed and show in detail that the proposed construction will conform to the relevant laws, ordinances, rules and regulations. The plans should be stamped and approved by an engineer.

At this time, no plans for the Applicant’s changes to the Side Wall have been submitted to the City for review and the Applicant has not obtained the correct building permit for a wall greater in height than six-feet (6’). The Side Wall violates City of Albuquerque ordinances and is not in compliance with the granted Small Wall Permit. The Applicant now seeks to extend this illegal and non-compliant Side Wall to the front yard of the Property in order to build a privacy wall and large courtyard and to shield the Property from view. Because the Side Wall is not compliant with the City’s ordinances, the Applicant should not be allowed to extend an illegal and non-complaint wall in the front yard of the Property and the Variance requested by the Applicant should be denied.

II. The Applicant’s Variance request does not meet the general review and decision criteria of IDO Section 14-16-6-6(N)(3)(a).

Not only should the Variance request be denied because it seeks to extend an illegal and non-compliant cinderblock Side Wall, but the Variance should also be denied because it does not meet any of the variance criteria as stated in the IDO. In order for the Applicant to obtain the Variance, the Applicant must meet the general variance criteria as listed in IDO Section 14-16-6-6(N)(3)(a) and the specific criteria for a taller front or side yard wall in IDO Section 14-16-6-6(N)(3)(c). At this time, the Applicant does not meet the criteria as listed in either IDO Section.

In order to obtain a variance under Section 14-16-6-6(N)(3)(a), the Applicant must show that 1) there are special circumstances applicable to the Property that are not self-imposed, do not

apply generally to other property in the general vicinity, and the special circumstances create an extraordinary hardship or practical difficulties for Applicant; 2) the variance will not be materially contrary to the public safety, health or welfare; 3) the variance will not cause significant material adverse impacts on surrounding properties; 4) the variance will not materially undermine the purpose of the IDO or the zone district; and 5) the variance, if approved, will be the minimum necessary to avoid extraordinary hardship or practical difficulties. The Applicant's Variance request does not satisfy any of the general requirements as listed in Section 14-16-6-6(N)(3)(a).

The Applicant's Letter of Justification, attached to her submitted Application, states that the circumstances that form the basis of her request for this Variance are self-imposed. The Applicant seeks to build a six-foot (6') wall to provide more privacy for her Property. The Applicant's desire for more privacy is not a "special circumstance" contemplated by IDO Section 14-16-6(N)(3)(a)(1). The Applicant lives in a residential neighborhood and the Property is subject to the same level of general observation by foot and vehicular traffic as all of the other properties in the area. The Applicant's desire for more privacy does not present an extraordinary hardship or practical difficulty that cannot be overcome by a smaller, IDO compliant wall that will function to shield the majority of the Applicant's Property.

The Variance, as requested, is materially contrary to public safety and welfare and will cause significant material adverse impacts on the surrounding properties. The Applicant has not determined how the six-foot wall will impact the safety of those residing in neighboring homes. The Grays are an elderly couple who have lived next door to the Applicant for more than fifteen years and will be directly affected by the construction of the proposed wall. James Gray is 76 years old and suffers from Parkinson's Disease. Dianne Gray is 73 years old has suffered several serious health setbacks and was recently discharged from the hospitable for home care.

The Grays believe an opaque six-foot (6') wall will only function to encourage criminal activity at their home. The Grays maintain that a six-foot wall running across a large portion of their front yard will only function to shield criminals and those who may trespass onto the Grays' Property from view. The Grays are especially concerned because they have a window that will be fully shielded from view by the proposed six-foot (6') wall. If the Variance is approved, a large portion of their home once visible will be hidden, making their home attractive to criminals who do not want their activities to be seen. The construction of this six-foot (6') at the Property will destroy the safety and security the Grays' have come to rely on for the past fifteen years and will be difficult for the Grays to adjust to in their golden years. The Grays will have no recourse to protect the side of their home from possible criminals and will be forced to install new lighting and security and safety measures to replace the feeling of safety provided by open visibility of their home. The approval of the Variance will have immediate material adverse impacts on the Grays' Property which the Grays' will be forced to remediate without financial assistance from the Applicant.

Further, the Applicant's desire for a six-foot (6') wall will make her home a target for criminal activity. If the Variance is approved, the Applicant will have the only residence in the area fully shielded from street view by an opaque wall. The Applicant has not provided any information in her Application to show how she intends to light the wall or Property to discourage

criminal activity attracted by the natural shield a six-foot (6') wall will create. The six-foot (6') wall will not provide extra safety for Applicant, but instead it will function to attract criminal activity to the Applicant's Property as the front of the Applicant's home will be completely hidden and shielded from view.

The Variance, as requested, functions to materially undermine the purpose of the IDO. The IDO was adopted to protect the quality and character of the residential neighborhoods throughout the City of Albuquerque. IDO Section 14-16-5-7(D)(1) permits a three-foot (3') front yard wall. The Applicant's Variance request for a six-foot (6') side wall and front yard wall will set the Property apart from all other properties on Sherry Ann Rd. where the Applicant's Property sits. Other property owners in surrounding neighborhoods have courtyard walls that meet the criteria for residential front yard wall heights or exceptions to wall heights as required by Section 14-16-5-7(D)(1) and other sections of the IDO. Photographs of several other front yard walls utilized to create private courtyards in neighborhoods surrounding Sherry Ann Rd. are attached hereto as Exhibit B. The Applicant's proposed wall will be drastically different from the front yard wall designs of her neighbors, all of which are well under six-feet (6') in height.

Allowing the Variance will permit the Applicant to fundamentally change the overall aesthetic of the neighborhood. The non-compliant Side Wall which the Applicant seeks to extend was poorly constructed. The cinderblock Side-Wall is unattractive, and if extended, will function to block off a large section of the Grays' view from the Grays' Property. Photographs of the work done on the Side Wall by the Applicant's contractor shows the Side Wall is only aesthetically pleasing facing the Applicant's Property. The photographs of the Side Wall are attached hereto as Exhibit C. Moreover, a six-foot (6') extension of the non-complaint side-wall is not the minimum action necessary for the Applicant to achieve the privacy desired by the construction of such a large wall. The Applicant can build a three-foot (3') wall and utilize landscaping to create an opaque shield of her home without forcing the entire neighborhood to be subject to the proposed six-foot (6') courtyard wall.

III. The Applicant's Variance request does not meet the general review and decision criteria of IDO Section 14-16-6-6(N)(3)(c) for the construction of a taller front or side yard wall.

The Applicant's justifications do not satisfy the criteria for a taller front or side yard wall variance as listed in Section 14-16-6-6(N)(3)(c). In order to obtain a variance under Section 14-16-6-6(N)(3)(c), the Applicant must show that 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 lot is at least ½ acre, or is designated as a collector street or is in an area where 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; and 4) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment) and Subsection 14-16-5-7(E)(3) (Wall Design).

As discussed above, the proposed six-foot (6') wall requested in the Variance will not strengthen or reinforce the architectural character of the surrounding area. No other residents on Sherry Ann Rd. have a six-foot (6') high walls in their front yards. Rather, the granting of this Variance will cause the Applicant's Property to stand out from the other Properties in the area. The majority of other property owners in the area are compliant with the City's IDO standards for three-foot (3') front yard walls. The Applicant's request would fundamentally change the character and aesthetic in the neighborhood because Applicant would have a front yard wall that is completely different form all other front yard walls on Sherry Ann Rd.

The proposed six-foot (6') wall will also be injurious to the Applicant's neighbors, the Grays. Not only is the wall an extension of an illegally built and non-complaint seven-foot, four-inch (7'4") Side Wall, but the proposed six-foot (6') wall will create a visual shield that blocks street views of both the Applicant's Property and the Grays' Property. If the Applicant is allowed to construct the only six-foot (6') wall in the area, the majority of the side of the Grays' Property will be hidden from street view. This will encourage criminals in the area to seek out the Grays' Property as well as the Applicant's Property as targets because the proposed wall will shield their criminal activities from view. Allowing the Applicant to build such a large wall encourages criminal activity at those specific locations and creates a public safety concern that is injurious to the Grays and the Applicant's surrounding neighbors.

The Applicant's Property is less than one-half (1/2) acre in size and the Applicant has failed to provide information to the City to show that at least twenty percent (20%) of the surrounding properties within three hundred thirty (330) feet have a wall or fence over three feet (3') in the front yards. As the Grays have demonstrated, a majority of the properties in surrounding neighborhoods have created private courtyards with front yard walls that are three feet (3') in height or that meet the City's variance requirements. See Exhibit B. Further, Sherry Ann Rd. is not classified as collector street by the City. The Applicant fails to meet any of the variance standards as listed in Section 14-16-6-6(N)(3)(c)(3)(a-b).

Finally, the Applicant has provided the City with no information related to the construction of the proposed six-foot (6') wall itself. The Applicant has not disclosed the materials that will be used to construct the proposed six-foot (6') wall. The Applicant has not provided the City with any information to show that the proposed six-foot (6') wall will be compliant with the required design standards in IDO Sections 14-15-5-7, 14-16-5-7(E)(2) and 14-16-5-7(E)(3) or that the design and materials proposed for the wall will reflect the architectural character of the surrounding area. The Applicant has provided no information to show the proposed six-foot (6') wall will look once it is finished.

The Variance should be denied because the Applicant has failed to disclose how the proposed wall will be constructed, what materials will be used, how the design and materials will reflect the architectural character of the surrounding area, and if the cinderblock portion of the wall will be extended along the shared boundary line that runs along the side of the Grays' Property. The Applicant's illegal and non-compliant Side-Wall is poorly constructed and is considered to be an eye-sore by the Grays. See Exhibit C. The Grays are now walled in on one side by a large and imposing structure that is not aesthetically pleasing and do not wish to have half of their front yard

encumbered by a similar looking large cinderblock wall. The Grays are concerned that the Applicant will construct a wall that is not compliant with IDO design standards.

The Applicant's Variance request seeks to extend the construction of an illegal and non-compliant Side Wall and does not meet the standards the City has set forth for the approval of a general variance or a taller front or side yard wall variance in its IDO. The proposed Variance will cause significant hardship the Applicant's neighbors, the Grays, and will make the area surrounding the Applicant's home unsafe. For the all of the reasons as listed above, the Applicant's Variance request should be denied and the City should further examine the Applicant's non-compliance with regard to the Small Wall Permit and the construction of the illegal and non-compliant backyard Side Wall.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me.

Sincerely,

LASTRAPES, SPANGLER & PACHECO, P.A.



Alexandra Noel Lopez, Esq.

ANL
Enclosures
cc: Mr. and Mrs. James Gray

**SMALL WALL / FENCE
APPLICATION**

PERMIT# CEP-2020-001211

CONSTRUCTION ADDRESS:

4908 Sherry Ann Rd NW

City: Albuquerque

State: NM

Zip: 87114

APPLICANT:

Name: Helen Bachicha

Phone: 505-280-5698

Email: bachicha.helen@gmail.com

PROPERTY OWNER (If different from applicant)

Name: _____

Address: SAME AS

City: ABOVE

State: _____

Zip: _____

Phone: _____

Email: _____

WALL / FENCE PERMIT 441109-4919000

FEES TOTAL \$35.00

ZONING OFFICIAL USE ONLY

H/RESTRICTED

APO: _____ CPO# _____ HPO# _____ VPO# 2

Lot: 2-P1 Block: 8

Subdivision: LAS MARCADAS 2

Zone: R-1C Map page: C12

UPC# 101206410635921015

Does historic zone apply Yes ☐ No ☒

If yes LC approval req'd (attach copy)

Within 1000 feet of landfill site Yes ☐ No ☒

If yes Env. Health approval req'd (attach copy)

Site Plan Yes ☒ No ☐

ONC Yes ☒ No ☐

Mapped Area Yes ☒ No ☐

APPROVED / DENIED (Circle one)

ZHE Project # _____
Approved By: MARCELO I. Date: 07/23/2020

Denied By: _____ Date: _____

Description Of Wall / Reason For Denial: _____

cmu concrete wall to

existing wall and 3' wall

Linear feet: 98' 9" of 6' wall

+ 40' 6" of 3' wall

+ 33' 0" of 3' patio wall

I hereby acknowledge that this application is correct and I agree to comply with all city ordinances. I understand that this permit shall not be valid without full knowledge of the property owner. I understand that the issuance of this permit shall not prevent zoning enforcement from thereafter requiring correction of violations. Finally, I understand that this permit is not valid until a fee is paid.

SIGNATURE Helen Bachicha DATE 7/13/20

CITY OF ALBUQUERQUE
CODE ENFORCEMENT DIVISION
600 2ND ST NW ALBUQUERQUE, NM 87102
505-924-3850
www.cabq.gov

EXHIBIT

A00

11-15-2018



CITY OF ALBUQUERQUE

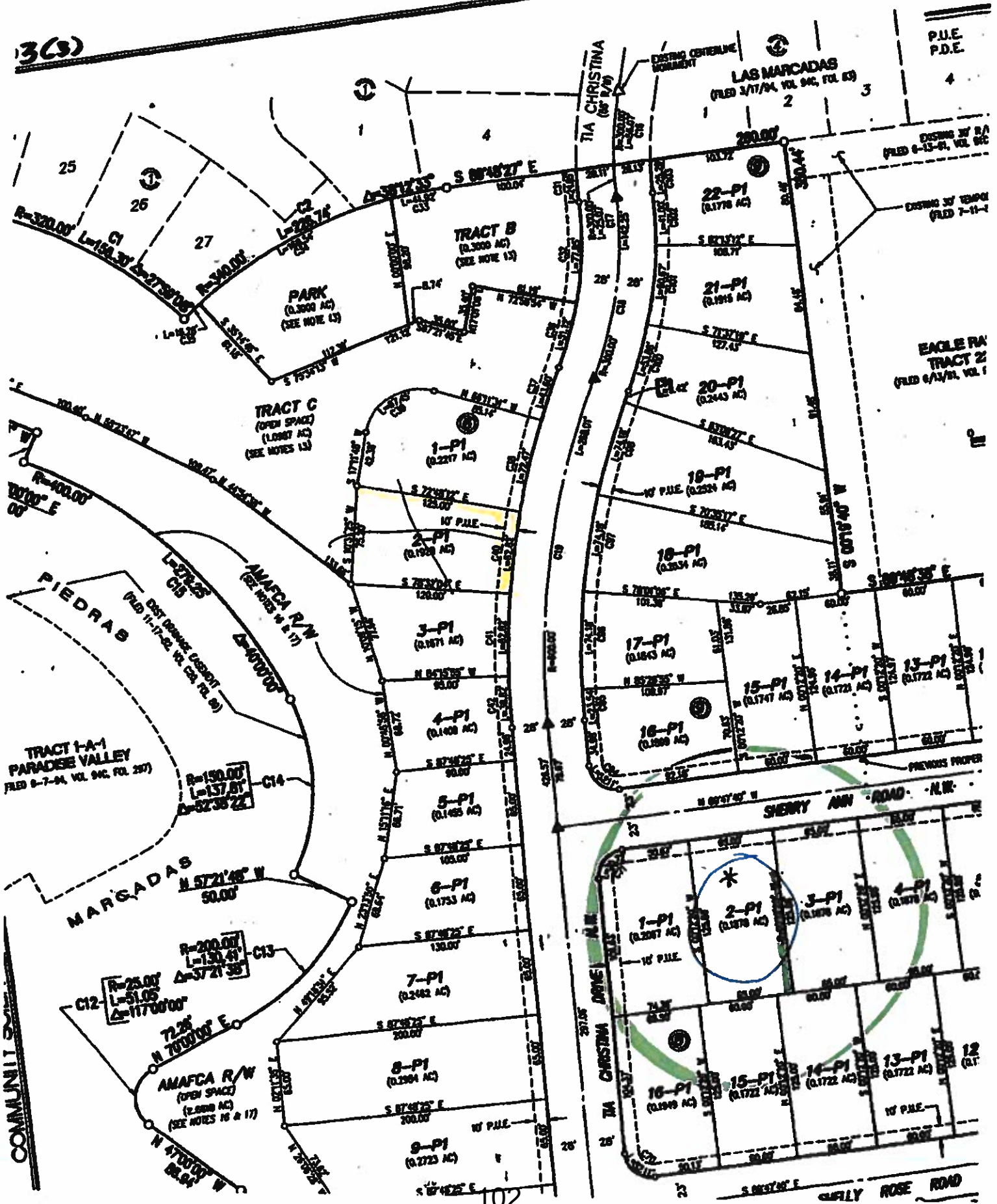
Planning Department -- Code Enforcement Division

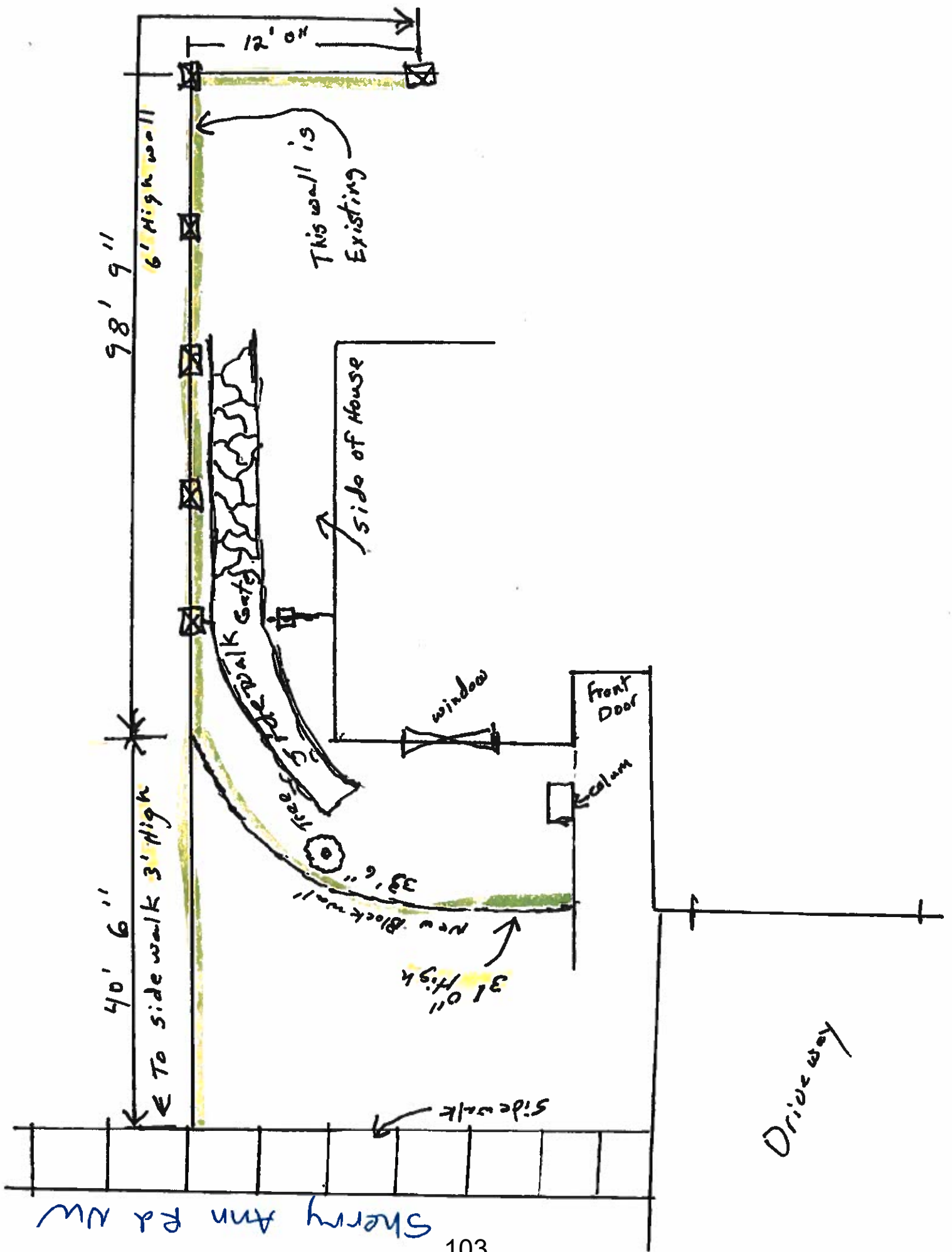
PERMIT FOR: Small Wall/Fence Permit

Issued to:	Helen Bachicha
Property Address:	Parcel: 4908 SHERRY ANN RD NW, Albuquerque, NM 87114
Permit Number:	CEP-2020-001211
Issued Date:	Jul 23, 2020
Inspector:	Marcelo Ibarra
Inspector Phone Number:	(505) 924-3807
Print Date:	Jul 23, 2020

* 4908 Sherry Ann Rd NW
2-P1

13(s)





4908 Sherry Ann Rd NW Public Notice Inquiry

Inbox

Carmona, Dalaina L. <dlcarmona@cabq.gov>

Tue, Jul 14, 4:39 PM
(8 days ago)

to me

Dear Applicant:

Please find the neighborhood contact information listed below.

Association Name	First Name	Last Name	Email	Address Line 1	City
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albu
Westside Coalition of Neighborhood Associations	Elizabeth	Haley	ekhaley@comcast.net	6005 Chaparral Circle NW	Albu

You will need to e-mail each of the listed contacts and let them know that you are applying for a permit for your project. You can use this online link to find template language if you're not sure what information you need to include in your e-mail. <https://www.cabq.gov/planning/urban-design-development/public-notice>

If your permit application or project requires a neighborhood meeting, you can click on this link to find template language to use in your e-mail notification:
<https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If you have questions about what type of notification is required for your particular project, please click on the link below to see a table of different types of projects and what notification is required for each:
<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>

Once you have e-mailed the contact individuals in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your permit application and submit it to the Planning Department for approval. PLEASE NOTE: The ONC does not have any jurisdiction over any other aspect of your permit application beyond the neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, or project plans, so we encourage you to contact the Planning Department at: 505-924-3860 or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Thanks,

Public Notice of Project

helen bachicha <bachichahelen@gmail.com>

Sun, Jul 19, 4:26 PM

(3 days ago)

to aboard111†, eKhailey+

Dear Ms. Horvath and Ms. Haley,

Please accept this email and the attachments to notify you of a possible patio wall in my front yard.

I am currently also applying for a wall/fence permit to raise the back shared wall and extend it to the front sidewalk.

I am very new to this whole process, but I am willing to comply with the regulations in order to secure some safety and privacy at my home for myself and my children.

Thank you very much for your consideration.

Helen Bachicha
505-280-5698
bachichahelen@gmail.com

3 Attachments



CITY OF ALBUQUERQUE INVOICE

HELEN BACHICHA

4908 SHERRY ANN RD NW

Reference NO: CEP-2020-001211

Customer NO: CU-118483358

Date	Description	Amount
7/23/20	Application Fee	\$10.00
7/23/20	Application Fee	\$25.00

Due Date: 7/23/20

Total due for this invoice:

\$35.00

Options to pay your Invoice:

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

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 7/23/20
Amount Due: \$35.00
Reference NO: CEP-2020-001211
Payment Code: 130
Customer NO: CU-118483358

HELEN BACHICHA
4908 SHERRY ANN RD NW
ALBUQUERQUE, NM 87114



130 00CEP2020001211001404095118483007000000000000003500CU118483358

iNovah

Receipt

RETAIN THIS COPY FOR
YOUR RECORDS

July 23, 2020

Receipt Number: R258644

Received on behalf of:

Received Date: July 23, 2020

Helen Bachicha - CU118483358

Payment Amount: \$35.00

Reference Number:

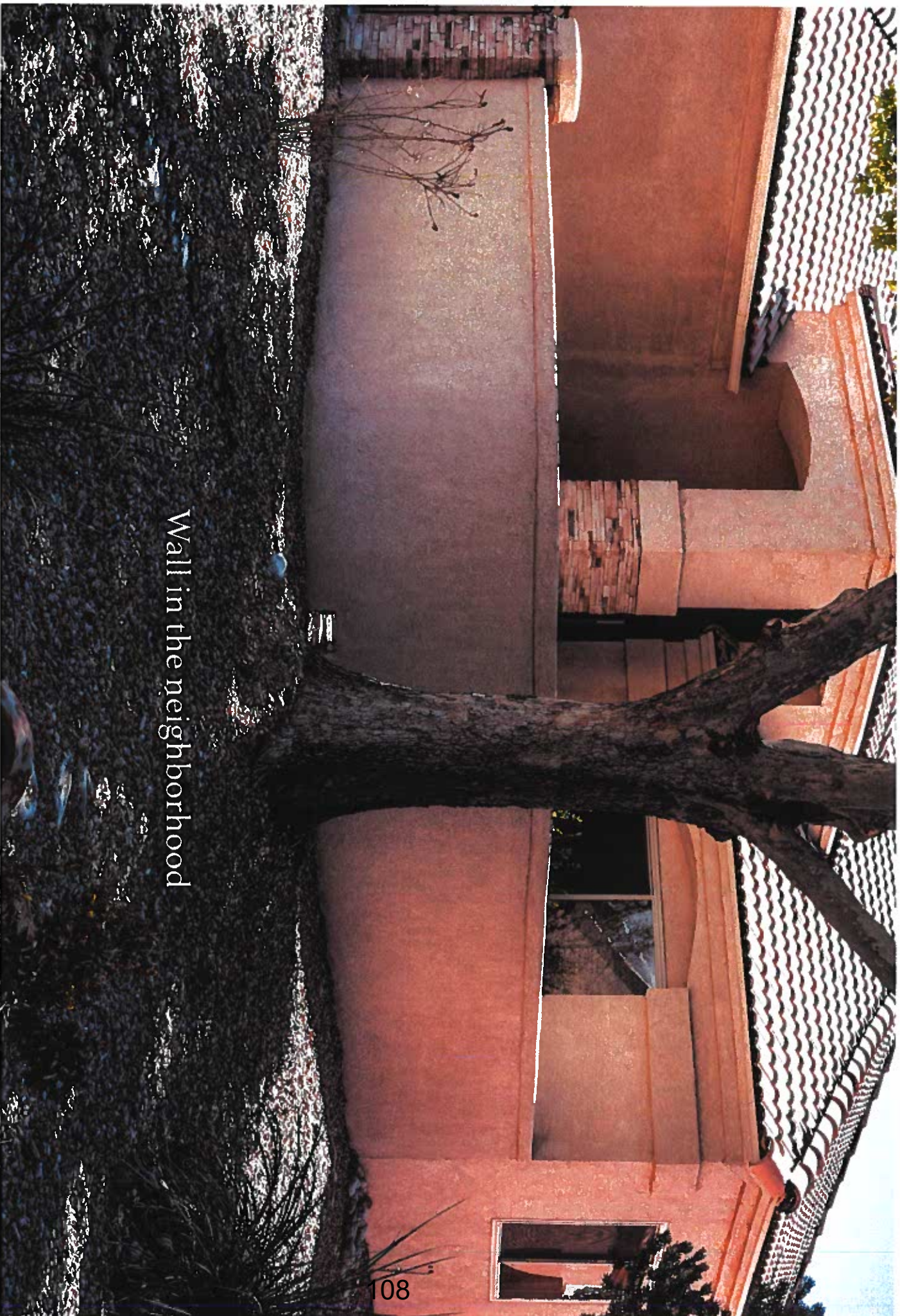
Description	Invoice	Authorization #	Tracking #	Tax Paid	Amount Paid
Application Fee			118483007		\$25.00
Application Fee			118483007		\$10.00
Total:					\$35.00

Tax Registration #:

Cash Handling Area/ iNovah

Receiving Office:

Payment Method: iNovah



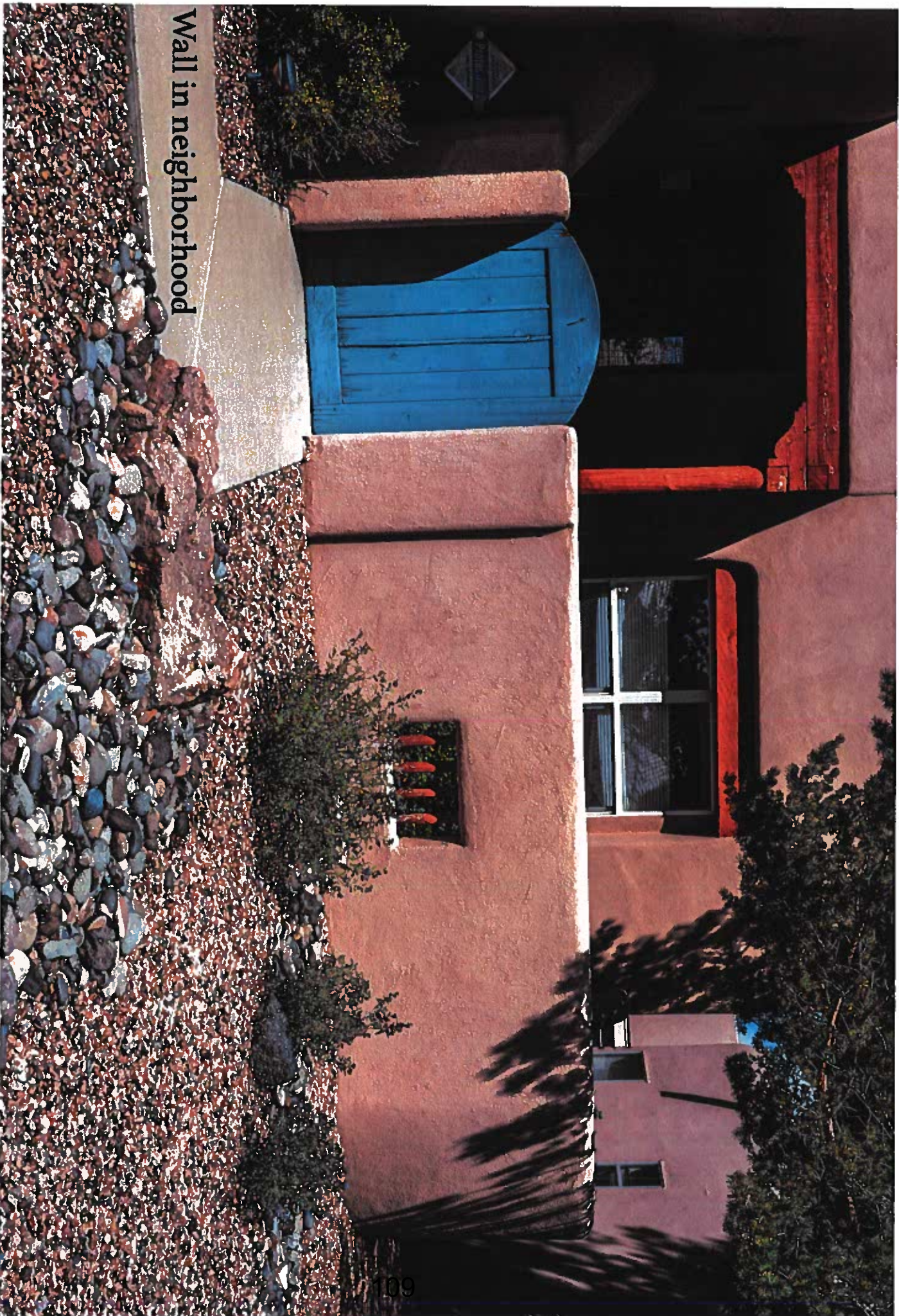
Wall in the neighborhood

108

tabbles®

EXHIBIT

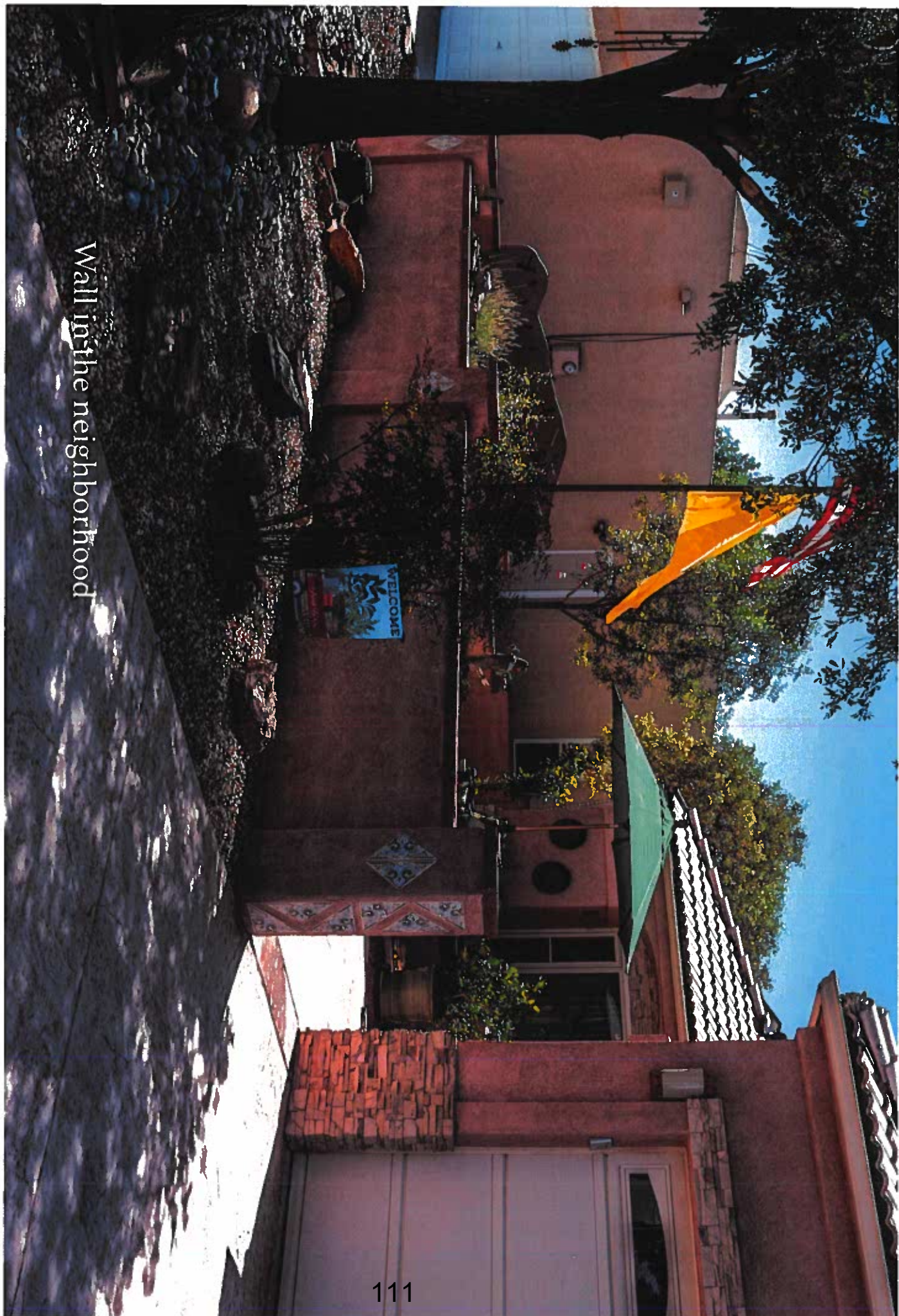
B

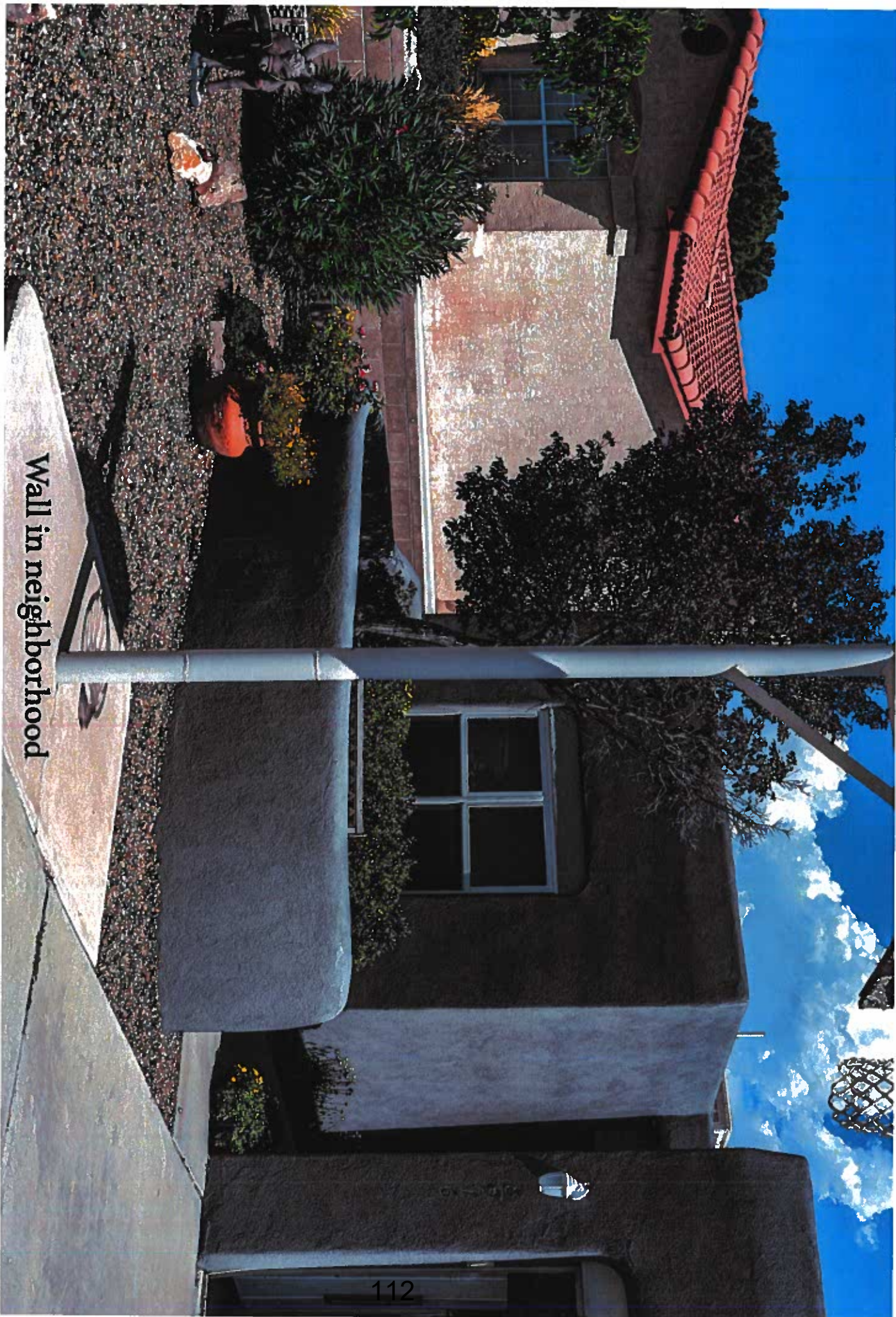


Wall in neighborhood



Wall in the neighborhood



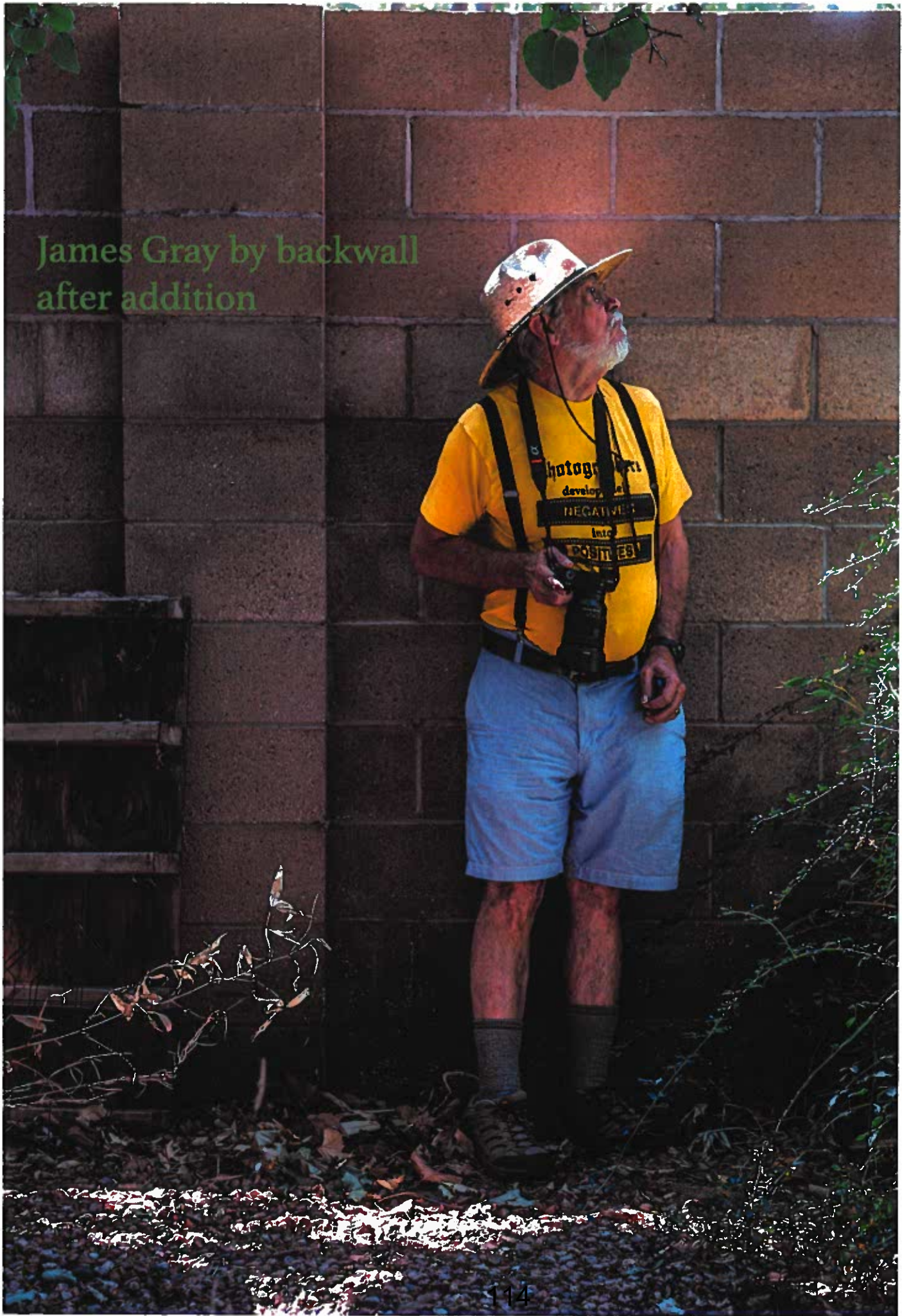


Wall in neighborhood

Back wall after addition



James Gray by backwall
after addition



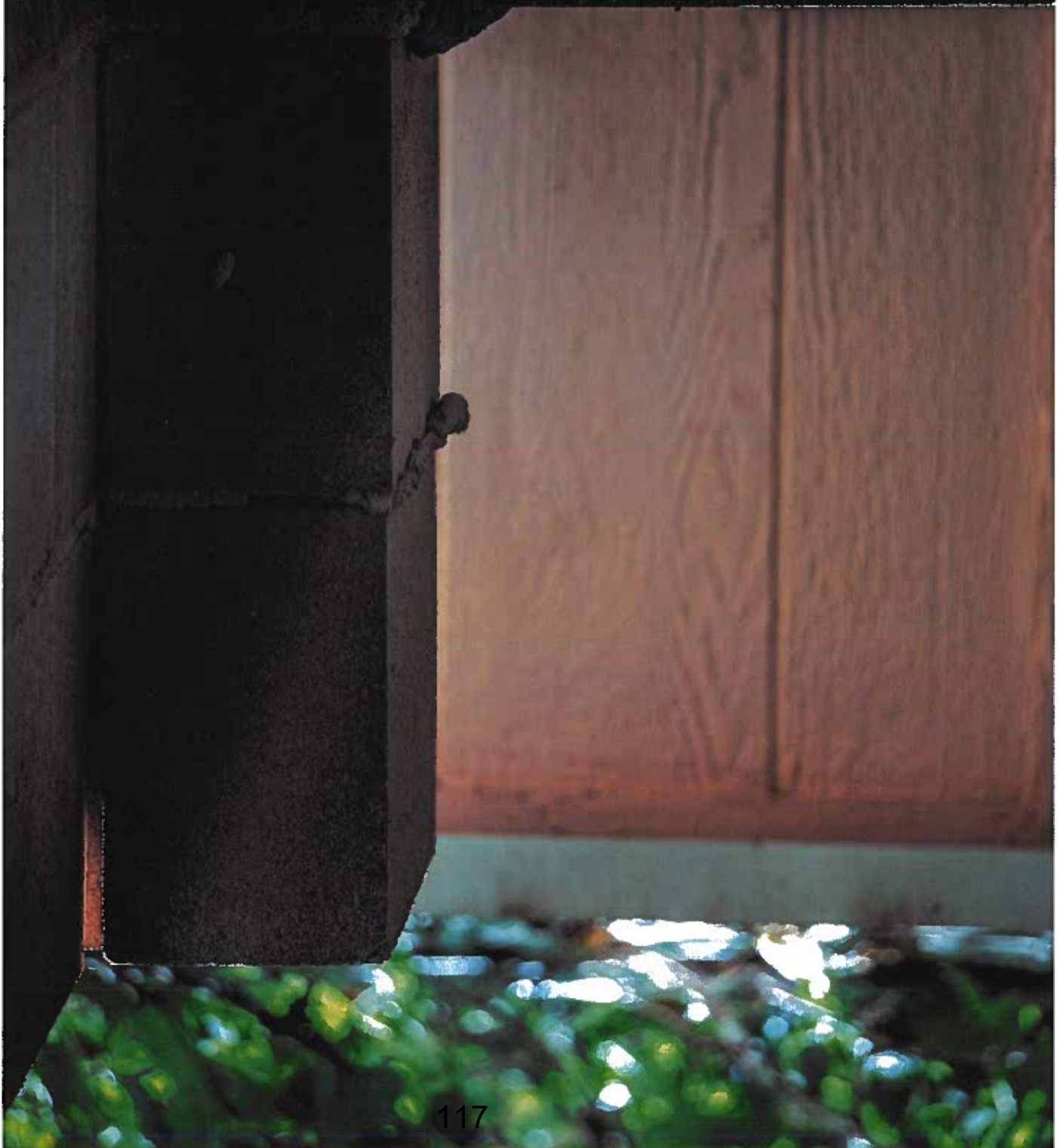


Backwall after addition



Workmanship on the new wall

Workmanship on the new wall



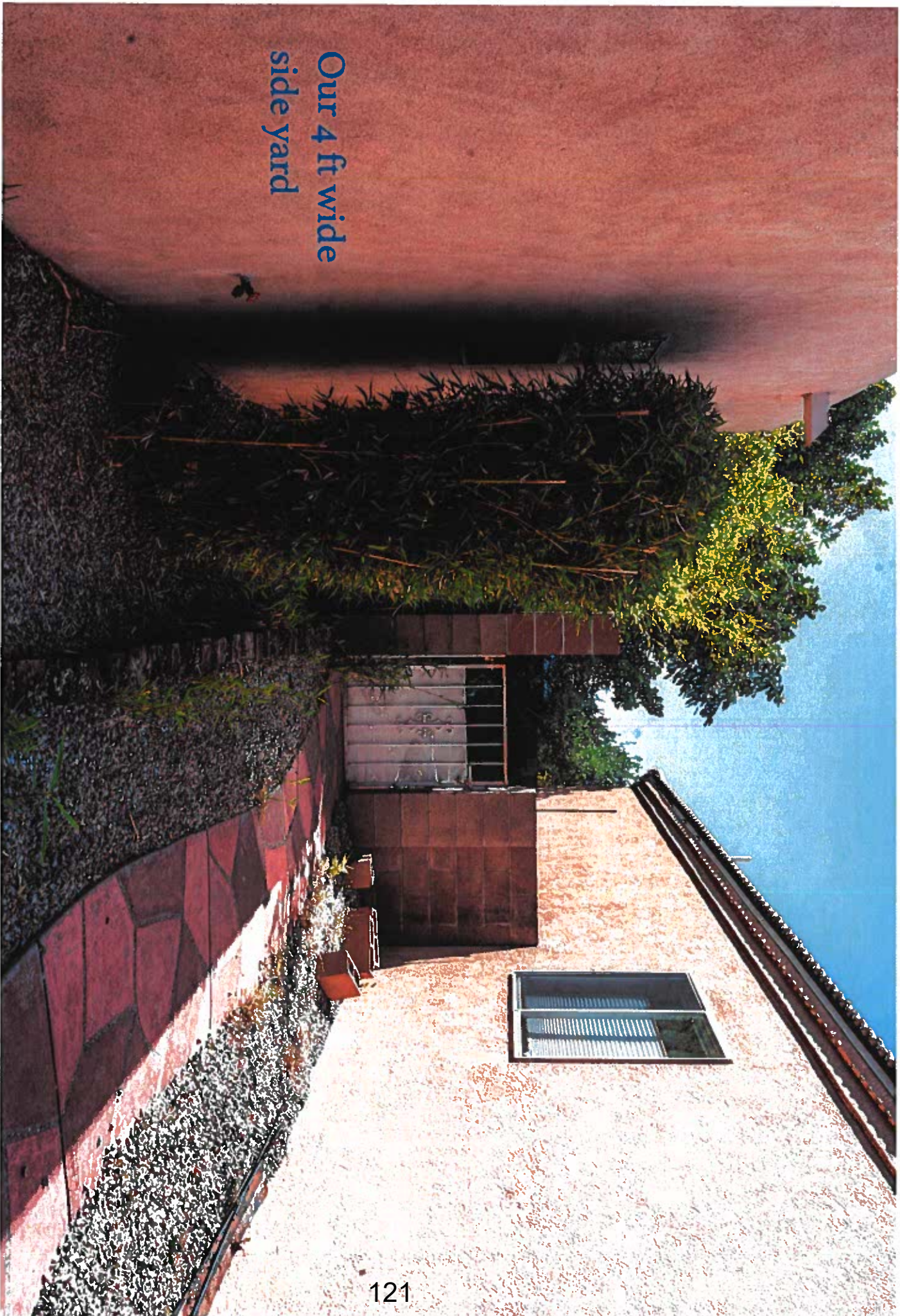
More mess

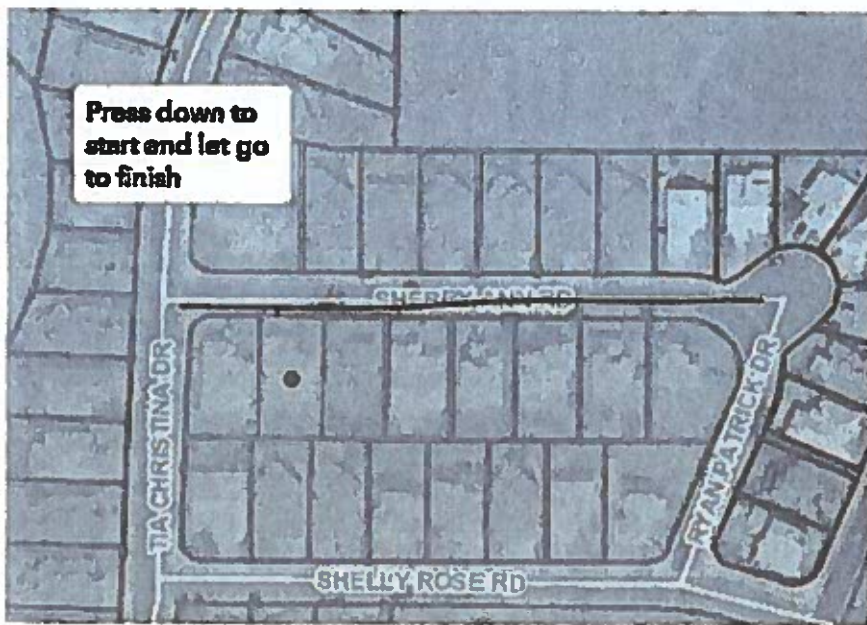


Tape measure showing height of wall.



Our 4 ft wide
side yard





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

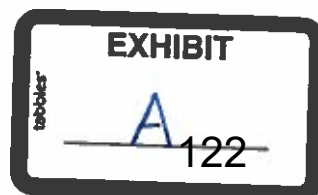
Take a picture of any fence/wall that is over 3 feet.

Write the address on the front.

Mark the address off on the map.

Print all and submit to the ZHE.

15 Properties 20% = 3 Photos





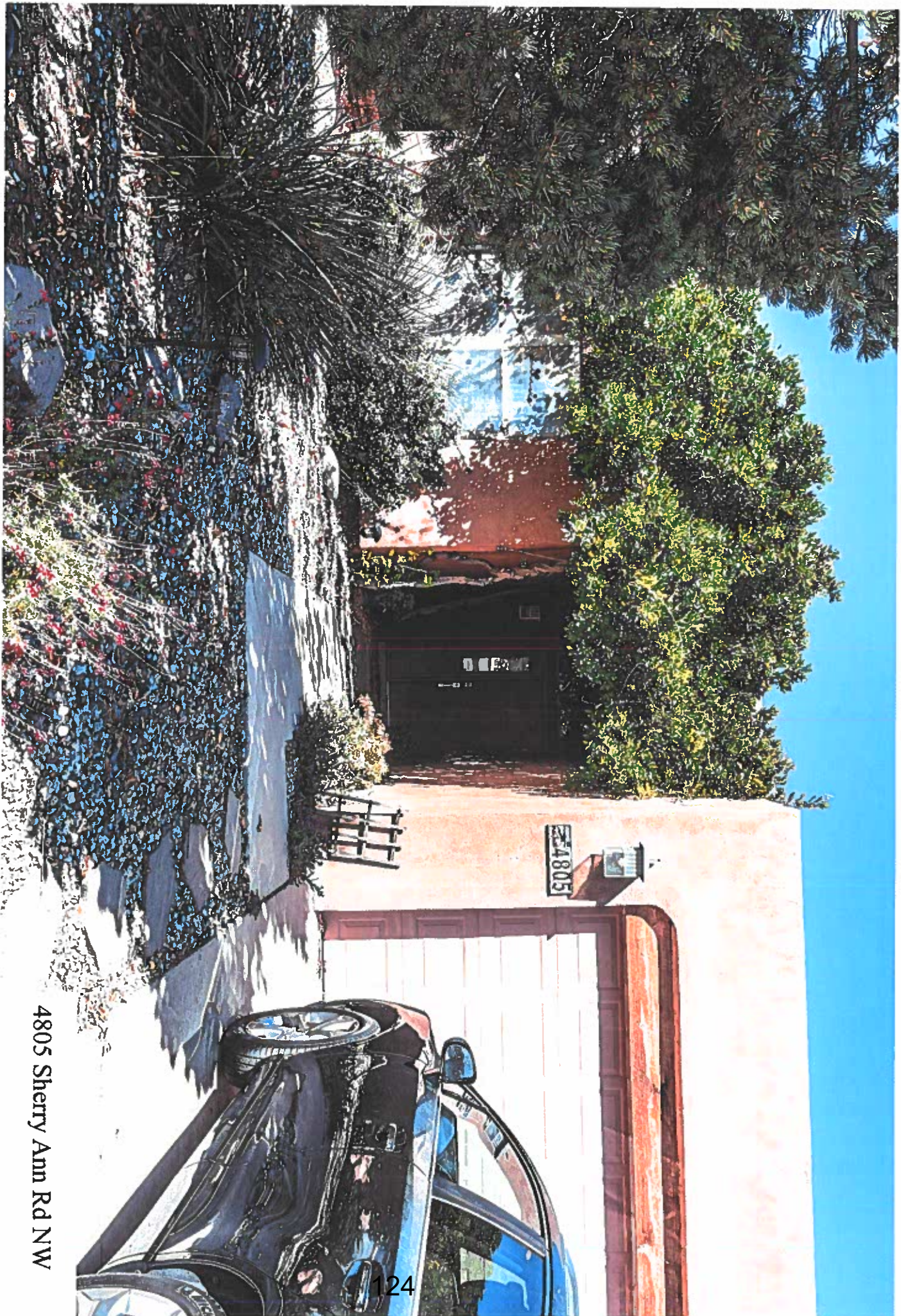
123

4800 Sherry Ann Rd NW

EXHIBIT

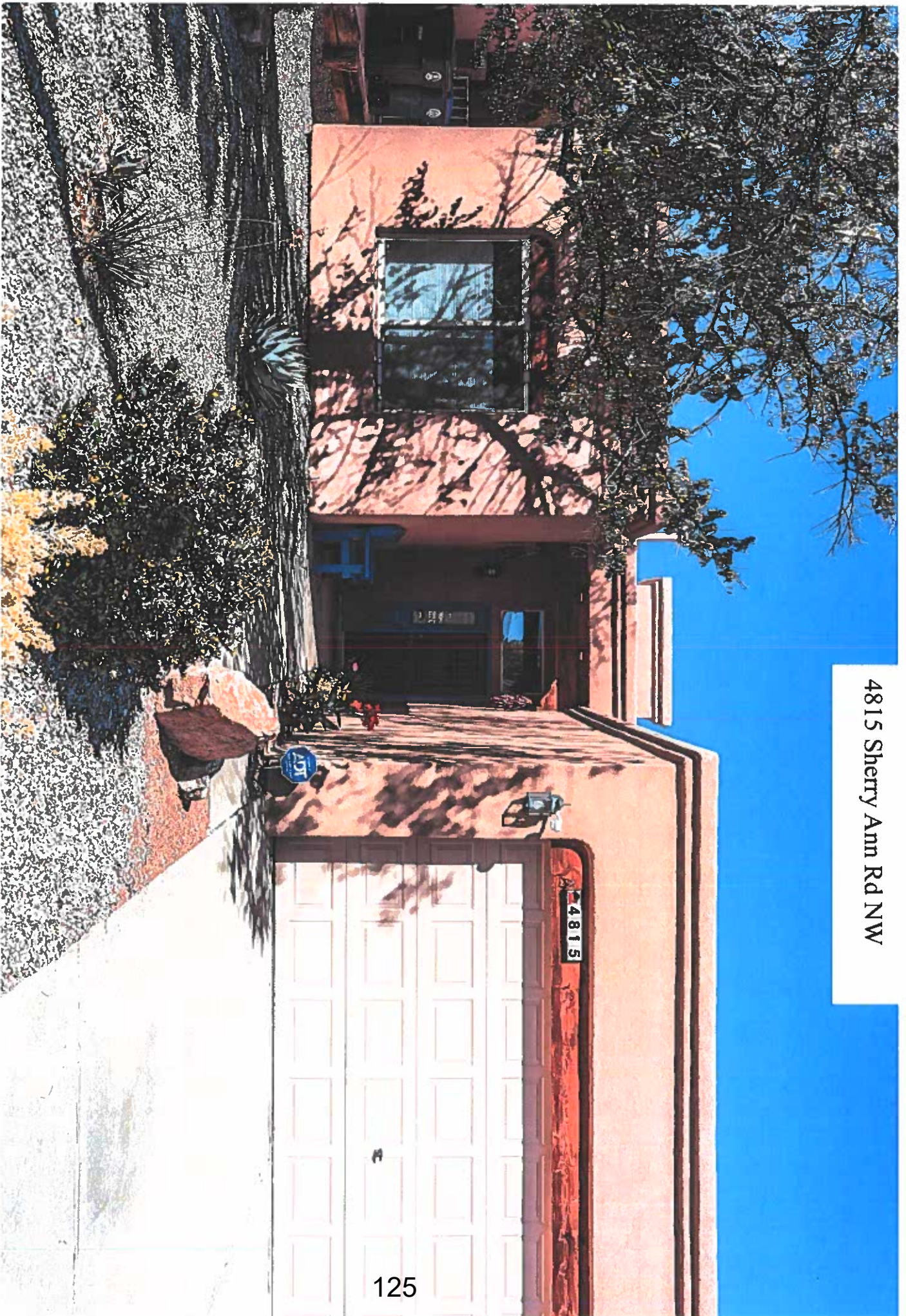
tabbles

B

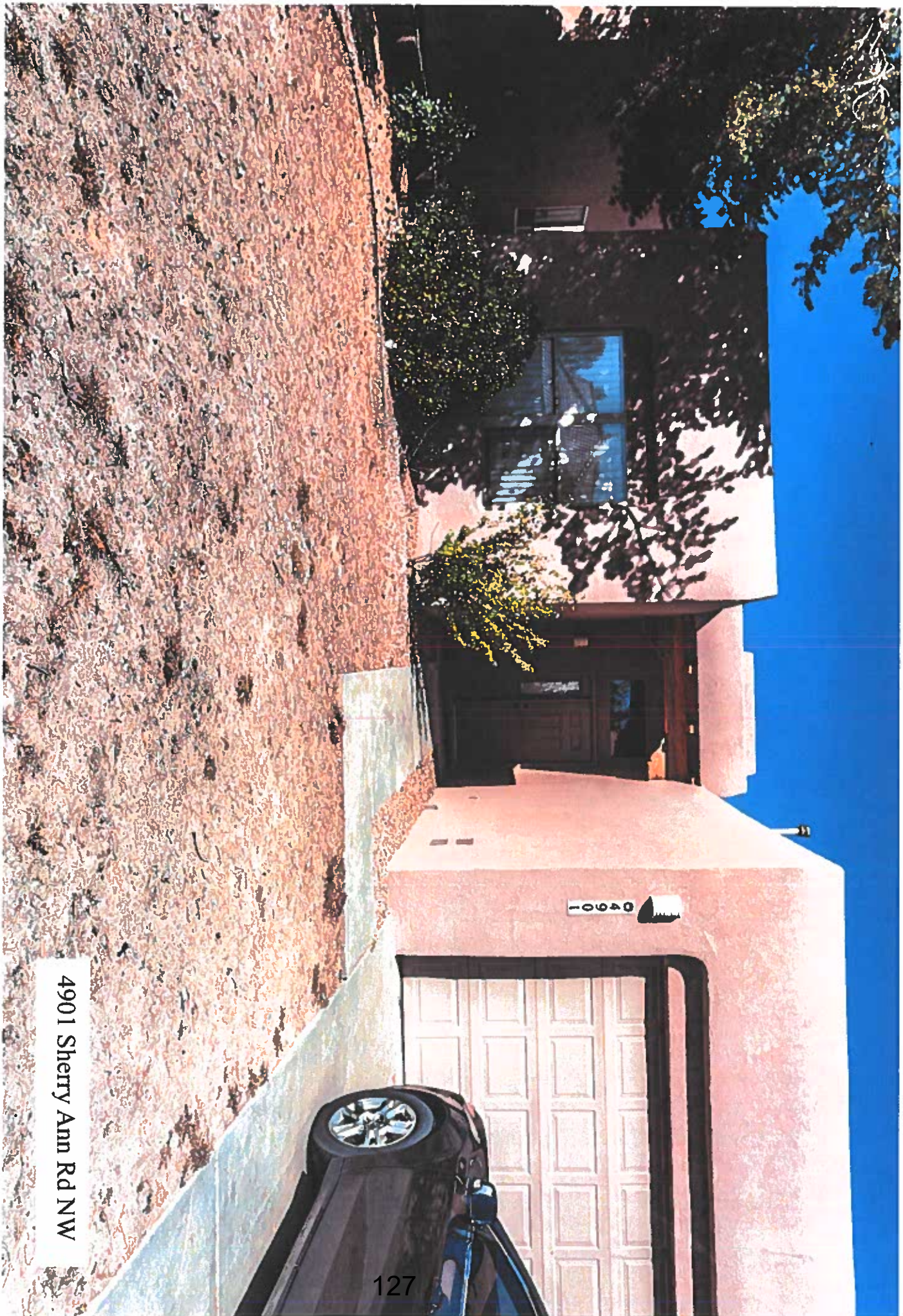


4805 Sherry Ann Rd NW

4815 Sherry Ann Rd NW





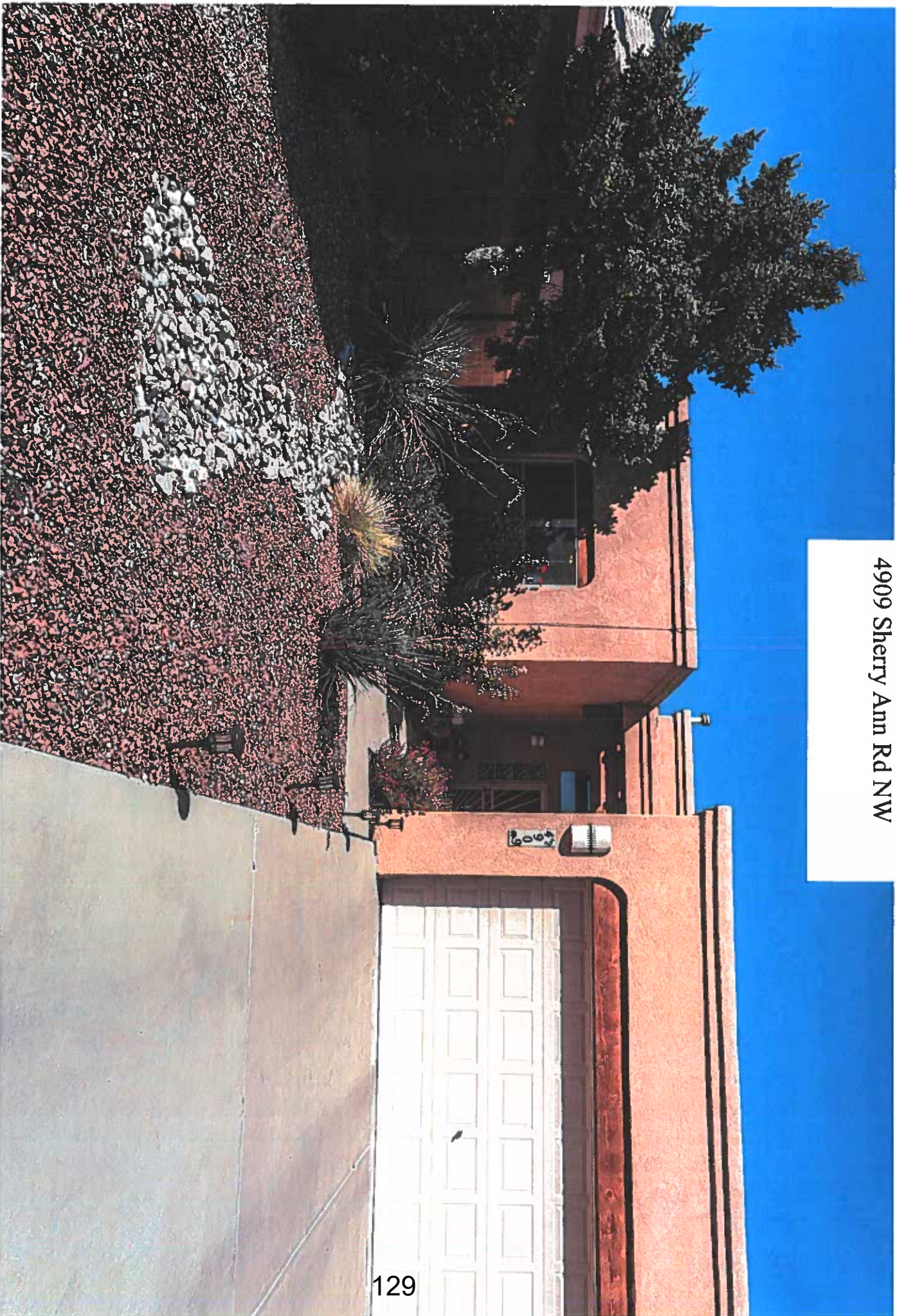


4901 Sherry Ann Rd NW



4808 Sherry Ann Rd NW

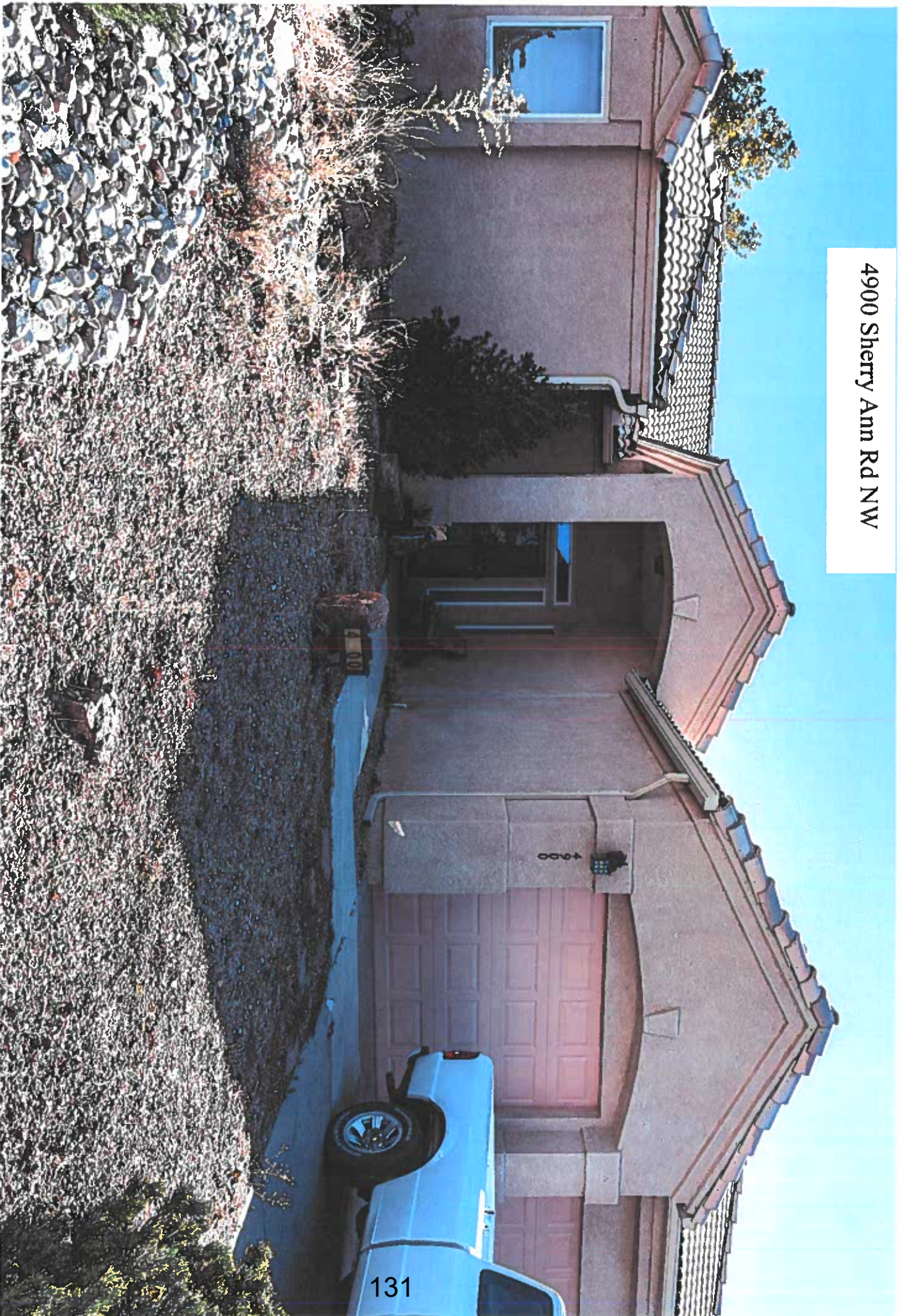
4909 Sherry Ann Rd NW



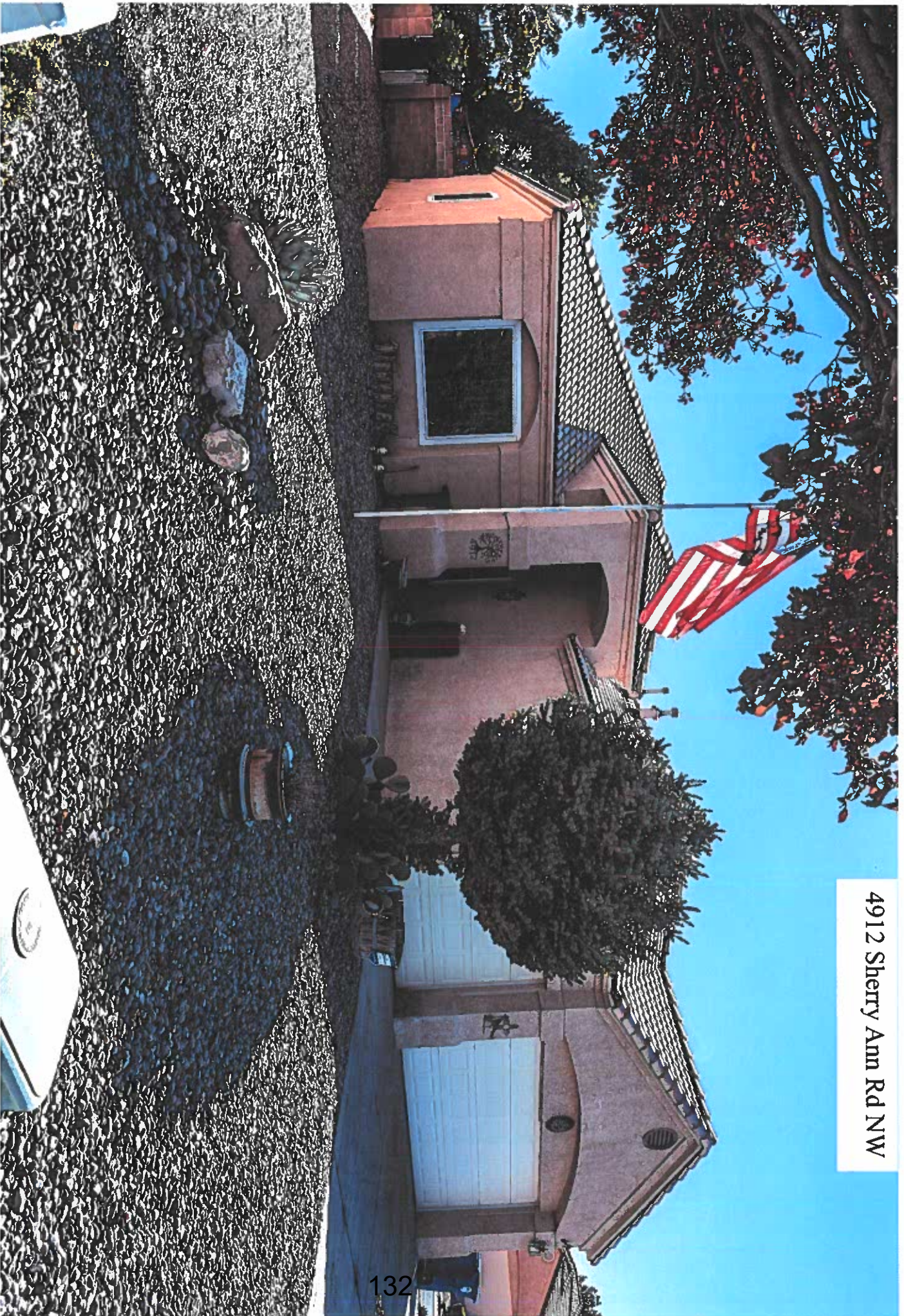


4816 Sherry Ann Rd NW

4900 Sherry Ann Rd NW



4912 Sherry Ann Rd NW



1905 Sherry Ann Rd NW
This wall is about 4 ft high





4804 Sherry Ann Rd NW
This wall appears to be under 5 ft.

PARID: 101206410635921015

BACHICHA HELEN,

4908 SHERRY ANN RD

Class

Class	Residential
Tax District	A1A

Current Owner

Tax Year	2021
Owner	BACHICHA HELEN
Owner Mailing Address	4908 SHERRY ANN RD NW
Unit	
City	ALBUQUERQUE
State	NM
Zip Code	87114 5764
Foreign Mailing Address	

Ownership for Tax Year Selected

Tax Year	2020
Owner Name	BACHICHA HELEN
Owner Mailing Address	4908 SHERRY ANN RD NW
Unit	
City	ALBUQUERQUE
State	NM
Zip Code	87114 5764
Foreign Mailing Address	

Description

Location Address	4908 SHERRY ANN RD NW
City	ALBUQUERQUE
State	NM
Zip Code	87114
Property Description	LOT 2-P1 BLK 8 VACATION & REPL FOR LAS MARCADAS II CONT 0.18 78 AC M/L OR 8,181 SF M/L

Public Improvement District
Tax Increment Development Districts

Document

Document #:	2017123036 121917 QC - ENTRY BY JD 010518 CODED BY LV 122817
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Real Property Attributes

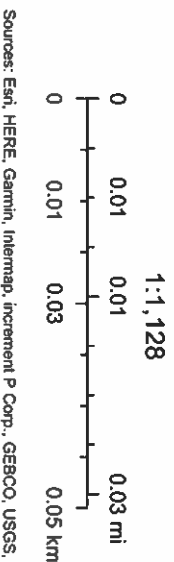
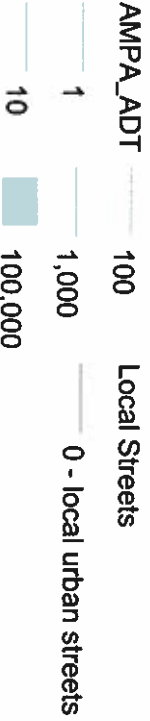
Primary Building SQ FT	2193
Year Built	1996
Lot Size (Acres)	.1878
Land Use Code	RESIDENTIAL IMPROVED
Style	STANDARD



LRTS Guide for Local Street



October 14, 2020



Noel Lopez

From: Barkhurst, Kathryn Carrie <kcbarkhurst@cabq.gov>
Sent: Wednesday, September 9, 2020 3:07 PM
To: Noel Lopez
Cc: Renz-Whitmore, Mikaela J.
Subject: Fw: Request for Information re: Street.

Hello Noel,

I'm responding to this for Mikaela. Sherry Ann Rd. is a local street. Here is a link to a map that shows the street classifications.

<http://arcg.is/1yvy5q>

All the streets that are grey are local streets.

Best,
Carrie



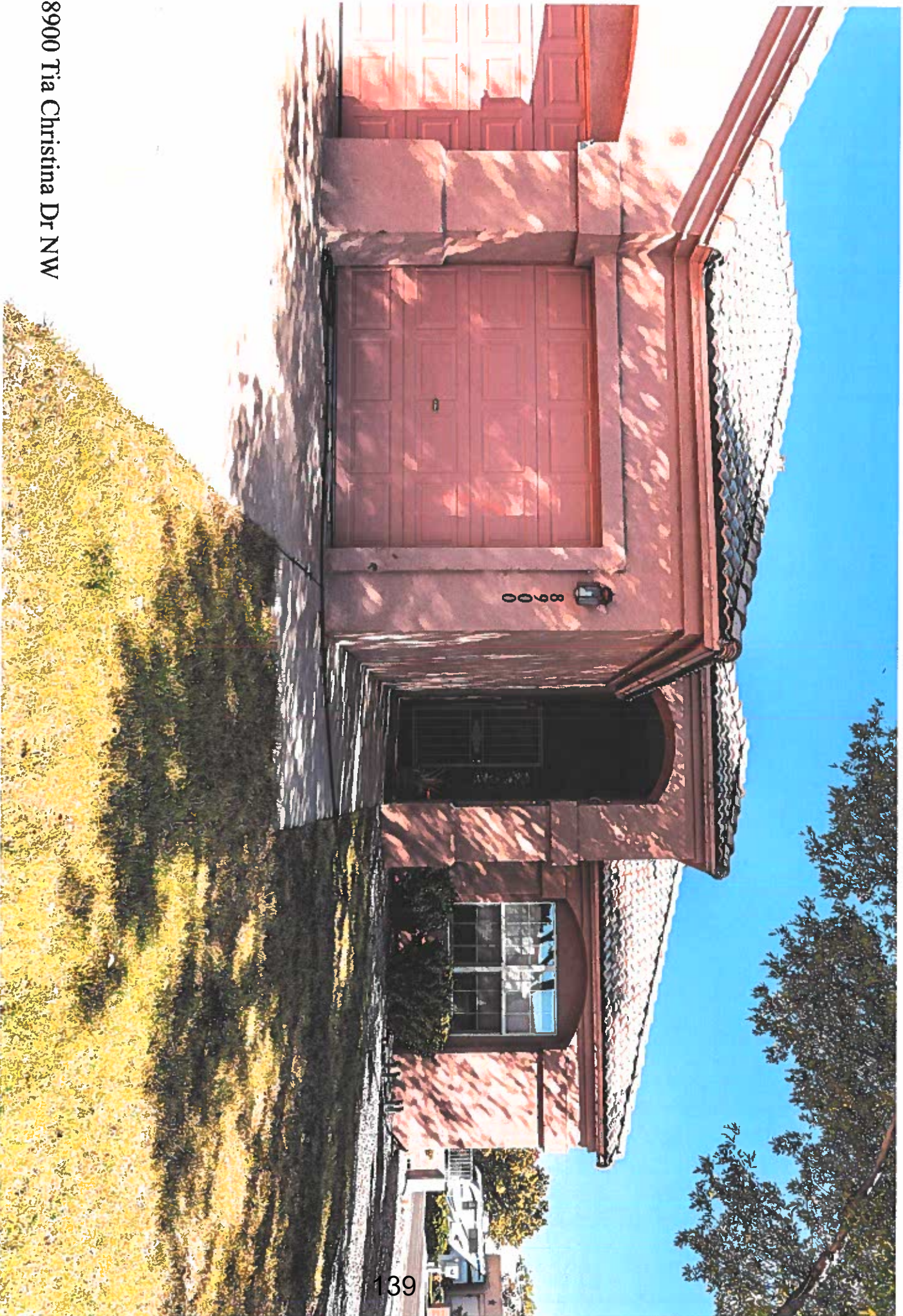


8723 Tia Christina Dr NW

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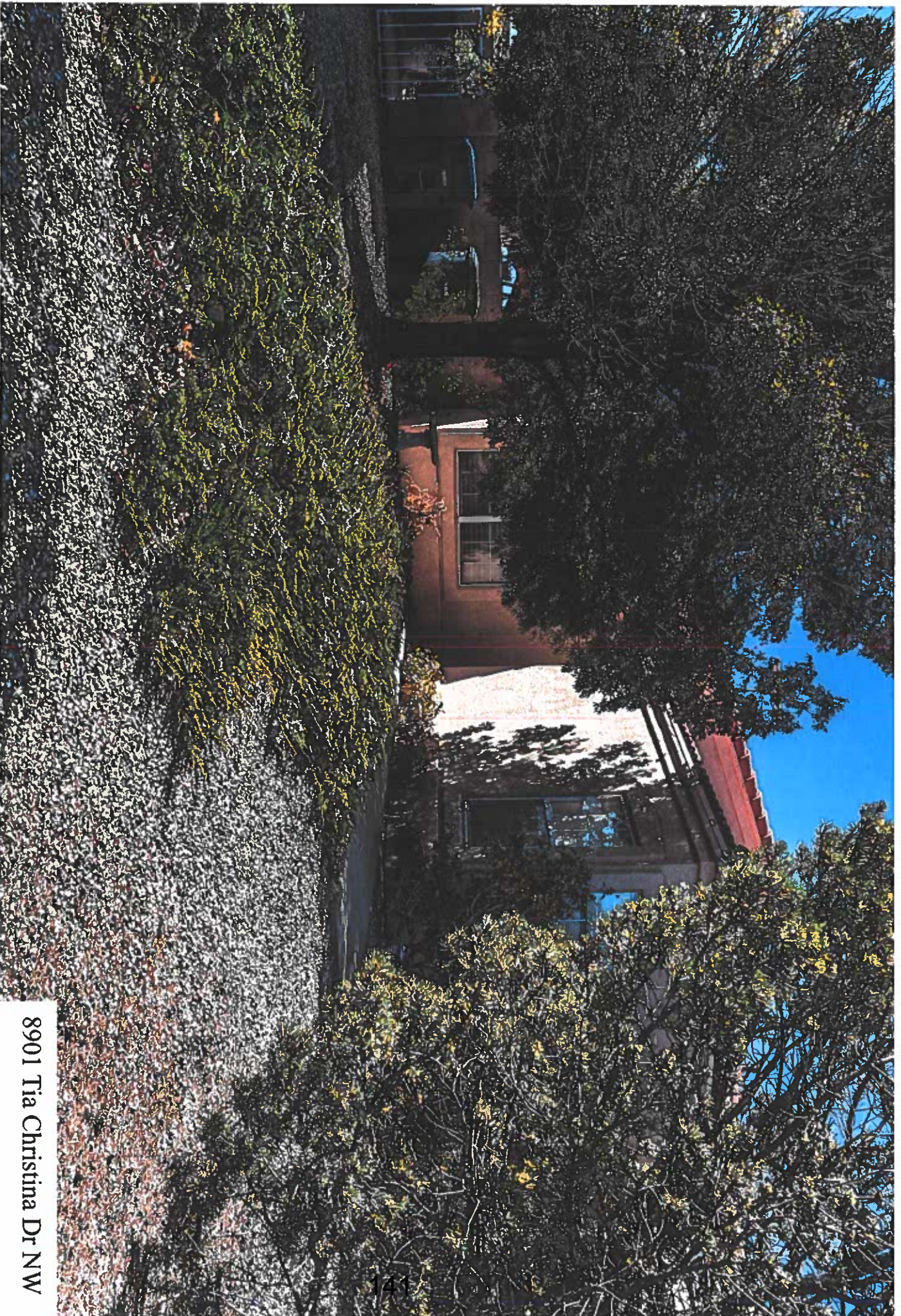
F



8900 Tia Christina Dr NW

8719 Tia Christina Dr NW

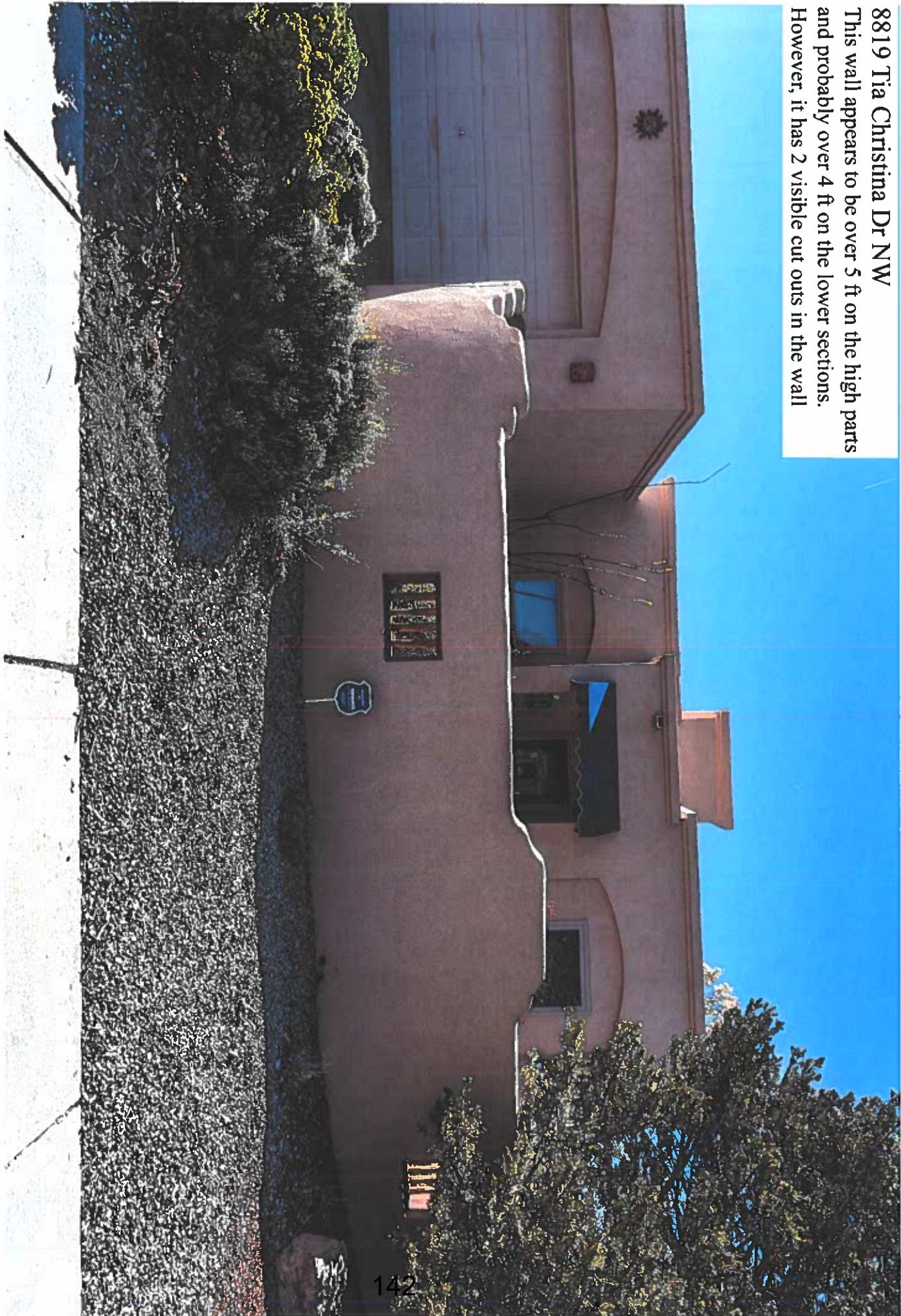


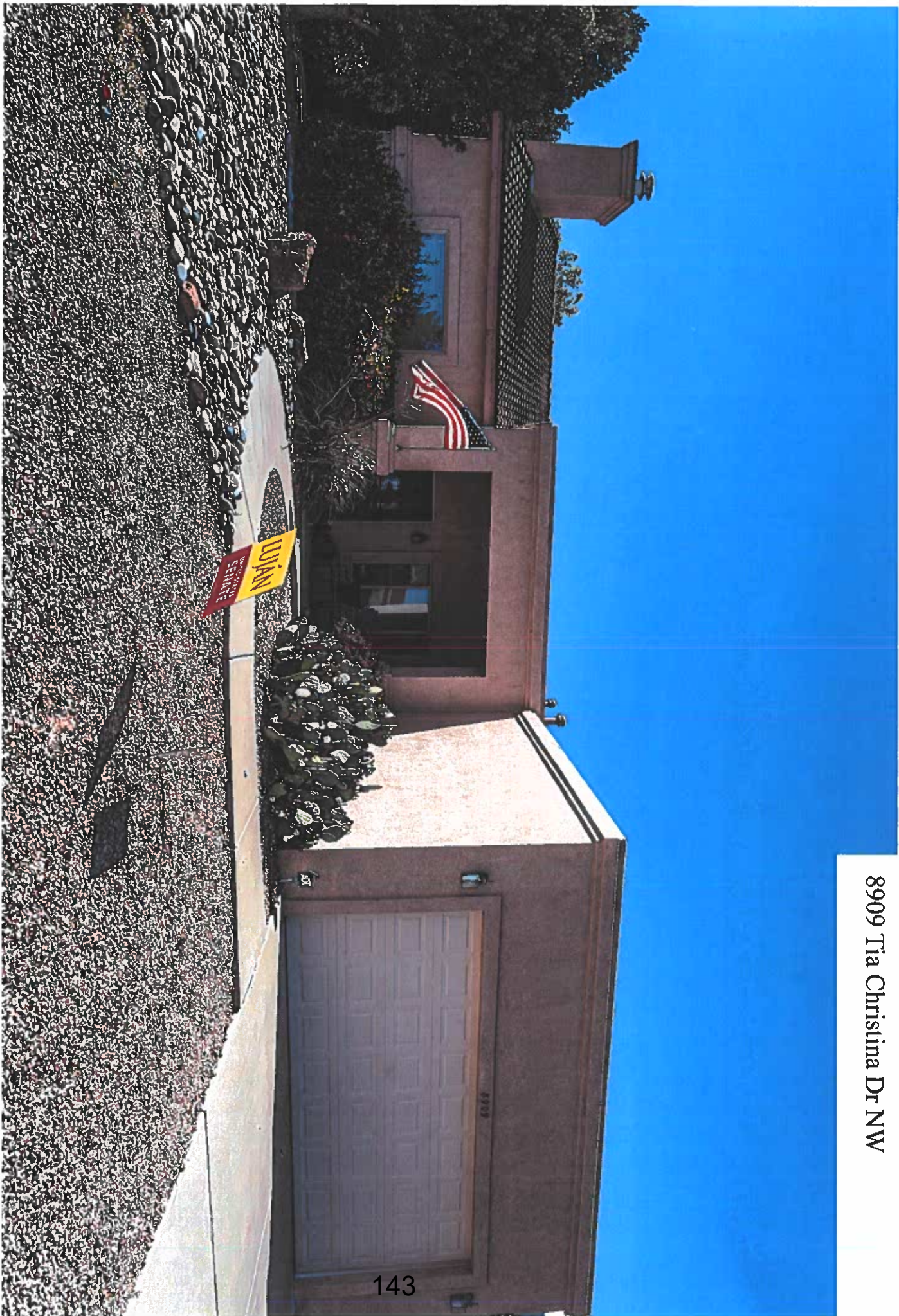


8901 Tia Christina Dr NW

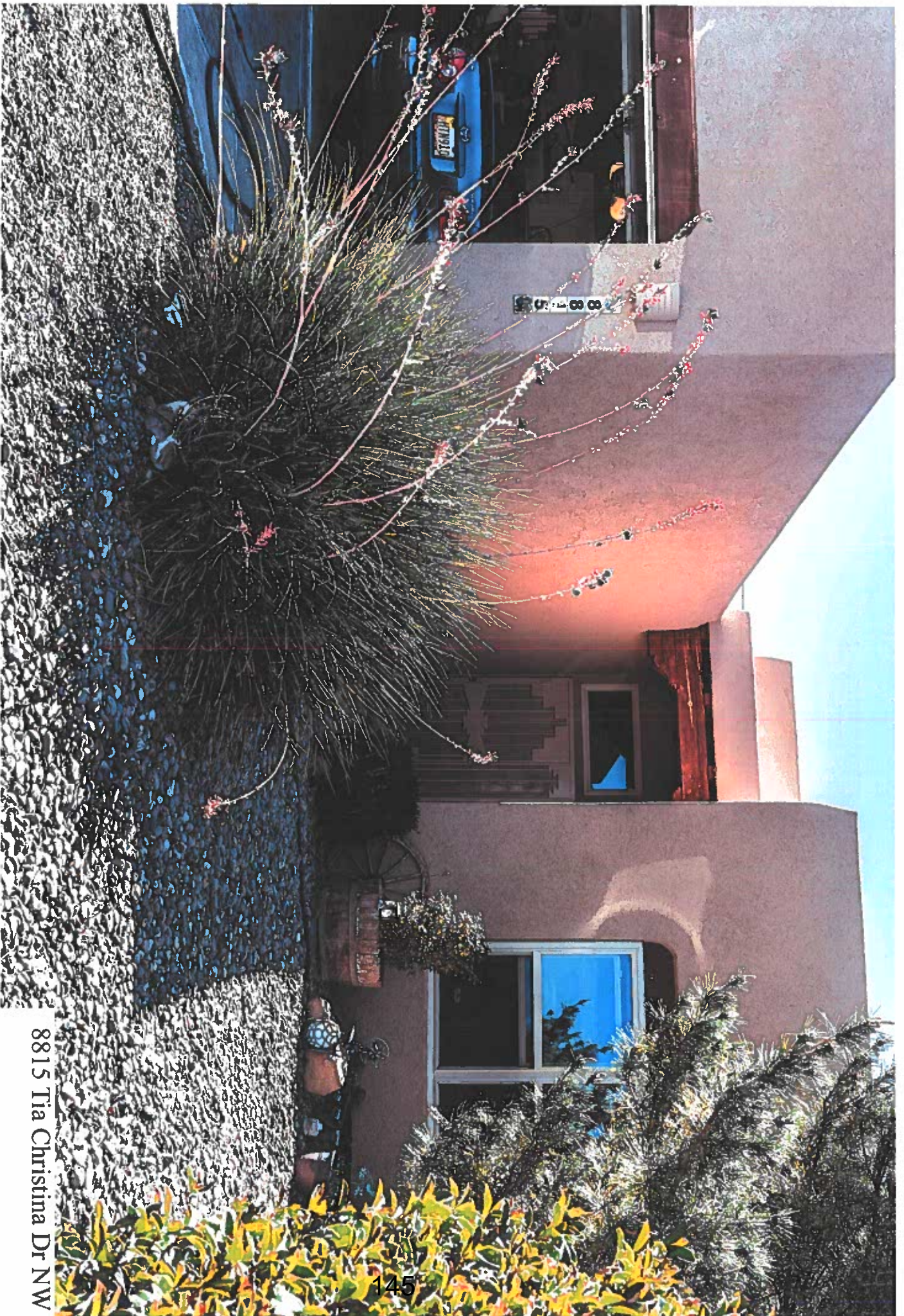
8819 Tia Christina Dr NW

This wall appears to be over 5 ft on the high parts and probably over 4 ft on the lower sections. However, it has 2 visible cut outs in the wall



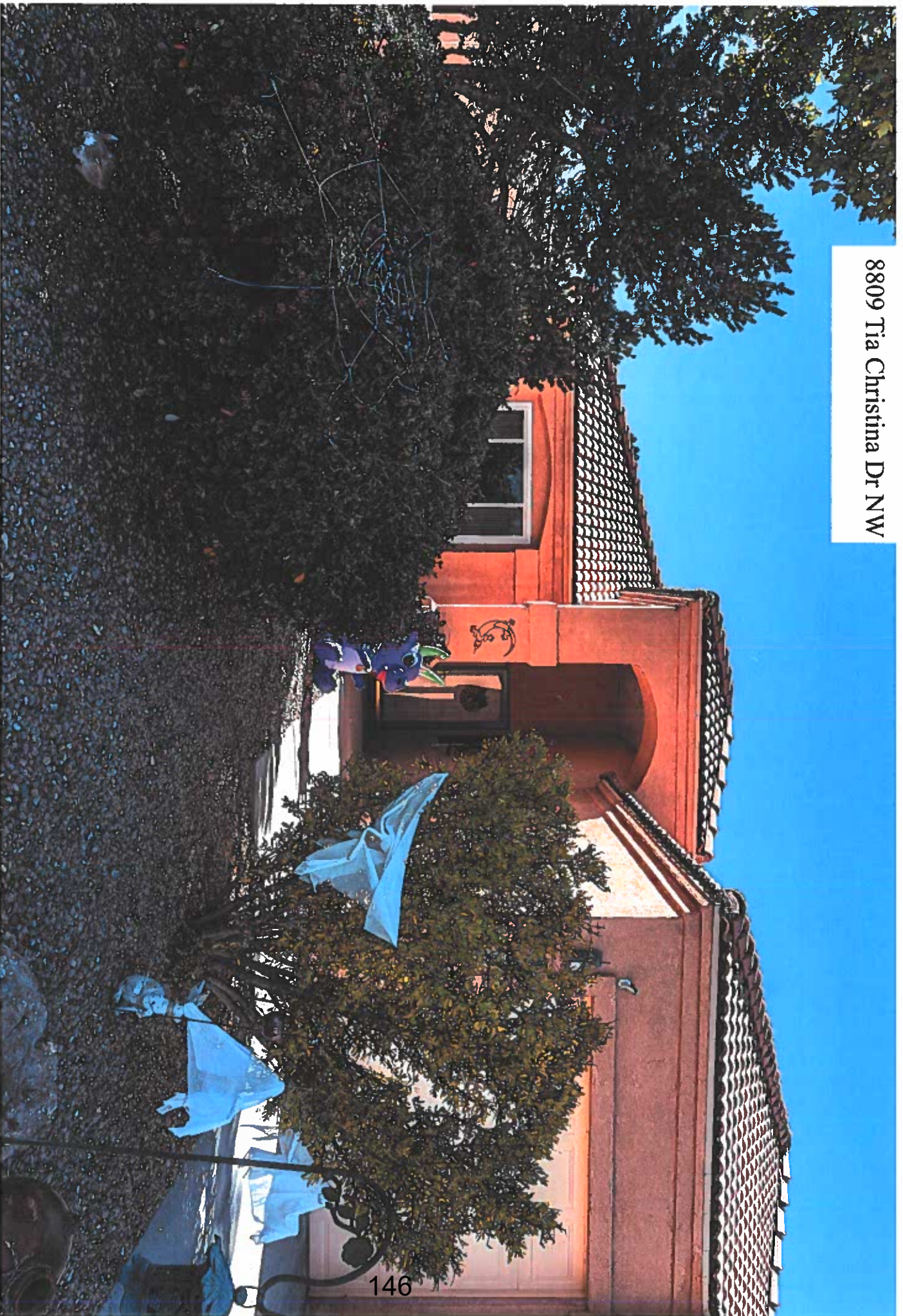






8815 Tia Christina Dr NW

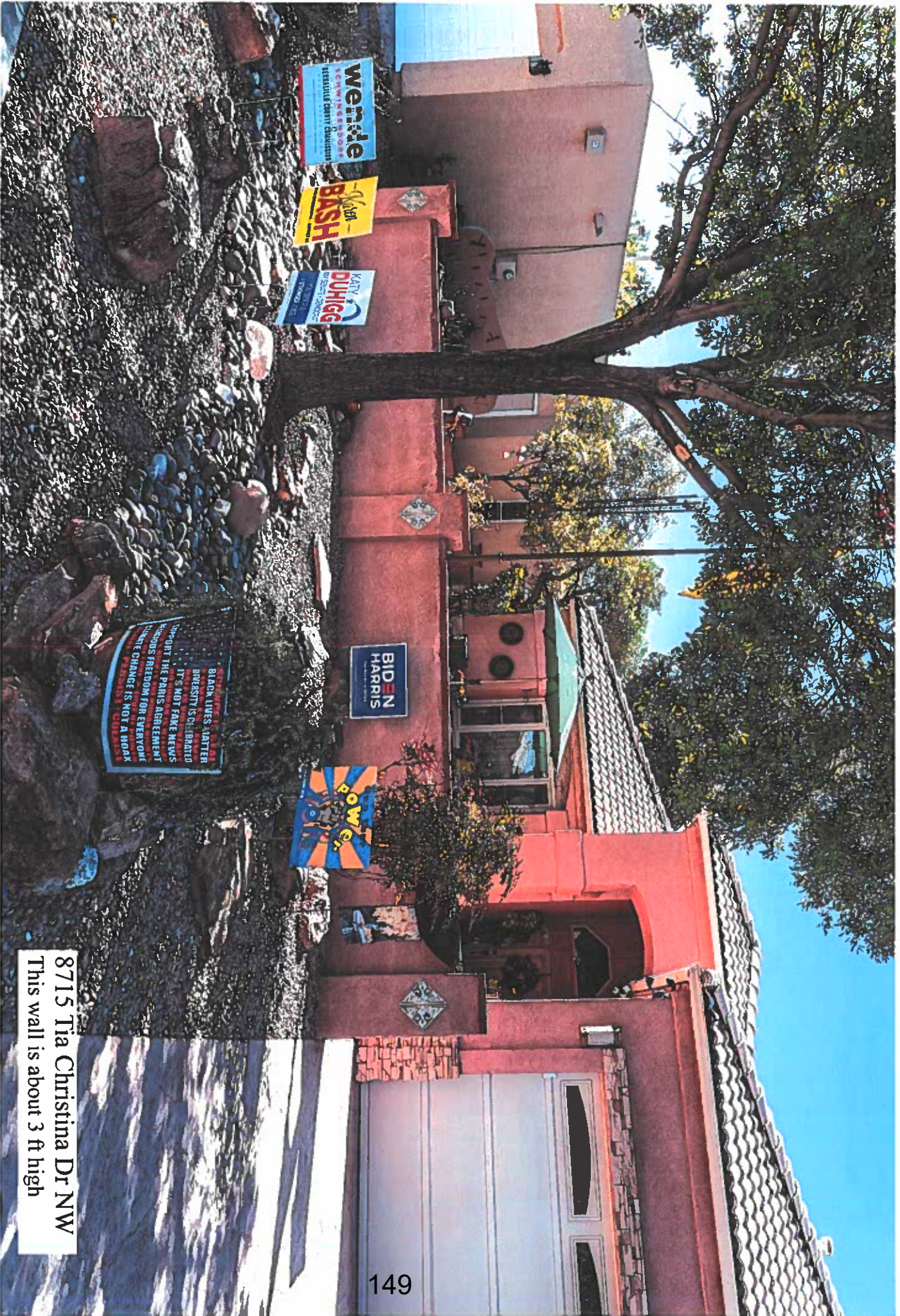
8809 Tia Christina Dr NW

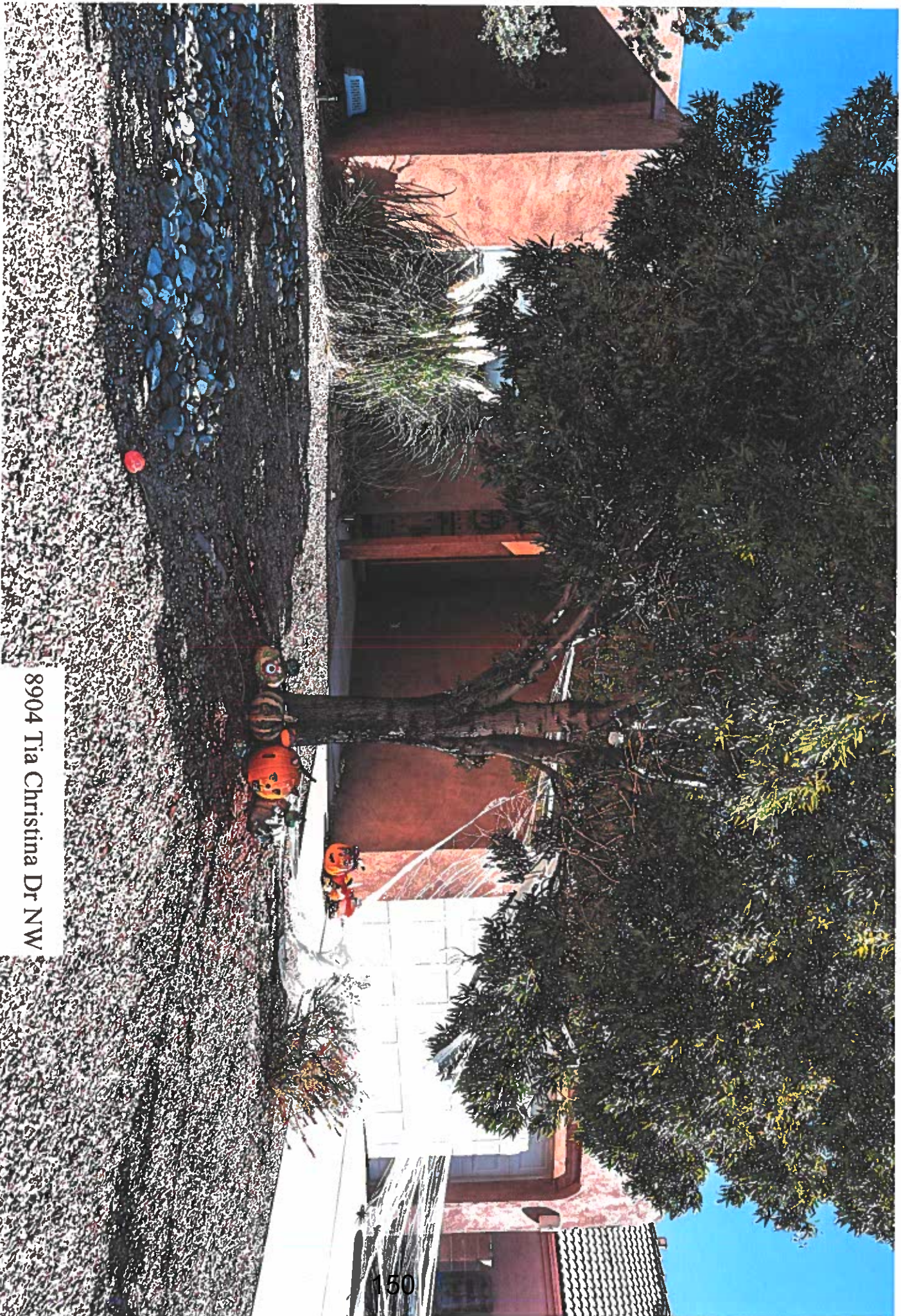






8908 Tia Christina Dr NW
This fence is about 3 ft

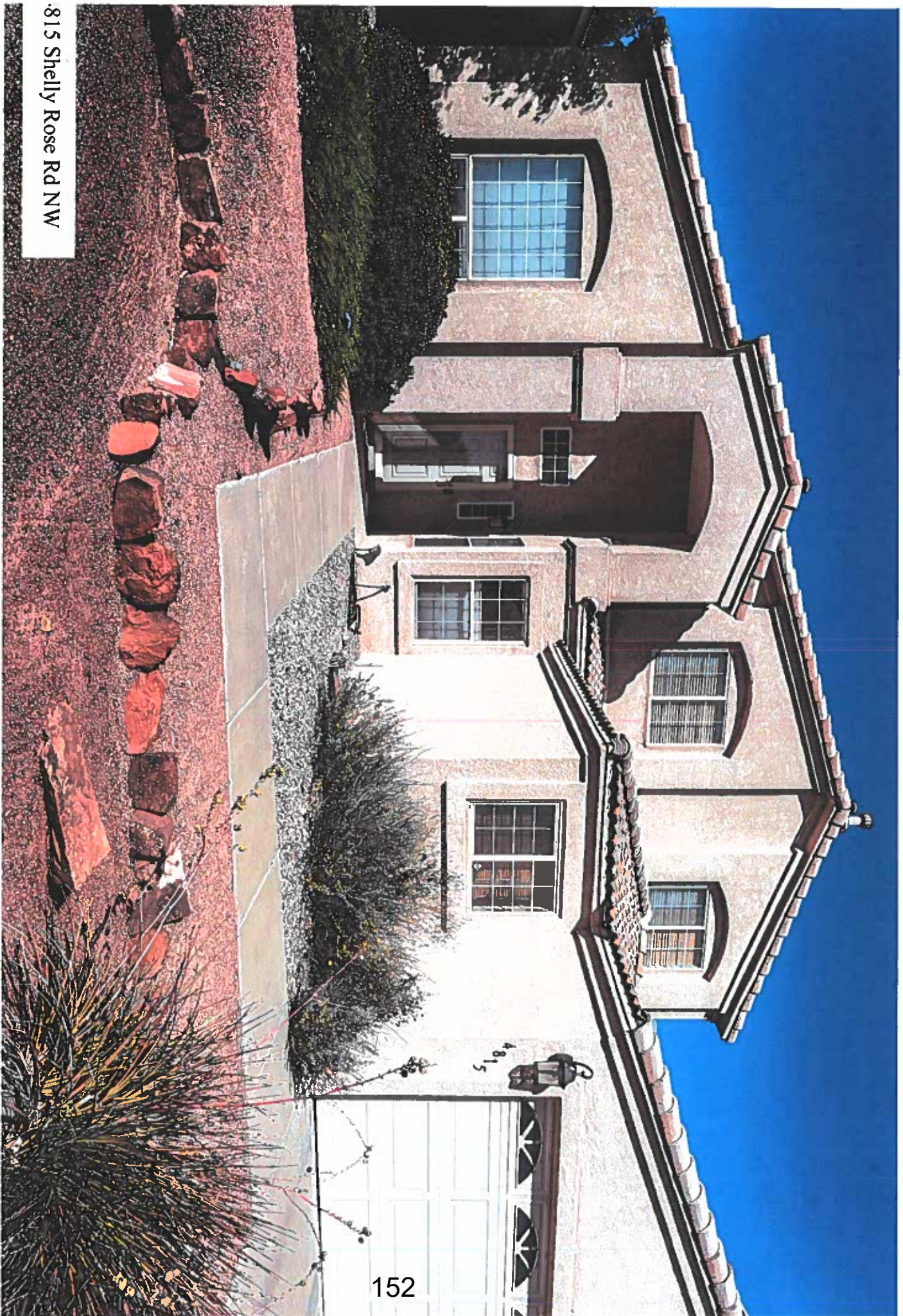




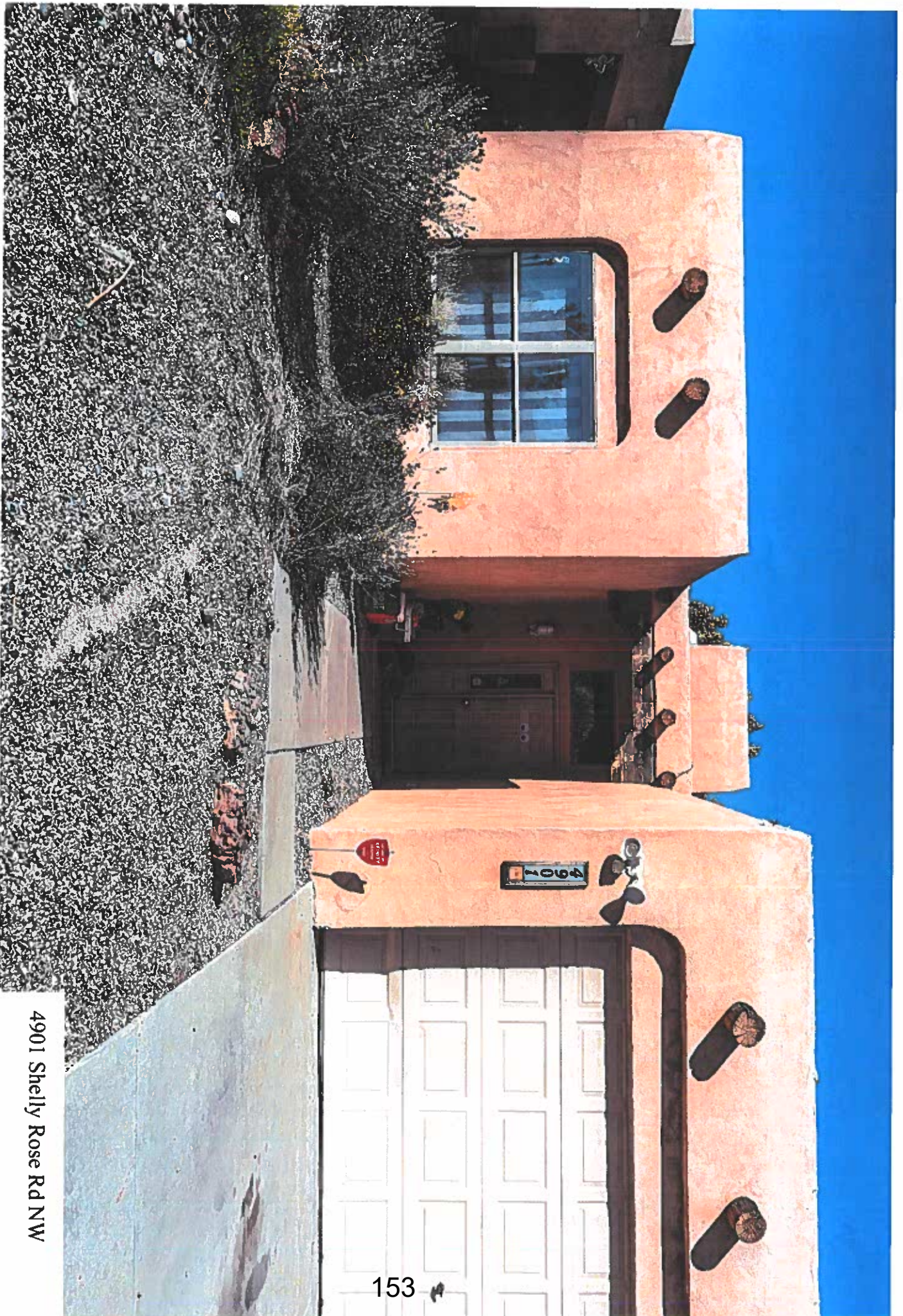
8904 Tia Christina Dr NW

8719 Tia Christina Dr NW

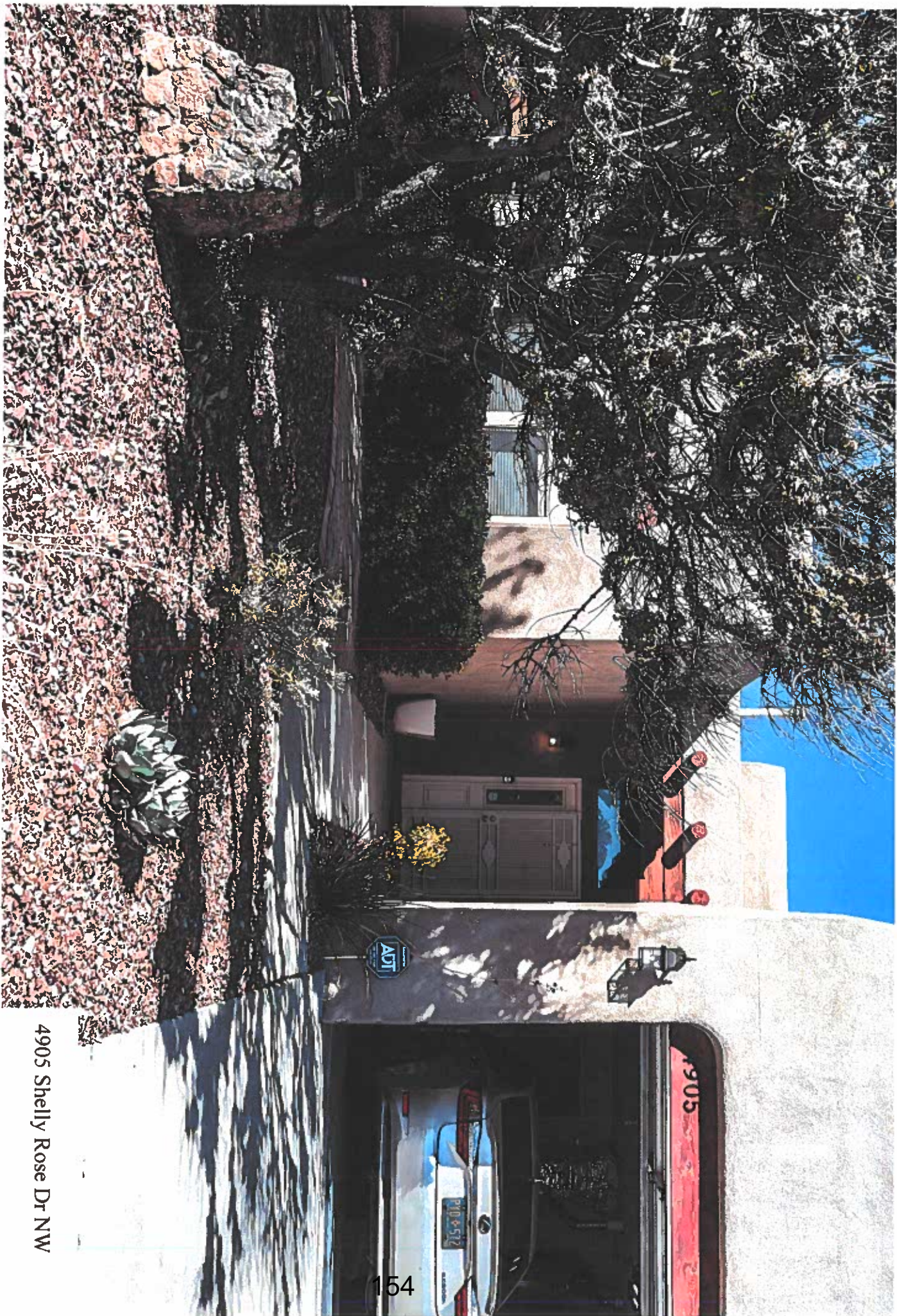




815 Shelly Rose Rd NW

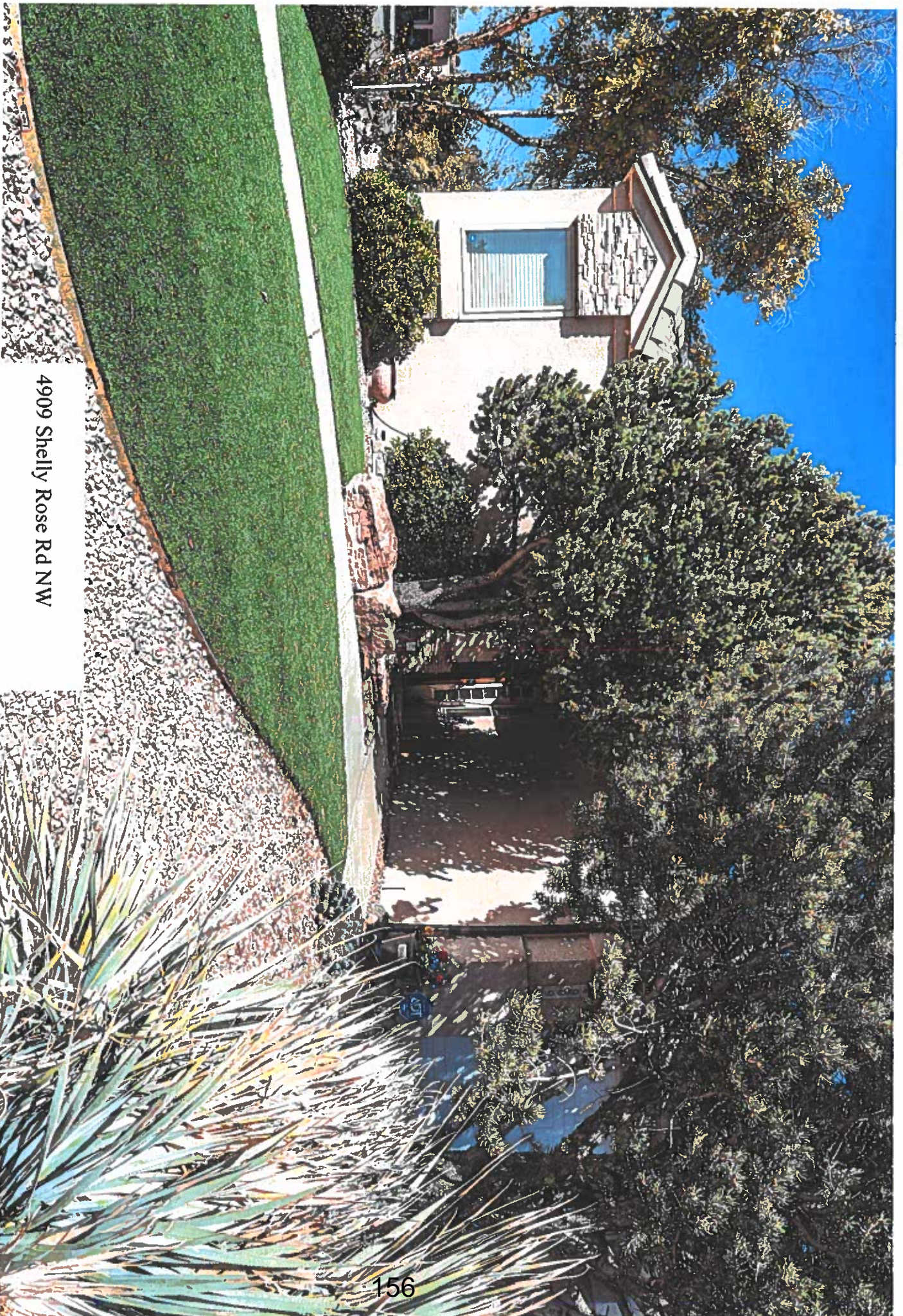


4901 Shelly Rose Rd NW



4905 Shelly Rose Dr NW





4909 Shelly Rose Rd NW



4809 Shelly Rose Rd NW

The right end of this wall is about 6 ft high for what appears to be less than two ft. Most of what we can see appears to be less than 5 ft high.



815 Shelly Rose Rd NW

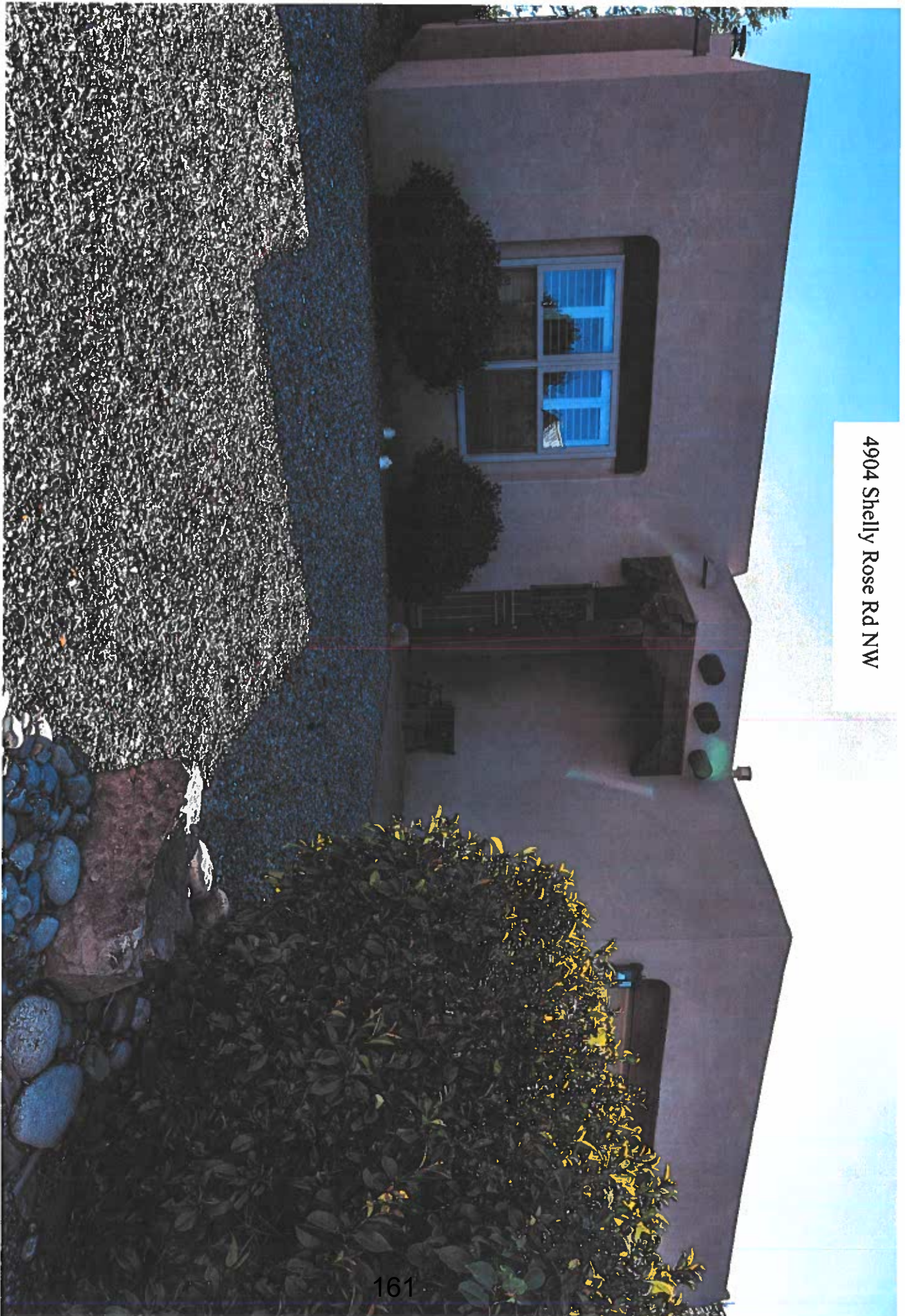


4805 Shelly Rose Rd NW



4900 Shelly Rose Dr NW

4904 Shelly Rose Rd NW

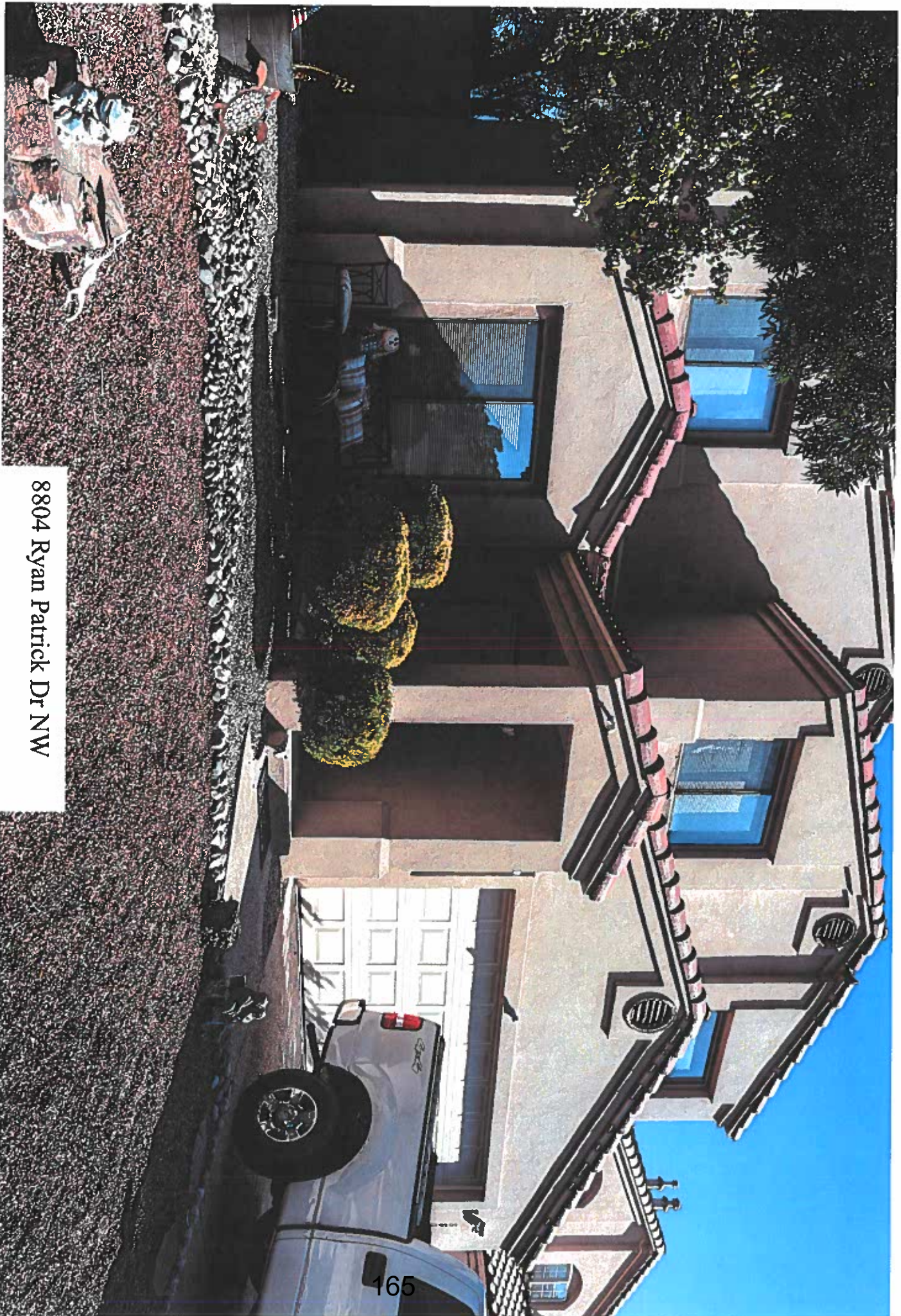






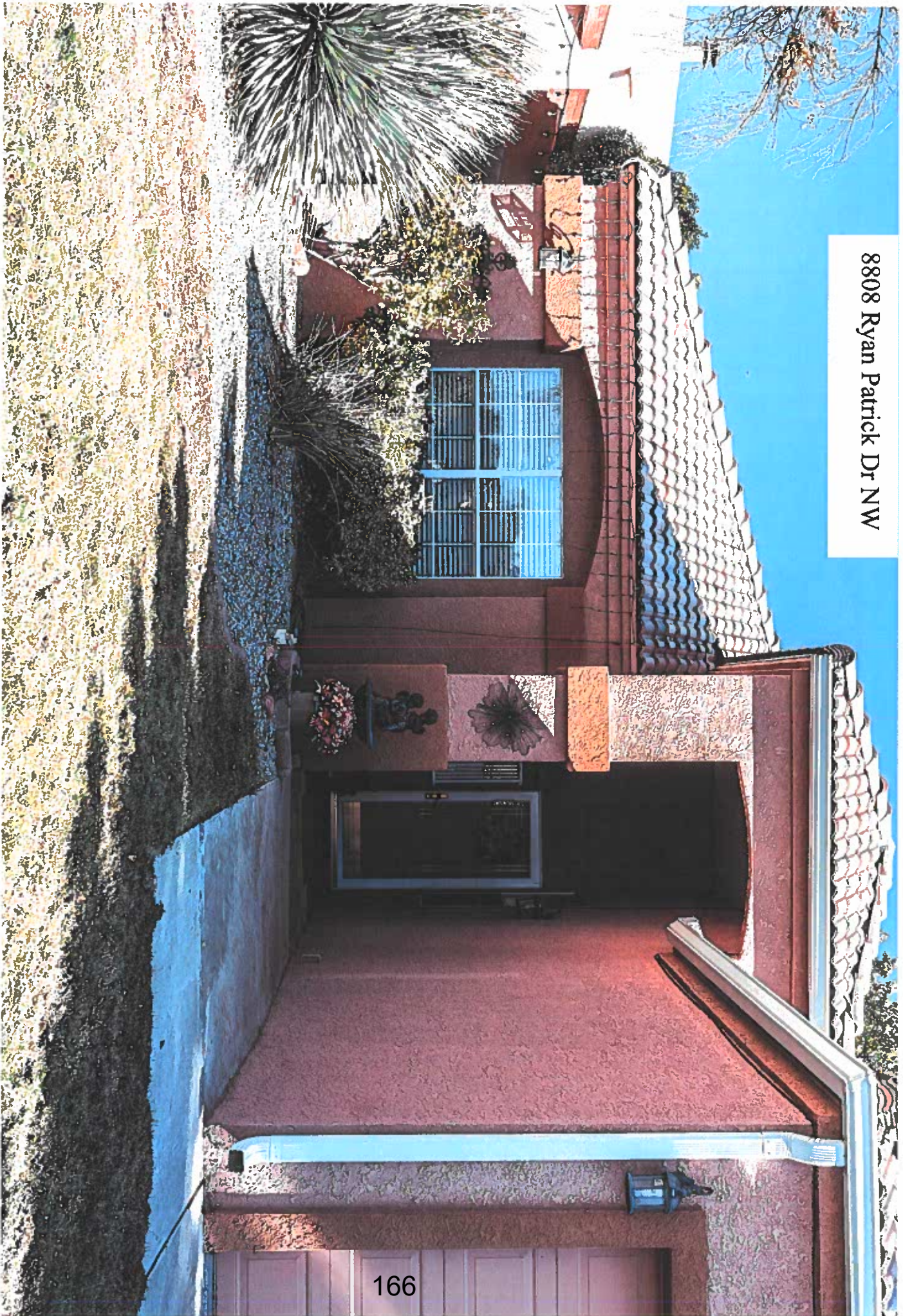
8800 Ryan Patrick Dr NW





8804 Ryan Patrick Dr NW

8808 Ryan Patrick Dr NW



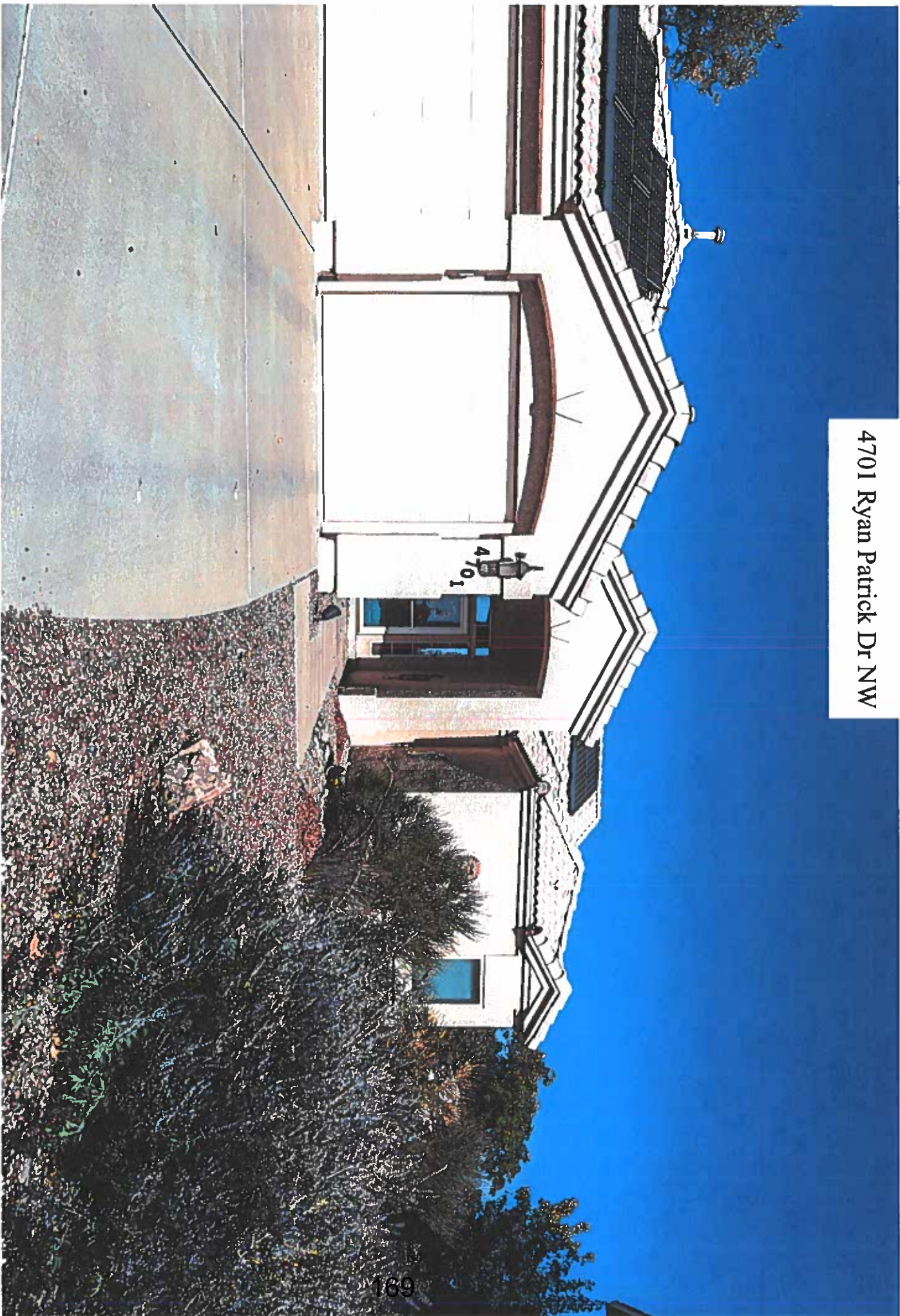
8812 Ryan Patrick Dr NW



8816 Ryan Patrick Dr NW



4701 Ryan Patrick Dr NW

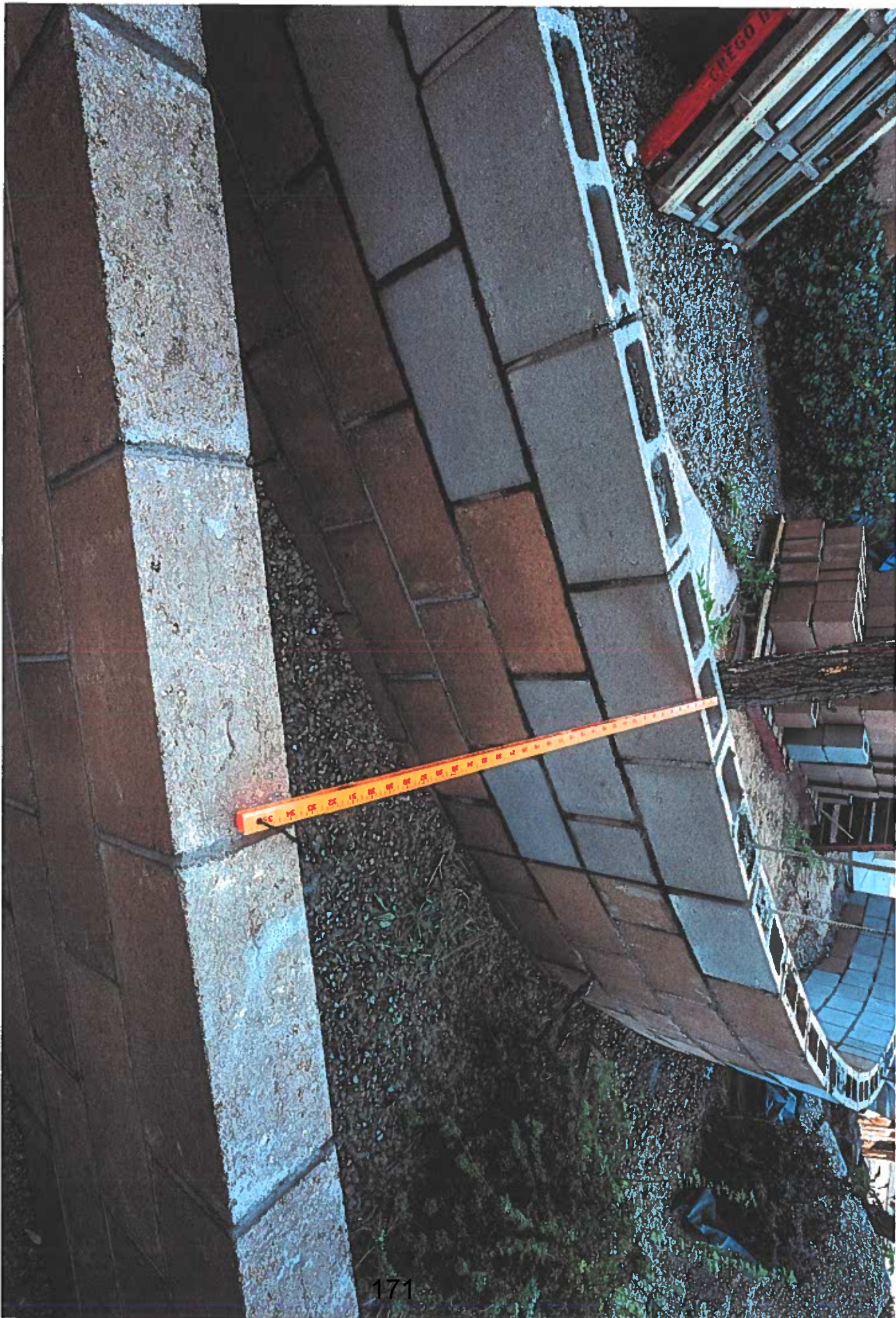




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EXHIBIT

G



tabbles

EXHIBIT

H



tabbles®

EXHIBIT

I

Hello Ms. Sanchez.

I will be forwarding 13 pictures as follows:

Address	Number of Pictures
4908 Sherry Ann Rd (my home)	2
Sketch of proposed wall	1
4905 Sherry Ann Rd	1
4804 Sherry Ann Rd	4
4809 Shelly Rose Rd	2
8819 Tia Christina	1
8005 Tia Christina	1
8915 Tia Christina	1

I will also be writing a statement for you and Mr. Lucero in a separate email tomorrow.

Thank you very much.

Helen Bachicha



10/9/2020

Gmail - (no subject)



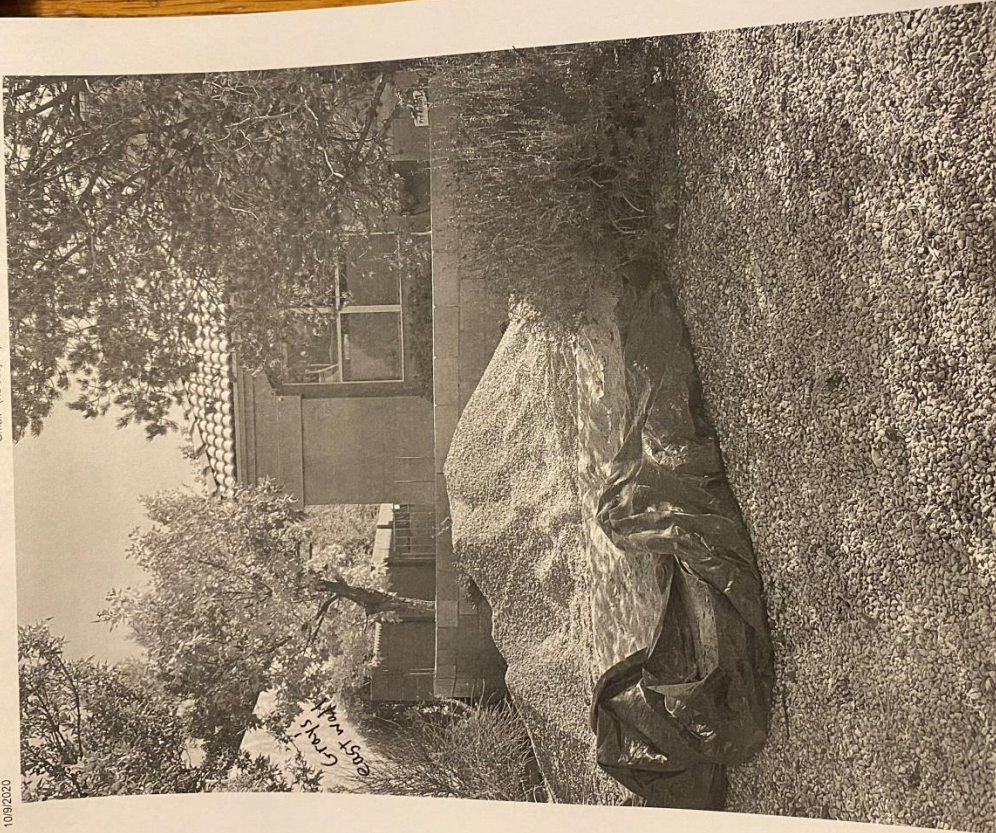
4905 Sherry Ann Rd - Across the street from me one house down

6' 1/2' away

<https://mail.google.com/mail/u/0/?ik=00eee97861&view=pt&search=all&permthid=thread-f%3A1680099880130298534&siml=msg-f%3A16800998801...> 2/2

10/9/2020

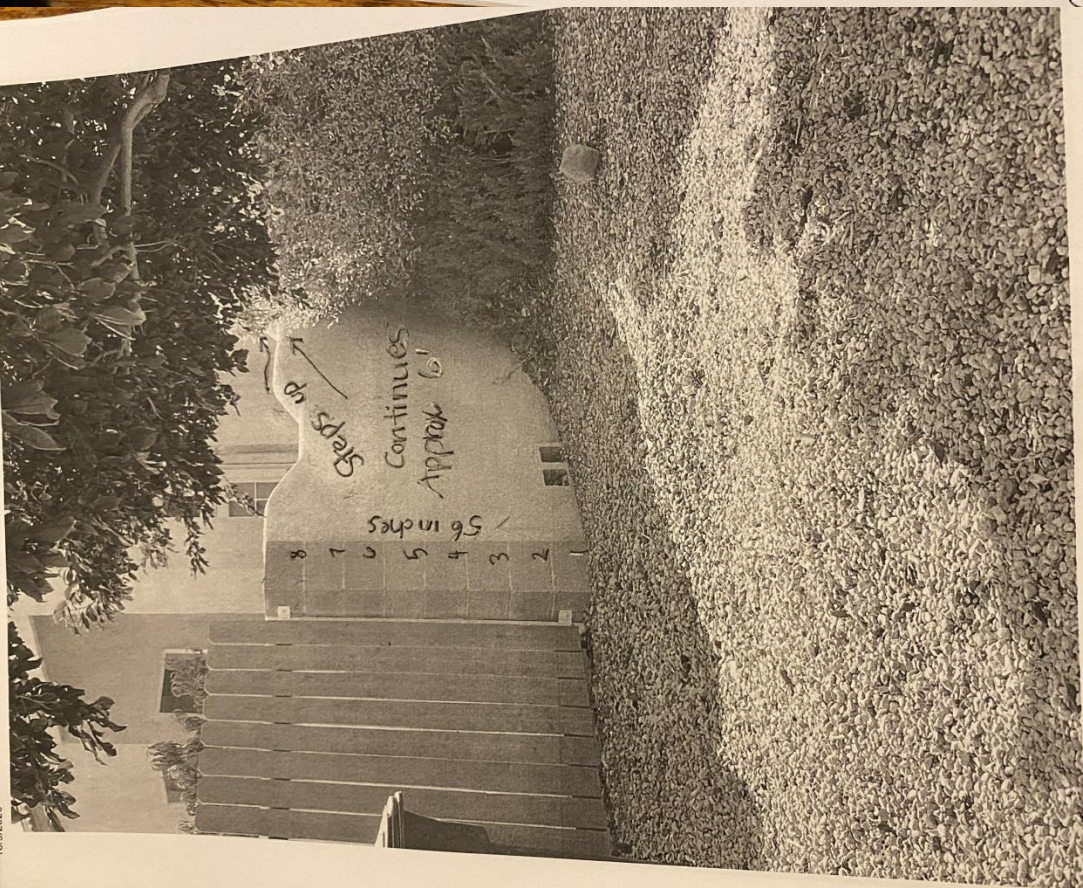
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4908 Sherry Ann Front View

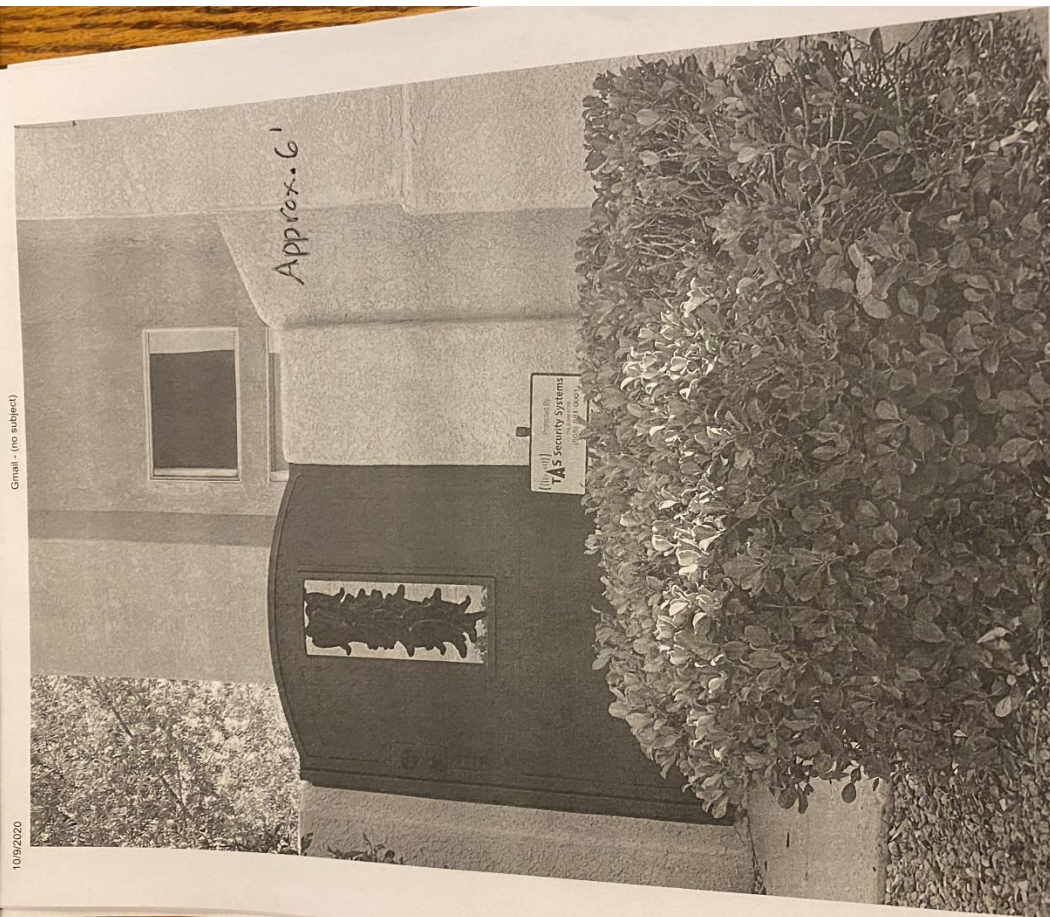
My House

<https://mail.google.com/mail/u/0/?ik=00eee97861&view=pt&search=all&permthid=thread-f%3A1680099105694809257&siml=msg-f%3A16800991056...> 2/2



Pic #2
4804 Sherry Ann Rd NW

<https://mail.google.com/mail/u/0/?ik=00eee97861&view=pt&search=all&permthid=thread-f%3A168009938927048480&simli=insg-78637637600>



21c #1 4804 Sherry Ann Rd.

https://mail.google.com/mail/u/0/?ik=00eee97861&view=pl&search=all&permthid=thread-f9%3A1680099755383762581&simpl=msg-f9%3A16800997553...

10



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https://mail.google.com/mail/u/0/?ik=00eee97861&view=pt&search=all&permthid=thread-f9%3A1680099217702938210&simpl=msg-f9%3A16800992177...

Gmail - (no subject)



<https://mail.google.com/mail/u/0?ik=00eee97861&view=pt&search=all&permthid=thread-10&simpl=msg-103A16800992177...>

10/9/2020

Gmail - (no subject)

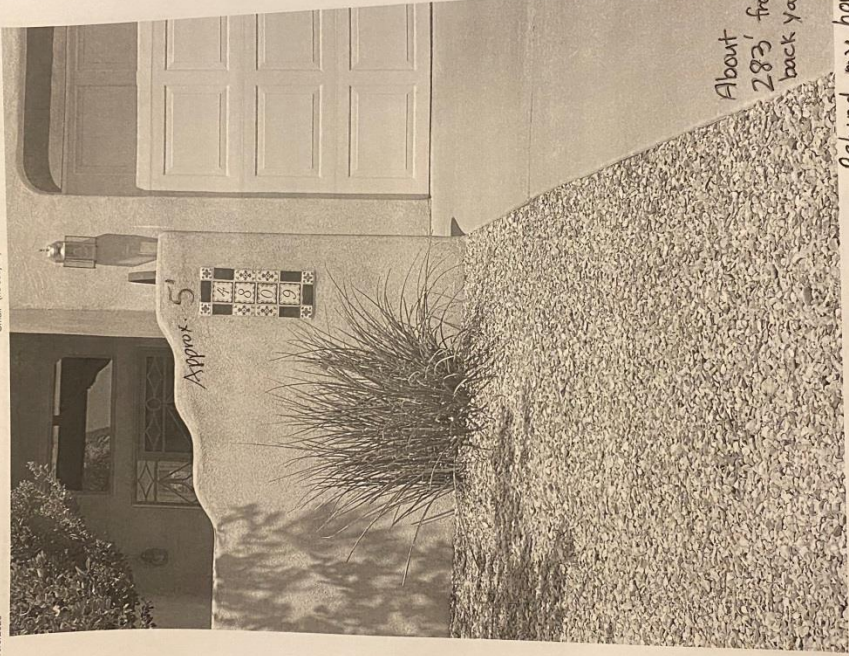


Pic #2 4809 Shelly Rose - Behind my home - about 2 houses down

<https://mail.google.com/mail/u/07k=00eee97861&view=pt&search=and;permthid=thread-f%3A1680100004993759753&siml=msg-f%3A16801000049...> 22

10/9/2020

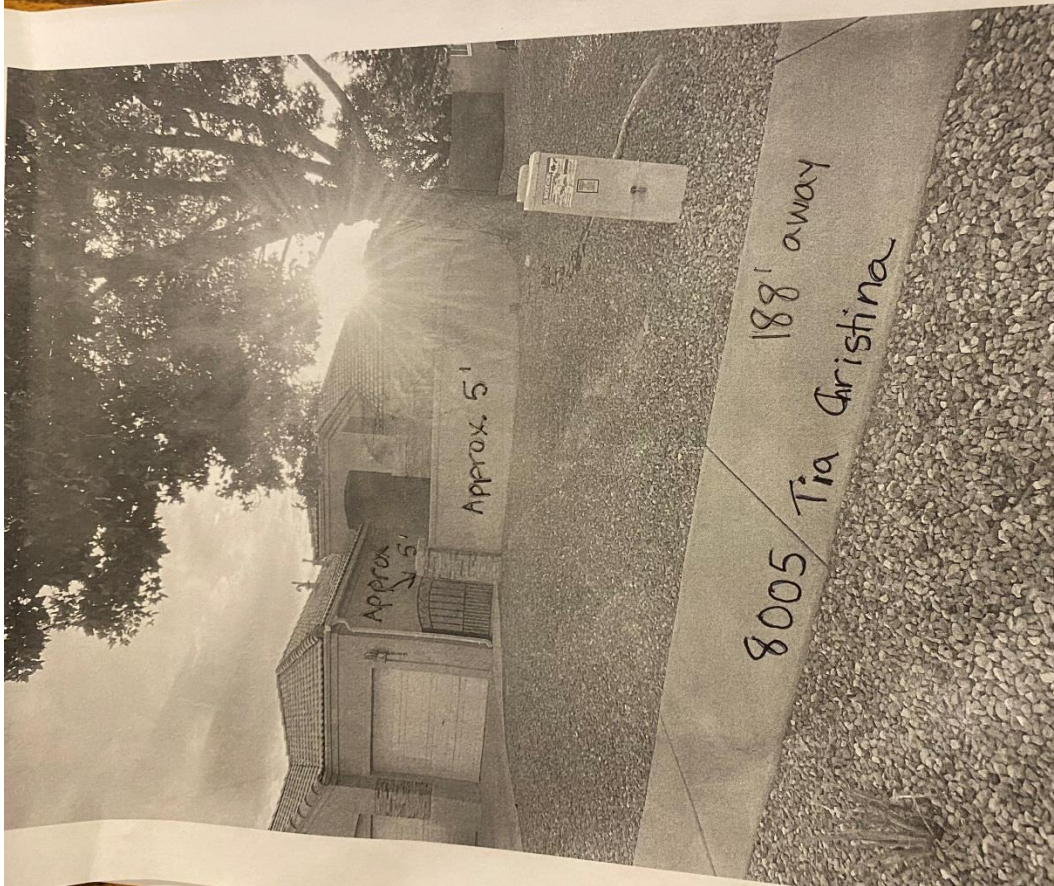
Gmail - (no subject)



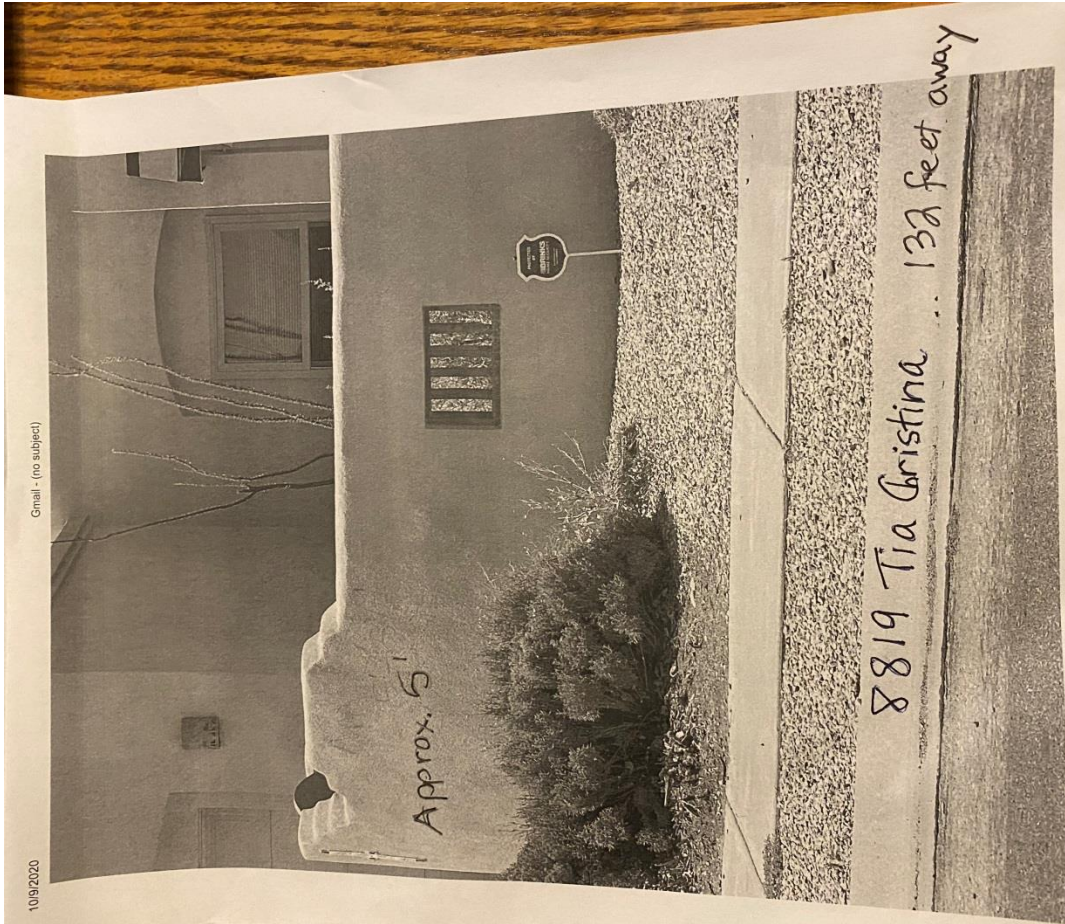
About 283' from my back yard

Pic #1 4809 Shelly Rose - Behind my house - about 1 houses down

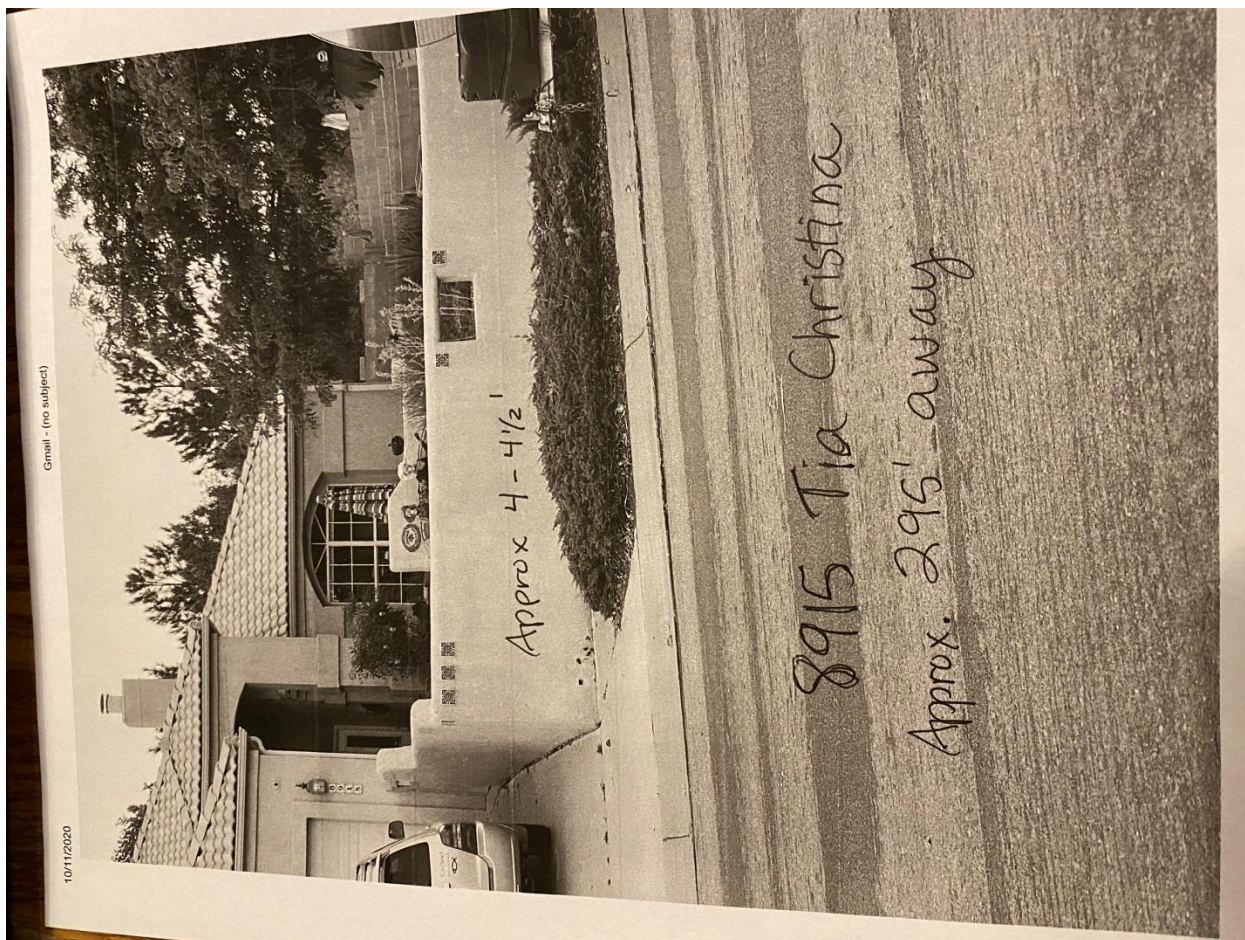
<https://mail.google.com/mail/u/07k=00eee97861&view=pt&search=and;permthid=thread-f%3A16801027291981154&siml=msg-f%3A168010272...> 22



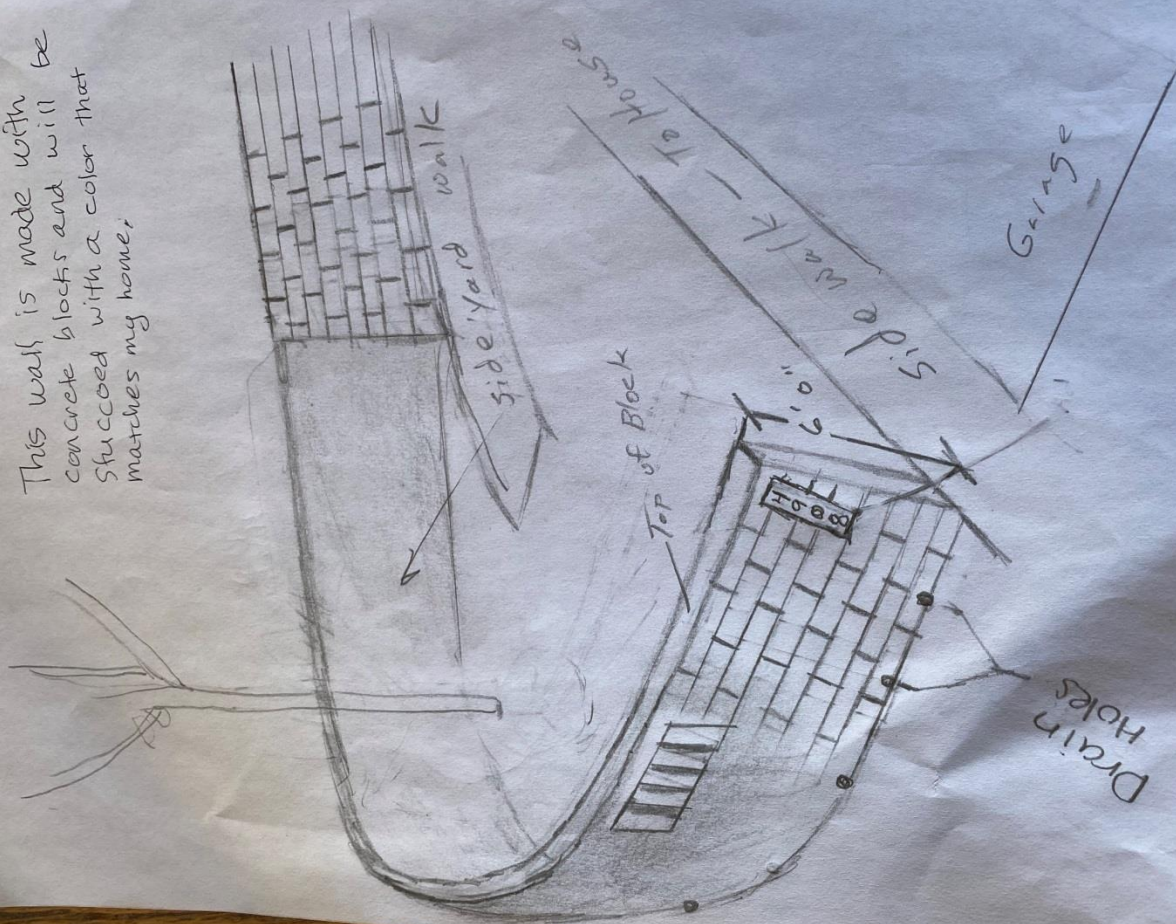
google.com/mail/u/0?ik=00eee97861&view=pt&search=al&permithid=ltread-f%3A1680100522624121574&simpl=msg-f%3A16801005226... 2/2



10/9/2020 Gmail - (no subject) s://mail.google.com/mail/u/0?ik=00eee97861&view=pt&search=al&permithid=ltread-f%3A1680101170735920742&simpl=msg-f%3A16801011707... 2/2



This wall is made with concrete blocks and will be stuccoed with a color that matches my home.



City of Albuquerque ZHE – September 15, 2020

Agenda Item #10

VA-2020-00239

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)]

Ownership: Owner: BACHICHA HELEN

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; Golf Course Rd MT

Applicable Overlay Zones: VPO-2

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.</small>					
<small>[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.</small>					
<small>[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.





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

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)]

Special Exception No:..... **VA-2020-00239**
Project No: **Project#2020-004158**
Hearing Date: 10-20-20
Closing of Public Record: 10-20-20
Date of Decision: 11-04-20

On the 20th day of October, 2020, property owner Helen Bachicha (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 feet to the 3 feet maximum wall height (“Application”) upon the real property located at 4908 Sherry Ann RD NW (“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 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).
3. The ZHE finds that the Applicant has authority to pursue this Application.
4. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all of the above criteria are met under Section 14-16-6-4(N)(1).
5. All property owners within 100 feet and affected neighborhood association were notified of the application.
6. The subject property is currently zoned R1-C.
7. City Transportation issued a report stating that it does not object.
8. 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.

9. Applicant has not provided evidence sufficient to support a finding that criteria 14-16-6-6(N)(3)(c)(3) is met. Specifically, based on photographs, maps and oral evidence presented by Applicant: (a) the lot is smaller than 1/2 acre, (b) the lot does not front a street designated as a collector or above in the LRTS guide, and (c) less than 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. Because, this criteria has not been met, the application must be denied.

DECISION:

DENIAL 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 November 19, 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
Helen Bachicha, bachichahelen@gmail.com
James & Diane Gray, james@gray.org
Noel Lopez, NL@lsplegal.com
Cynthia Arellano, ca@lsplegal.com
Marty Bachicha, mrbach@sandia.gov
Louis Martinez, 6101 Wildflower Pass NE, Rio Rancho, 87144



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

MINUTES

October 20, 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

VA-2020-00239
PR-2020-004158
Helen Bachicha, 4908 Sherry Ann RD NW

ZHE: We'll table number 9 and go on to agenda item number 10. It's VA-2020-00239, project number PR-2020-004158, Helen Bachicha requests a variance of 3 feet to the 3-foot maximum wall height for Lot 2-P1, Block 8, Las Marcadas 2, located at 4908 Sherry Ann Rd., Northwest, zoned R-1C. Do we have Ms. Bachicha?

HELEN BACHICHA: Yes, sir.

ZHE: Good morning.

HELEN BACHICHA: Good morning.

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

HELEN BACHICHA: Helen Bachicha, 4908 Sherry Ann Road, Northwest Albuquerque NM 87114.

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

HELEN BACHICHA: Yes.

ZHE: Very good. Thank you. Now, let's just note for the record that I have received and reviewed multiple submittals, both in support and in opposition to the application. So, I'd ask you to restrict your testimony to anything new or if you want to respond to any of the opposing materials that have been submitted, go ahead.

HELEN BACHICHA: Okay, I do have a statement to talk about the wall and, and to comment on the opposition if I can read that, please?

ZHE: Yes, go ahead.

HELEN BACHICHA: Okay. Thank you. I do have my cousin here, Richard Rodriguez, in case I can't get through this letter but I am gonna try my best to do that. Thank you for your time and consideration in this matter, Mr. Lucero. Within the last month, construction of the sidewall, which is on the shared property line, has been completed. I also started the front patio wall but will wait for whatever is approved for the final construction to be completed. As clarification, I am requesting to only raise the patio wall on my front property. The 3-foot wall on the shared property line will remain 3 foot, as permitted. The approved sidewall was constructed measuring 5 feet 9 inches on the east property and 5 -foot 1 inch on my side. Because of the wall measurement, at 5'1' on my property's side, I am requesting a 5-foot 1' to 5-foot 3' patio wall instead of 6 feet. The patio wall was designed to curve off the east wall onto my property and it's measuring 33 inches instead of 33. 6' as the original sketch shows. The patio wall is completely separate from the east wall with a very well-designed curve. The patio wall currently is not 3 foot as I stated earlier, it measures about 23 to 28 inches right now and will be, you know, either 3-

foot, if that's all I get or you know, taken up higher for whatever is approved. This project has given me a good start on being able to better maintain the bamboo growth in my yard, which was one of my goals. The cement footings for the patio wall are strong and it is secure with re-bar to finish the construction for whatever it is approved. If it is approved to 5'1" to 5'3", that will allow for a top paver, a small window and a wooden custom gate to make it look more appealing and decorative to the whole street and neighborhood. I would also be able to work with a 4-foot patio wall which would allow for a small gate installation. I hope that this modified request is satisfactory considering the other average heights near my home. The final wall, no matter what height is approved, will be stuccoed with a color similar to my home. In time, I would also like to add more plants to compliment the pine tree and other plants in my yard. In regards to the opposition letter, I'd like to make a few comments. The shorter wall will enhance the architectural character of the surrounding area. I hope to add some number tiles like the home at 4809 Shelly Rose Road and some wooden dowels as part of the window similar to the 4905 Sherry Ann address. The wall at 4905 Sherry Ann Road is approximately 4 feet with a partial six side wall by the gate. There is a beautiful gate added to the wall at 4804 Sherry Ann Road, this wall raises up to approximately 6 feet in some areas and is discreetly hidden by bushes. My request of a 5-foot 1" to 5-foot 3" is an average height between these two homes that have walls on Sherry Ann Road that are higher than 3 feet in height. Because the proposed patio is completely on my property, it will not be injurious to adjacent properties, nor attract criminal activity. Any variance approved will not be contrary to public health, safety or welfare. The 3-foot wall just constructed on the shared property line will not be raised higher than it is, than its current height. Therefore, an obstruction of view should not be experienced by my neighbors on the east of me. Their home is about 5 foot 10 inches closer to the street than my property so, they have an unobstructed view of the street. The steps I have taken to apply for and finally construct a small wall and private patio to secure privacy and safety has been a challenge and learning experience. It has taken longer than I anticipated but I am very thankful, so far, with what we have. I feel it is fair to state that I too have experienced health issues from this process and I really hope that we can all get back to feeling better and feeling more comfortable in our neighborhood. This west side neighborhood is beautiful and to be a homeowner here is a privilege to me. I want to take care of my property. To have peace, safety and privacy in our homes is a necessary, is necessary in our pandemic world. Especially, as we spend more time at home. Our nation is changing and I just feel that my personal safety has become a top concern to me. [Excuse me]. With a taller wall than 3 feet, I would be able to safely walk my daughter up to the front gate when she leaves. I have installed motion lights on my garage and front porch earlier this year and they are working properly. I have also - - have been given a camera recently and will be researching these products more. I have an operating alarm system that I've had for decades that I use and will continue to use. Security for myself, my family and anyone who comes to my home is very important to me. I have to the best of my ability provided information to the support, to support the construction of the front patio wall. I learned later that I submitted more pictures than necessary and I do apologize for that. I am willing to re-submit my assignment if necessary, to correct this. I do believe that we should all be able to enjoy our privacy at our homes, improve it when we can and feel safe. Thank you for your consideration and I will comply with whatever height is approved or - - because I do have plans to landscape, also in time, to make it more appealing. Thank you.

ZHE: Thank you for your testimony Ms. Bachicha. Let's see if there's any public comment on this matter and then we'll give you the chance to respond after that.

HELEN BACHICHA: Okay.

ZHE: Okay, I see there's Lastrapes, Spangler and Pacheco.

ALEXANDRA LOPEZ: Yes, hi Mr. Lucero. Hi Ms. Sanchez and Lorena. Thank you for allowing me to appear today. My name is Alexandra Lopez I'll be speaking on behalf of Ms. Bachicha's neighbors, the Gray's.

ZHE: Thank you and please state your mailing address for the record. My mailing address is 333 Rio Rancho Boulevard in Rio Rancho, NM 87144.

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

ALEXANDRA LOPEZ: I do, thank you.

ZHE: Thank you, go ahead, two minutes please.

ALEXANDRA LOPEZ: Thank you, I'd like to thank Ms. Bachicha for clarifying some points for us. I do know that in my opposition letter provided to the City on October 14th, there were some issues that did need to be clarified which, I do believe she has addressed today and I'd like to thank her for that. Specifically, in relation to what this wall could possibly look like when she is finished building it. I believe at this time, it is our position that even with the application, as she has submitted and with the update she's willing to provide, her variance request does not meet the requirements of IDO Section 14-16-6-6-N-3-C which is the variance for a higher front yard wall. You know, as you are aware, Mr. Lucero, and I'm sure everybody is now aware as we go through these, there are four separate requirements that must be met for approval. The proposed wall would strengthen or reinforce the architectural character of the surrounding area, you know, I think at this point, Ms. Bachicha's proposed 6-foot wall will not strengthen or reinforce the architectural character of Sherry Ann Road. You know, looking at the exhibits that were provided with my letter, Exhibit B specifically, there are photographs of almost all of the homes on Sherry Ann Road. And, all of the homes typically share what's called or known as a front yard open plan. There are only two properties on Sherry Ann Road with walls and one of them as she stated was, you know, the wall is obstructed by a very nice, large bush. But, the overwhelming majority of homes on this neighborhood road have an open front yard plan so that, people can see what is going on and it protects the ability for people to look and see what's going on in their neighbor's yards in case somebody who doesn't belong there, who's doing something there that they shouldn't be, you know, suddenly appears. So, you know, putting in a 6-foot wall - - front yard - - that is on a front yard is very different from what the rest of the neighborhood looks like and I can even take you through a google walk through of the street to show you that the majority of homes in this area don't have a front yard wall and even if they do, they're not 6

feet high. That would stand out, you know, and make it an architectural outlier. And so, that doesn't support or reinforce the architectural character of the surrounding area. On top of that, the Gray's do believe that the wall would be injurious to their property specifically because it could possibly encourage criminal activity in that area. When you have a neighborhood where the majority of homes do not have front yard walls, if there are criminals there, they're going to go to places where their activities can be obstructed. You know, a 6-foot wall that is stuccoed or cinderblock is a great hiding place for people especially in the middle of the night. You know, and they're not going to go to neighborhoods where they can possibly be spotted by motion sensors. A wall would obstruct that and the Gray's do have a window next to the sidewall and this large 6-foot wall where it would, you know, curve away from their property. That could be accessed and they're very concerned about that. You know, at this particular point, a shorter wall wouldn't be as much of a problem as a 6-foot wall would be. And, I understand that Ms. Bachicha is now requesting something in the neighborhood of you know, 5-foot 1' to 5-foot 9', but that still hides the majority of people in the state of New Mexico. We're not tall people but you know, it does hide people as they do walk through or possibly walk through a yard. I think most importantly the third requirement is that the lot is either at least half an acre, it's designated as a collector street or at least 20% of the properties within 330 feet, you know, have a wall or fence that's over 3 feet in height in the front yard. You know, her property is not a half acre. Sherry Ann Road is not designated as a collector street. And, there are not 20% of properties in this area that have a 3-foot or higher front yard wall. You know, if you look at the exhibits attached to our letter especially, Exhibit F and Exhibit B together, you'll see that a majority of the homes don't have front yard walls. I believe if you look at the entirety of the map that the City of Albuquerque requested, you know, there are around 50 properties there. So, there would need to be at least 8 to 10 photographs of these front yard walls, the have walls over 3 feet in height. And there just aren't. You know, it's impossible to meet that requirement. You know, and I believe that the photographs we provided demonstrate that. And then, finally, the wall design that she's provided, you know, today was the first day that we've heard any type of actual plan for what the ultimate wall will look like. So, in my opposition letter, I did argue that she didn't provide any type of information with regard to what the wall would look like and if it would meet IDO Standards. It sounds like at this point, she's made some changes to those plans she does have some decorate plans that could be in mind, you know, that would meet the IDO Standards. But, it's really hard to know that for sure without her submitting something written and confirming that to the City. And so, if she would like to do that, that would be helpful to understand how exactly she's going to conform with those IDO Design Standards. Moreover, we just believe it doesn't even meet the criteria listed under the general variance requirements. You know, there's no special circumstances or extraordinary hardships requiring a wall this high. There's very little crime in this area, you know, it's a very safe neighborhood. A majority of the people who live there are just very quiet and happy residents. You know, and as we've stated, it's just a, it's a safety issue for the Gray's who are concerned about people being able to break into their side wall area and that side window. And then, of course, you know, just - - it's a change to the overall character and quality of the neighborhood itself. You know, the IDO is designed to protect the character of the neighborhood and we have a fundamental architectural change that does change the character of the neighborhood and that is an opposition to the IDO.

So, because it cannot meet the variance requirements specifically, the wall height requirement and the 20% especially, you know, we believe that this variance must be denied.

ZHE: Thank you for that testimony. [Excuse me]. And, I just will note that we did receive your letter with the exhibits that you referenced, so thank you for that submittal as well.

ALEXANDRA LOPEZ: Thank you.

ZHE: Is there anyone else here to speak on this matter? I see Jim Gray with a hand raised.

DIANE GRAY: (Inaudible) Jim's wife.

ZHE: I'm sorry, it was breaking up there. Would you please state your name and address for the record?

DIANE GRAY: Yes, of course. My name is Diane Gray. I live at 4904 Sherry Ann Rd., Northwest in Albuquerque.

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

DIANE GRAY: I do.

ZHE: Thank you, two minutes, go ahead.

DIANE GRAY: Thank you, Mr. Lucero, I appreciate it. I did type out notes, I'm going to read from my notes. Our neighbor, Ms. Bachicha has stated her wall system is to prevent bamboo growing in her yard. My husband forwarded information to Ms. Bachicha many months ago on how to prevent the growth of bamboo. Also, we have eliminated 90% of the bamboo growing along the front, west side of our house. We had planted bamboo as an alternative to a privacy block wall. Neighbor's new wall - - patio wall joins us 6-foot and 3-foot boundary walls that are between our properties. Said patio wall traverses north beyond the front yard setback and then across neighbor's front property. This wall encompasses part of a walkway on neighbor's property. Said patio wall runs parallel with a 3-foot boundary wall for approximately 8 feet. Where the patio walls joins the two boundary walls, that's three walls coming together, there is less than a quarter inch space between the three walls, making it difficult if not impossible, to stucco the patio wall at this particular junction. During the 15th, September variance hearing, our neighbor stated that the patio wall would be stuccoed and it sounds as though she probably does intend to do that. Except, I still don't know how you're can stucco when you only have a quarter inch space between walls. Because it adjoins the 6-foot boundary wall, the proposed 6-foot patio wall appears to be a way of extending the existing boundary wall beyond the front yard setback of our neighborhood, Ms. Bachicha's house. In other words, our neighbor seems to be planning an additional 6- foot boundary wall that morphs into a patio wall. There are no other properties in our neighborhood that have such an extensive concrete block front wall system as that of our

neighbor. There are no other properties in our surrounding neighborhood that have two separate front yard concrete block walls closely running parallel to each other. There are no other properties in the surrounding neighborhood that have a 6-foot solid block patio wall. I typed this before I knew that Ms. Bachicha has made some adjustments to that so it doesn't sound like it's going to be a 6-foot solid block wall now, which I am pleased to hear. Our research, our being my husband and me is based on houses within and beyond 330 linear feet from the neighbor's house. We have provided photographs of these front yards with their correct addresses, to the City. Patio walls in our neighborhood are less than 6 feet but there are several that are over 3 feet. We haven't actually gone and measured because we would need the property owner's approval. These - - and - - we didn't request it - - so, we didn't trespass. These walls are attractive, decorative and enhance the Southwest appearance of the neighborhood. The high patio wall, even if it's 5 feet, 5'3", 5'9" that our neighbor wants, would appear to be a barrier rather than an attractive addition to her property. This wall would not be in keeping with the architecture of our neighborhood. Mr. Lucero, I appreciate and thank you for giving me time to speak.

ZHE: Thank you for your testimony, Mrs. Gray. Please raise your hand if you're here to speak on this matter and you have not yet done so. This is agenda item 10. I see Marty?

MARTIN BACHICHA: Yes, sir. I just un-muted my mic.

ZHE: Hello, would you please state your full name and mailing address for the record?

MARTIN BACHICHA: Yes, my name is Martin Bachicha, I live at 9544 Clint Rock Dr., Northwest.

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

MARTIN BACHICHA: Yes, I do.

ZHE: Thank you. Now, I'd like to remind everyone, we need to stick to the application at hand and you know, the merits of the application. Go ahead, sir, two minutes.

MARTIN BACHICHA: Yes, I just made a few notes upon Mrs. Gray's testimony and also regarding, excuse me, I don't see her name but the lawyer's testimony regarding the architectural character of the, of the property. I think that Mrs. Gray and the lawyer also stated that there are existing patio walls in this neighborhood and many of them are above 3 feet. So, I think it's highly subjective to say that this wall would take away from the architectural character of the neighborhood being that there already are walls in that neighborhood, that have walls that are higher than 3 feet. So, I think it's highly subjective on their part. Also, the point that they made, that this would encourage criminal activity. The whole purpose of her adding this wall is to reduce criminal activity. I mean, to me it just makes no sense to think that a criminal is going to hide behind this wall when in fact, that would be exposing himself to the inside of my ex-wife's

house. It makes no sense. It just doesn't, it's a statement that's just kind of thrown out there. So, those are my two main points, is that there have been approvals for this type of wall and that needs to be taken into consideration. The overall design of the wall, I think from my standpoint is, it's very good and does add to the character of the house itself. That's - - the other thing, the other point is you know, Helen brought up about the bamboo and it's part of her purpose of her building the wall in the first place. The wall - - the bamboo was added over 20 years ago, it had nothing to do with - - as an alternative to a patio wall. It's a very bad choice because, you know, it's a neighborhood. You shouldn't put bamboo in a residential neighborhood. That's my only point just because Mrs. Gray brought that up so that's all I have to state. Thank you.

ZHE: Thank you for your testimony. Is there anyone else here to speak? Let's see, I see Ms. Bachicha. Are you there?

HELEN BACHICHA: Yes, yes I am. I have Louis Martinez here just to talk a little bit about the wall and how it's ready to, you know, for you know, the 3 foot or whatever it's ready to go.

LOUIS MARTINEZ: Yes, my name is Louis Martinez. I live at... Are you there? Hello?

ZHE: Yes, go ahead.

LOUIS MARTINEZ: I live at 62101 Wild Flower Pass Drive Rio Rancho, 87114.

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

LOUIS MARTINEZ: I do.

ZHE: Thank you and please confine your testimony to the merits of the case, go ahead.

LOUIS MARTINEZ: Absolutely, the wall does - - it adds a little ambience to the front yard. It's going to be a very beautiful wall. We're going to add windows to it so people can see through it so there won't be anything hiding. The wall itself is going to be 5-foot, 1 inch tall not 6-foot, 5-foot, 1 inch.

HELEN BACHICHA: Only if approved.

LOUIS MARTINEZ: Only if approved. So, we'll do whatever you guys decide on, is what we're going to do. But - - oh the footings were poured, they were all in rebar, everything was in good shape and everything passed inspection, as what we needed for that wall. And, it'll be ready for whatever height you guys decide on, is what it is.

ZHE: Sir, are you...?

LOUIS MARTINEZ: And as for stuccoing. Sir, as for stuccoing, you may not be able to get a hand in there but you can use a spray stucco, that we will be using. Just so that you know.

ZHE: Oh, good and are you the contractor for the construction of the wall?

LOUIS MARTINEZ: No, I'm just overseeing the job. I am a plumbing contractor back in Santa Fe. I've had a business for quite a while so I'm just helping her out and I'm kind of overseeing some of the stuff that is going on.

ZHE: Okay, very good well thank you for the clarifications on, as to the wall.

LOUIS MARTINEZ: Thank you so much.

ZHE: Let's see I believe the only hand I see is from Lastrapes, Spangler who's already spoken. Let me - - I'll give you 30 seconds. What do you got?

ALEXANDRA LOPEZ: Thank you, Mr. Lucero I just wanted to clarify a point about the walls existing on Sherry Ann Road. Pursuant to the City - - the applicant's application, the City gave her a map requesting 3 photographs of the surrounding 15 properties in the linear space. You know, just looking at the photographs that we provided, only two properties on Sherry Ann Road do you have a front yard wall within those 15 properties so, that's really where the clarification comes from. It's not that there are existing front yard walls, it's at the City required 3 on those 15 particular properties and 3 don't exist. That's all. Thank you.

ZHE: Thank you. Okay, let's see if there's any further public comment before we give Ms. Bachicha the opportunity to respond. This is agenda item 10 Helen Bachicha requesting a variance on a maximum wall height at 4908 Sherry Ann Road. Please raise your hand if you're here for agenda item 10. Okay, it doesn't look like there's anyone further who has not yet spoken so, Ms. Bachicha would you like to respond to the public comment?

HELEN BACHICHA: It seems like a lot of things have been addressed. Again, the wall - - I'm only asking for 5-foot, 1' to 5-foot, 3' it's not going 6. I'm - - the design was, was made - - it is a little unique, it's not like everybody else's. It's - - coming off that side east wall, there's a nice curve there and it's going to be stuccoed whether with a spray or by hand. It can only be decorated if it is higher. If it's just 3 feet, then it'll probably just be plain, which is okay. You know, I will comply with anything. We do have a safe neighborhood like Ms. - - like the lawyer said and I'm thankful to be in this neighborhood and this is for my security and my privacy. I am taking the responsibility on my part as a homeowner to you know, impeded the growth so that was why I did the walls and the footings of the you know, to impede the growth of the bamboo and I'm gonna try my best to do that and I do acknowledge that I - - the Gray's helpful handout that they gave me, I still have that and I will - - I have read it and I'm gonna be using that to help maintain the bamboo on my yard, I mean, even though it is coming from that side, I am doing my responsibility as a homeowner, as much as I can to take care of that issue. I did talk about the decorative element if it does go higher and that does look very similar to other walls in the neighborhood, so. There's not much I can say, I will comply with whatever height is approved for this project, sir.

ZHE: Okay, thank you for your submittals and I just - - I wanted you to address what Ms. Lopez noted that from her evidence submitted that it didn't appear that there were - - the 20% requirement was satisfied but I see that you submitted into the record, photos of let's see 1, 2, 3, 4, 5, 6, properties.

HELEN BACHICHA: Six, six properties.

ZHE: There's 4905 Sherry Ann, 4804 Sherry Ann, 4809 Shelly Rose, 819 Tia Christina 8005 Tia Christina and 8915 Tia Christina.

HELEN BACHICHA: Yes.

ZHE: Are all of those within the 330 linear feet?

HELEN BACHICHA: Well I - - we had a tape measured I - - we just measured it from my property line to each of those homes and it was all under 330 feet, sir and I guess I didn't understand the assignment. Pardon?

ZHE: Are they all shown within the - - are they all within the yellow highlighted area of the map that the Planning Department provided you?

HELEN BACHICHA: And, I looked at that map just, you know, quickly in August and then just recently now so if they are not on Sherry Ann, some of them are not on Sherry Ann Road so, you know - - and I understand that. You know, I understand that if it's not three houses on Sherry Ann Road - - I - - you know, I might not be able to get this and I understand that. So, I do acknowledge that, that, that, that could be an issue.

ZHE: Okay, well I will take everything under consideration and thank you for your testimony and I'd like to thank everyone for participating in this process and will issue the written decision in 15 days.

HELEN BACHICHA: Thank you, sir.

ZHE: Thank you, have a good day everyone.

HELEN BACHICHA: You too.

ZHE: So, that concludes agenda item 10.



**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

VA-2020-00239
PR-2020-004158
Helen Bachicha, 4908 Sherry Ann RD NW

ZHE: This is the ZHE hearing, September 15th, 2020 and next on the agenda is item 25. It's VA-2020-00239, project number, PR-2020-004158, Helen Bachicha requests a variance of 3 feet to the 3 foot maximum wall height for Lot 2-P1, Block 8, Las Marcadas 2, located at 4908 Sherry Ann Road Northwest, zoned R-1C. Hello Ms. Bachicha.

HELEN BACHICHA: Hello.

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

HELEN BACHICHA: It is Helen Bachicha, 4908 Sherry Ann Rd., Northwest Albuquerque, New Mexico, 87114.

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

HELEN BACHICHA: Yes.

ZHE: Thank you. Please tell me about your variance request.

HELEN BACHICHA: Okay, is it okay if I read a prepared letter, sir?

ZHE: Sure.

HELEN BACHICHA: - - to kind of describe that? Okay, thank you. I cut it down a lot because of the time constraint.

ZHE: Thank you.

HELEN BACHICHA: Absolutely. Thank you, Mr. Lucero for your time and attention to this process. I appreciate you hearing my letter. Sir, I've been a proud and thankful resident of La Marcadas Neighborhood for 24 years. The last two years, I have lived alone. I do care about my property investment and wish to build a privacy wall to gain some privacy and much needed safety for me and my whole family. The cement footings and small patio area will hopefully impede the bamboo plants that are encroaching upon my property from the Gray's residence to the east of me. The bamboo, the bamboo plants and roots have been an issue for quite some time. The Gray's have been using a portion of my front yard for a very long time to access their water spicket because they're bamboo had overgrown along their east wall and they could not - - no longer access their water. They since, have taken care of that and they're accessing their water fine. The bamboo rhizomes and roots, the plants have grown up to my front, front door area as, one of the pictures reveals. It also grows along the railroad ties as shown in the pictures in my backyard and grows higher than our roofs. It is already only 4 feet from the driveway and my driveway is almost 30 feet from his property line. So, these roots grow extremely long, horizontally and are very difficult for me to cut at sometimes. The letter from the lawyer to oppose the variance that is exclusively on my own property is only one example of the intimidation and harassment that I've, that I have experienced since I first tried to reach out to them in June with my concerns. It was difficult for me to send the letter concerning the bamboo issue but it needed to be addressed as, the maintenance has become a problem. They also

complained when I took responsibility in my own backyard to remove the honeysuckle that was dying and tangled up in the bamboo plants in their backyard. I am financing the east wall between his property and mine and I'm hoping that the cement footings will again, help impede the growth of the bamboo. The private wall approved for 3 feet on my property will also be part of the solution in hopefully stopping some of the growth in the yard. The variance permit is requesting only for that patio wall to go up to 6 feet, not anywhere else. In defense of their complaint, my private patio will not have any adverse or harmful effects on anyone. It is not contrary to public safety or welfare as their statement implies. In fact, the approval of the variance will improve the safety and welfare for me and my family. The patio wall will partially shield the Gray's from looking into my yard and making me and my family feel very uncomfortable and violated. I have experienced a lot of anxiety from these neighbors and I hope to protect my children with the approval of this variance. I am using all standard material and again, it's only on my property. I have complied with all the necessary paperwork requested by Ms. Suzie Sanchez. I have also submitted 4 letters of support from neighbors who live closest to me. According to their complaint, it seems that there's a misunderstanding on their end what this variance permit is for. It appears by the statement that they think I'm requesting the 3-foot east wall, that is between our property to reach 6 foot, near the front of our yards, as the plan shows but that small permit approved, will only be 3 foot or 40 feet 6 inches long on the property line. I did explain that to Mr. Gray verbally on 8/31 when the variance sign was posted. I also gave him copies of the plans and the permit to show him, you know, how it was gonna go. In regards to the small wall permit complaint, he is correct, that the back wall went higher than 6 foot due to a slope issue. I was also not aware that it should've been measured from the lowest grade of the property but I am in the process of getting this corrected with Marcus Trujillo by the 10 - - by October 4th since I got the formal complaint on 9/4. I originally - - the day I heard from Marcus on 8/31, when he was able to call me back after I called 311. I was able to upload a building permit right away but - - So, I'm in the process of either completing the building permit. I've contacted an architect. I've contacted Ray Lujan and I am in the process of getting, and I'm in the process of getting information on that but I've also had my, my wall measured Sunday and I understand how many courses I need to remove so, it's one or the other and most likely it might just be removed because this has been such a long process for me. But, it will be corrected sir and - - let's see - - one, one more paragraph - - I do plan to add a gate to the wall for security for one day that my children, my grandchildren can play in. I do thank you for your consideration, sir. I am not used to having to defend myself like this but I am doing it for my daughter who is right here and my son who will one day inherit this home. I want to protect them. My neighbors have unsettled my spirits and I would like protection for me and my family. We are living in a state of un-rest, these days and this wall will give me and my family some much-needed healing, privacy and safety especially, as we are all spending more times in our homes and in our yards. I am willing to go, you know, 5 feet if I need to but just a little protection sir from my neighbors. And I have my daughter here that would like to say something and my, and my aunt at the public part of this version, for their statement and I'd be willing to answer any questions that you have for me.

ZHE: Well, thank you for that presentation. So, just to verify some facts, I wanna make sure I have a clear understanding of this. I'm looking at the site plan that was submitted into the record. It looks like there's a sort of yellow highlighted area that would be the proposed wall?

HELEN BACHICHA: Yes.

ZHE: And, it looks like it - - if you were standing out on Sherry Ann Road and looking at the property, it would be going sort of to the left side of the property, is that right?

HELEN BACHICHA: Yeah, it curves from right to left - - well or is it, either way - - yeah, it kind of curves.

ZHE: It's back - - toward the backyard?

HELEN BACHICHA: Yes, so the east wall that I am financing sir, it'll be 6 foot and ideally, it was supposed to merge into the private patio wall like that. That's how come it, you know - - I was only allowed to go 6 foot to the end of my house as it shows and then left.

ZHE: Okay and then - - and where, where is the bamboo growing or sort of where is the neighbor, the Gray's, who have this bamboo, which side of the property do they live on?

HELEN BACHICHA: They're on the east side, where the wall - - where I have a permit to build a wall between his side and mine. So, it's to the east of that - - to the right of that sidewalk...

ZHE: Okay.

HELEN BACHICHA: ...Is where their house is.

ANNETTE BACHICHA: But if you're standing on Sherry Ann, it's the left.

HELEN BACHICHA: Oh yeah, if you're standing on Sherry Ann, it's a left, sorry.

ZHE: Okay, very good. So, if I'm looking at the site plan, it has blue ink on top, it's written Sherry Ann Road Northwest, that's north right? Is that correct?

HELEN BACHICHA: Yeah. Yes.

ZHE: Very good. I just wanted to make sure I was understanding sort of, the layout. So, one of the criteria for a variance under the IDO for a wall that's higher than otherwise allowed would be that, it strengthen or reinforce the architectural character of the surrounding area; would, would this wall strengthen or reinforce the architectural character and if so, how would I do that?

HELEN BACHICHA: I would say yes. I mean, the footings, I think are 16 x 16, or something so, I think it's gonna be a very good and strong architectural addition to the yard and area.

ZHE: And, is it similar in terms of aesthetics, to other houses and walls in the area?

HELEN BACHICHA: Yes, it is. I submitted pictures of that and even in their complaint, they submitted pictures of that. There's some walls that I even looked at yesterday that were way

higher than mine and it's like, how I wish I could keep it that high, but I'm not. I'm not asking for that high. But, yes, there's different areas that they have the walls.

ZHE: Okay, and is there - - would any injury to adjacent properties, the surrounding neighborhood or the larger community result from this wall?

HELEN BACHICHA: No. No.

ZHE: And, now - - let's see - - one of the requirements is that 20% of the properties within 330 feet of your property also have walls within - - you know, that are 3 feet or higher in the front yard setback - - is that the case here?

HELEN BACHICHA: Sir, I couldn't tell you that to be honest. I didn't take percentage stuff, I didn't like go around the neighborhood counting everything so I couldn't give you a valid answer on that. I couldn't say for sure but there are walls, beautiful walls around my neighborhood above 3 feet.

ZHE: Okay, because you know, there's a map that's included in the file that the City produces that says, you know, you have to submit photos of properties that are within the linear area up to 330 feet and it shows that based on there being 15 properties within the 330 linear feet, you'd need to have three photos. Do you think you could submit three photos of properties that have a wall within the front yard above 3 feet?

HELEN BACHICHA: I thought I did that already. I did submit several pictures to them. Do I need to ask the neighbors for me to measure their wall? Because to me, that's private but I will do that if I need to.

ZHE: I mean, if they're in there and you can, you know...

HELEN BACHICHA: I did - -

ZHE: ... If they're above 3 feet. I see several pictures but they're not labeled with, you know, addresses or you know, where the - - or how high the walls are so it's kind of hard to note.

HELEN BACHICHA: Okay, I would be willing to knock on their door and ask them, you know, if I can - - do you mind telling me how high your wall is? I need to submit this for my variance permit. I mean, I'll do whatever I need to do and ask them if I can share their address.

ZHE: And, you don't need to - - I mean - - generally, applicants have not sought permission, they just stand out in the public street, take a picture and testify that it is above 3 feet in the front yard, you know, that's a good (inaudible).

HELEN BACHICHA: Okay. I'll do that, I'll do that if that's - - but, I did take some pictures earlier and submitted it with my application but I will re-do that and make sure they're, they look like they're over 3 feet.

ZHE: Okay, yeah, that would satisfy that element. And then, the next element is that the wall shall not block the view of any portion of any window on the front façade when viewed from 5

feet above ground level at the center of a line of the street. So, if you're standing out in the middle of the street looking at the front of the house, would the wall block any window?

HELEN BACHICHA: No, my window will partly be shown, not the whole thing. But, my big - - my window is pretty big in the front so you would be able to see some of it.

ZHE: Okay and let's see, we already talked about design and materials and you stated that it's - - reflects the architectural character of the surrounding area. Anything else that you'd like to state before we hear any public comments?

HELEN BACHICHA: I'm thankful I got the 3-foot permit at least and you know, I'm just hoping for the best - - the results to be good for this - - and - - so thank you for hearing me out.

ZHE: Certainly. Well, I'll do my best to be fair and - - but we need - - we want to give everyone the opportunity to speak and I know that, as you mentioned, there is some opposition so let's, let's open it up to public comment and I see Jim Gray. Oh, let's see. There's also Lastrapes, Spangler and Pacheco. Maybe, we oughta - - we did receive a letter from them. Is there someone there?

ALEXANDRA LOPEZ: Hi, yes, Mr. Lucero, this is Alexandra Lopez of Lastrapes, Spangler and Pacheco, how are you this afternoon?

ZHE: Hi, Miss. Lopez, I'm doing well. Would you please state your - - you just stated your name. Would you state your mailing address for the record?

ALEXANDRA LOPEZ: Absolutely. Our mailing address here at our law firm is P.O. Box 15698 in Rio Rancho, NM 87174.

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

ALEXANDRA LOPEZ: Yes sir, I do. Thank you.

ZHE: Thank you, please proceed.

ALEXANDRA LOPEZ: I want to thank you Mr. Lucero and the rest of the Planning and Zoning staff for allowing us to appear today. I'm here speaking on behalf of Jim and Diane Gray who are also on the Zoom call. They are the neighbors who are directly adjacent and next-door to Ms. Bachicha at 4904 Sherry Ann Road Northwest and they're going to be directly affected by the construction of any type of wall on this particular boundary line. I think it's important to note that their main concern is not that Ms. Bachicha wants to build a wall but it is in fact the height of the wall. And, the construction of the prior wall in the backyard as she stated, there is a backyard, sidewall between the two properties that was supposed to be raised to 6 feet but was actually raised to 7 feet 4 inches. It's made of cinder block. The Gray's are a little afraid at this point that, that wall and that height will continue even if Ms. Bachicha gets the permit simply because she's already received a permit for something that was allowed and didn't adhere to the permit requirements. I think another issue that they have with this particular wall is that if it is

cinder block, it will detract from the overall beauty and characteristics of the neighborhood. If you look at the neighborhood and the surrounding homes, most of them are stucco, cinderblock walls that are 6 feet high would stick out and be very different from the surrounding architecture in the neighborhood which, I do believe is one of the requirements. It won't strengthen or reinforce the character of the surrounding neighborhood but it will seek to differentiate Ms. Bachicha's property from the rest of the walls in the neighborhood. I think that ultimately if Ms. Bachicha perhaps suggested something like a stucco wall rather than a cinder block wall and then something that's 3 feet perhaps with a fence that could, you know, utilize some type of fencing in order to create that opaque that she desires, it would be more aesthetically pleasing and that might be something the Gray's might be open to. But, I think at this point, their main concern is also safety as well. If a 6 foot wall is built up, alongside of their house, up until a point up, until the front of Ms. Bachicha's yard, there is a window there that - - on, on the Gray's side of the property, on their home that will be directly hidden by this large wall. So, anybody could particularly go up to this wall and hide behind it, you know, and then try and enter the Gray's property through this side window because it's definitely visually blocked. I think another important thing to note, is that the 6-foot high courtyard wall would be the only 6-foot high front yard wall on Sherry Ann Road. There are other properties on Sherry Ann Road that do have smaller walls up to the 3 feet standard and then some homeowners have utilized fencing in order to kind of put up more of a privacy shield but at this point, nobody else on Sherry Ann Road directly has a 6 foot cinder block wall in their front yard. So, I think if privacy is a concern for Ms. Bachicha, it - - that can be accomplished in the various different ways that don't require a cinder block wall. You know, she can use fencing, she can utilize landscaping to block off certain portions of her property from, you know, passersby. I think at this point, if you were to visually look at Sherry Ann Road and the surrounding properties, most of the walls that are higher than 3 feet are all side yard walls which are all permitted to be higher than 3 feet especially, if they're facing a road. And then, you know, they do function to work with the aesthetics of the neighborhood and not detract from that. So, I think those are really the main points. It's also important to note that in the application that we received, we didn't see any photographs that were showing other homes in the neighborhood that did have, you know, walls higher than 3 feet. I didn't see any of those and I didn't see that on the application which as you stated already, is a requirement. And, so, we'd like to see that because we did submit some walls in the area which are all mostly on the side street, not only on Sherry Ann Road but, on the road that is perpendicular to Sherry Ann Road, Tia Christina Road and I believe that those walls are all either under 3 feet tall or they have met with some type of design requirements, except for the wall that is a 6 foot side cinderblock wall that faces a park. So, I believe that, that really covers the basics. It's not that the Gray's are opposed to Ms. Bachicha building any type of wall, it really is the stylistic type of wall that she's elected to build. And, then, you know, there is some fear as to whether or not this wall will block off a portion of their home and allow criminals to access their home. When you have a 6-foot wall and it's the only property in the area with a 6-foot wall, in this residential chunk, that is the wall that would draw attention to people who might be up to, you know, some sort of bad acts because the wall does provide an actual shield.

Nobody would be able to see beyond it and I think that's really something that we need to focus on here. Thank you.

ZHE: Thank you Miss Lopez for that, that testimony and perspective and I'll make a note that we did receive a letter from your office, it's in the record. And, if you'd like copies of everything submitted into the record, you can contact Suzie Sanchez and she can provide that to you.

ALEXANDRA LOPEZ: Sure, thank you.

ZHE: Let's go ahead and hear other public comments and at the end of public comment, we'll allow Ms. Bachicha to respond. Did you, did you say something Ms. Lopez?

ALEXANDRA LOPEZ: No, I just said thank you. Thank you, Mr. Lucero.

ZHE: Oh sure. Thank you. Very good. I see Jim Gray has his hand raised. Are you there, sir?

JAMES GRAY: Actually, my wife wants to speak first.

ZHE: Okay. Hello, ma'am, would you please state your name and mailing address for the record?

DIANE GRAY: Yes, my name is Diane Gray, my mailing address is 4904 Sherry Ann Rd., Northwest Albuquerque, New Mexico 87114.

ZHE: Thank you, ma'am and please raise your right hand.

DIANE GRAY: Yes.

ZHE: Do you attest penalty of perjury that your testimony will be true?

DIANE GRAY: I do.

ZHE: Thank you, ma'am. Please proceed.

DIANE GRAY: Thank you. I am going to read from some notes that I put together. It's just easier for me.

ZHE: Sure.

DIANE GRAY: First of all, I would like to thank you Mr. Lucero for allowing us to speak. I would want you to know that we have been neighbors for almost 16 years, it'll be 16 years in December, neighbors with Ms. Bachicha. Originally, it was with Ms. Bachicha and her husband, at that time but they have since divorced. I would like to say, a 6-foot patio wall patio wall is not in keeping with existing front patio walls in our neighborhood, all of which appear to be less than 6 feet, I say they appear to be. We were able - - my husband and I do a lot of walking so we have walked around the neighborhood and these walls are from the sidewalk we did not get - - go into people's property, we did not trespass but these walls did appear to be under 6 feet because it was very easy to see front windows. These walls in our neighborhood have been stuccoed and have architectural features including - - and I don't know what you would call them but they

have cut outs, they have openings in the stucco that - - some are stepped, sort of high and low and some are curved, they have curves in them and it gives a pleasing and welcoming appearance to the front of the house from the street and none of these walls hide street facing windows, as I just said. Our neighbors drawing, Ms. Bachicha's drawing shows a 6-foot patio wall extending across her front yard, beyond the northeast corner of her house and curving south to intersect with her proposed 6-foot boundary wall. This will give, in my opinion an unattractive appearance from the sidewalk and street and our neighbors front yard will not be in keeping with the neighborhood. Properties in our neighborhood are small, most are less than 1/4 acre. Our property, as well as that of our neighbor, Ms. Bachicha are each shown to be 0.1878 acres on a plat map. The proposed 6-foot boundary wall and the proposed adjoining 6-foot patio wall will give us a sense of insecurity. And, my husband and I are both in our 70's and my husband has Parkinson's disease, you know, so, we would not be able to put up a very big fight if somebody broke into our house. We have two windows in our house that will give us a sense of insecurity. I'm sorry, let me repeat that. We have two windows in our house that are 4 feet 3 inches from the property line with our neighbor. That's 4 feet 3 inches, that's not a very big space. This small space, if enclosed by a 6-foot block wall and together with the wall of our house could provide coverage for a burglar. The proposed 6-foot boundary wall and 6-foot patio wall will likely decrease our property value. Thank you.

ZHE: Thank you for your testimony Mrs. Gray. Mr. Gray would you like to speak?

JAMES GRAY: I would like to speak also, yes.

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

JAMES GRAY: My name is James Gray, I usually go by Jim. Our address is 4904 Sherry Ann Rd., Northwest Albuquerque NM 87114.

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

JAMES GRAY: I do.

ZHE: Thank you, sir please proceed.

JAMES GRAY: Okay. Ms. Bachicha mentioned a discussion that took place on, on August 31st after the bright, yellow sign went up about her request for a variance and she explained at the time, that her, her notion of this wall, patio wall, is to intersect with the boundary wall. I will point out that in our looking around at neighbors that there - - essentially none of these front walls that, that surround front patios, intersect with boundary walls. In addition, as my wife pointed out, all of these are lower than 6 feet. There are some, several that are above 3 feet. The other thing is that, I noticed that, that Ms. Bachicha and her assistants, whoever they were, painted on the gravel where the proposed walls were going to be. The intersection between the boundary walls would be up to 6 feet and this proposed patio wall is very, very close to the boundary line and would extend for some time before it starts curving around to the west. So,

that - - there would be a 6-foot wall that was very close to boundary, rather close to the - - well, further north than the corner of her house, which is supposed to be the end of the 6-foot wall, so. The other thing I wanted to point out is that, we know that the bamboo has spread and we don't know exactly what Ms. Bachicha wanted or expected from us in terms of any kind of assistance or advice on how to deal with the bamboo spreading. We did have - - this summer, early summer have Red Shovel come out and remove a very large portion of our bamboo that was growing along the west side of our house. I also provide Ms. Bachicha with information on how to control the bamboo because the main thing that has to happen with bamboo is, you need to stop the rhizomes that are spreading under the ground and a concrete block wall will not stop that. She already knows that in the vicinity of where she had the, I'm sorry, the honeysuckle, that there was bamboo that managed to crawl under the wall where this honeysuckle was and it will continue to do that unless we - - unless she uses some sort of other barrier that we did provide her information about and she uses the techniques that were described on how to control the bamboo. The bamboo will not continue spreading if you can succeed in cutting it so that it will not be able to do photosynthesis. And, and let's see, in May of, of 2019, we were on a vacation and came back and unfortunately, my wife got very ill during that vacation and was in the hospital and she got a phone call from Ms. Bachicha basically complaining about all the bamboo that had come up in her front yard. With my wife in the hospital, I succeeded in getting some friends to assist with and we went on her property and cut all of the bamboo in the front yard. We never got any feedback from Ms. Bachicha as to whether she thought that was what we should do. Recently, we've clearly got feedback from Ms. Bachicha suggesting she doesn't want us putting any - - our feet on her property but we are unclear on where she is on these issues. The other thing that our - - Ms. Lopez brought up was, we were concerned since Ms. Bachicha had approval to build a 6-foot wall in the back and oops, she built a 7-foot 4 inch wall instead. Mistake! We were very concerned that she might be just as, as imprecise in what she does upfront. I think that essentially covers what I was planning to bring up. Thank you, Mr. Lucero.

ZHE: Mr. Gray, thank you for your testimony. Let's see if there's any other public comment on this matter. Again, this is agenda item 25, Helen Bachicha requesting a 3-foot variance to the 3-foot maximum wall height at 4908 Sherry Ann Road Northwest. Please raise your hand if you're here to speak on agenda item 25, you can do that.

ANNETTE BACHICHA: Hello, I would like to. I'm her daughter.

ZHE: Please state your name and mailing address for the record.

ANNETTE BACHICHA: Annette Bachicha and my mailing address is 1801 Gibson Blvd. SE. 87106.

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

ANNETTE BACHICHA: Yes.

ZHE: Thank you, please proceed.

ANNETTE BACHICHA: Okay, I just wanted to add to my mom's testimony. First off, I am in support of the wall which aids in her privacy and safety as a single woman. I would also like to address that the growth and the spread of the bamboo belonging to the Gray's is not her responsibility to control. My main concern that I wanted to address is that Mr. Gray has looked over the dividing wall into our yard multiple times which is a violation of that privacy. This behavior makes me extremely uncomfortable and it has for years. My mom has been compliant as well as cooperative with all City regulations and is willing to shorten the wall by 1 foot if deemed necessary. Again, I feel unsafe in the presence of Mr. Gray when he violates our privacy by looking over our dividing wall into our yard without reason.

ZHE: Thank you for your testimony.

ANNETTE BACHICHA: Thank you.

ZHE: Is there someone else there?

LINDA ORTEGA: Yeah, there's Linda Ortega, her sister.

ZHE: Thank you Ms. Ortega would you please state your mailing address for the record?

LINDA ORTEGA: Sure, Linda Ortega, address is 1552 Camino Hermosa Corrales, NM 87048.

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

LINDA ORTEGA: Yes, sir. I do.

ZHE: Thank you, please proceed.

LINDA ORTEGA: Thank you. I'm here, I've been here with my sister since this morning at 9 o'clock. She is not well. She is physically sick, she has PTSD, she is not well. The whole thing is, is because of the neighbor. I'm sorry, I have not yet met the neighbors but I am here in defense because of my sister's well-being. She is a single woman, recently divorced, two years ago. We've done our studies on the bamboo. Since the very beginning, she's complained that the bamboo was growing into her yard and I have done my study on that and it says that it should not be planted anywhere near the surrounding wall and it has which has grown horizontally into my sisters' yard, both the front and the back. Unfortunately, she's had to you know, she's been doing this all by herself. I mean, she has called every one, she's gone to the City, I don't know how many times for permits and she has done her homework. She is intimidated by her neighbors. I have offered to go and speak for her. She's intimidated, she's frightened and she does not feel safe. We could actually get into you know, some really legal, you know stuff if we really wanted to, concerning the bamboo because it is, it's an expensive thing to fix. You have to get way under there. It has to be removed with a special digger. All we want - - all she wants is some privacy, some peace, some safety and she wants them to leave her alone. Maybe, Helen has been here a little bit over 20 years and I believe the Gray's have been here about 15. The neighbors don't have any problems with Helen doing that. Helen has letters from the neighbors. The Gray's just seem to keep pushing her and pushing her and pushing her, it's a form of harassment. It's not

safe, you know, this is her home, she has no other option to go anywhere else and I, you know, I stand here in defense of her.

ZHE: Well, thank you for your testimony. I just want to remind everyone, you know, I'm here to decide the variance and I appreciate that there's more backstory here than I am privy too obviously but my review is confined to the merits of the variance case and so, I appreciate everyone's testimony. Is there any other public comment? Anyone other than the applicant who hasn't yet spoken? Please raise your hand. Again, this is agenda item 25.

HELEN BACHICHA: Sir, do I get to speak again or - - in defense?

ZHE: You sure do, after the public comment.

HELEN BACHICHA: Okay.

ZHE: Is there anyone here for agenda item 25 who has yet - - not yet spoken?

UNKNOWN SPEAKER: Hello?

ZHE: I'm scrolling through the participant list. Hello?

UNKNOWN SPEAKER: Who? Hello?

ZHE: Yes, are you here for agenda item 25? It looks like we lost whoever was speaking. Okay, last call for agenda item 25. Okay, Ms. Bachicha, are you there?

HELEN BACHICHA: Yes.

ZHE: Oh good. Go ahead, you can respond to all of the public comment.

HELEN BACHICHA: Okay, there was a lot but I just wanted to like, say a couple of things that my - - the private patio wall will be stuccoed. I have a friend that has experience making walls and he's a - - so it'll be aesthetically beautiful like, it's not just going to be a cinder block. So, it will be stuccoed and let's see, I believe it will increase my property value but you know, I think a lot of people value privacy over plants and you know, they value privacy especially right now and as far as - - you know, - - I'm getting the appropriate permits for everything. That east wall will be 6 foot and then down to 3 foot and you know, that's already been approved and I have already been approved for the 3 foot, it's gonna merge into that 6-foot wall and if it happens to get approved to 6, even if it's 5, I'd be happy with it. It would slope down and look very nice. Let's see, anything else that - - [attractive... What's that? Let's see. It attracts rats]. - - Oh! Oh you know what, it does say - - you know, my sister researched that the bamboo does attract rats and mice and I have had an increase of that this summer and I noticed that the Gray's do you have an Orkin guy and it's like - - but - - I kind of noticed that there have been dead mice on my, in my patio, so.

ZHE: Ms. Bachicha, I want to remind you, you know, I'm not here to decide anything about the bamboo but rather about your wall.

HELEN BACHICHA: Right.

ZHE: And so, if it's compliant to your wall.

HELEN BACHICHA: Yeah. Well, only in defense, you know, the bamboo is an issue. So, I think that's all. It's gonna be stuccoed, it's gonna be beautiful. That's all I can say.

ZHE: Okay, well thank you I know that this process can be intimidating and I appreciate you, you going through the process with the City. I know it also takes time. I'm wondering, you know, their - - I heard from Ms. Lopez and from the Gray's that they have some flexibility, you know, about 5 feet and it sounds like you have some flexibility about 5 feet or you know, that maybe - - I'm wondering whether a facilitated meeting might be useful. On the other hand, I don't wanna force the parties together if you're not comfortable having such a meeting. What do you think? Would that be helpful?

HELEN BACHICHA: I would prefer not to meet with them, sir. They make me very uncomfortable and I've had people to have to talk on my behalf with them but I will go with what the City says, you know. I'm asking for 6 and if you, you know, as a Hearing Officer, think it should be less, I will go with what you say.

ZHE: Okay. Let's see, I see Ms. Lopez has her hand raised. Ms. Lopez, you've already had an opportunity to speak and we're running short on time so, if you can keep it to about 30 seconds or so. Are you there?

ALEXANDRA LOPEZ: Yes, this will just be a brief comment. If Ms. Bachicha is considering stuccoing the wall, I think it would really be helpful for the Gray's if she were to produce a more detailed plan of what this wall is going to look like. I know she's provided this kind of site plan but it doesn't really have a lot of details about what the wall will ultimately look like or what she's willing to deviate from, from her plan. Especially, if she's not willing to speak to my clients face to face, you know, it would be helpful if she had a more complete explanation of what she was intending to do and how that adheres to the IDO Section 14-16-5-7-E-2 and 7-E-3 because she does have to meet those requirements if the wall is going to be that high. So, I think it would be helpful if she could submit a more complete plan of what she actually wants and then, you know, the parties can discuss. I'd be happy to facilitate that if she doesn't want to speak to Mr. Gray.

ZHE: Okay. Yes, Ms. Bachicha, you may respond.

HELEN BACHICHA: You know, sir, if I have to get somebody to be with me to speak with them, I will but I don't understand - - this is my property and my business and my wall here and I don't understand how they - - their requests and their impositions and their demands - - that I have to adhere to them when I'm working with the City instead of, you know, I'm working with the City. I don't understand, you know, I'm trying to do this the best way I can and I'll do - - I'm just asking your guidance.

ZHE: Well, let me - - I - - that is a common question and so let me address it, also for the benefit of everyone on the line. The City here has to be an independent decision body. My role as a ZHE, you know, I'm an independent hearing officer and I can't give advice to one party or the

other but in terms of what the IDO requires, you know, for you to get the requested variance, there are a couple of elements that would require - - that would allow neighbors and anyone in the public to oppose it. One would be that it strengthen and reinforce the architectural character, you know we talked about stucco versus block. There's been testimony of that. The other is, that it not be injurious to adjacent properties, you know, they raised concerns about their window and so forth. So, that's their good faith basis from my perspective, in terms of what - - how they can interject and so, you know, that's why the public has a right to comment.

HELEN BACHICHA: I agree. I agree.

ZHE: But, so, so bottom line, I think that there is room here for a workable solution and at the same time, you know, we do need that all of the criteria be satisfied. I think you've gone a long way toward satisfying them but not all the way. Specifically, you know, this criterion 3 about the, you know, at least 20% of the properties within 330 feet. If you could submit photos with the address on it, you know, and just, just - - because I - - we do see photos but, I have no indication of where they are, if they're within 330 feet or not.

HELEN BACHICHA: I understand.

ZHE: If you can do that, that would help substantiate that and then in terms of - - if you could provide a more detailed drawing, it doesn't have to - - you don't have to hire an architect or anything, you could just do a hand drawing of like, this is more or less what the wall is going to look like.

HELEN BACHICHA: Okay.

ZHE: It's gonna be stuccoed, it's gonna have - - how it would be in harmony with the neighborhood and you could take other pictures. I think those would allay a lot of the concerns that Ms. Lopez and the Gray's have expressed and allow you know, allow sort of a more productive discussion in October but at this point I don't feel like I have enough to decide on the case because of that missing evidence, so I'm going to allow the parties until October to submit anything additional for me to consider and will reconvene on October 20, it'll be 9 AM, beginning at 9 AM. I know it's hard to predict what exact time you'll go on but I would urge you to, you know, submit those elements.

HELEN BACHICHA: Okay. Sir, I just want to get confirmation that I can still go ahead and do at least the 3 foot wall right? I mean, I'm getting some other estimates so that I can make sure that this is done more correctly and there isn't another mistake but I can at least proceed with those plans for the small permit that I already have approved, is that correct?

ZHE: Yeah, I mean, any existing permit that you have is not affected by this deferral, at all if you have an existing permit you can render.

HELEN BACHICHA: Okay, well, that'll be good.

ZHE: Okay, very good. Well, thank you all for your participation in the process. I know it can be uncomfortable, you know, I'm trying to be a neutral you know, judicator of this matter and so I do want it to be decided on the merits and so I'll give another month for all of you to submit anything additional. And, I would encourage you to consult one another. Ms. Bachicha, if you feel more comfortable contacting Ms. Lopez, maybe that's a way to communicate with the Gray's, through their council.

HELEN BACHICHA: Sir, I think, you know, I - - maybe it would be but I definitely need a witness all the time when I'm talking with them. I've been advised about that. And, you know, I am not comfortable with him emailing me anymore. His name triggers bad anxiety in me, so we might have to use a third party.

ZHE: Okay. Another thing, if the parties would like, we can, you know, require a City facilitated meeting but you know, I just hesitate to that because you expressed...

HELEN BACHICHA: Well, I mean a lawyer. If his lawyer wants to talk with me or you know or just some kind of other, you know, even if it's just my cousin or my friend but it's just that I always have to have somebody with me and I'll be happy to figure this out and get this, you know, workable.

ZHE: Okay, well I am going to issue a written decision then to deferring to October 20 and it'll be to allow the party to submit additional evidence and to confer with one another and particularly, I would like photos that are labeled as to the address and whether they are within the 330 linear feet, that the site plan be labeled as to how far the, how far the wall is from the front setback and then finally, you know, a drawing that would show what the wall is going to look like. It could just be a hand drawing, it doesn't - - you don't have to spend money on it.

HELEN BACHICHA: Okay.

ZHE: All right and I'll put all of that in the Notice of Decision.

HELEN BACHICHA: Okay.

ZHE: Very well. Well, thank you everybody for your participation and that concludes agenda item 25 which will be deferred to the October 20th hearing beginning at 9 AM.

HELEN BACHICHA: Thank you sir.

ZHE: Thank you.

NOTICE OF APPEAL

November 20, 2020

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on November 19, 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-20-14
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2020-004158, VA-2020-00239, VA-2020-00439

APPLICANT: Helen D. Bachicha
4908 Sherry Ann Rd. NW
Albuquerque NM, 87114

AGENT: Martin R. Bachicha
9544 Flint Rock Dr. NW
Albuquerque NM, 87114

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
ZHE file
Helen Bachicha bachichahelen@gmail.com
James & Diane Gray, james@gray.org , dianne@gray.org
Noel Lopez, NL@lsplegal.com
Cynthia Arellano, ca@lsplegal.com
Annette Bachicha, annettecb@unm.edu
Linda Ortega, Lindaincorrales@gmail.com
Marty Bachicha mrbachi@sandia.gov
Louis Martinez, kinglouiemartinez9@gmail.com
LeeAnn Werbelow, Werbelow-lw@lsplegal.com



ZONING HEARING EXAMINER'S AGENDA

TUESDAY, October 20, 2020 9:00 A.M.

Join Zoom Meeting

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

Meeting ID: 704 449 0999

One tap mobile

+16699006833,,7044490999# US (San Jose)

+12532158782,,7044490999# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 704 449 0999

Find your local number: <https://cabq.zoom.us/j/7044490999>

Robert Lucero, Esq., Zoning Hearing Examiner

Lorena Patten-Quintana, ZHE Planner

Suzie Sanchez, ZHE Administrative Assistant

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

PLEASE ADDRESS ALL CORRESPONDENCE TO:

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

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

***INTERPRETER NEEDED:**

- | | | |
|------------------|--------------------------------|---|
| 1. VA-2020-00267 | 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] |
| 2. VA-2020-00272 | Project#
PR-2020-
004302 | Juan Angel Medrano requests a variance of 3 feet to the 3 feet maximum wall height for Lot 79-P1, El Rancho Grande Unit 11, located at 2119 Hermosa Creek DR SW, zoned R-1A [Section 14-16-5-7-D] |

- | | | | |
|----|---------------|----------------------------|---|
| 3. | VA-2020-00286 | Project#
PR-2020-004333 | Daniel and Juana Ramirez request a variance of 4ft to the 3ft maximum wall height for Lot 12, Block 3, Buena Tierra Addn, located at 2905 2 ND ST NW, zoned MX-M [Section 14-16-5-7-D] |
|----|---------------|----------------------------|---|

OLD BUSINESS:

- | | | | |
|-----|---------------|----------------------------|---|
| 4. | 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)] |
| 5. | 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] |
| 6. | 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] |
| 7. | 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)] |
| 8. | 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)] |
| 9. | 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)] |
| 10. | 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)] |
| 11. | 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] |
| 12. | 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] |
| 13. | 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)] |

NEW BUSINESS:

14.	VA-2020-00270	Project# PR-2020-004279	Connie Sedillo requests a variance of 2 feet to the required 3 foot wall height in the front yard setback for Lot 18, Block 4, Bellamah-Dale Addn, located at 1803 Valencia DR NE, zoned R-1C [Section 14-16-5-7-D]
15.	VA-2020-00271	Project# PR-2020-004292	Angela Dapo requests a variance of 2 ft 9 inches to the 3 ft maximum wall height for Lot A1, Block 14, Panorama Heights Addn, located at 1720 Faith CT NE, zoned R-1C [Section 14-16-5-7-D]
16.	VA-2020-00273	Project# PR-2020-004303	Maria G Carbajal requests a variance of 3 feet to the 3 feet maximum wall height Lot 117-P1, El Rancho Grande Unit 14, located at 10224 Sandy Trail Rd SW, zoned R-1A [Section 14-16-5-7-D]
17.	VA-2020-00274	Project# PR-2020-004304	Jesus Carrillo-Martinez requests a variance of 3 feet to the 3 feet maximum wall height for Lot 126-P1, The Crossing Unit 1A, located at 8632 Casa Verde Ave NW, zoned R-1B [Section 14-16-5-7-D]
18.	VA-2020-00277	Project# PR-2020-004317	Maria Paredes requests a variance of 3 feet to the 3 feet maximum wall height for Lot 10, Block D, Cacy Subd, located at 2912 Corona DR NW, zoned MX-T [Section 14-16-5-7-D]
19.	VA-2020-00279	Project# PR-2020-004319	Karl A. Siegler (Agent, Gilbert Austin) requests a permit to allow a carport in the required front and side yard setbacks for Lot 38, Block G, New Holiday Park Parts 5 & 6, located at 12125 Genoa ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)]
20.	VA-2020-00280	Project# PR-2020-004320	Yuji S. Starcher (Agent, Gilbert Austin) requests a permit to allow a carport in the required front and side yard setbacks for Lot O, Block 30, Ridgecrest Addn, located at 1708 Morningrise PI SE, zoned R-1B [Section 14-16-5-5(F)(2)(a)(2)(a)]
21.	VA-2020-00281	Project# PR-2020-004329	Paul Hackett requests a variance of 7ft to the RV parking requirement of 11ft from the face of the curb for Lot 6, Block 6, Highlands North Addn, located at 6512 Northland Ave NE, zoned R-1C [Section 14-16-4-3-F-16]
22.	VA-2020-00283	Project# PR-2020-004335	Christopher Parrino (Agent, Ed Paschich) requests a variance of 12ft to the 15ft front yard setback for Lot 7, Block 3, Summer Garden Addn, located at 1509 Summer Ave NW, zoned R-1A [Section 14-16-5-1]
23.	VA-2020-00287	Project# PR-2020-004347	Faith Begay Holtrop requests a variance of 3 feet to the 3 feet maximum wall height for Lot 12, Block 7, Parkland Hills Addn, located at 621 Solano Dr SE, zoned R-1D [Section 14-16-5-7-D]
24.	VA-2020-00288	Project# PR-2020-004354	Roberto Rios requests a variance of 10 feet to the required 15 feet front yard setback for Lot 20A2, Block 1, Candlelight Foothills Unit 1, located at 13909 Lomas Blvd NE, zoned R-1C [Section 14-16-5-1]
25.	VA-2020-00290	Project# PR-2020-004361	United Business Bank (Future Owner, Bermudez Bros. LLC) (Agent, Modulus Architects) requests a conditional use to allow a drive through or drive up facility for Lot C2A, Block C, Altamont Addn Unit 6, located at 6000 Montgomery Blvd NE, zoned MX-L [Section 14-16-4-3(F)(4)]

26.	VA-2020-00291	Project# PR-2020-004362	Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 44 feet to the maximum building height of 45 feet when <20 feet from the front property line to allow a building of 89 feet in height for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)(d)]
27.	VA-2020-00292	Project# PR-2020-004362	Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 14% to the required 40% of clear transparent windows and/or doors on each second floor and higher on the facade facing Third Street for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)(f)3.b]
28.	VA-2020-00293	Project# PR-2020-004362	Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 18% to the required 40% of clear transparent windows and/or doors on each second floor and higher on the facade facing Lomas Blvd for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)(f)3.b]
29.	VA-2020-00294	Project# PR-2020-004362	Roma Fourth Capital, LLC (Agent, Consensus Planning) requests a variance of 38 bicycle parking spaces to the required 75 spaces to allow 37 spaces for Lot D, Sunwest Centre, located at 303 Roma Ave NW, zoned MX-FB-UD [Section 14-16-2-4(E)(3)g]
30.	VA-2020-00296	Project# PR-2020-004370	John Diomede (Agent, Keith Riche) requests a variance of 5 feet to the required 5 foot side yard setback to build a townhouse at zero lot line for Lot 19A-P1, Block 29, 14TH + Coal Unit 2, located at 1411 Coal Ave SW, zoned R-ML [Section 14-16-5-1]
31.	VA-2020-00297	Project# PR-2020-004371	Sonlee West and Adam Delu (Strata Design, LLC, Tim Nisly) request a variance of 3 feet 1 inch to the required 10 ft street side yard setback for Lot L1, Block 1, Coopers--W T/Country Club Addn, located at 1110 Marquette PI NE, zoned R-1B/R-ML [Section 14-16-5-1]
32.	VA-2020-00299	Project# PR-2020-004371	Sonlee West and Adam Delu (Strata Design, LLC, Tim Nisly) request a variance of 1 foot 8 inches to the required 5 ft interior side yard setback for Lot L1, Block 1, Coopers--W T/Country Club Addn, located at 1110 Marquette PI NE, zoned R-1B/R-ML [Section 14-16-5-1]
33.	VA-2020-00298	Project# PR-2020-004372	Marcia Rae Cubra requests a variance of 3 feet to the 3 feet maximum wall height for Lot 3, Block 5, Victory Addn No 2, located at 1309 Vassar DR SE, zoned R-1B [Section 14-16-5-7-D]
34.	VA-2020-00300	Project# PR-2020-004375	Allison Burnett and Sarah Grant (Agent, Kevin O'Toole) request a variance to allow a carport within a front or side setback for Lot 26, Block 69, Parkland Hills Addn, located at 1032 Quincy ST SE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)]
35.	VA-2020-00301	Project# PR-2020-004375	Allison Burnett and Sarah Grant (Agent, Kevin O'Toole) request a variance to allow a carport 1 ft from the property line for Lot 26, Block 69, Parkland Hills Addn, located at 1032 Quincy ST SE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)]

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| 36. | VA-2020-00304 | Project#
PR-2020-
004377 | Mike Fernandez requests a variance to allow a carport within a front or side setback for Lot 2, Block 23A, Mesa Del Norte, located at 912 Chama ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(2)(a)] |
| 37. | VA-2020-00306 | Project#
PR-2020-
004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 7, Martineztown Plan Phase 7, located at 405 Martin Luther King Ave NE, zoned MX-T [Section 14-16-5-7-D] |
| 38. | VA-2020-00307 | Project#
PR-2020-
004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 6A, Brooks Harold, located at 401 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D] |
| 39. | VA-2020-00308 | Project#
PR-2020-
004381 | RM 401-40 Steve Nakamura (Agent, Development Managing Consultants) request a variance of 3ft to the 3ft maximum wall height for Lot 5, Block 4, Belvidere Addn, located at 405 Edith Blvd NE, zoned MX-L [Section 14-16-5-7-D] |



ZONING HEARING EXAMINER'S AGENDA

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

Join Zoom Meeting

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

Meeting ID: 704 449 0999

One tap mobile

+16699006833,,7044490999# US (San Jose)

+12532158782,,7044490999# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 704 449 0999

Find your local number: <https://cabq.zoom.us/j/7044490999>

Robert Lucero, Esq., Zoning Hearing Examiner

Lorena Patten-Quintana, ZHE Planner

Suzie Sanchez, ZHE Administrative Assistant

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

PLEASE ADDRESS ALL CORRESPONDENCE TO:

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

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)] |

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| 3. | VA-2020-00234 | Project#
PR-2020-004152 | Flora Fernandez requests a permit to allow a carport in the front yard setback for Lot 1, Block 1, Mariposa Addn, located at 1823 William ST SE, zoned R-1A [Section 14-16-6-6(L)(3)(d)] |
| 4. | VA-2020-00237 | Project#
PR-2020-004155 | Nain Hernandez requests a variance of 3 feet to the 3 feet maximum wall height for Lot S, Bergquist Addn, located at 220 Estancia DR NW, zoned R-ML [Section 14-16-5-7(D)] |
| 5. | VA-2020-00240 | Project#
PR-2020-004163 | Arthuro Nunez-Guiano requests a variance of 2 feet to the 3 feet maximum wall height for Lot 688, Block 30, Atrisco Village Unit 3B of Hoffman City, located at 10504 Benavides RD SW, zoned R-1C [Section 14-16-5-7(D)] |
| 6. | VA-2020-00259 | Project#
PR-2020-004219 | Gary Libman and Erika Gerety (Agent, Thomas Nelson) request a conditional use to allow accessory living quarters without a kitchen for Lot 6A, Block B, Cenaroca, located at 404 Turner CT NE, zoned R-1D [Section 14-16-4-2] |
| 7. | VA-2020-00261 | Project#
PR-2020-004221 | Maria and Luis Carlos Arreola requests a variance of 3 feet to the 3 feet maximum wall height for Lot 1, Block 5, Four Hills Addn, located at 12500 Elyse PL SE, zoned R-1C [Section 14-16-5-7(D)] |
| 8. | VA-2020-00267 | Project#
PR-2020-004240 | Raydel Horta-Vigil requests a conditional use to allow family home daycare for Lot 7, Block 1, Rackheath Park Addn No 1, located at 3013 Conchas ST NE, zoned R-1C [Section 14-16-4-2] |

NEW BUSINESS:

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| 9. | VA-2020-00265 | Project#
PR-2020-004223 | Shanna Schultz & Skyler Rexroad request a conditional use to allow an accessory dwelling unit for Lot 1, Block 3, Lewis & Simonds Addn, located at 715 Edith Blvd SE, zoned R-1C [Section 14-16-4-3(F)(5)] |
| 10. | VA-2020-00200 | Project#
PR-2020-004038 | Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 4, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)] |
| 11. | VA-2020-00203 | Project#
PR-2020-004038 | Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 3, Block 8, Broad Acres, located at 7509 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)] |
| 12. | VA-2020-00204 | Project#
PR-2020-004038 | Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 5, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)] |
| 13. | VA-2020-00209 | Project#
PR-2020-004038 | Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for a fueling station adjacent to a residential zone for Lot 6, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)] |

14.	VA-2020-00215	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 3, Block 8, Broad Acres, located at 7509 Menaul BLVD NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]
15.	VA-2020-00216	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 4, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]
16.	VA-2020-00217	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 5, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]
17.	VA-2020-00218	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 6, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]
18.	VA-2020-00225	Project# PR-2020-004085	Edward Standefer requests a variance of 5ft to the 3ft maximum wall height for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-7(D)]
19.	VA-2020-00226	Project# PR-2020-004085	Edward Standefer requests a variance of 20ft to the 20ft required front yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]
20.	VA-2020-00227	Project# PR-2020-004085	Edward Standefer requests a variance of 10 ft to the 10ft required side yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]
21.	VA-2020-00231	Project# PR-2020-004149	Phyllis Rademacher requests a variance of 3 feet to the 3 feet maximum wall height for Lot 1-P1, Block 2, Tompiro, located at 5923 Gran Quivira RD NW, zoned R-1B [Section 14-16-5-7(D)]
22.	VA-2020-00235	Project# PR-2020-004153	Veronica Arteaga requests a variance of 2ft to the 3ft maximum wall height for Lot 48, Block 11, Skyview West Amended Replat, located at 416 Judith LA SW, zoned R-1B [Section 14-16-5-7(D)]
23.	VA-2020-00236	Project# PR-2020-004154	Laith Rehani (Agent, Amjad Awwad) request a variance of 10.15% to the 10% maximum facade allowance for a wall sign for Lot A1, Block 8, South San Pedro Shopping Center, located at 901 San Pedro DR SE, zoned MX-L [Section 14-16-5-12(F)(2)]
24.	VA-2020-00238	Project# PR-2020-004156	Brian Johnson (WT Group/Speedway, LLC) requests a variance of 8ft to the required 15ft rear setback for Lot B1A, Block 101, Brentwood Hills, located at 2912 Juan Tabo Blvd NE, zoned MX-M [Section 14-16-5-1]
25.	VA-2020-00239	Project# PR-2020-004158	Helen Bachicha requests a variance of 3 feet to the 3 feet maximum wall height for Lot 2-P1, Block 8, Las Marcadas 2, located at 4908 Sherry Ann RD NW, zoned R-1C [Section 14-16-5-7(D)]

26.	VA-2020-00241	Project# PR-2020- 004173	Kelly Watson requests a conditional use to allow a family home daycare for Lot 27, Block 3, La Mariposa Addn Unit 1, located at 5229 College ST NW, zoned R-1C [Section 14-16-4-2]
27.	VA-2020-00242	Project# PR-2020- 004190	Edna Martinez Schroeder requests a variance of 3ft to the 3ft maximum wall height for Lot 138A, Valle Alto Addn, located at 1209 Aztec RD NW, zoned MX-L [Section 14-16-5-7(D)]
28.	VA-2020-00245	Project# PR-2020- 004196	Scott E Romberg requests a variance of 3 feet to the 3 feet maximum wall height for Lot 44, Heritage East Unit 3, located at 9512 Bent RD NE, zoned R-T [Section 14-16-5-7(D)]
29.	VA-2020-00246	Project# PR-2020- 004198	Ramona and Philip Segura request a variance of 3 ft to the 3 ft maximum wall height for Lot 54, Block 5, Holiday Park Unit 10, located at 3812 Zion CT NE, zoned R-1C [Section 14-16-5-7(D)]
30.	VA-2020-00250	Project# PR-2020- 004201	Russell Tidenberg requests a variance of 15 feet to the required 15 foot front yard setback for Lot 7, Block 13, Altamont Addn, located at 5704 Aztec RD NE, zoned R-1B [Section 14-16-5-1]
31.	VA-2020-00251	Project# PR-2020- 004206	Don and Penny Dudley request a variance of 5ft to the required 10ft side setback for Lot 104, Los Alamos Addn, located at 302 Sandia RD NW, zoned R-A [Section 14-16-5-1]
32.	VA-2020-00252	Project# PR-2020- 004207	Damian Chimenti (Agent, Wes Lansford) requests a conditional use to allow outdoor storage for Lot 1, Anderson & Harris Addn, located at 1212 Aztec RD NW, zoned MX-L [Section 14-16-4-2]
33.	VA-2020-00253	Project# PR-2020- 004208	Leann Chavez (Agent, Arch+Plan Land Use Consultants) requests a variance of 3ft to the 3ft maximum wall height for Lot 35A, Block 12, Country Club Addn, located at 1120 Las Lomas RD NE, zoned MX-T [Section 14-16-5-7(D)]
34.	VA-2020-00254	Project# PR-2020- 004209	Archie Grine requests a permit to allow a carport in the front yard setback for Lot 36, Block 14B, Princess Jeanne Park Addn, located at 10417 San Jacinto Ave NE, zoned R-1B [Section 14-16-6-6(L)(3)(d)]
35.	VA-2020-00255	Project# PR-2020- 004210	Carlos Jurado (Agent, Arch+Plan Land Use Consultants) requests a variance of 3 feet to the required 10 feet separation of a residential building for Lot 5, Block 4, John Baron Park Addn, located at 919 20 th 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 20 th 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)]

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)]