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Mayor Timothy M. Keller

## CITY OF ALBUQUERQUE

Albuquerque, New Mexico

### Planning Department

#### INTER-OFFICE MEMORANDUM

February 9, 2021

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

**FROM:** Brennon Williams, Planning Director *BWilliams*

**SUBJECT:** AC-21-1, Project-2020-004657, VA-2020-00379, VA-2021-00008: Mellia Walker, agent for Gary Hoffman, appeals the Zoning Hearing Examiners decision to Deny a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 39, University Heights, located at 202 Richmond DR SE, zoned MX-T [Section 14-16-5-7-D]

#### OVERVIEW

Applicant filed a request for a variance of 3 feet to the 3 foot maximum allowable wall height. The application was submitted October 14, 2020. The request was scheduled and heard at the December 15, 2020 public hearing.

In the Notice of Decision issued December 30, 2020, the Zoning Hearing Examiner found that the applicant did not meet the Variance-Review and Decision Criteria in Section 14-16-6-6(N)(3)(a) of the 2018 Integrated Development Ordinance and denied the application.

#### 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 reason for the appeal, excerpted from Appellant's letter, is 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 additional details.

**The Appellant stated that he misunderstood the criteria for approval and requested analysis of evidence of special circumstances.**

- *This application was reviewed as a General Variance – ZHE per the 2018 IDO*
  - *14-16-6-6(N)(3)(a)*
    - (1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
    - (2) The Variance will not be materially contrary to the public safety, health, or welfare.*
    - (3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
    - (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
    - (5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."*
- *The correct criteria for a taller wall with low-density residential development are found in 14-16-6-6(H)(3) of the November 2, 2020 Amended IDO*
  - *14-16-6-6(H)(3) Review and Decision Criteria*
    - An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if the following criteria are met:*
    - 6-6(H)(3)(a) The wall is proposed on a lot that meets any of the following criteria:*
      - 1. The lot is at least ½ acre.*
      - 2. The lot fronts a street designated as a collector, arterial, or interstate highway.*
      - 3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)*
      - 4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent*

*of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)*



*6-6(H)(3)(b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area.*

*6-6(H)(3)(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*

*6-6(H)(3)(d) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:*

- 1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house.*
- 2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.*

- *Proof of special circumstance is not required under 14-16-6-6(H)(3)*
- *The decision-making body erred in applying the requirements of the IDO*

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



# AC-21-1 Memo

Final Audit Report

2021-02-16

Created:	2021-02-16
By:	Lucinda Montoya (lucindamontoya@cabq.gov) Signed
Status:	CBJCHBCAABAAoHVh7pIPK2LReZ6umJH_b2xS2Dj3gLiP
Transaction ID:	

## "AC-21-1 Memo" History



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

2021-02-16 - 4:56:50 PM GMT - IP address: 198.175.173.4



Document emailed to BN Williams (bnwilliams@cabq.gov) for signature

2021-02-16 - 4:57:08 PM GMT



Document e-signed by BN Williams (bnwilliams@cabq.gov)

Signature Date: 2021-02-16 - 10:44:45 PM GMT - Time Source: server- IP address: 198.175.173.4



Agreement completed.

2021-02-16 - 10:44:45 PM GMT





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

Gary F. Hoffman requests a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 39, University Heights, located at 202 Richmond DR SE, zoned MX-T [Section 14-16-5-7-D]

Special Exception No:..... **VA-2020-00379**  
Project No: ..... **Project#2020-004657**  
Hearing Date: ..... 12-15-20  
Closing of Public Record: ..... 12-15-20  
Date of Decision: ..... 12-30-20

On the 15th day of December, 2020, property owner Gary F. Hoffman (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3ft to the 3ft maximum wall height (“Application”) upon the real property located at 202 Richmond DR SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The Applicant has authority to pursue this Application.
4. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
5. Applicant appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.

7. The subject property is currently zoned MX-T.
8. The ZHE received written evidence and testimony from the Nob Hill Neighborhood Association, the Southeast Heights Neighborhood Association and certain individual neighbors, regarding the Application.
9. Applicant has not established that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant asserted in written submittals and oral testimony that the special circumstances justifying the variance are the existence of homeless people, alcohol and drug users, and panhandlers in the area, all of which pose a safety hazard to the residents of the subject property. The ZHE can certainly sympathize with a difficult situation. However, these conditions appear to apply generally to neighboring properties in the vicinity, rather than uniquely to the subject property. As such, they do not satisfy the requirement of special circumstances under the IDO.
10. Given that the required element of special circumstances has not been satisfied, the variance must be denied, and it is therefore unnecessary to examine any other element required to establish a variance.

DECISION:

DENIAL of a variance of 3ft to the 3ft maximum wall height.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File

Zoning Enforcement

Gary F. Hoffman, 202 Richmond DR SE, 87106

Shannie Madden, 203 Richmond DR SE, 87106

Gary Eyster, meyster1@me.com

Margaret Forbes, 201 Richmond DR SE, 87106



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

### APPLICATION INFORMATION

Applicant: Gary F Hoffman		Phone: (505) 545-2474
Address: 202 Richmond Ave		Email:
City: Albug	State: nm	Zip: 87106
Professional/Agent (if any): Mellia N Walker		Phone:
Address: P.O. Box 27353		Email: melliawalker@gmail.com
City: Albug	State: nm	Zip:
Proprietary Interest in Site:		List all owners:

### BRIEF DESCRIPTION OF REQUEST

Request for appeal of ZHE decision

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

Lot or Tract No.:	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning:	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: Richmond/Silver Between: Richmond and: Silver

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

Signature: [Signature]	Date:
Printed Name: GARY F. HOFFMAN	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
VA-2021-00008	APPEAL	\$130			

Meeting/Hearing Date:	Fee Total: \$130
Staff Signature: Vanessa A Segura	Date: 1/15/21 Project # PR-2020-004657



**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? \_\_\_ if yes, indicate language: \_\_\_\_\_
- \_\_\_ A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.
- \_\_\_ Project number of the case being appealed, if applicable: \_\_\_\_\_
- \_\_\_ Application number of the case being appealed, if applicable: \_\_\_\_\_
- \_\_\_ Type of decision being appealed: ZHE Decision
- \_\_\_ Letter of authorization from the appellant if appeal is submitted by an agent
- \_\_\_ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(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(V)(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: [Signature]

Date: \_\_\_\_\_

Printed Name: STACY HOFFMAN

☐ Applicant or ☐ Agent

**FOR OFFICIAL USE ONLY**

Case Numbers:

Project Number:

VA-2021-00008

PR-2020-004657

Staff Signature: Vanessa A Segura

Date: 1/19/21





CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
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Robert Lucero, Esq.  
Zoning Hearing Examiner



To CABQ planning, zoning and to whom else it may concern in regards to Fence at  
202 Richmond Ave. SE 87106

This letter is to authorize Mellia N. Walker to act as my Agent and Representative in regards to the issue/violation/appeal of the fence located at 202 Richmond Ave. SE, Albuquerque, NM 87106. She may speak on my behalf, complete and submit documents, as well as deal with any and all situations regarding the fence at named property above. Please continue to send any mail or correspondence to the 202 Richmond address C/O MS. Walker. If you have any questions or concerns regarding this form please give me a call (505) 400-6895. Included below is all contact information MS. Walker.

Mellia N. Walker

(505) 545-2474

Melliawalker@ gmail.com

Respectfully,

A handwritten signature in black ink, appearing to read 'G. Hoffman', followed by a long horizontal line extending to the right.

Gary F. Hoffman

## Appeal

Due to my inexperience, misunderstanding of the criteria for approval of variance of regulations of the IDO, as well as being governed under two sets of criteria for two separate street types being a corner property. I respectfully ask the Land Use Hearing Officer to either analyze the new evidence discovered for "Special Circumstances" and make a decision to approve my application or remand the case back to Zoning Hearing Examiner. Due to the A.R.T. Project we have been negatively impacted by a Governmental Action for which we have not received compensation for. When the A.R.T Project was complete, certain areas were distinguished as Premium Transit Corridors and we fall within the boundaries of one of those areas. As well as being located in the 1/8 of a mile radius designated for a Premium Transit Corridor, we are also located in a Major Transit Corridor. Another factor that makes this portion of Richmond different is that is the only street until Carlilse Blvd. with a traffic light, so it naturally sees more traffic because it serves as the main access to the area. All other entrances are smaller neighborhood streets, again until Carlilse Blvd to the East and Girard Blvd. To the West. In the included documents you will find a map, the overlay shows there are only 4 properties, our property and three others in the entire Silver Ave. Business District zoned MXT and located within a Premium Transit Corridor. Due to our location, we are posed with a "Special Circumstances" being that our property is essentially serving as a "Buffer" or "Transition" zone between the hundreds of R1 residential properties to our immediate South/Left and the MXM properties in the heart of Nob Hill to our immediate North/Right. Due to the inability of Semi-trucks to park in and along medians on Central Ave to make deliveries to local businesses and restaurant's due to Transit Stations and other restrictions resulting from A.R.T Project. The need for those deliveries has not changed, the one thing that has changed is, where the deliveries are being made from. This is now happening along Silver Ave to access businesses and restaurants from the rear. As the submitted photos show directly adjacent to our house Semi trucks parked for hours at a time, idling their engines causing excessive fumes and noise. My brother lives here as well and he is fighting Cancer. We were not able to sit outside in the morning to have a cup of coffee because of the fumes and noise before the fence. I understand the fence will not prevent all the fumes or noise



but it helps to serve as a barrier between so that we are able to peacefully enjoy the front yard during the day. For the reasons stated above we believe that special circumstances apply to our property that create a hardship for the reasonable use of our property.

Another issue that was addressed was the Wall and Fence Design aspect, according to 14-16-5-7(E) (1)(2)(3) we met the criteria required. In regards to;

(1) Material and textures: Option 1 was met, Vinyl is not listed as a prohibited material, so should be viewed as acceptable under the not limited to types.

(2) Articulation and alignment: Option 1 was met, the Vertical pilasters project a minimum of 2 Inches to give dimension to the fence and vertical pilasters were set at intervals of 8 feet, 12 feet closer than the minimum requirement of 20 feet intervals between vertical pilasters. This portion also normally would call for a 5ft setback but due to being in a Major Transit Corridor, we were technically able to start at the sidewalk line but gave a 5-foot set back from sidewalk line out of courtesy and to give a more appealing look with landscaping.

(3) Option 1 was met. There is approximately 20% of opening provided by the lattice specifically used on the Richmond residential side. The IDO calls for at least 5% but we have met and exceeded with 20%. It was specifically designed with safety in mind, giving view of the home and windows from the street. What I am interpreting from the rules is that as a MXT use property we have the ability to place a 2-story building at the street line but are having difficulties with a 6-foot fence with a 5-foot set back from the street line.

Lastly, we feel the Hearing examiner was capricious in regards to the Petition of support that was signed by neighbors and submitted for consideration. The neighborhood Association and neighbors who were against the fence had the opportunity to have their opposition noted on the record but the counter side, the neighbors who signed in support but did not necessarily attend the meeting, was never introduced for the record. Only having on record the opposition to the fence had to have some negative bearing on the decision. Again, I respectfully ask the Land Use Hearing Officer to either analyze the new evidence discovered for "Special Circumstances" and make a decision to approve my application or remand the case back to Zoning Hearing Examiner. Thank you very much for your time and consideration in this matter.

Respectfully,

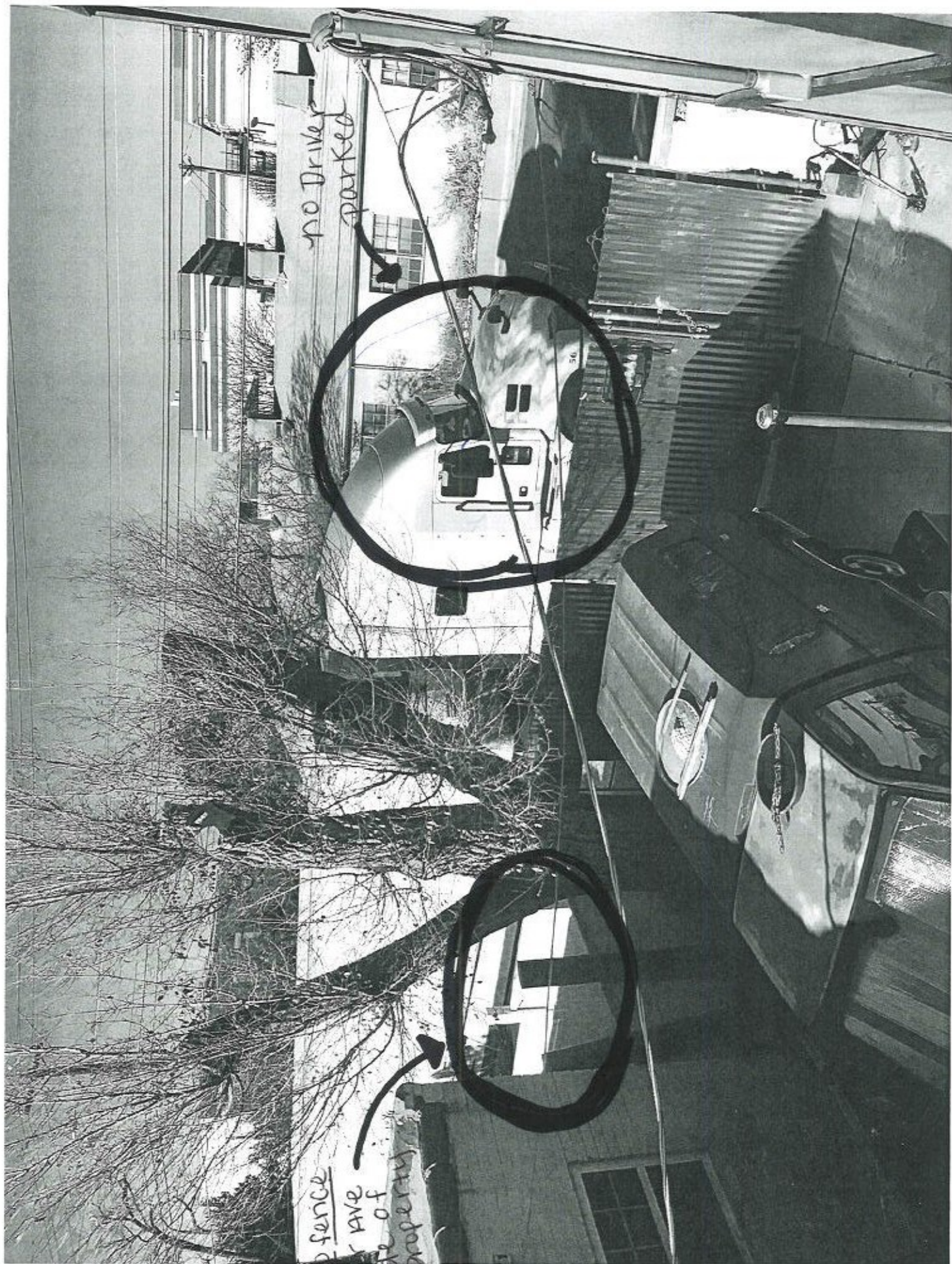
A handwritten signature in black ink, appearing to read 'G. F. Hoffman', with a long horizontal stroke extending to the right.

Gary F. Hoffman

Applicant











no Driver  
parked

new Fence  
Silver Ave  
side of property

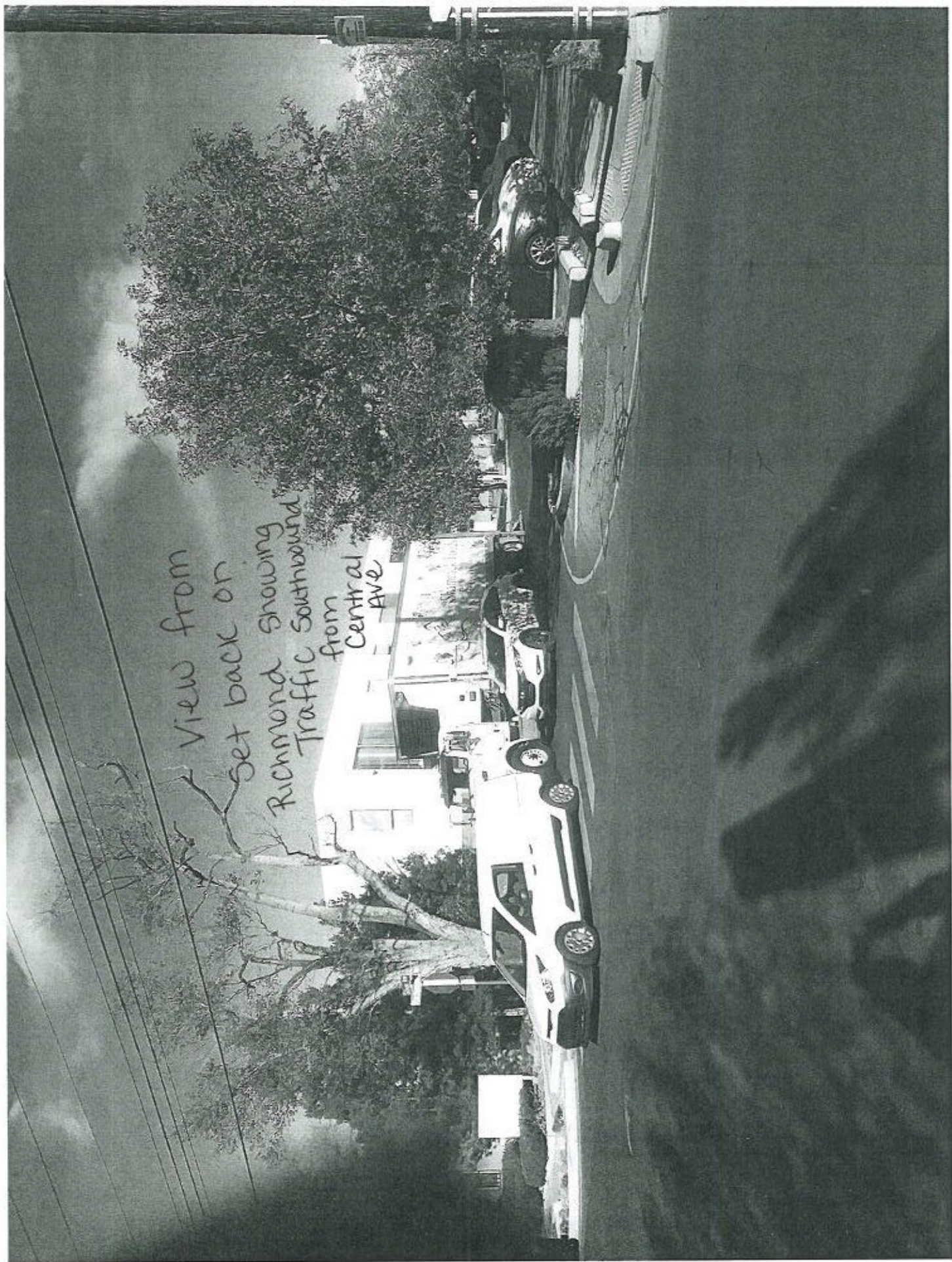




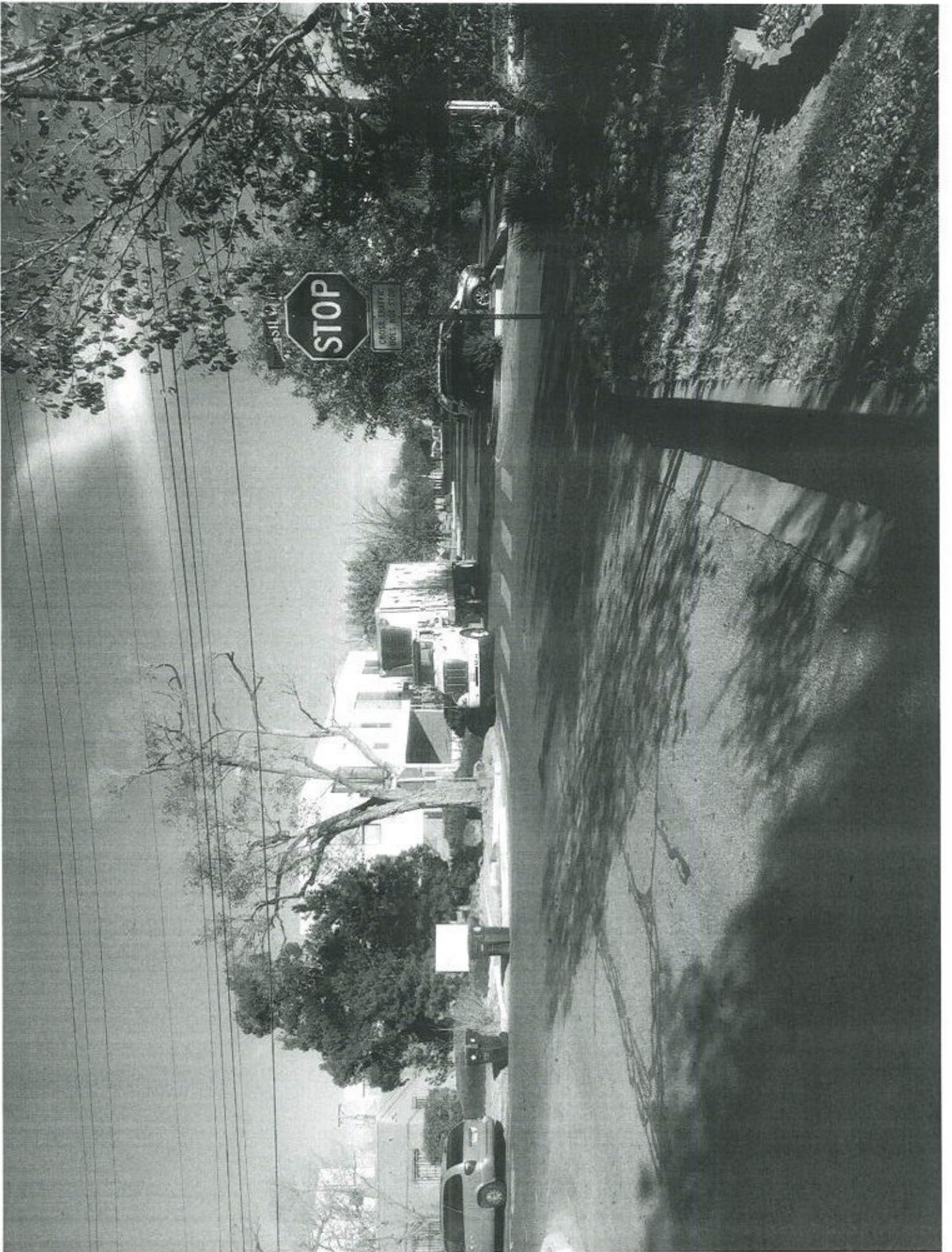
Parked  
NO DRIVER



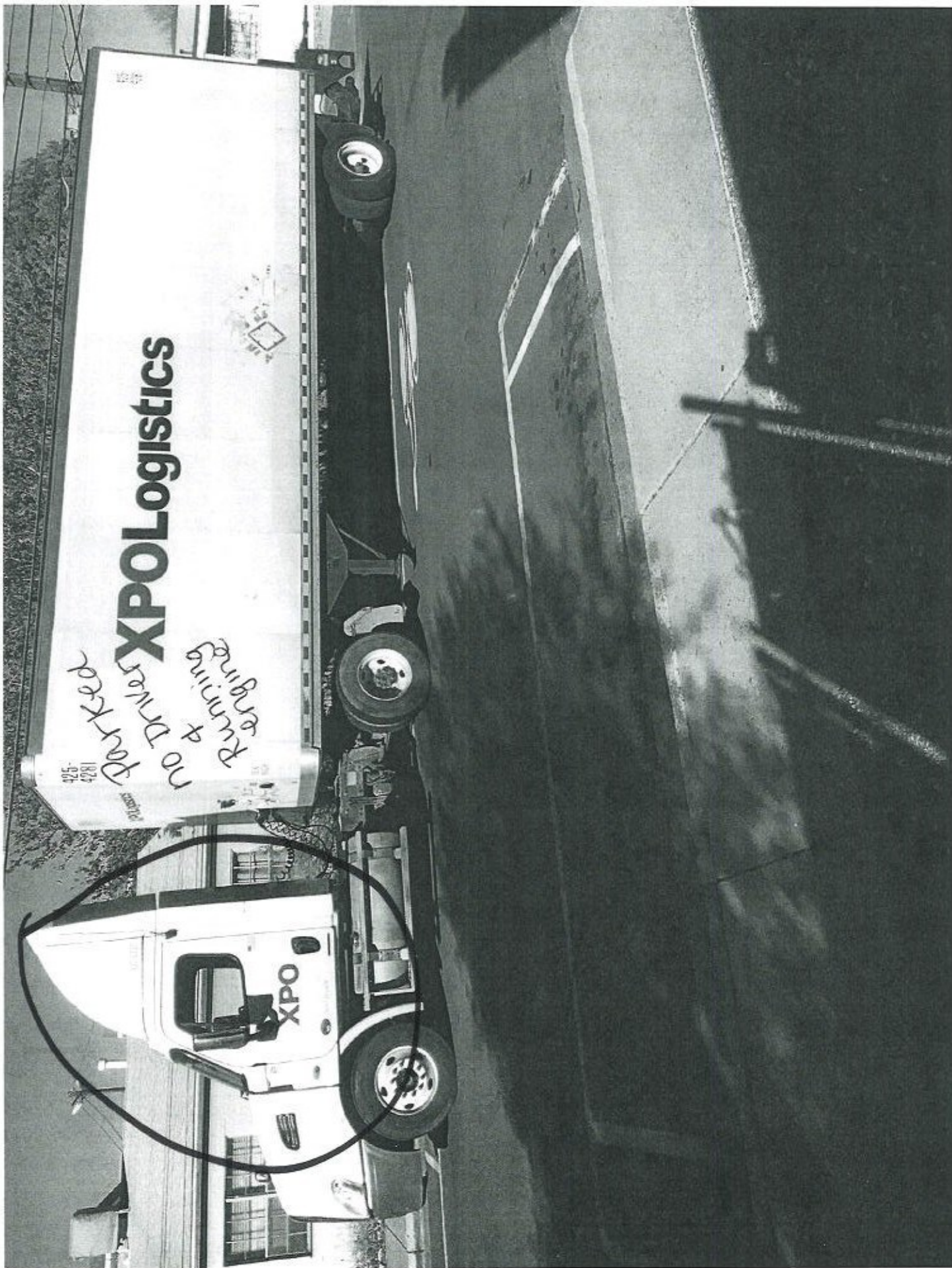
View from  
get back on  
Richmond showing  
Traffic Southbound  
from  
Central  
Ave



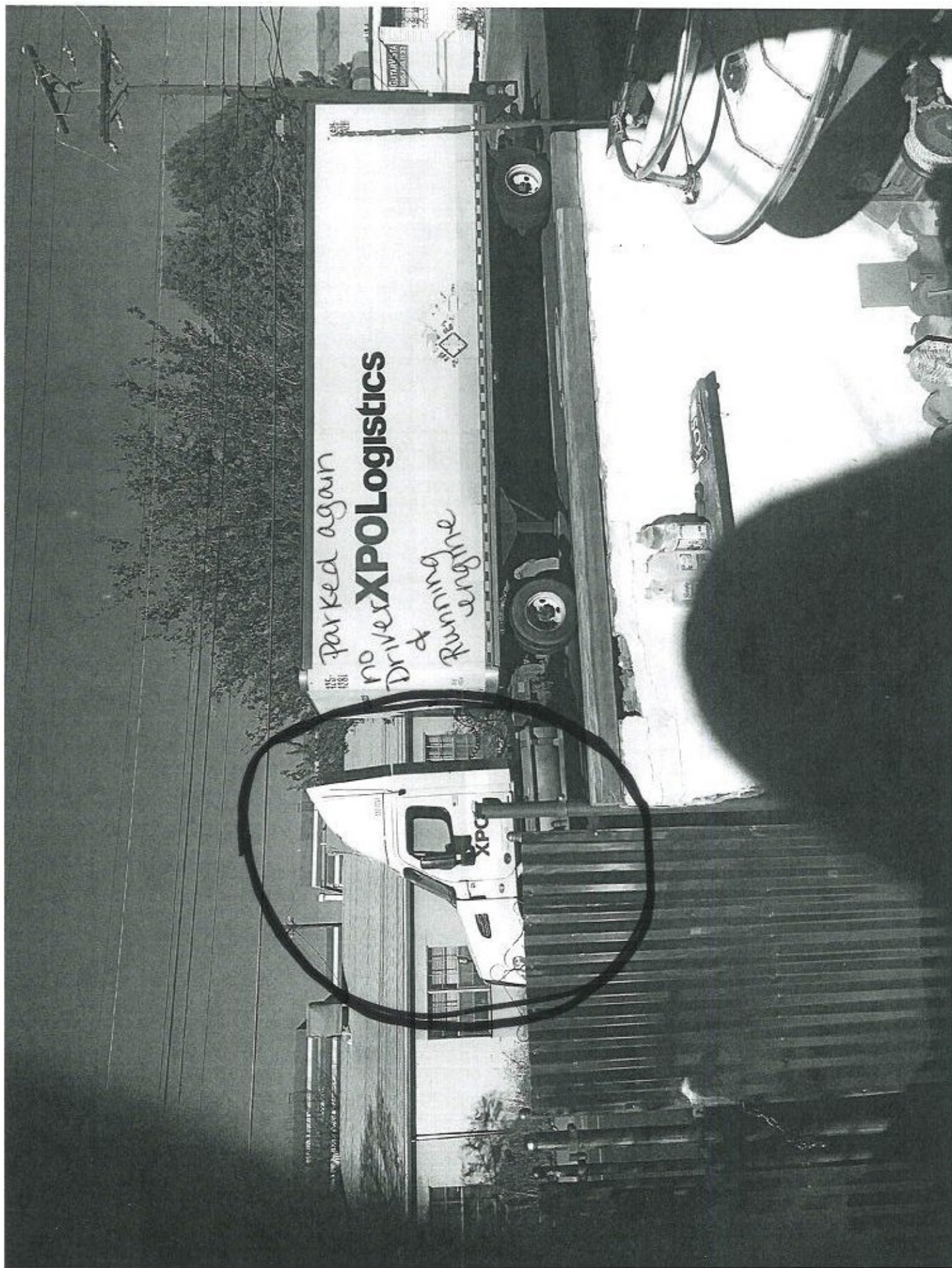














**If you agree with the causes listed above please sign our petition so that we are able to submit this document to the Zoning Examiner Office along with photos of the fence for consideration during the hearing.**

**Gary Hoffman-202 Richmond Dr. Albuquerque, NM 87106**

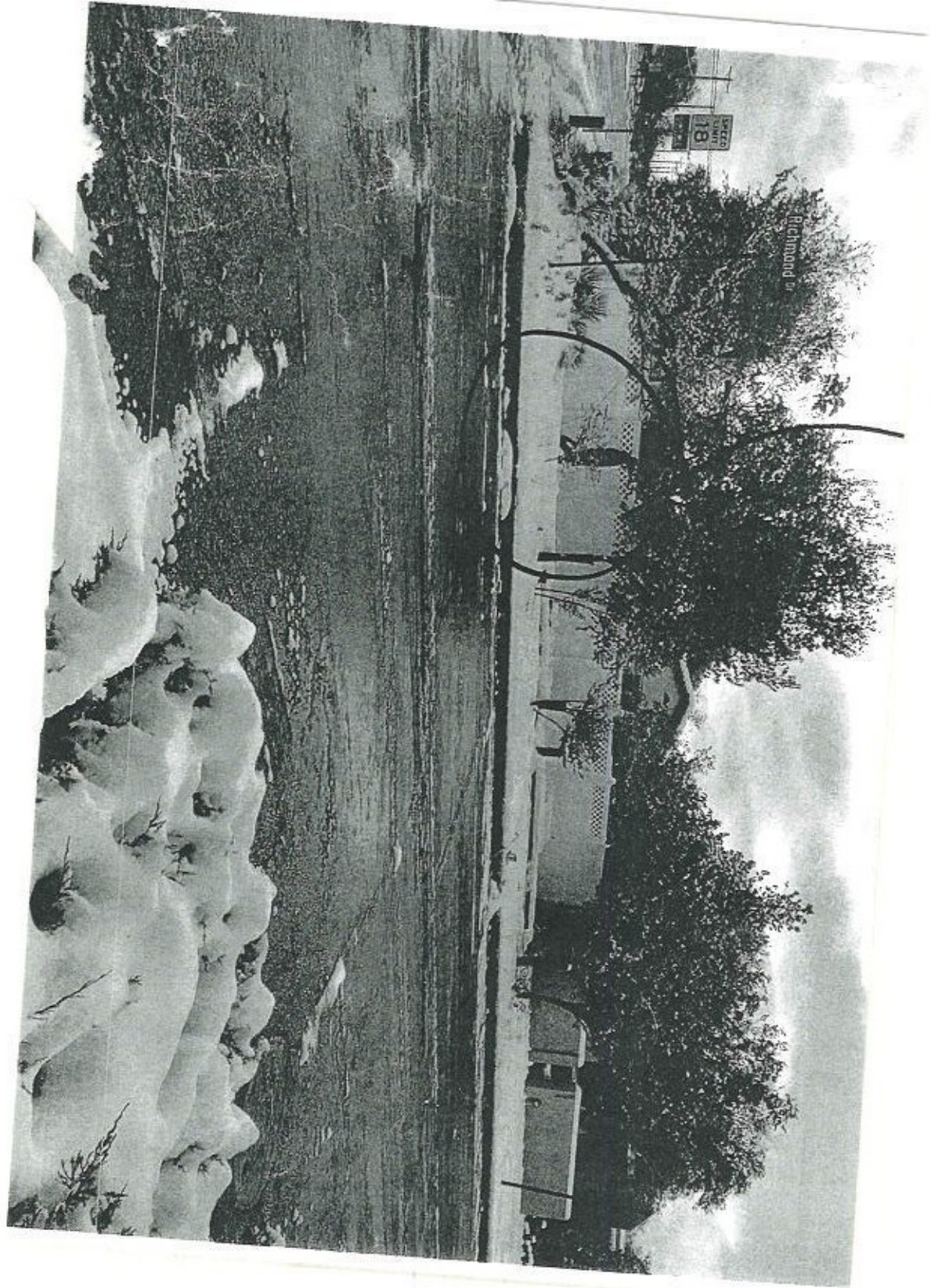
[illegible]

# PETITION

I SUPPORT VARIANCE REQUEST  
(FILE # CF 2020-041813 FILE #) (JOB #  
121831 877-001 JOB #) FOR 202  
RICHMOND S.E., FENCE EXCEEDING  
MINIMUM HEIGHT ALLOWED FOR A  
FENCE IN THE FRONT YARD, ALSO  
FENCE IS AN IMPROVEMENT.

Pete Candelaria PETE CANDELAIA 305 MUNNINGSIDE SE





**REQUEST FOR SPECIAL EXCEPTION**

☒ Variance ☐ Conditional Use ☐ Other Interpreter: ☐ Yes ☒ No  
VA# 2020-00379 PR# 2020-004657

<b>Date:</b> 10/14/2020		<b>Received By:</b> Marcelo Ibarra	
<b>Address of Request:</b> 202 RICHMOND DR SE			
<b>City:</b> Albuquerque	<b>State:</b> NM	<b>Zip:</b> 87106	
<b>Lot:</b> 1	<b>Block:</b> 39	<b>Zone:</b> MX-T	<b>Map page:</b> K16
<b>Subdivision:</b> UNIVERSITY HEIGHTS		<b>UPC#</b> 101605734122642414	
<b>Property Owner(s):</b> HOFFMAN GARY F			
<b>Mailing Address:</b> 202 RICHMOND DR SE			
<b>City:</b> Albuquerque	<b>State:</b> NM	<b>Zip:</b> 87106	
<b>Phone:</b> 505-304-8141	<b>Email:</b> hoffmanbrad82@gmail.com		
<b>Agent:</b> Same as Above			
<b>Mailing Address:</b>			
<b>City:</b>	<b>State:</b>	<b>Zip:</b>	
<b>Phone:</b>	<b>Email:</b>		
<b>Fee Total: \$ 210.00</b>			

**Completed Application Requirements:**

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

**Approved for acceptance by:**

**Date:**

**Hearing Date:** DEC 15, 2020

<b>ZONING OFFICIAL USE ONLY</b>			
<b>Request for exception to IDO Section: 14-16- 5-7(D)</b>			
<b>Description of request:</b> Variance of 3 feet to the 3 feet Maximum Wall Height			
<input checked="" type="checkbox"/> Ownership verified on AGIS <input type="checkbox"/> Proof of ownership included <input type="checkbox"/> Letter of authorization included			
<b>Case history number(s) from AGIS:</b>			
<b>APO:</b>	<b>CPO#</b>	<b>HPO#</b>	<b>VPO#</b>
<b>Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):</b>			
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	Single-Family Residential	Two-Family Residential	Three-Family Residential	Four-Family Residential	Reference
Wall in the front yard or street side yard <sup>[1]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot <sup>[2]</sup>	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
Corner Lot Abutting Residential Zone Districts					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street <sup>[1]</sup>	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: 6 ft.	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)
<sup>[1]</sup> 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. <sup>[2]</sup> 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. <sup>[3]</sup> 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.					

**Sanchez, Suzanna A.**

---

**From:** Sanchez, Suzanna A.  
**Sent:** Wednesday, October 14, 2020 10:58 AM  
**To:** 'hoffmanbrad82@gmail.com'  
**Subject:** ZHE Contacts for 202 Richmond DR  
**Attachments:** 1. Letter to Neighborhood Association.docx; 2. Letter to Property Owners-December.docx

Dear Applicant,

1. Below are the neighborhood associations that need to be notified of your ZHE application. Please forward the attached 1. Letter to Neighborhood Association to the email addresses below.

Association Name	First Name	Last Name	Email	Address Line 1
Nob Hill NA	Shani	Madden	<a href="mailto:shanikm@me.com">shanikm@me.com</a>	203 Richmond D
Nob Hill NA	Gary	Eyster	<a href="mailto:meyster1@me.com">meyster1@me.com</a>	316 Amherst Dri
District 6 Coalition of Neighborhood Associations	Mandy	Warr	<a href="mailto:mandy@theremedydayspa.com">mandy@theremedydayspa.com</a>	119 Vassar Drive
District 6 Coalition of Neighborhood Associations	Patricia	Willson	<a href="mailto:info@willsonstudio.com">info@willsonstudio.com</a>	505 Dartmouth I SE
Southeast Heights NA	Pete	Belletto	<a href="mailto:pmbdoc@yahoo.com">pmbdoc@yahoo.com</a>	902 Valverde Dri
Southeast Heights NA	John	Pate	<a href="mailto:jpate@molzencorbin.com">jpate@molzencorbin.com</a>	1007 Idlewilde L

2. Below is a list of property owners within 100+ feet of the subject property. Please mail the attached, 2. Letter to Property Owners- December. Also, please provide proof that the letters were sent. Proof can be either a receipt for postage stamps purchased or a photo of the addressed envelopes.

Owner	Owner Address	Owner Address 2
HAYES PAMELA ANN TR HAYES RVLT	918 PARKLAND CIR SE	ALBUQUERQUE NM 87108-4325
SANCHEZ LAURA K	8640 DESERT DAWN CT NE	ALBUQUERQUE NM 87113-2351
VALLES ANDREW	208 RICHMOND DR SE	ALBUQUERQUE NM 87106-2238
FELICIDAD FOUNDATION	126 RICHMOND DR SE	ALBUQUERQUE NM 87106-2236
DAVIS KELIN ACQUISITIONS LLC	127 BRYN MAWR DR SE	ALBUQUERQUE NM 87106-2265
PAVLIDES MARY	1519 WELLESLEY DR NE	ALBUQUERQUE NM 87106-1136
MOSER MICHAEL E & YOUNG HEE MOSER	1321 UPLAND DR SUITE 1115	HOUSTON TX 77043
JEHLE CHLOE	206 RICHMOND DR SE	ALBUQUERQUE NM 87106-2238
DAVENPORT JUDITH & LILLIAN J	203 BRYN MAWR DR SE	ALBUQUERQUE NM 87106
MADDEN SHANI L	203 RICHMOND DR SE	ALBUQUERQUE NM 87106

POLANSKY DAVID	7409 TWISTED BRANCH NE	ALBUQUERQUE NM 87113
FORBES RICHARD G & MARGARET A	10525 4TH ST NW	ALBUQUERQUE NM 87114-2219
BURKE GERALDINE	207 RICHMOND DR SE	ALBUQUERQUE NM 87106-2237
HOFFMAN GARY F	202 RICHMOND DR SE	ALBUQUERQUE NM 87106-2238
GEMMER NOELLE	204 RICHMOND DR SE	ALBUQUERQUE NM 87106-2238
BALDWIN GREGORY D & MELISSA G	205 BRYN MAWR DR SE	ALBUQUERQUE NM 87106-2201

Please keep a copy of the email that you send and copies of each letter once you have filled them in. Please let me know if you have questions or need assistance. The deadline for December is November 3<sup>rd</sup>.

Thank you,

*Suzie*



**SUZIE SANCHEZ**

zhe administrative assistant

o 505.924.3894

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

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

10/16/2020

Gmail - Neighborhood Association Meeting request



Mellia Walker <weisbergpros.walker@gmail.com>

---

## Neighborhood Association Meeting request

1 message

---

Mellia Walker <weisbergpros.walker@gmail.com>  
To: shanikm@me.com

Fri, Oct 16, 2020 at 12:12 PM

Dear Shani Madden,

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM  
Thank You,

Mellia N. Walker  
Agent for Gary Hoffman

—  
**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 Office  
(505) 545-2475 Cell  
Weisbergpros.walker@gmail.com

10/16/2020

Gmail - Neighborhood Association Meeting Request



Mellia Walker <weisbergpros.walker@gmail.com>

---

## Neighborhood Association Meeting Request

1 message

---

Mellia Walker <weisbergpros.walker@gmail.com>  
To: jpate@molzencorbin.com

Fri, Oct 16, 2020 at 12:09 PM


Dear John Pate,

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM  
Thank You,

Mellia N. Walker  
Agent for Gary Hoffman

--  
**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 Office  
(505) 545-2475 Cell  
Weisbergpros.walker@gmail.com

---

 neighborhood ass doc mellia20201016\_12020540.pdf  
218K



Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

---

**Neighborhood Association Meeting Request**

1 message

---

Mellia Walker <weisbergpros.walker@gmail.com>

To: pmbdoc@yahoo.com

Fri, Oct 16, 2020 at 12:10 PMDear Pete Belletto,

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM


Thank You,

Mellia N. Walker  
Agent for Gary Hoffman

---

**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 Office  
(505) 545-2475 Cell  
Weisbergpros.walker@gmail.com

---

 neighborhood ass doc mellia20201016\_12020540.pdf  
218K



Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

---

**Neighborhood Association Meeting Request**

1 message

---

Mellia Walker <weisbergpros.walker@gmail.com>  
To: info@willsonstudio.com

Fri, Oct 16, 2020 at 12:10 PM

Dear Patricia Wilson,


Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM  
Thank You,

Mellia N. Walker  
Agent for Gary Hoffman

---

**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 Office  
(505) 545-2475 Cell  
Weisbergpros.walker@gmail.com

---

 neighborhood ass doc mellia20201016\_12020540.pdf  
218K



Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

---

**Neighborhood Association Meeting Request**

1 message

---

Mellia Walker <weisbergpros.walker@gmail.com>

Fri, Oct 16, 2020 at 12:11 PM

To: mandy@theremedyspa.com

Dear Mandy Warr,


Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker  
Agent for Gary Hoffman

—  
**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 Office  
(505) 545-2475 Cell  
Weisbergpros.walker@gmail.com

---

 neighborhood ass doc mellia20201016\_12020540.pdf  
218K





Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

---

**Neighborhood Association Meeting Request**

1 message

---

Mellia Walker <weisbergpros.walker@gmail.com>  
To: meyster1@me.com

Fri, Oct 16, 2020 at 12:08 PM


Dear Gary Evster,

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM  
Thank You,

Mellia N. Walker  
Agent for Gary Hoffman

—  
**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 Office  
(505) 545-2475 Cell  
Weisbergpros.walker@gmail.com

---

 neighborhood ass doc mellia20201016\_12020540.pdf  
218K



Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

**Neighborhood Association email conformations for Gary Hoffman 202 Richmond Drive**

1 message

**Mellia Walker** <weisbergpros.walker@gmail.com>

Mon, Oct 19, 2020 at 12:55 PM

To: suzannasanchez@cabq.gov

Hello Suzie,

My name is Mellia, I have been giving Gary Hoffman a hand in preparing/ submitting the fence documents. Enclosed you will find all the emails sent out on October 16th 2020. If you have any other questions please let me know or feel free to contact Gary.

Thank you bunches for being so helpful and patient with Gary.

--

**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 **Office**  
(505) 545-2475 **Cell**  
Weisbergpros.walker@gmail.com

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

From: Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

To: shanikm@me.com

Cc:

Bcc:

Date: Fri, 16 Oct 2020 12:12:07 -0600

Subject: Neighborhood Association Meeting request

**Dear Shani Madden,**

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker  
Agent for Gary Hoffman

--

**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 **Office**  
(505) 545-2475 **Cell**  
Weisbergpros.walker@gmail.com

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

From: Gary and Melodie Eyster &lt;meyster1@me.com&gt;

To: "Mellia Walker" &lt;weisbergpros.walker@gmail.com&gt;

Cc:

Bcc:

Date: Fri, 16 Oct 2020 13:01:00 -0600

Subject: RE: Neighborhood Association meeting request

Disregard. I see it on another email. GE

---

**From:** Gary and Melodie Eyster [mailto:meyster1@me.com]  
**Sent:** Friday, October 16, 2020 1:00 PM  
**To:** 'Mellia Walker' <weisbergpros.walker@gmail.com>  
**Cc:** meyster1@me.com  
**Subject:** RE: Neighborhood Association meeting request

Ms. Walker. I don't see the request.

Thank you, Gary Eyster

**From:** Mellia Walker [mailto:weisbergpros.walker@gmail.com]  
**Sent:** Friday, October 16, 2020 12:12 PM  
**To:** meyster1@me.com  
**Subject:** Neighborhood Association meeting request

Dear Gary Eyster,

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker

Agent for Gary Hoffman

--

**Mellia N. Walker**

**Office Manager, CEO**

**Samuel Weisberg Prosthetics**

1018 Coal Ave. SE

Albuquerque, NM 87106

(505) 248-0303 Office

(505) 545-2475 Cell

Weisbergpros.walker@gmail.com

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

From: Mellia Walker <weisbergpros.walker@gmail.com>

To: mandy@theremedyspa.com

Cc:

Bcc:

Date: Fri, 16 Oct 2020 12:11:03 -0600

Subject: Neighborhood Association Meeting Request

~~Dear Mandy Warr,~~

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker

Agent for Gary Hoffman

--

**Mellia N. Walker**

**Office Manager, CEO**

**Samuel Weisberg Prosthetics**

1018 Coal Ave. SE

Albuquerque, NM 87106

(505) 248-0303 Office

(505) 545-2475 Cell

Weisbergpros.walker@gmail.com

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

From: Mellia Walker <weisbergpros.walker@gmail.com>

To: info@willsonstudio.com

Cc:

Bcc:

Date: Fri, 16 Oct 2020 12:10:46 -0600

Subject: Neighborhood Association Meeting Request

~~Dear Patricia Wilson,~~

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker

Agent for Gary Hoffman

--

**Mellia N. Walker**

**Office Manager, CEO**

**Samuel Weisberg Prosthetics**

1018 Coal Ave. SE

Albuquerque, NM 87106

(505) 248-0303 Office

(505) 545-2475 Cell

Weisbergpros.walker@gmail.com

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

From: Mellia Walker <weisbergpros.walker@gmail.com>

To: pmbdoc@yahoo.com

Cc:

Bcc:

Date: Fri, 16 Oct 2020 12:10:28 -0600

Subject: Neighborhood Association Meeting Request

~~Dear Pete Belletto,~~

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker

Agent for Gary Hoffman

--

**Mellia N. Walker**

**Office Manager, CEO**

C

**Samuel Weisberg Prosthetics**

1018 Coal Ave. SE

Albuquerque, NM 87106

(505) 248-0303 Office

(505) 545-2475 Cell

Weisbergpros.walker@gmail.com

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

From: Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

To: jpate@molzencorbin.com

Cc:

Bcc:

Date: Fri, 16 Oct 2020 12:09:47 -0600

Subject: Neighborhood Association Meeting Request

Dear John Pate,

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker

Agent for Gary Hoffman

---

**Mellia N. Walker****Office Manager, CEO****Samuel Weisberg Prosthetics**

1018 Coal Ave. SE

Albuquerque, NM 87106

(505) 248-0303 Office

(505) 545-2475 Cell

Weisbergpros.walker@gmail.com

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

From: Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

To: shanikm@me.com

Cc:

Bcc:

Date: Fri, 16 Oct 2020 12:09:10 -0600

Subject: Neighborhood Association Meeting Request

Dear Shani Madden,

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker

Agent for Gary Hoffman

---

**Mellia N. Walker****Office Manager, CEO****Samuel Weisberg Prosthetics**

1018 Coal Ave. SE

Albuquerque, NM 87106

(505) 248-0303 Office

(505) 545-2475 Cell

Weisbergpros.walker@gmail.com

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

From: Mellia Walker &lt;weisbergpros.walker@gmail.com&gt;

To: meyster1@me.com

Cc:

Bcc:

Date: Fri, 16 Oct 2020 12:08:43 -0600

Subject: Neighborhood Association Meeting Request

Dear Gary Eyster,

Enclosed is a request from Gary Hoffman resident at 202 Richmond, Albuquerque NM

Thank You,

Mellia N. Walker  
Agent for Gary Hoffman

--  
**Mellia N. Walker**  
**Office Manager, CEO**  
**Samuel Weisberg Prosthetics**  
1018 Coal Ave. SE  
Albuquerque, NM 87106  
(505) 248-0303 Office  
(505) 545-2475 Cell  
Weisbergpros.walker@gmail.com

---

14 attachments

-  Neighborhood Association Meeting request.eml  
3K
-  Neighborhood Association meeting request.eml  
12K
-  neighborhood ass doc mellia20201016\_12020540.pdf  
218K
-  Neighborhood Association Meeting Request.eml  
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301K



Mellia Walker &lt;welsbergpros.walker@gmail.com&gt;

**Fwd: ZHE 202 Richmond Dr - Gary-Bradley**

1 message

Mellia N. Walker <melliawalker@gmail.com>  
To: welsbergpros.walker@gmail.com

Thu, Oct 15, 2020 at 12:22 PM

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

From: Brad Hoffman <hoffmanbrad82@gmail.com>  
Date: Thu, Oct 15, 2020, 10:32 AM  
Subject: Fwd: ZHE 202 Richmond Dr - Gary-Bradley  
To: <melliawalker@gmail.com>

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

From: Ibarra, Marcelo X. <marceloibarra@cabq.gov>  
Date: Wed, Oct 14, 2020, 9:01 AM  
Subject: ZHE 202 Richmond Dr - Gary-Bradley  
To: hoffmanbrad82@gmail.com <hoffmanbrad82@gmail.com>  
Cc: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>

cid:image001.jpg@01D42298.80A7FE40**MARCELO IBARRA**

Zoning Plan Examiner

o 505.924.3807

e marceloibarra@cabq.gov

cabq.gov/planning

5 attachments

Image001.gif  
2KImage002.png  
4K**ONE  
ALBUQUE  
RQUE**

planning

Image003.jpg  
4Kimage002.png  
4K ZHE 202 Richmond Dr - Gary-Bradley.pdf  
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C



## REQUEST FOR NEIGHBORHOOD MEETING

Date: 10/16/2020

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 Request for Variance - Fence  
Over 3(three) Feet

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

Property owner Gary Hoffman  
Agent if applicable Mellia N. Walker (505) 545-2474  
Property Address 202 Richmond Dr, Albuquerque, NM, \_\_\_\_\_ (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 Gary Hoffman  
Email weisbergpros.walker@gmail.com  
Phone Number (505) 400-6895

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

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application.

C



Public Notice of Hearing

Date: 10-18-2020

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 Variance over 3ft- Fence (summary of request).

Property owner: Gary Hoffman - (505) 400-6895

Agent (If applicable): Mellia N. Walker - Weisbergpros.Walker@gmail

Property Address: 202 Richmond Drive, Albuquerque, NM, 87106 (zip code).

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

Join Zoom Meeting

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

Meeting ID: 704 449 0999

One tap mobile

+16699006833,,7044490999# US (San Jose)

+12532158782,,7044490999# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 704 449 0999

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

Thank you,

Applicant's Name: Gary Hoffman

Applicant's Number or Email Address: (505) 400-6895

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505- 924-3894 or [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov).

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

C



UNIVERSITY  
115 CORNELL DR SE  
ALBUQUERQUE, NM 87106-9998  
(800)275-8777

10/20/2020

10:12 AM

Product	Qty	Unit Price	Price
Hearts Blossom	15	\$0.55	\$8.25

Grand Total: \$8.25

Cash \$10.00  
Change (\$1.75)

- Preview your Mail  
- Track your Packages  
Sign up for FREE @  
[www.informedelivery.com](http://www.informedelivery.com)

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

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos>  
840-5870-0079-001-00043-77208-02  
or scan this code with your mobile device,



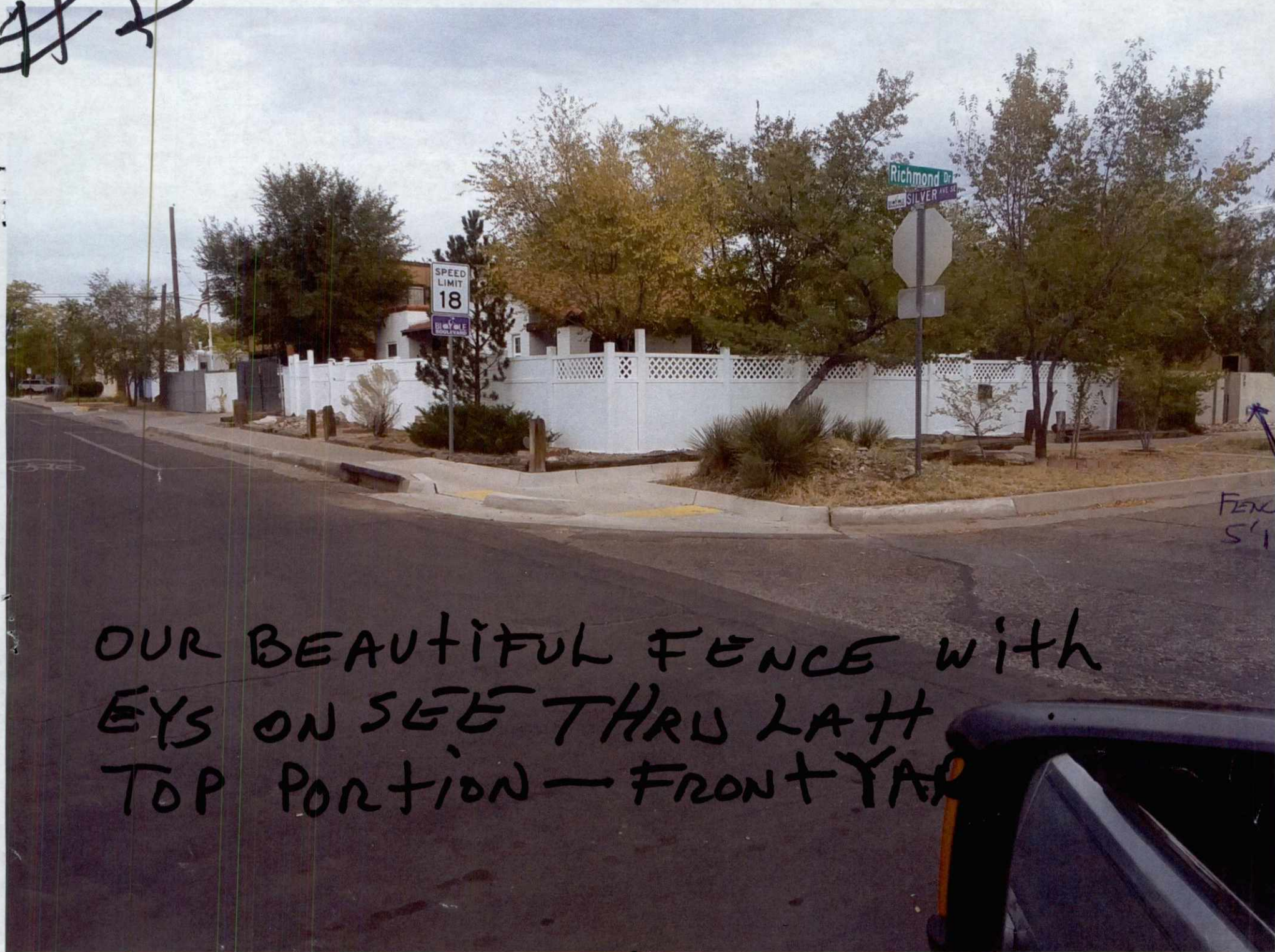
or call 1-800-410-7420.

UFN: 340145-0106  
Receipt #: 840-58700079-1-4377208-2  
Clerk: 11

C



#2



OUR BEAUTIFUL FENCE with  
EYES ON SEE THRU LATT  
TOP PORTION - FRONT YARD

FENCE  
5'11"



SUPPORT I DO  
MAN WALKING HAS EYES ON  
STREET, CAN SEE TALL.





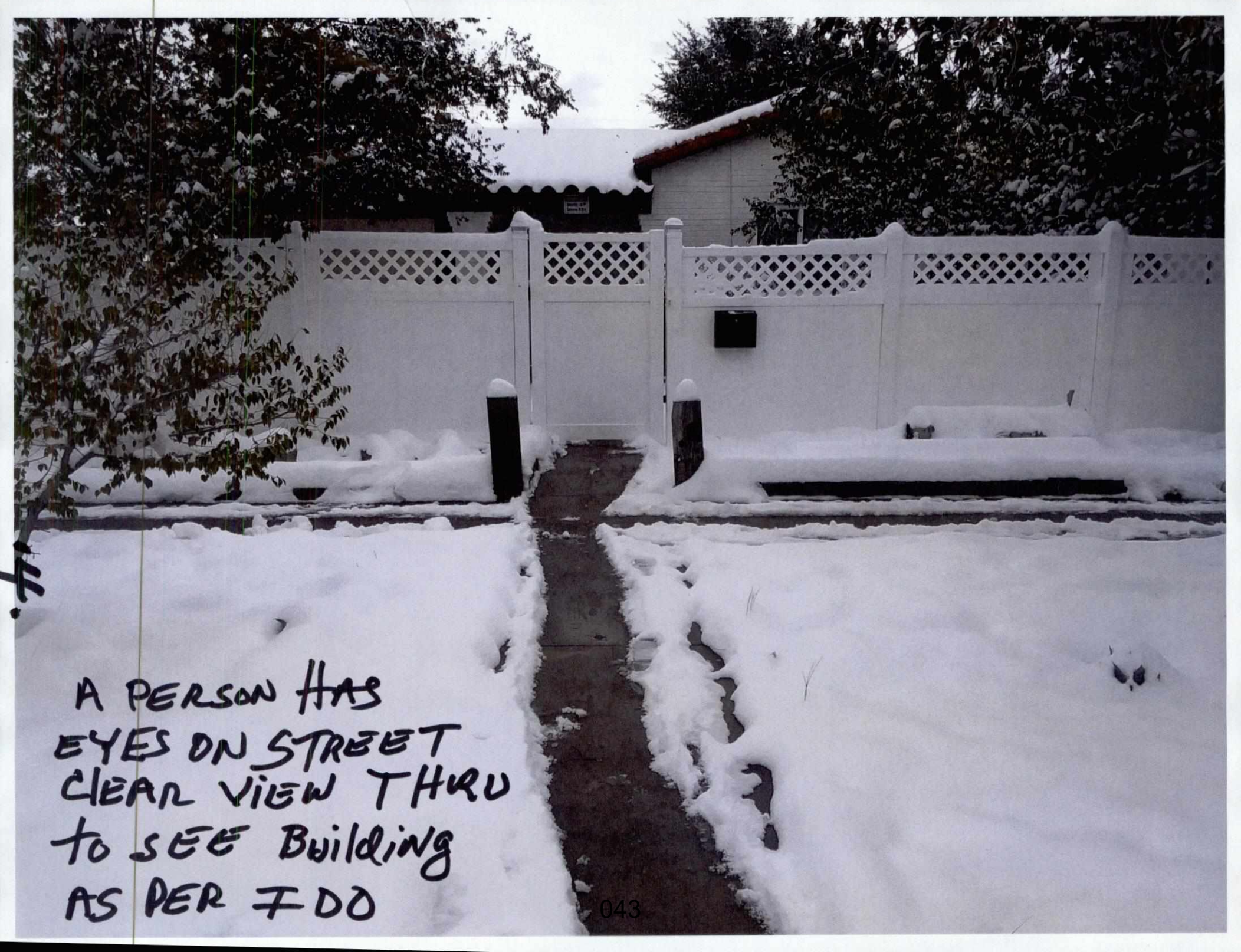
#1

WE FINALLY  
FEEL SAFE  
WITH FENCE AND  
VARIANCE G.H.

202

3.





A PERSON HAS  
EYES ON STREET  
CLEAR VIEW THRU  
TO SEE BUILDING  
AS PER FDO





215 Richmond  
S.E.

2-R-1 with  
6' FENCES OR WALLS





6' HIGH WALL  
OR FENCE

.8. 213 Richmond



201 Richmond SE

#2





201 Richmond S.E.



"7.6"

.9.





223

223 Richmond SE.  
-9.



223 Richmond SE.

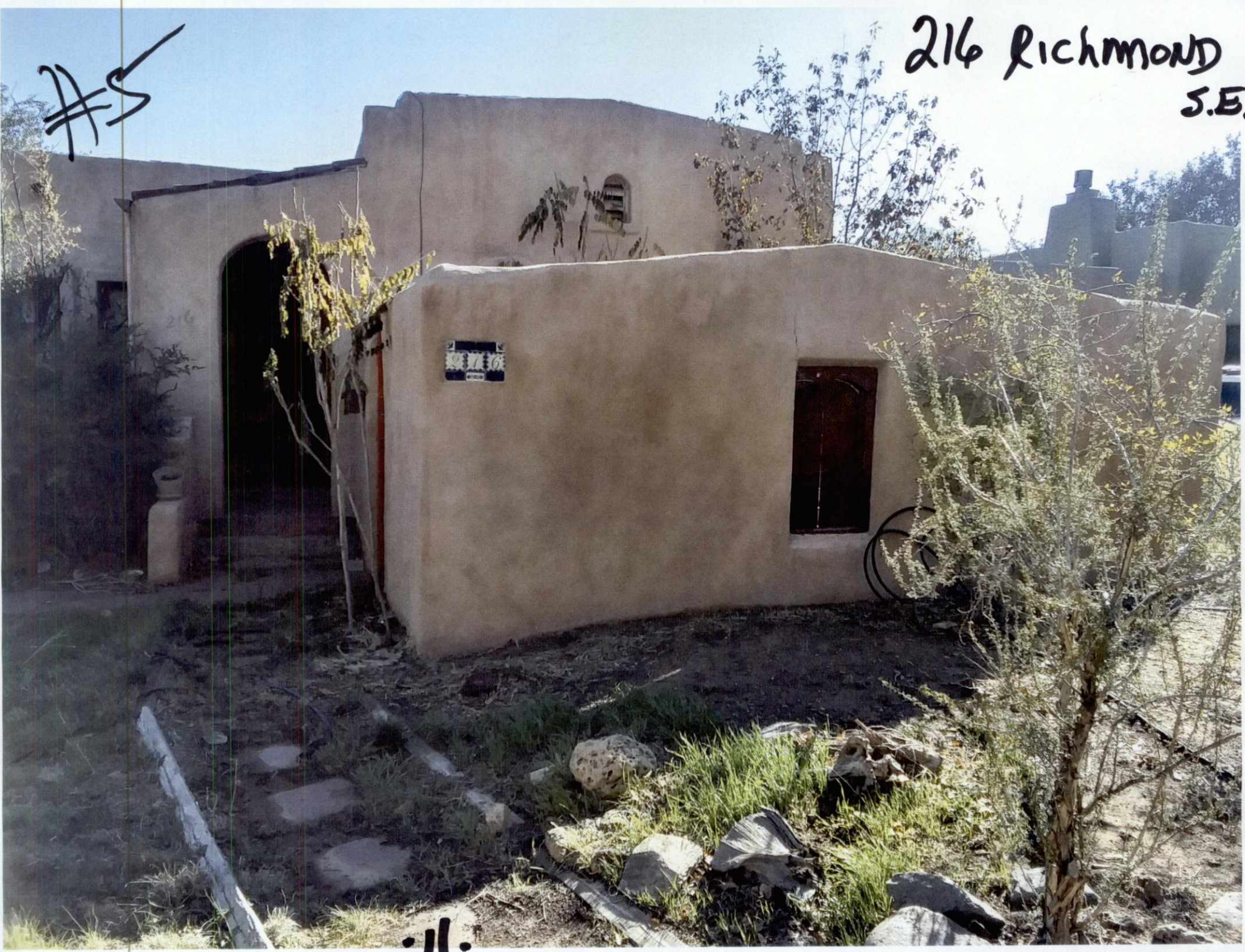
S. W. CORNER Richmond  
& LEAD





#5

216 Richmond  
S.E.



11.



GUITAR  
LESSONS  
DAN BOWLING  
505-266-5313

#6



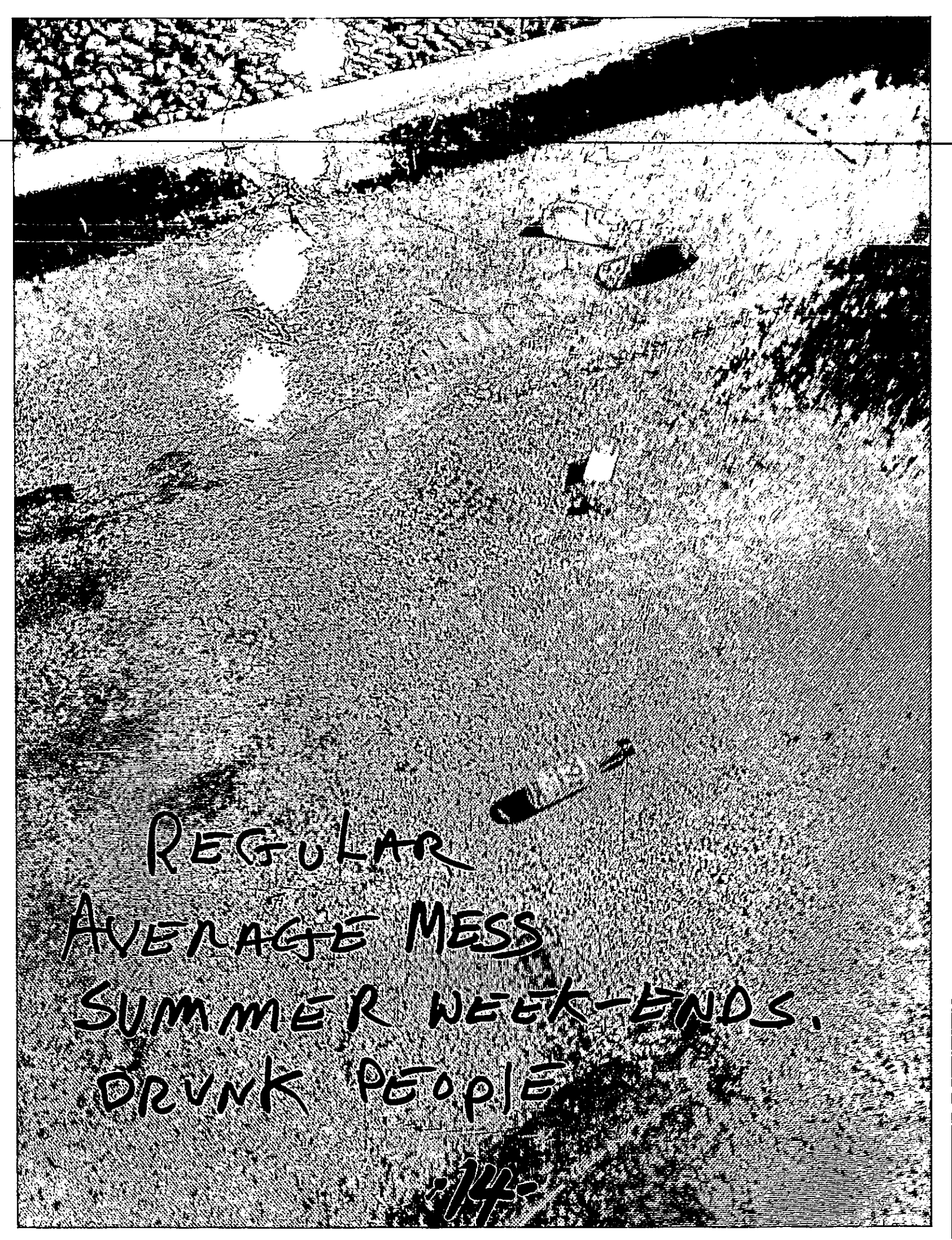
-12-



BACK YARD  
AREA

13

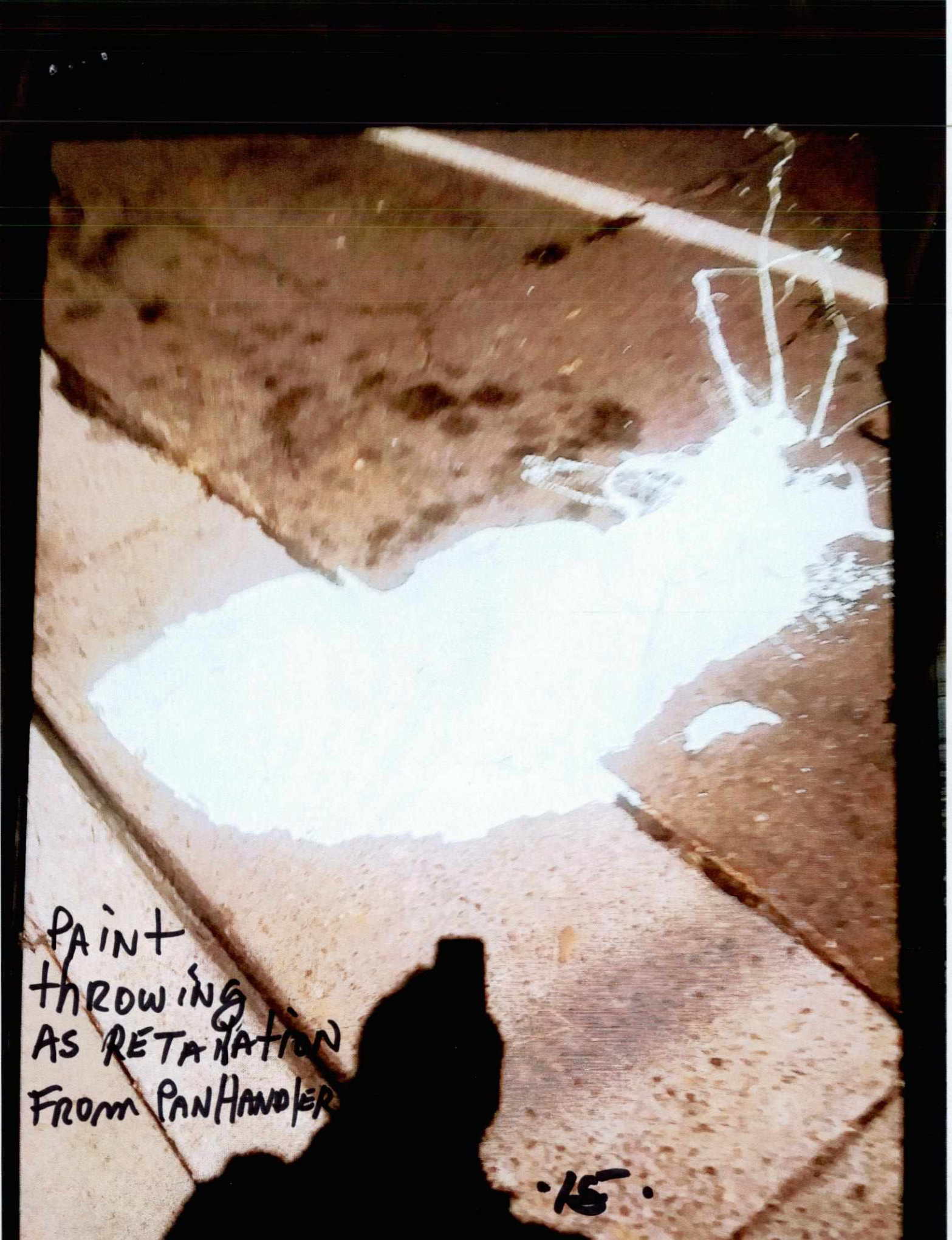
1010

A high-contrast, grainy black and white photograph of a beach. The sand is the primary texture, with some darker patches of vegetation or rocks visible in the upper left. A discarded cigarette butt with a filter lies horizontally on the sand in the middle-right section. The text is written in a hand-drawn, blocky font across the lower half of the image.

REGULAR  
AVERAGE MESS  
SUMMER WEEK-ENDS,  
DRUNK PEOPLE

-14-





PAINT  
THROWING  
AS RETENTION  
FROM PANHANDLER

• 15 •



20409 J

Bottle CLEANED  
FROM BUSHES  
FRONT YARD  
1/6 • 202 Richmond S.E.



# SKETCH PLAN

ALLEY

CURB

ST.

SILVER

GATE

13'

DRIVE WAY

202 B

ENTRANCE

DRIVE WAY

FENCE 50'

NEW FENCE VARIANCE REQUEST

FENCE 50'

NEW FENCE VARIANCE REQUEST

13'

202 A

4'

GATE

Richmond Drive C

Variance Justification Letter

Zoning Hearing Examiner

City of Albuquerque

600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor

Albuquerque, NM 87102

RE: Request for Variance of Fence height 32 inches above suggested height at 202 Richmond Drive SE, Albuquerque, NM 87106.

- 1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same Zone district and vicinity. Those special circumstances create a hardship because: Residents safety is at risk!, because of unwanted people and circumstances that take place in the front yard. Silver Street also known as Bicycle Boulevard brings heavy foot traffic from Central Avenue, Nob Hill shopping and Entertainment District put a huge amount of people walking by Richmond bringing a host of issues to front yard. Homeless and drunk people sleep, Eat & drink alcohol on our front and side porches of residence. Discarding trash, used hypodermic needles, empty bottles and food containers that are left for the residents to clean. Police have been called many times over the past 30 years. These days panhandlers walking on Silver have gone almost to a point of violence towards resident. Paint thrown in Street when maney was refused to panhandler. Common to find that front yard is used as a restroam and Resident must clean human waste also common to see people urinoting in the front and side yards, and backyard areo leaving waste in yard making fence necessary.
- 2) The variance will not be materially contrary to the public safety, health, or welfare because: the variance of 32 in on fence does not affect Public Safety or health but does provide a safety barrier for residents. Keeping people from walking by looking into open plain view of porches, they see as a place to sleep. The variance would minimize site into the yard by passers-by as a place to sleep and steal our life acquired items, please see list
  - Wright Iron Table
  - 2 wrought iron chairs with cushions
  - Antique adult bike, family item
  - Shovels, garden hoses as well as other yard maintenance items
  - City of Albuquerque trash-collection container


People see items in the yard by day, return at night loosen or remove light bulb and steal items as well as kick in the front door to the residence. Unknown people set our car on fire which was a total loss. Drunk panhandlers single and in small groups of up to three harass residents for handouts when refused, they become nasty possibly high on drugs or alcohol. A 32 in fence would not provide enough privacy to avoid this direct contact from passers-by, that's opening a venue for unwanted conversations leading to bad and dangerous encounters. The variance does eliminate this to a high degree.

- 3) The variance does not cause adverse impacts on surrounding Properties or infrastructure improvements in the vicinity because: surrounding properties all support fence and 32-inch



variance in height. See signed petition supporting that defense is beautiful and made of modern lightweight vinyl. See pics of walls on Richmond 201, 204, 213, 215, 217 and 223.

- 4) The variance will not materially undermined the intent and purpose of this IDO or the applicable Zone District because: not to undermine the IDO or the eye to eye requirements, we used lottice at additional cast for transparency thus requesting approval of variance request due to requirements being met.
- 5) The variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties because: because area is well-established is well established as a Main recreational walking area, Bicycle Boulevard with cammercial traffic, both foot and vehicle. The residents safety is a serius concern with all type of issues that a normal R1 resident does nat encaunter an a daily basis. People become violent towards resident and it is unacceptable. We have the right to be in our own front yard without fear of danger. Please accept variance request for our safety and happiness again peaple sleeping on porch in front yard cobbossee pictures and see signatures on petition verified people sleeping on frant porch and people sleeping in front of the guitar stap near aur property.

Signature:  Date: 10-2-2020

С



# PETITION

I SUPPORT VARIANCE REQUEST  
(FILE # CF 2020-041813 FILE #) (JOB #  
121831 877-001 JOB #) FOR 202  
RICHMOND S.E., FENCE EXCEEDING  
MINIMUM HEIGHT ALLOWED FOR A  
FENCE IN THE FRONT YARD, ALSO  
FENCE IS AN IMPROVEMENT.

Pete Candelaria PETE CANDELARIA 305 Morningside SE

# 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 NOV 30, 2020 To DEC 15, 2020

#### 5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

[Signature]  
(Applicant or Agent)

11-2-2020  
(Date)

I issued 2 signs for this application, NOV 2, 2020, Charles Meester  
(Date) (Staff Member)

PROJECT NUMBER: PR-2020-004657/VA-2020-00379

C



# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

600 2<sup>nd</sup> Street NW

Albuquerque, NM 87102

Tel: (505) 924-3850 Fax: (505) 924-3847



Oct 22, 2020

### **NOTICE OF CONTINUED VIOLATION PRE-CRIMINAL SUMMONS**

HOFFMAN GARY F  
202 RICHMOND DR SE  
ALBUQUERQUE, NM 87106

Dear Property Owner:

Our office recently notified you that your property located at **202 RICHMOND DR SE, Albuquerque, NM** was in violation of the Comprehensive City Zoning Code and/or the Albuquerque Weed and Anti-Litter Ordinance. Our records indicate that you were made aware of the nature of the violation, and that you were given ample time to remedy the violation.

A re-inspection of your property was conducted and that inspection revealed that the necessary corrective action had not been taken and the property continued to be in violation. This letter will serve as notice that if the violation is not corrected by the listed "Resolve By Date" on this notice a criminal complaint will be filed against you. Penalties include up to 90 days imprisonment and/or fines of up to \$500.00 for each day of violation. Each violation constitutes a separate offense.

Page two (or reverse) of this notice describes the continued violation(s) found on your property as well as the corrective action that is necessary to abate the violation(s). This is the final notice you will receive regarding this matter before court action is initiated against you.

Do not hesitate to contact me if you have questions concerning this matter. Because I am a field inspector, the best time to reach me is before 9:00 a.m. or after 3:30 p.m. Monday-Friday. When contacting me please reference Notice of Violation Number **CF-2020-041813** and address.

Thank you for your cooperation on this matter.

Sincerely,

Alexander Stelly  
Code Enforcement Specialist  
(505) 924-3451

File Number: CF-2020-041813

Job Number: 121831877-001

Initial Print Date: Oct 22, 2020

Page 1 of 2



# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

600 2<sup>nd</sup> Street NW

Albuquerque, NM 87102

Tel: (505) 924-3850 Fax: (505) 924-3847



### Violation at Property

Address: 202 RICHMOND DR SE, Albuquerque, NM

The above-described premises have been inspected and the following violations of City laws and regulations have been found:

Violation Type	Violation Description	Resolve By Date
14-16-5-7 WALLS AND FENCES	<ul style="list-style-type: none"><li>At the time of inspection a wall was being erected on the property. It exceeds the minimum height allowed for a fence in the front yard and the code enforcement division does not have a permit on record allowing for the construction of the fence. Permits can be obtained in person at 600 2nd Street NW, 1st floor, Zoning Permit Counter. For more information about Zoning Permits or the Integrated Development Ordinance, you can visit: <a href="http://www.cabq.gov/plan">http://www.cabq.gov/plan</a></li></ul>	Nov 5, 2020

Code Sections	Code Description





# CITY OF ALBUQUERQUE

## INVOICE

GARY HOFFMAN

202 RICHMOND DR SE

Reference NO: VA-2020-00379

Customer NO: CU-123753771

Date	Description	Amount
11/02/20	Application Fee	\$210.00

Due Date: 11/02/20

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



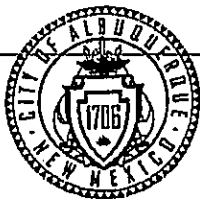
City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

Date: 11/02/20  
Amount Due: \$210.00  
Reference NO: VA-2020-00379  
Payment Code: 130  
Customer NO: CU-123753771

GARY HOFFMAN  
202 RICHMOND DR SE  
ALBUQUERQUE, NM 87106



130 0000VA20200037900102546712375375100000000000021000CU123753771



# CITY OF ALBUQUERQUE INVOICE

202 RICHMOND DR SE

Date: 11/2/2020

Office: ANNEX

Cashier: e43322

Batch: 11540

Tran #: 4

0-00379

753771

Building Permits

3:05 PM

Station ID

Office

ANNEX

Receipt #: 00648646

Reference VA-2020-00379

Trans Amt: \$210.00

ription

Amount

ication Fee

\$210.00

Total due for this invoice:

\$210.00

130 Building Permit \$210.00

Payment Total: \$210.00

Transaction Total: \$210.00

Check Tendered : \$210.00

<http://posse.cabq.gov/posse/pub/lms/Default.aspx>

0 2nd St. NW, Albuquerque, NM 87102

Checks presented:

GARY HOFFMAN		1837
202 RICHMOND DR SE		11/2/2020
ALBUQUERQUE NM 87106-2228		11/2/2020
10-1-20		11/2/2020
C. O. A. A.		\$210.00
Bank of America		
V. A. A. A. A.		

Thank you for your payment.  
Have a nice day!

BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



**Gary Hoffman**  
202 Richmond Dr. SE  
Albuquerque, NM 87106

ALBUQUERQUE NM 870

20 OCT 2020 PM 4 L



Ailist C

ANDREW VAILLES  
208 RICHMOND SE.  
ALBQ NM 87106

9303610672700047

VAC

67106-223802

NIXIE 871 DE 1 0010/24/20

RETURN TO SENDER  
VACANT  
UNABLE TO FORWARD

BC: 87106223802 \*0768-05240-20-37

**Gary Hoffman**  
202 Richmond Dr. SE  
Albuquerque, NM 87106

ALBUQUERQUE NM 870

20 OCT 2020 PM 4 L



NOELLE GEMMER  
204 RICHMOND SE.  
ALBQ NM 87106

NIXIE 871 DE 1 0010/24/20

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

ANK

BC: 87106223802 \*0768-04882-20-37

67106-223802

Gary Hoffman  
202 Richmond Dr. SE  
Albuquerque, NM 87106

ALBUQUERQUE NM 870

20 OCT 2020 PM 4 L



FELICIDAD FOUNDATION  
126 RICHMOND DR. SE.  
ALBUQUERQUE - NM - 87106

Proof of N

NIXIE 871 DE 1 0010/24/20

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

000047

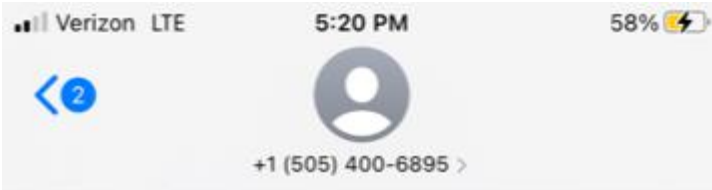
ANK

BC: 87106223802 \*0768-05254-20-37

87106-22352



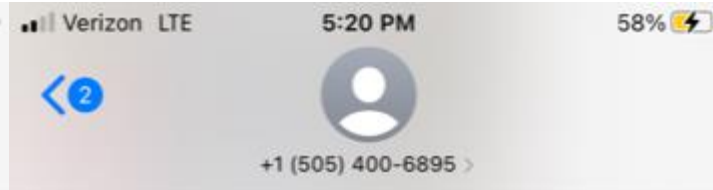




semi left runing adjacent to front yard



large truck left running making a delievery

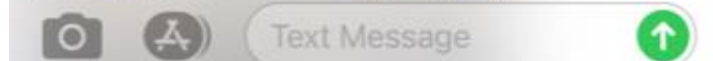


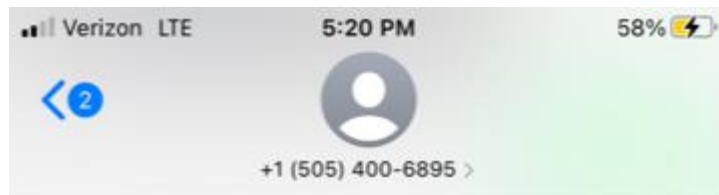
a very busy commercial traffic intersection front yard. variance required please! please?



Received.

Girrard north of lomas large..wall



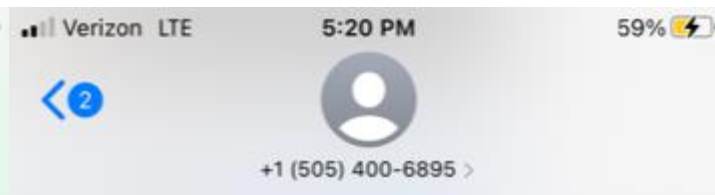


Girard north of lomas  
large..wall

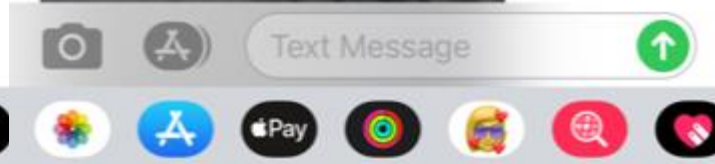
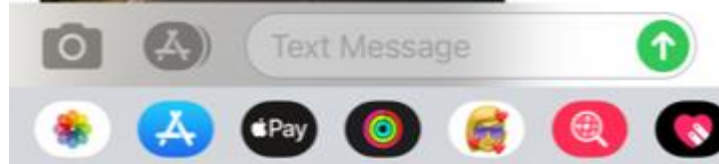


Wed, Nov 25, 8:27 AM

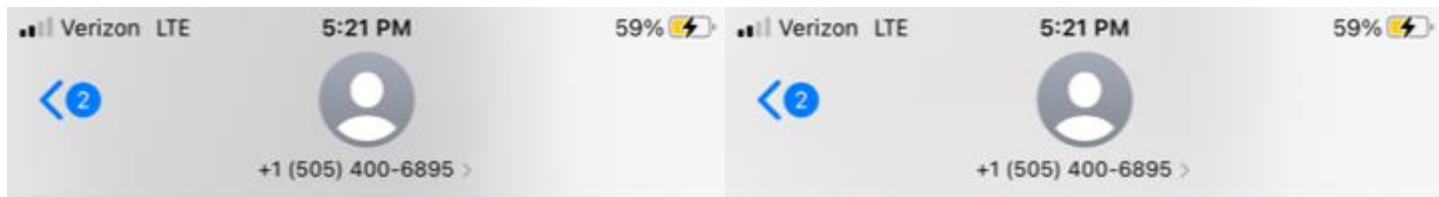
homeless guy..sleeper on my  
front and side porch 202  
Richmond se



6foot tall fence...child care







regular visitor to my yard 202  
Richmond s.e.



truck parked with engine  
running...no driver

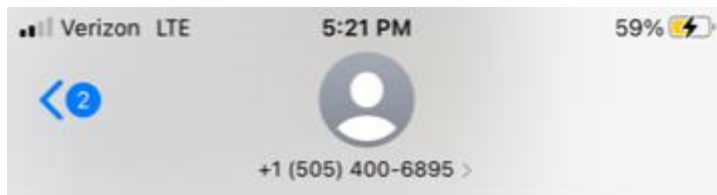


truck parked with engine  
running...no driver



parked semi no driver





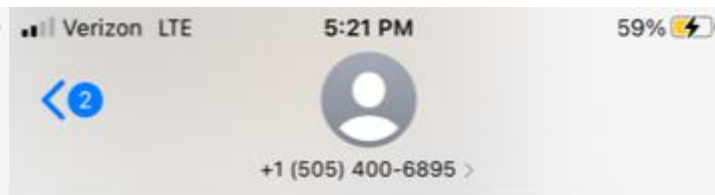
parked semi engine keeping..no driver..



Richmond st wall over 3ft



Richmond st wall over 3ft



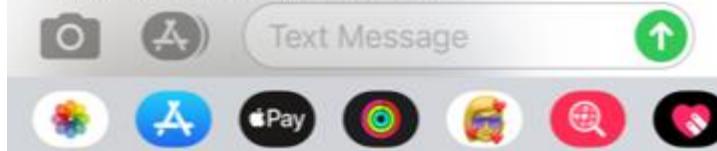
Richmond st wall over 3ft



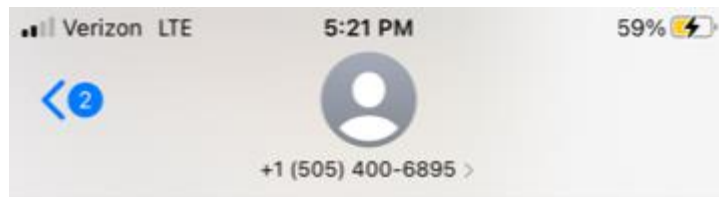
Richmond st



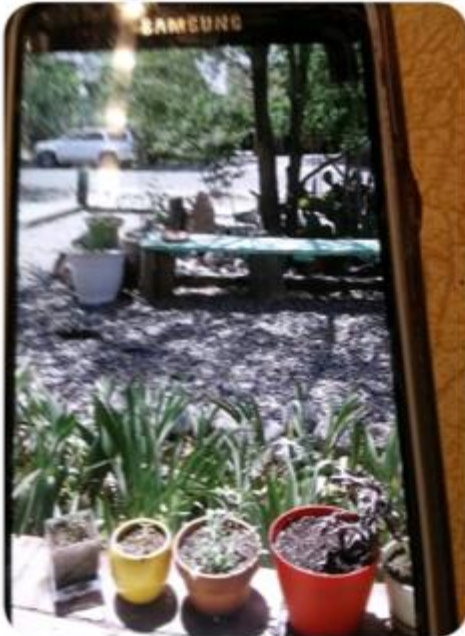
202 Richmond without fence



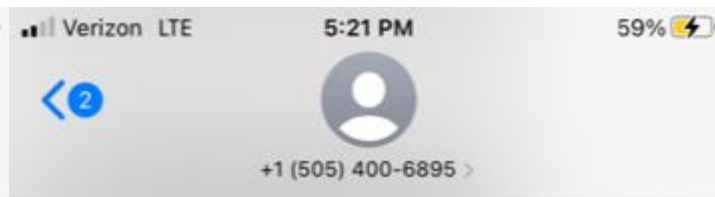




202 Richmond without fence  
open yard



sleeper



fence





fence



201 Richmond se



201 Richmond se



our yard

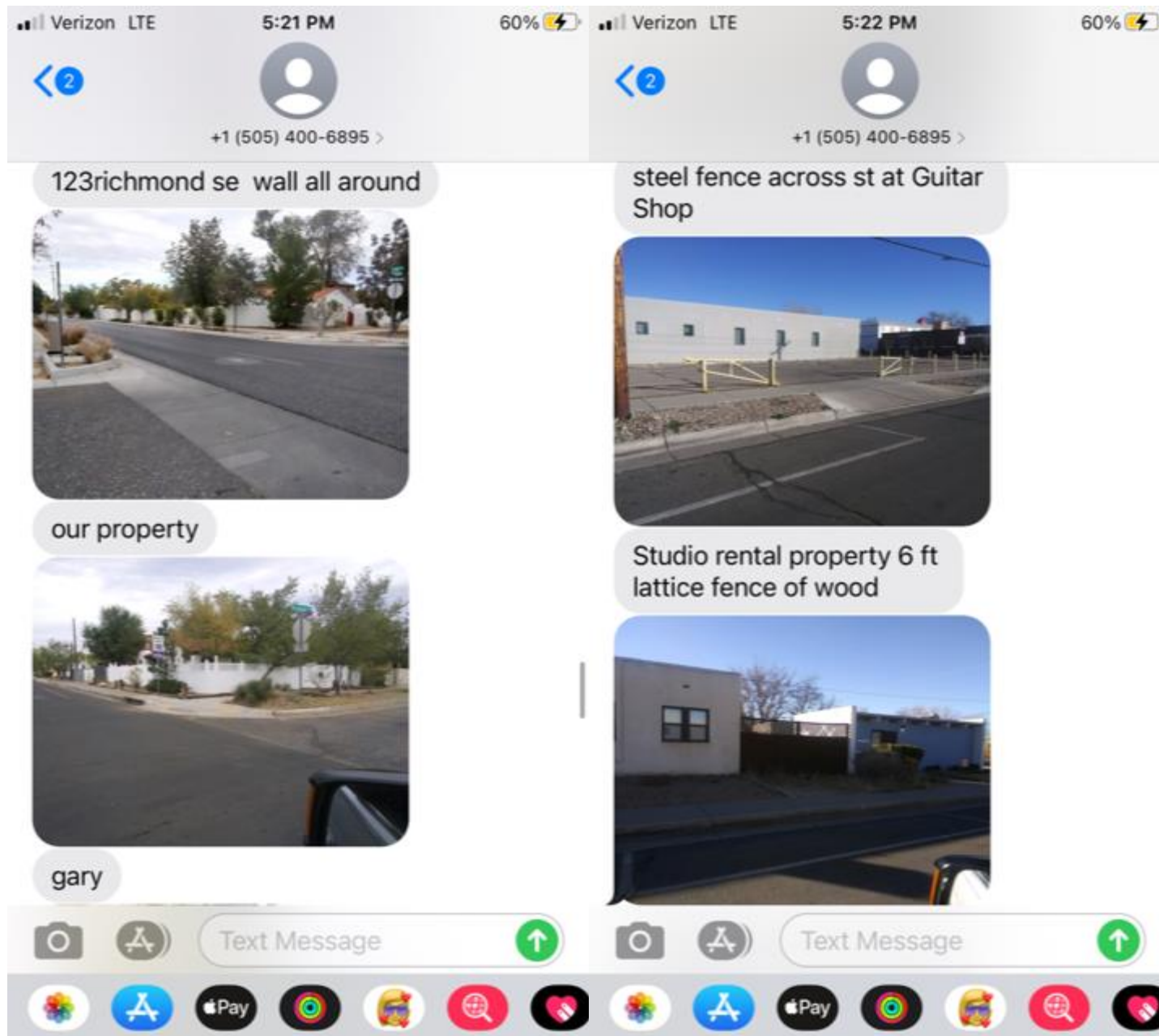


201 Richmond se

123richmond se wall all around









223 Richmond se high wall  
busy traffic corner



School 6 ft High vinyl fence



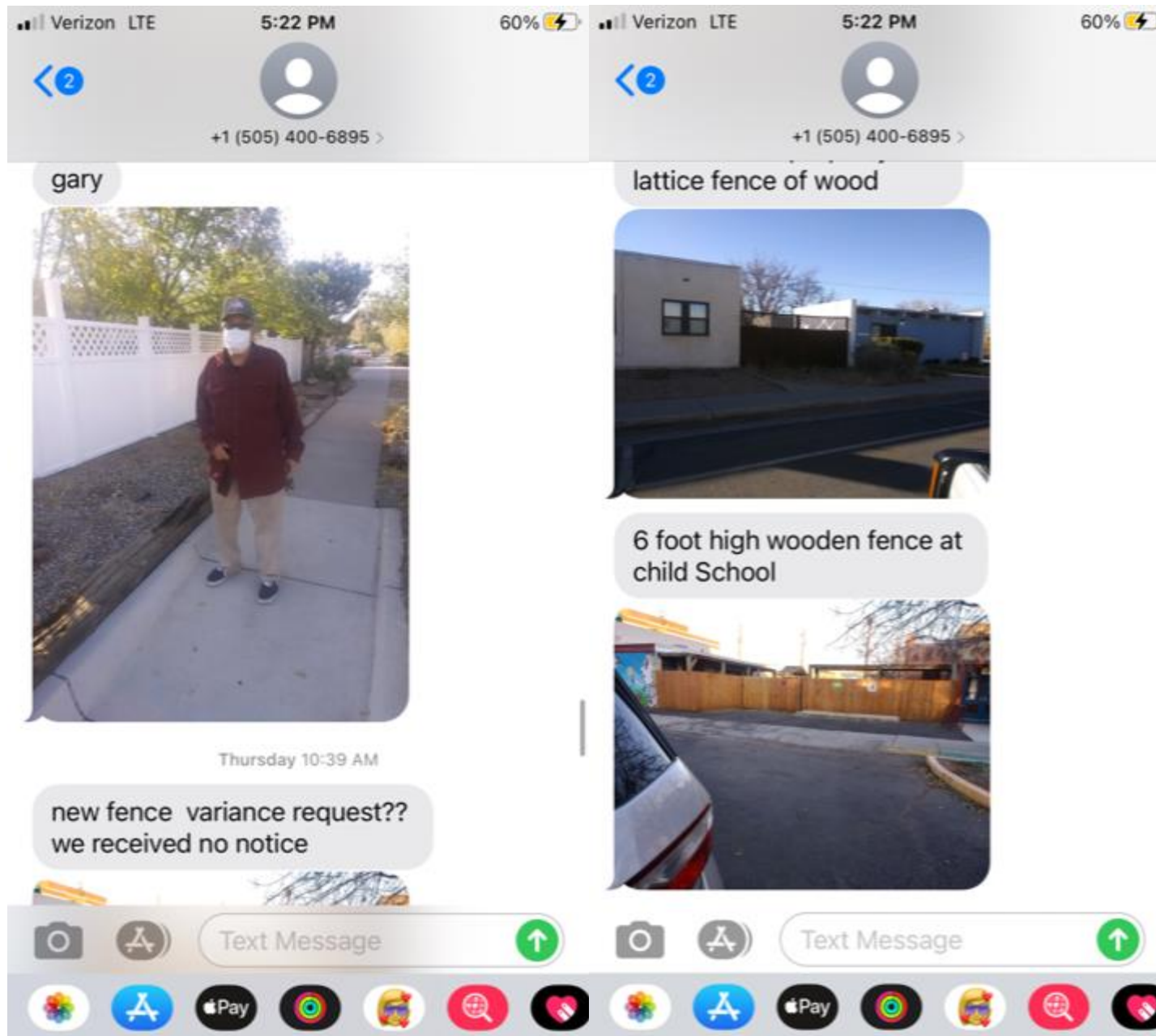
new fence variance request??  
we received no notice



serendipity school 100 blk  
richmond se adjunct to 202  
richmond







CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
INTER-OFFICE MEMORANDUM

**December 8, 2020**

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

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

**Subject:** COMMENTS FOR THE ZHE HEARING OF December 15, **2020**

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

---

**VA-2020-00379**

**PR-2020-004657**

**Address:** 202 Richmond Dr SE

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

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



## City of Albuquerque ZHE – December 15, 2020

Agenda Item #17

VA-2020-00379

PR-2020-004657

**Gary F. Hoffman requests a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 39, University Heights, located at 202 Richmond Dr SE, zoned MX-T [Section 14-16-5-7-D]**

**Ownership:** Owner: HOFFMAN GARY F

**Zone District/Purpose:** MX-T/The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses.

**Allowable Use:** n/a

**Applicable Comp Plan Designation(s):** Area of Consistency; Nob Hill PT, Central MT, Central MS

**Applicable Overlay Zones:** None listed

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

### Applicable Dimensional/Development Standards:

Table 5-7-1: Maximum Wall Height					
Zone Category	Residential	Mixed-use	Non-residential (NR-C, NR-BP) <sup>[1]</sup>	Non-residential (NR-LM, NR-GM)	See also:
<b>Standard Wall Height</b>					
Wall in the front yard or street side yard <sup>[2][3][4]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2)
Wall in other locations on the lot <sup>[5][6]</sup>	8 ft.	8 ft.	8 ft.	10 ft.	5-7(D)(2)
<b>Corner Lot Abutting Residential Zone District</b>					
Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.					
<10 ft. from the lot line abutting the street <sup>[3]</sup>	3 ft.	3 ft.	3 ft.	6 ft.	5-7(D)(2) 5-7(D)(3)(g)
≥10 ft. from the lot line abutting the street	6 ft.	8 ft. Low-density residential: 6ft.	8 ft.	8 ft.	5-7(D)(2)
<b>Walls Abutting Major Arroyos and Major Public Open Space</b>					
Wall in a rear or interior side yard abutting a major arroyo	6 ft.	8 ft.	8 ft.	8 ft.	5-7(D)(2) 5-7(E)(4)
Wall in a rear or interior side yard abutting Major Public Open Space	6 ft.	6 ft.	6 ft.	10 ft.	5-7(D)(2) 5-7(E)(4)
<small>[1] In the NR-BP zone district, wall heights shall be specified in the Master Development Plan. If no Master Development Plan exists or if no wall heights are specified in the Master Development Plan, then the wall height requirements in this table apply. [2] Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(c). [3] Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-5-7(D)(3)(d) or 14-16-5-7(D)(3)(g). [4] Taller walls may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e). [5] Portions of walls in the rear yard of a corner lot abutting the front yard of a Residential zone district are treated differently, with provisions later in this table. [6] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.</small>					

**Traffic Recommendations:** No objection

**Planning Recommendation:** This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.





## Sanchez, Suzanna A.

---

**From:** John Pate <JPate@molzencorbin.com>  
**Sent:** Monday, December 07, 2020 10:05 AM  
**To:** Sanchez, Suzanna A.  
**Cc:** theboard@nobhill-nm.com; 'Mellia Walker'; Melodie Eyster; Belletto, Peter; Elizabeth Vencill; Glenda Armstrong (mailto:glendalarmstrong@gmail.com); Greg Miller - Morrow Reardon Wilinon Miller, LTD. (gmiller@mrwmla.com); Heidi Olson (heidifolson@gmail.com); John Pate; Joseph Turk; Linda Tigges (lindatigges@gmail.com); Phyllis Taylor  
**Subject:** RE: 202 Richmond SE, Statement of Position , Nob Hill Neighborhood Association  
**Attachments:** SEHNA Garden Wall Policy 10-13-08.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Sanchez,

As you know the Southeast Heights residents in 2008 passed a policy which formally OPPOSES walls and opaque fences greater than allowed by the Zoning Ordinances now the IDO. The Policy is attached.

SEHNA does however understand that there may be extenuating circumstances as would be determined by the Zoning Hearing Examiner.

Please enter this memo and policy in the record for 202 Richmond SE.

For the Southeast Heights Neighborhood Association  
John Quinn Pate, President



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**From:** Melodie Eyster <[meyster1@me.com](mailto:meyster1@me.com)>  
**Sent:** Monday, December 7, 2020 8:59 AM  
**To:** 'Sanchez, Suzanna A.' <[suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)>  
**Cc:** [theboard@nobhill-nm.com](mailto:theboard@nobhill-nm.com); 'Mellia Walker' <[weisbergpros.walker@gmail.com](mailto:weisbergpros.walker@gmail.com)>; John Pate <[JPate@molzencorbin.com](mailto:JPate@molzencorbin.com)>  
**Subject:** 202 Richmond SE, Statement of Position , Nob Hill Neighborhood Association

Good morning, Suzie,

I hope you had a good weekend.

Please confirm successful receipt of this statement of position.

Kind regards, Gary Eyster

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



# SOUTHEAST HEIGHTS NEIGHBORHOOD ASSOCIATION

P.O. Box 8711  
Albuquerque, New Mexico 87198  
October 21, 2006

## Re: Policy – Garden Walls in Front Yard Setbacks

It has been a long-standing policy of the Board of the Southeast Heights Neighborhood Association to uphold the City Zoning Ordinance on walls and fences over 3 feet high within the setback in the front of homes. We therefore **OPPOSE** any application for a **CONDITIONAL USE** or a **VARIANCE** for construction of these walls for a number of reasons:

- In the spirit of keeping the historical nature of our neighborhood which was designed with broad avenues and houses with a primary orientation toward the street.
- One element of good neighborhoods is defensibility. Self-surveillance creates safer neighborhoods. Neighborhoods with private active living spaces with a view of the street activity require less martial resources and promote legal activities on the streets. The tall walls facing the street prohibit self surveillance and put the legal activities behind walls and leaving the streets unwatched and consequently less safe spaces.
- In the same vein tall wall create a complete visual barrier conducive to burglaries and other undesirable activities while one's neighbors would be unable to see or respond appropriately.
- Tall walls provide spaces behind which people can hide.
- Tall walls disturb the sight lines and views down the streets.

Properties in our neighborhood do not generally have special circumstances that would justify violation of the zoning standards for construction of a wall of that height. Although the Board for the Southeast Heights Neighborhood Association is not the reviewing agency and the ultimate decision will be made by the City Zoning Hearing Examiner, we believe that it is the duty of the Board to promote the zoning standards affecting our neighborhood. The Board trusts that the hearing examiner reviews each case on its merits and ascertains that extenuating circumstances exist that would warrant an exception to any zoning code before granting approval. It is up to the applicant to show the City Zoning Hearing Examiner why any exception to the Zoning Ordinance should be granted.

Southeast Heights Neighborhood Association  
John Quinn Pate, President

# Nob Hill Neighborhood Association, Inc.

PO Box 4875, Albuquerque, NM 87196

TheBoard@NobHill-NM.com

December 6, 2020

Robert Lucero, Esq, Zoning Hearing Examiner

By email to [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)

Subj: Gary F. Hoffman requests a variance of 3 ft. to the 3 ft. maximum wall height, 202 Richmond SE

Dear Mr. Lucero,

Our board of directors discussed this request with Ms. Walker and Mr. Hoffman on Dec. 3. We received two statements from neighbors in opposition before the meeting and one in support at the meeting.

The house faces west at the corner of Richmond Dr SE and Silver Ave SE. Mr. Hoffman has constructed a fence of white vinyl 6 ft. high in the front yard and the street side yard. The top 2 ft. of the fence on Richmond Dr. is lattice. The entire fence on Silver Ave. is solid.

Our association makes a robust effort to preserve our neighborhood character and to promote eyes on the street. Since 2012 every issue of our neighborhood newsletter, distributed to all 3,000 homes in our boundaries twice a year and posted on our website, has carried an article along the lines of the one attached called *Caring for Our Streetscape; A Message From Your Board*. Please enter this piece in the record.

The IDO establishes a process whereby an applicant engages in dialogue with a neighborhood association before construction. We have dealt with requests where the applicant was located on a collector street meeting the requirement of IDO 6-6 (N)(3)(C)3b. Our pre-hearing dialogue resulted in walls that reflect the architectural character of the surrounding area. The applicants built the walls to a height which met 4a, not blocking any portion of any window. Win-win.

Situations like the one you are hearing sadden us because that opportunity has been foreclosed. This fence does not meet 6-6 (N)(3)(C) 1, 2, or 4b. With respect to 2, this area is up for listing in the NM Register of Cultural Places which would make homeowners eligible for the 50% tax credit for renovation of historic



structures. Structures like this lessen the likelihood of successful listing and other homeowners are injured. With respect to 4b, the design and materials used are not to be found anywhere in Nob Hill.

When we met, Mr. Hoffman offered to replace the top 2 ft. on the Silver Ave. side yard with lattice to preserve eyes-on-the-street.

We express neither support nor opposition for this request. We support the IDO. It is a durable tool for preserving community character. We ask you to apply it to this case to the very best of your ability.

Our board adopted this statement on a vote of 6 for, 1 against, with 2 abstentions.

Respectfully yours,

Gary Eyster, President

Attachment:

## Caring for Our Streetscape

Albuquerque's Integrated Development Ordinance (IDO) fosters healthy streetscapes. This refers to the relationship between houses and the public way; what we see as we walk, bike, or drive through a neighborhood.

When Nob Hill was built in the early 20<sup>th</sup> century architectural designers believed that houses should communicate well with the street. Looking out of our homes today we can see nearby houses, neighbors, and passersby. Eyes-on-the-street is a key component of *Crime Prevention Through Environmental Design*.

The IDO allows walls up to 6 ft. high on a lot beside and behind a residence after obtaining a *WALL PERMIT-MINOR*.

In the lot area forward of the house, the front yard, the IDO allows a wall or fence 3 ft. high or less after obtaining a *WALL PERMIT-MINOR*.

A wall or fence higher than 3 ft. in the front yard or street side yard of a residential lot requires a *VARIANCE* which is considered by the Zoning Hearing Examiner in a public hearing. If the examiner issues a permit the wall must meet standards with respect to materials and must preserve eyes-on-the-street. Such a *VARIANCE* is not available in several areas of the city, one of which is Monte Vista and College View Historic District.

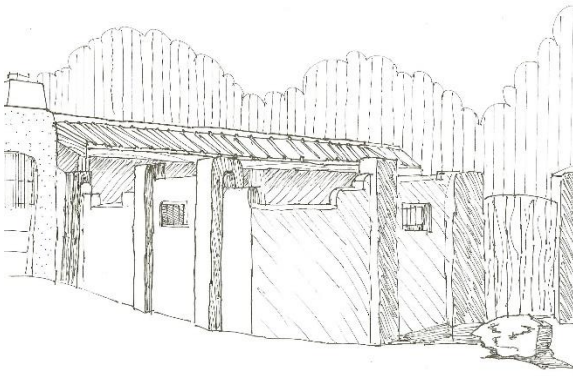
Because they diminish streetscape, historic character, and eyes-on-the-street, your Nob Hill Neighborhood Association discourages fences or walls higher than 3 ft. in the front yard and street side yard. Information about permits can be obtained from a reliable architect or landscape architect or from CABQ Zoning Enforcement at 924-3838. Visit them on the ground floor at the Planning Department, 600 Second Street NW.

Download the IDO at <http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>



Nob Hill house from the public way; well-preserved scale, massing, materials, and details contribute to historic streetscape. Eyes-on-the-street diminish crime.





House near Nob Hill with a 6 ft. wall in the front yard diminishing streetscape, historic character and eyes-on-the-street

**Excerpts of the IDO related to walls and fences in residential neighborhoods are included in the ZHE letter for ready reference.**

**Subsection 5-7: Walls and Fences.....5-7(A)....***this section regulates walls, fences...collectively referred to as “walls” in order to enhance the visual appearance of development in the city; establish a consistent attractive streetscape.....and promote neighborhood character.*

**5-7(B)** *A wall shall be erected **only after obtaining a permit**, pursuant to the provision in Subsection 6-5(J) (Wall or Fence Permit – Minor).....max 3 ft. in front yard or 6-6(N) (Variance – ZHE)*

**5-7(C)(2)** *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)(1)**.....*walls shall comply with the height standards in Table 5-7-1 Maximum Wall Height....Wall in the front yard or street side yard, Residential, 3 ft. ....Footnote [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 6-6(N)(3)(c) if it meets the standards in Table 5-7-2.*

**5-7(D)(3)(e)** *Walls greater than 3 ft. in height are not allowed in any front or street side yard on lots with low density residential development in the following mapped areas, and no Variance to this provision is allowed in these areas.....2. Monte Vista and College View Historic District*

**Subsection 6-5(J)...The ZEO shall...make a decision on the Wall or Fence Permit-Minor**

**Subsection 6-6: Decisions Requiring a Public Meeting or Hearing**

**6-6(N)(3)(c) Variance for a Taller Front or Side Yard Wall.....**An application for a Variance for a wall in the front or street side yard of a lot in a Residential zone district...shall be approved if it meets all the following criteria:

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 a least ½ acre
  - b. The lot fronts a street designated as a collector or above in the LRTS Guide.
  - c. At least 20% of the properties within 330 ft. of the lot where the wall or fence is being requested have a wall or fence over 3 ft. in the front yard.
4. The design of the wall complies with any applicable standards in section 5-7 (walls and fences).....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 ft. above the 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.



**Sanchez, Suzanna A.**

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**From:** Mellia N. Walker <melliawalker@gmail.com>  
**Sent:** Tuesday, December 15, 2020 3:24 PM  
**To:** Sanchez, Suzanna A.  
**Subject:** Letter from COA planning dept/202 Richmond  
**Attachments:** 20201215\_134738\_(1).jpg; 20201215\_134749\_(1).jpg

Hello Suzie,

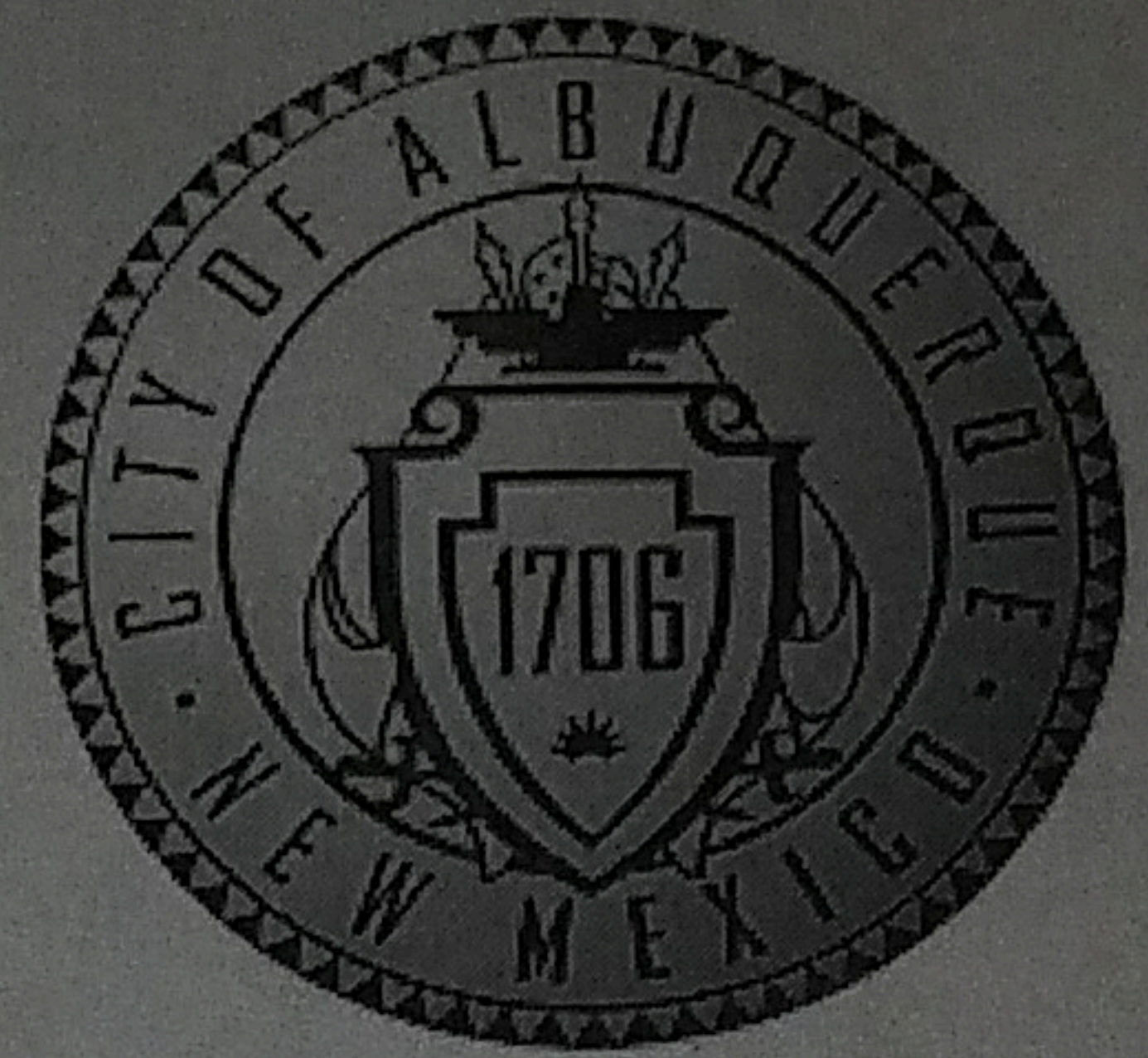
We wanted to start out by thanking you all for your time and consideration today in this matter. Enclosed you will find the letter I referenced at the hearing from the City of Albuquerque planning department. If you have any questions, feel free to contact me at this email which is my personal email or my work email that we have had previous Communications on or Gary directly via phone.

Thank you again,  
Mellia N. Walker  
For Gary Hoffman

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



November 25, 2020



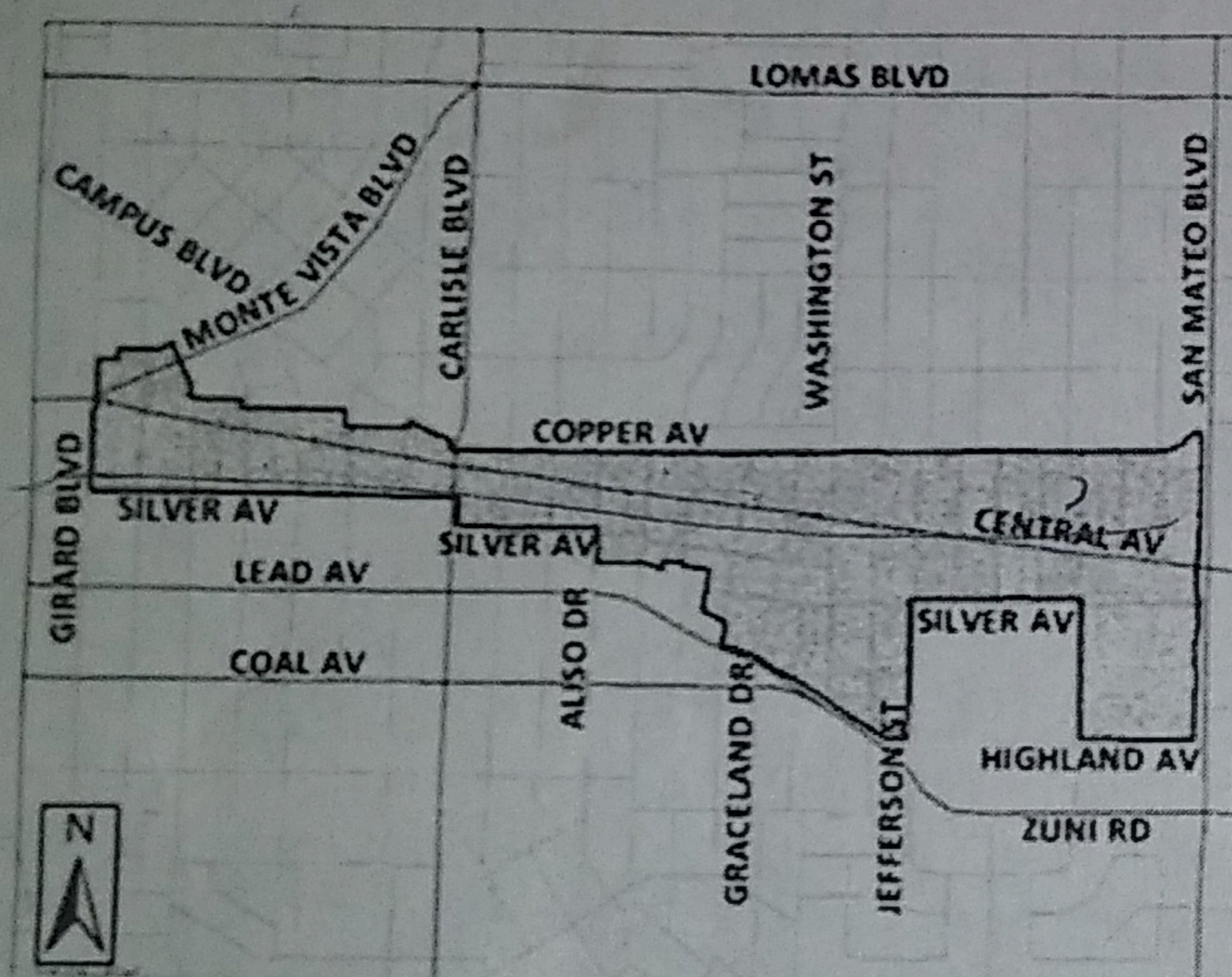
Re: City application to amend zoning regulations for small areas

Dear Property Owner,

The City of Albuquerque is submitting an application for an Amendment to Integrated Development Ordinance (IDO) Text – Small Area to be reviewed and recommended by the Environmental Planning Commission (EPC) and decided by City Council. This letter is mailed notice to property owners who own land in or abutting one of 14 small areas in Albuquerque that would be subject to area-specific zoning regulations proposed as text amendments to the IDO.

This letter serves as official mailed notice to the property owner addressed on this envelope for the small areas identified below, in accordance with the procedures of IDO Subsection 14-16-6-4(K)(3)(d) Notice for Amendment to IDO Text – Small Area. A complete list of affected properties and maps of the small areas are available on the project webpage: <https://abc-zone.com/ido-annual-update-small-area-text-amendments>

The application includes text amendments for the Nob Hill/Highland Character Protection Overlay (CPO):



**3-4(I) Nob Hill/Highland – CPO-8**

Revise the building frontage types to allow a storefront or an urban residential frontage. This change clarifies what a residential façade is and links the regulation to defined terms. Currently residential developments also must use the storefront building frontage type, which is not appropriate for that use. (3-4(I)(5)(b)(4)b.)

This request will be heard by the EPC on **January 21, 2021**, beginning at **8:30 am** online via Zoom.

Zoom link: <https://cabq.zoom.us/j/96997162697>

To dial in by phone: (346) 248-7799, Meeting ID: 969 9716 2697

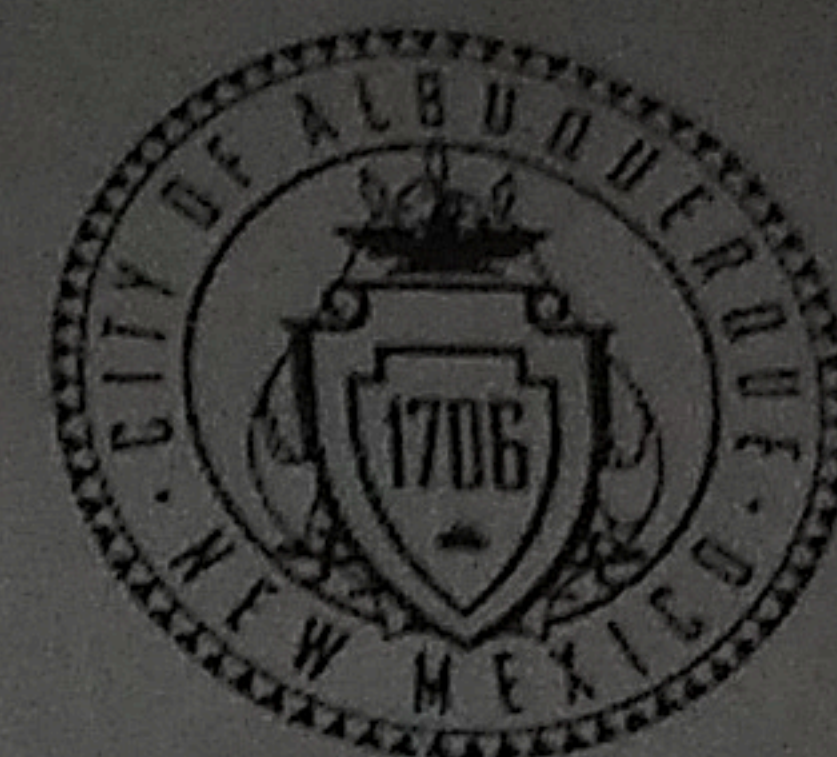
Additional information about this request will be posted on the following webpage, as it becomes available:  
<https://abc-zone.com/ido-annual-update-2020>

Sincerely,

K. Carrie Barkhurst, Senior Planner, 505-924-3879, [kcbarkhurst@cabq.gov](mailto:kcbarkhurst@cabq.gov)  
City of Albuquerque Planning Department



**OFFICIAL PUBLIC NOTIFICATION FORM  
FOR MAILED OR ELECTRONIC MAIL NOTICE  
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



**PART I - PROCESS**

Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Amendment to IDO Text – Small Area

Decision-making Body: City Council

Pre-Application meeting required: ☒ Yes ☐ No

Neighborhood meeting required: ☒ Yes ☐ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

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

**PART II – DETAILS OF REQUEST**

Address of property listed in application: 14 small areas with multiple properties listed on project webpage

Name of property owner: multiple owners within 14 small areas, listed on the project webpage

Name of applicant: City of Albuquerque, Planning Department

Date, time, and place of public meeting or hearing, if applicable: **January 21, 2021, 8:30 am** on Zoom.

Zoom link: <https://cabq.zoom.us/j/96997162697>

To dial in by phone: (346) 248-7799, Meeting ID: 969 9716 2697

Address, phone number, or website for additional information: <https://abc-zone.com/ido-annual-update-small-area-text-amendments>

**PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE**

☐ Zone Atlas page indicating subject property. *14 small areas mapped at website listed above*

☐ Drawings, elevations, or other illustrations of this request. *None*

☐ Summary of pre-submittal neighborhood meeting, if applicable. *Available at the website listed above*

☐ Summary of request, including explanations of deviations, variances, or waivers. *None*

**IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO  
SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO).  
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON  
APPLICATION.**

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

(Applicant signature)

11/25/2020

(Date)

**Note:** Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.





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

Gary F. Hoffman requests a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 39, University Heights, located at 202 Richmond DR SE, zoned MX-T [Section 14-16-5-7-D]

Special Exception No:..... **VA-2020-00379**  
Project No: ..... **Project#2020-004657**  
Hearing Date: ..... 12-15-20  
Closing of Public Record: ..... 12-15-20  
Date of Decision: ..... 12-30-20

On the 15th day of December, 2020, property owner Gary F. Hoffman (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3ft to the 3ft maximum wall height (“Application”) upon the real property located at 202 Richmond DR SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a variance of 3ft to the 3ft maximum wall height.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The Applicant has authority to pursue this Application.
4. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
5. Applicant appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.



7. The subject property is currently zoned MX-T.
8. The ZHE received written evidence and testimony from the Nob Hill Neighborhood Association, the Southeast Heights Neighborhood Association and certain individual neighbors, regarding the Application.
9. Applicant has not established that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(N)(3)(a)(1). Applicant asserted in written submittals and oral testimony that the special circumstances justifying the variance are the existence of homeless people, alcohol and drug users, and panhandlers in the area, all of which pose a safety hazard to the residents of the subject property. The ZHE can certainly sympathize with a difficult situation. However, these conditions appear to apply generally to neighboring properties in the vicinity, rather than uniquely to the subject property. As such, they do not satisfy the requirement of special circumstances under the IDO.
10. Given that the required element of special circumstances has not been satisfied, the variance must be denied, and it is therefore unnecessary to examine any other element required to establish a variance.

DECISION:

DENIAL of a variance of 3ft to the 3ft maximum wall height.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2021 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



---

Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File

Zoning Enforcement

Gary F. Hoffman, 202 Richmond DR SE, 87106

Shannie Madden, 203 Richmond DR SE, 87106

Gary Eyster, meyster1@me.com

Margaret Forbes, 201 Richmond DR SE, 87106





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

**MINUTES**

**December 15, 2020**

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

**CITY STAFF PRESENT:**

**Robert Lucero – Zoning Hearing Examiner**

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

**Suzie Sanchez – Hearing Monitor**

ZHE: We'll go on to agenda item 17, it's Gary Hoffman, VA-2020-00379, project number PR-2020-004657, Gary F. Hoffman requesting a variance of 3 feet to the 3-foot maximum wall height for Lot 1, Block 39, University Heights, located at 202 Richmond Drive SE, zoned MX-T. Hello Mr. Hoffman. Are you there, sir? I can see you there but for some reason, I can't hear you at all. Hello? Are you there Mr. Hoffman? It looks like you're on mute. I wonder if you need to turn on your microphone, maybe - - or something. Okay. Are you there Mr. Hoffman? Oh, let's see, I see Mellia Walker.

MELLIA WALKER: Hello, hi, we're having some technical issues with Gary Hoffman. I'm here with him. I've helped him the whole step of the way regarding everything with the property. We're here together now.

ZHE: Oh good, there you are.

MELLIA WALKER: Yes.

GARY HOFFMAN: Hello, sorry about the problem.

ZHE: Oh no problem, these things happen. Well, thank you both. Mr. Hoffman, would you please state your full name and mailing address?

GARY HOFFMAN: Gary F. Hoffman

MELLIA WALKER: Your address.

GARY HOFFMAN: 202 Richmond Southeast.

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

GARY HOFFMAN: Yes, it will. I do.

ZHE: Thank you, thank you very much.

GARY HOFFMAN: Sure.

ZHE: So, tell me about this wall height. What is it that's proposed?

GARY HOFFMAN: We're requesting a 36-inch variance.

ZHE: And what will the wall be constructed of?

MELLIA WALKER: The wall is...

GARY HOFFMAN: Wait, wait, just a second. Before we continue, I want to ask you this question. We have just received a letter from City Planning saying that we are one of 14 buildings.



MELLIA WALKER: One of 14 properties.

GARY HOFFMAN: One of 14 properties. That have areas, specified area - - that we are a commercial area. We're one of 14 properties and we're in the commercial zone and we want to know, do we have to abide by R-1 regulations? I doubt it. We have a commercial situation here. So, we'd like to know from you, the Hearing Officer, are you gonna judge us according to your own volition.

MELLIA WALKER: Is it going to be based on the R-1 or is it going to be based on the letter we received, dated November 26<sup>th</sup>, saying we are one of 14 commercial properties?

ZHE PLANNER: Pardon me. Robert?

ZHE: Yes?

ZHE PLANNER: The analysis was done based on the current zoning that shows up in the Geographical Information Systems.

MELLIA WALKER: Okay.

ZHE PLANNER: And that zone is a mixed-use zone, it's MX-T.

MELLIA WALKER: MX-T, perfect, okay. That was one of our main questions before we went any further.

GARY HOFFMAN: Okay, we know that but what are we being judged by?

MELLIA WALKER: It's a mixed-use property.

GARY HOFFMAN: Okay, all right.

MELLIA WALKER: That's what we're being judged by. That's what it's being determined based on.

GARY HOFFMAN: Very good.

ZHE PLANNER: What I would recommend, however, is that you send the letter that you received from a different division, in to Suzie.

MELLIA WALKER: Okay, I will get that to you as soon as we conclude the meeting, Suzie. I will forward it to you via email.

ZHE PLANNER: I appreciate that, thank you.

MELLIA WALKER: Thank you.

ZHE: Okay, so I see the - - in the justification, you know, one of the requirements is that there be special circumstances that are unique to the property, you know, that don't relate generally to other properties in the area. What is it about this property and specifically, that makes it unique?

GARY HOFFMAN: The amount of people.

MELLIA WALKER: Yes, that's what they're asking.

GARY HOFFMAN: Can you hear me, sir?

MELLIA WALKER: Yes, they can hear you.

ZHE: Yes.

GARY HOFFMAN: Okay. Well, we sent the letter in to justify this - - that the - - we are at a high risk over here. We have so many people walking on Bicycle Boulevard as an exercise area.

MELLIA WALKER: And he's speaking, excuse me, he's speaking of Silver Boulevard.

GARY HOFFMAN: Yes.

MELLIA WALKER: The north end of the property runs right along Silver Boulevard which is also called Bicycle Boulevard.

GARY HOFFMAN: This is not a - -

ZHE: You know what we - - excuse me one second. Let's - -

GARY HOFFMAN: Go ahead.

ZHE: Since Ms. Walker is helping out with the testimony, let's go ahead and get her sworn in too just for the record.

MELLIA WALKER: Okay, no problem.

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

MELLIA WALKER: My name is Mellia N. Walker and my mailing address is 1416 Hermosa Drive Southeast, 87108.

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

MELLIA WALKER: I do.

ZHE: Thank you. Thank you so much. Okay, please continue describing the property.

MELLIA WALKER: Okay, so, one of the main issues is, by this property lining up on the north side to the Silver Avenue, Bicycle Boulevard, there's way more traffic, there's way more people, there's way more homeless people, there's a lot, a lot more going on based on, you know, a general just residential area. Right, directly across the street on that Silver side, there are a number of businesses. There's Guitar Company, there's a daycare center, so we are less than 50 feet away from at least five businesses. So, that is why this property is zoned mixed-use and not an R-1 property to begin. So, his main concern, we've had a lot of issues with the traffic, with the homeless people. They have been in the yard, they turn on the water, they leave it running for days and days. We have had paint thrown after they ask for money. The money, we said no,



they've thrown paint. We've had just panhandlers. We've found people sleeping on the porch, in the yard. The amount of drug paraphernalia that's being picked up, the needles, the alcohol bottles, it's, it's not something that you would find in a regular residential area because of the businesses and stuff that are within 50 to 100 feet of this particular property.

GARY HOFFMAN: I'd like to say something. Just to add to that for a second.

ZHE: Yes, sir.

GARY HOFFMAN: We had to - - the panhandling is pervasive, okay. A 3-foot fence will not stop the panhandlers, okay. They, they want to have conversations and they want to come in our yard. They've kicked our front door in on the house. We have a constant overnight sleeping issue on our front and side porch. The side porch is on Silver Street. People urinating, defecating and we have to clean it. Needles, alcohol bottles, food containers and taking all of our personal property off the property. We have such a volume of people walking by on Silver Street, people with bicycles, skateboards, families with baby carriages and we're on this - - we're exposed to mentally ill people, homeless people, people that have very little to hold on to and if you don't do as they say, give them some gasoline money - - they have gasoline cans - - give them some cash, five dollars - - they get hostile and we're not gonna - - our safety is not gonna be compromised. We need a higher fence. Period. And, that's the reason we put it up and that's why we need it.

MELLIA WALKER: Okay.

GARY HOFFMAN: We're not gonna be killed by a homeless person that's mentally deranged.

MELLIA WALKER: Thank you. Thank you.

ZHE: Thank you, sir. Let me ask this. From the pictures, it seems like there's - - you know, the wall is not immediately on the sidewalk, there's like a landscape area, is that right?

MELLIA WALKER: Yes, there is just about a 4-foot ease way between where the sidewalk stops and where the actual gate begins. There is an area there, it is a dirt area. There's some - - we put a little bit of landscaping and stuff there, a couple of cactuses and stuff like that to make the area look pretty but there is an actual gap of about 4-feet between where the sidewalk ends and the gate actually begins, yes.

ZHE: Okay and I'm looking at one of the pictures, it looks like the wall on the - - the wall along Richmond, it looks like it sort of runs, continuous with an existing wall of the neighbor next door, is that right? Inaudible.

MELLIA WALKER: And that property that you're seeing, that it's connecting the fence to, that is actually a Bed and Breakfast.

ZHE: I see. Okay.

MELLIA WALKER: So, we're actually with businesses on both sides if you really want to be technical. Because on the south side, we have the bed and breakfast, on the north side, we have Silver Avenue that has all of the businesses.

ZHE: Okay. All right, is there anything else that you'd like to add, any additional testimony or documents you'd like to submit?

GARY HOFFMAN: We just want to make it clear that we're not asking what type of fence or if we need a fence or not. We need a variance is what we need. So, nobody is confused, we have a height issue and it has to be addressed.

MELLIA WALKER: Yes, thank you.

ZHE: Thank you very much. Okay, let's see if there's any public comment on this matter and if so, you'll get the chance to respond. So, this is agenda item 17, Gary F. Hoffman requesting a 3-foot wall height variance at 202 Richmond Southeast. Please raise your hand if you're here to speak on that matter. Agenda item 17. I see, is it Shani or Shanie Madden?

SHANI MADDEN: Hi. Yes, it's Shani Madden.

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

SHANI MADDEN: Hi, Shani Madden, 203 Richmond Drive Southeast. I'm right across the street from the fence in question today.

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

SHANI MADDEN: Yes.

ZHE: Thank you, go ahead.

SHANI MADDEN: Okay, I'd like to thank you for allowing me to speak this morning. Like I said, I live across the street from the fence that was - - it's already been constructed without obtaining a permit so, it's there already and unfortunately, this creates an issue of contention of me and my neighbor of 22 years. So, it's an unfortunate thing that's going on. I don't agree with the assessment of the neighborhood, the homeless, the panhandlers. We live in a pedestrian-friendly area. It's one of the alluring aspects of the neighborhood and I think it should be honored. The University Heights Addition of Nob Hill, where our homes are, it was established in 1916. That's 104 years ago and the neighborhood's been largely unchanged. Homes appear in the original condition or design they were constructed with the intent of the developer. It's charming, it's historic, it's alluring, it's distinct, and these qualifications take an effort to maintain it, in the neighborhood. And, rules need to be followed and they need to be enforced. To date, you will not find a permanent, pre-fabricated, vinyl wall anywhere in Nob Hill. I believe the one that's been constructed is injurious to the surrounding properties. It doesn't match the existing or surrounding architecture, nor is it made of similar materials or similar looking



materials. It obscures the qualifying historic structure from view and it bleeds value from surrounding properties. Taller than 3 feet is a big difference from 6 feet, which it is.

HEARING MONITOR: Excuse me Robert, it's been two minutes.

SHANI MADDEN: Sorry.

ZHE: Thank you. Go ahead and complete your thought Ms. Madden.

SHANI MADDEN: Okay, it also obstructs the view on Silver Avenue where the bicyclists and pedestrians are largely found and I think it poses a danger to them because you can't see around the corner if you're driving. And, I wish I had more time, thank you.

ZHE: Thank you. I see Gary Eyster.

GARY EYSTER: That's right.

ZHE: Hello Sir.

GARY EYSTER: Good morning Chair.

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

GARY EYSTER: Yes, Gary Ester, my mailing address is PO BOX 16473, 87191.

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

GARY EYSTER: Absolutely.

ZHE: Thank you, sir. And, are you here on your own behalf or on behalf of a neighborhood association?

GARY EYSTER: I am a president and I'm speaking for Nob Hill Neighborhood Association.

ZHE: Thank you, sir. In that case you'll have five minutes.

GARY EYSTER: Thank you, Mr. Examiner. Good morning also to Mrs. Patten-Quintana and Ms. Sanchez. Thank you for your contributions in this process.

ZHE PLANNER: Good morning Gary.

GARY EYSTER: Thank you, Lorena. Thank you, Mr. Examiner for this opportunity to be heard. As Ms. Madden said, Nob Hill dates to 1916. During its first 80 years, walls in front yards were rare. Those that were built were generally under 3 feet. About 20 years ago, a few property owners started to build taller walls in front yards. Some mistakenly thought this was part of the area's historic architecture. Others did it because they felt it would enhance their personal safety. When that started to happen, we consulted architectural historians who indicate that successful, historic neighborhoods continue to exhibit the architectural principles of their period of development. Newer front yards clearly are not - - newer front yard walls are clearly not

characteristic of the architectural principles of the early twentieth century when Nob Hill was built. We also have consulted law enforcement who tell us that neighborhoods where people have eyes on the street are safer neighborhoods. Tall walls diminish eyes on the street and impair community safety. Jane Jacob wrote in the Deaths and Life of Great American Cities, "We cannot make communities safer by building private fortresses." Mr. Examiner, our association works hard to get this word out, the importance of preserving streetscape, the importance of preserving eyes on the street. Since 2012, every issue of our neighborhood newsletter twice a year gets distributed to three thousand homes, put on our website. We provide an article along the lines of the one that we provided you in our statement called, Caring for our Streetscape: A Message from your Board. When City Council created the IDO, they respected these principles, particularly with respect to low-density residential development areas. Part 6-6 establishes a process by which an applicant communicates with a neighborhood association before construction. Two applicants located on collector streets have reached out to us since the IDO was passed pre-construction. We had pre-construction, pre-hearing dialogue that resulted in walls that do reflect the architectural character of the surrounding area then the applicants built the walls to a height which met 4(a) in the IDO, the requirement that they not block a portion of any window. These were win, win. Situations like the one you're hearing today sadden us because that opportunity for dialogue was foreclosed. They sadden us also because a neighbor has harmed the wider community but has invested a great deal of money and that hurts us and that makes us sad. So, we assert that this fence does not meet the IDO 6-6-N-3-C with respect to requirement 1, 2 or 4(b). With respect to 2, it injures adjacent properties in the surrounding area because it diminishes the historic streetscape which is a cultural resource that the community values, and which belongs to all the community. Also, with respect to item 2, this area is up for listing in the New Mexico Register of Cultural Places which would make the - - all the homeowners eligible for the 50% tax credit for renovation of historic structures. A structure that diminishes streetscape threatens the likelihood of successful listing and therefore injures other homeowners who would like to use the 50% tax credit program. And then, Mr. Examiner, with respect to requirement 1 and 4(b), the design and materials for this wall do not reflect the architectural character of the surrounding area. The design and materials used, which are a white vinyl fence are not to be found anywhere in Nob Hill, either historic or modern. We also feel a concern about the signaling affect this type of decision would have on property owners nearby who will see it and then may develop their plans based on it. So, Mr. Examiner, my Board expressed neither support nor opposition for the request. It expressed support for the IDO, which is a durable tool for preserving community character and eyes on the street and we ask you to apply the IDO in this case to the very best of your ability. Thank you.

ZHE: Thank you, Mr. Eyster.

GARY EYSTER: Thank you, Sir.

ZHE: Okay, let's see, is there any other public comment. Again, this is agenda item 17, Gary Hoffman requesting a 3-foot wall height variance at 202 Richmond. I'm scrolling through the



participant list and I don't see anyone else raising their hand. Last call for agenda item 17. Oh, I see a hand raised, 301-7288 phone number. Hello?

MARGARET FORBES: Yes, I'm trying to be here.

ZHE: I hear you.

MARGARET FORBES: Okay, that's good.

ZHE: Are you here for agenda item 17?

MARGARET FORBES: I am. I'm Margaret Forbes at 201 Richmond Drive Southeast. Across from the fence that's being discussed. Do you hear me? For Heaven's sake, what happened? Can you hear me now?

ZHE: Yes, yes I can hear you.

MARGARET FORBES: Oh good.

ZHE: Would you please raise your right hand?

MARGARET FORBES: Yes.

ZHE: And do you affirm that your testimony will be true upon penalty of perjury?

MARGARET FORBES: Yes.

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

MARGARET FORBES: All right. Frankly, I'm really appreciative that the fence has gone up. It calms the neighborhood down. It makes me feel far more secure and safe. We do have a homeless problem; they used to sleep on the porch. They did use the property poorly and now it's sequestered. We can't - - and also it calms it down because we don't see the traffic coming along Silver. I don't know why anybody would object to this fence. It's consistent - - it's - - material wise, it's inconsistent with an elderly neighborhood, however, it's consistent with today. And, so I - - and - - you can actually have eyes on the street. I can look right across; I can see the windows because of the way that the top of the fence is constructed. You can see into the yard. You can see, I'm sure from the house I've never been in the house to look back but I do live right across the street. I'm thrilled that it's up there. I hope that you'll approve it and that we stop being antiquarian to the point where we can't understand modern times and modern needs. That's all I have to say.

ZHE: Thank you for your testimony Mrs. Forbes. Let's see if there's any other public comment. Again, this is agenda item 17, Gary Hoffman requesting a 3-foot wall variance at 202 Richmond Southeast. Please raise your hand if you're here to speak on agenda item 17. And, the applicant will get a chance to respond at the end of public comment. Okay, I'm scrolling through the participants list and don't see anyone raising their hand. Last call for agenda item 17 public comment. Okay, let's go back to the applicant, then. Mr. Hoffman, are you there?

MELLIA WALKER: Yes, we are here.

GARY HOFFMAN: We're here.

MELLIA WALKER: There was just a couple of points that we wanted to hit and we wanted to thank Ms. Margaret Forbes because she actually is the resident that is directly across the street. I know that Ms. Madden...

ZHE: Thank you, would you please keep your comments to two minutes?

MELLIA WALKER: ...made a statement that she lives right across the street but Margaret Forbes is directly across the street. She looks out of the windows of her house and she is able to see the house. And, I also wanted to touch points on what Margaret was talking about, about the lattice on the top. The lattice on the top was put there for the eyes on the street reason. The fence is only solid about 4 feet up. The - - on the top is lattice - - you can - - and I'm sure you guys have all the pictures and stuff that we submitted downtown. But, even with the pictures from the street through and from all of that stuff, you can see the windows on the Silver side of the house. You can see the windows on the Richmond side of the house. So, as far as the eyes on the street is concerned, that was something that was taken into account and that's why they paid almost a hundred dollars extra per panel, to have the lattice panels versus just the full covered panel. And, we also got a petition and we had it signed by a number of neighbors that you know, were on board. They, they see the issues, they realize the issues that we have and they know that this is genuinely a problem.

GARY HOFFMAN: Sir? Mr. Hearing Office, from the City Planning Department, we are not in the Nob Hill Historic District. That is north of Central and we are south of Central. This is from your planning department. So, we should not have to abide by those rules about the historic part. This is a non-historic part. On Silver Street, we have submitted pictures of semi tractor-trailer trucks, idling, parked, unloading, making deliveries. We have a horrible situation here and we have a signed petition from our neighbors supporting the fence.

MELLIA WALKER: And we submitted all of that.

GARY HOFFMAN: We submitted all of this to the City.

MELLIA WALKER: And the form that he's speaking of that we got from the City of Albuquerque, I am going to forward that to you, Ms. Suzie, as soon as we're done with the meeting that way you're able to kind of see what we're referring to because this is talking in particular about 14 properties that fall under this zoning regulation and the letter was sent here because we are one of the 14 properties that fall under this particular zoning regulation.

ZHE: Thank you, thank you very much. I appreciate your additional testimony.

MELLIA WALKER: Thank you.

VA-2020-00379  
PR-2020-004657  
Gary Hoffman Appeal

ZHE: And having heard from the applicant and all of the public testimony and reviewed all the comments, we'll take it under all under consideration and we'll issue the written decision in 15 days. Thank you everyone for your participation. That concludes agenda item 17.



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

## **NOTICE OF APPEAL**

January 21, 2021

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

The Planning Department received an appeal on January 19, 2021. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

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

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

**CITY COUNCIL APPEAL NUMBER: AC-21-1**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2020-004657, VA-2020-00379, VA-2021-00008**

**APPLICANT: Gary Hoffman**  
**202 Richmond Ave.**  
**Albuquerque NM, 87106**

**AGENT: Mellia Walker**  
**P.O.Box 27353**  
**Albuquerque NM,**

cc: Gary Hoffman, [Hoffmanbrad82@gmail.com](mailto:Hoffmanbrad82@gmail.com)  
Gary Eyster, [Meyster1@me.com](mailto:Meyster1@me.com)  
Shani Madden, [shanikm@me.com](mailto:shanikm@me.com)  
Nob Hill NA, [TheBoard@NobHill-NM.com](mailto:TheBoard@NobHill-NM.com)  
John Quinn, [jpate@molzencorbin.com](mailto:jpate@molzencorbin.com)  
Mellia Walker, [melliawalker@gmail.com](mailto:melliawalker@gmail.com)  
Margaret Forbes, 201 Richmond DR SE, Albuquerque, NM 87106  
Crystal Ortega, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
ZHE file



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

TUESDAY, December 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](mailto:suzannasanchez@cabq.gov)**

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**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.

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### **\*INTERPRETER NEEDED:**

- |                  |                                |   |
|------------------|--------------------------------|---|
| 1. VA-2020-00362 | Project#<br>PR-2020-<br>004598 | Arturo Rocha requests a permit to allow a carport in the required front setback closer than 3 feet for Lot 22-P1, Block 1, El Rancho Grande 1 UNIT 1B, located at 1855 Shadowcast DR SW, zoned PD [Section 14-16-5-5(F)(2)(a)3] |
| 2. VA-2020-00363 | Project#<br>PR-2020-<br>004598 | Arturo Rocha requests a permit to allow a carport in the required front setback for Lot 22-P1, Block 1, El Rancho Grande 1 UNIT 1B, located at 1855 Shadowcast DR SW, zoned PD [Section 14-16-5-5(F)(2)(a)3]                    |

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| 3. | VA-2020-00376 | Project#<br>PR-2020-<br>004646 | Maria Gaytan requests a variance of 3 feet to the 3 foot maximum wall height for Lot 9, Bobb Addn, located at 131 La Plata Rd NW, zoned R-ML [Section 14-16-5-7-D] |
|----|---------------|--------------------------------|--|

### OLD BUSINESS:

- |    |               |                                |   |
|----|---------------|--------------------------------|---|
| 4. | VA-2020-00318 | Project#<br>PR-2020-<br>004477 | Genevieve/Rose Corona request a variance of 2 feet to the 3 feet maximum wall height for Lot 85, McDonald Acres Unit 4, located at 1027 Woodland Ave NW, zoned R-1D [Section 14-16-5-7-D] |
| 5. | VA-2020-00333 | Project#<br>PR-2020-<br>004499 | Anzhelika Lytvynova requests a variance of 3ft to the 3ft maximum wall height for Lot 138A3, Valle Alto Addn, located at 1201 Aztec RD NW, zoned MX-L [Section 14-16-5-7-D]               |

### NEW BUSINESS:

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|-----|---------------|--------------------------------|--|
| 6.  | VA-2020-00327 | Project#<br>PR-2020-<br>004494 | Cheryl Albertelli requests a conditional use to allow a family home daycare for Lot 10, Block 2, El Solindo Replat Of, located at 11820 Fulmer DR NE, zoned R-1C [Section 14-16-4-3(F)(7)]   |
| 7.  | VA-2020-00351 | Project#<br>PR-2020-<br>004574 | Rebecca Rosales (Agent, Gilbert Austin) requests a permit to allow a carport in the required front and side yard setbacks for Lot 11, Block 3, Oxsheer Heights Addn, located at 9830 McKnight Ave NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)3] |
| 8.  | VA-2020-00352 | Project#<br>PR-2020-<br>004575 | Sheila Ames (Agent, Gilbert Austin) requests a permit to allow a carport in the required front yard setback for Lot 1, Block 18, Princess Jeanne Park Addn, located at 1236 Morris St NE, zoned R-1B [Section 14-16-5-5(F)(2)(a)3]             |
| 9.  | VA-2020-00358 | Project#<br>PR-2020-<br>004585 | Larry Seebinger requests a variance of 3 feet to the 3 foot maximum wall height for Lot 18, Block 3, La Resolana Addn, located at 929 Avenida Estrellita NE, zoned R-1C [Section 14-16-5-7-D]  |
| 10. | VA-2020-00366 | Project#<br>PR-2020-<br>004599 | Paul Garcia requests a permit to allow a carport within the front and side setback for Lot 128-P1, Ridgeview UNIT 1, located at 5608 Summer Ridge Rd NW, zoned R-1B [Section 14-16-5-5(F)(2)(a)3]  |
| 11. | VA-2020-00367 | Project#<br>PR-2020-<br>004602 | Adam Werts requests a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 13, Parkland Hills Addn, located at 502 Graceland DR SE, zoned R-1B [Section 14-16-5-7-D]  |
| 12. | VA-2020-00368 | Project#<br>PR-2020-<br>004605 | Mia Huynh requests a variance of 3 feet to the 3 foot maximum wall height for Lot 4B, Block K, Highland Addn South, located at 220 Hazeldine Ave SE, zoned MX-L [Section 14-16-5-7-D]  |
| 13. | VA-2020-00369 | Project#<br>PR-2020-<br>004613 | Miguel V. Anazco requests a variance of 3 feet to the 3 foot maximum wall height for Lot 19, Block E, Lavaland Addn, located at 354 Dolores DR NW, zoned R-1B [Section 14-16-5-7-D]  |



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| 14. | VA-2020-00370 | Project#<br>PR-2020-004618 | Samuel Chavez and Veronica Flores request a variance of 3 feet to the 3 foot maximum wall height for Lot 5, Block T, Lavaland Addn, located at 518 57th St NW, zoned R-1B [Section 14-16-5-7-D]  |
| 15. | VA-2020-00371 | Project#<br>PR-2020-004634 | Adam Alvarez requests a variance of 3 feet to the 3 foot maximum wall height for Lot 15-P1, Block 7, Eagle Ridge, located at 8304 Petosky St NW, zoned R-1A [Section 14-16-5-7-D]  |
| 16. | VA-2020-00372 | Project#<br>PR-2020-004635 | Richard and Teresa Kenyon request a variance of 5 feet to the 3 foot maximum wall height on the street side for Lot 146-P1, Cerro At 7 Bar North, located at 4028 Palmilla Pl NW, zoned R-1A [Section 14-16-5-7-D]   |
| 17. | VA-2020-00379 | Project#<br>PR-2020-004657 | Gary F. Hoffman requests a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 39, University Heights, located at 202 Richmond DR SE, zoned MX-T [Section 14-16-5-7-D]   |
| 18. | VA-2020-00381 | Project#<br>PR-2020-004659 | Stephen and Sughey Surprenant request a variance of 3 feet to be within 3 feet of the property line for Lot 18, Block 4, Kiva Addn, located at 3229 Madeira DR NE, zoned R-1B [Section 14-16-5-5(F)(2)(a)3]  |
| 19. | VA-2020-00383 | Project#<br>PR-2020-004659 | Stephen and Sughey Surprenant request permit to allow for a carport in the front yard setback for Lot 18, Block 4, Kiva Addn, located at 3229 Madeira DR NE, zoned R-1B [Section 14-16-5-5(F)(2)(a)3]  |
| 20. | VA-2020-00382 | Project#<br>PR-2020-004660 | Presbyterian Healthcare SVS Real Estate Dept / Zack Herrera (Agent, Scott's Fencing) request a variance of 3 feet to the 3 foot maximum wall height for Lot A1, Block 1, Valley View Addn, located at 401 San Mateo Blvd SE, zoned MX-M [Section 14-16-5-7-D]  |
| 21. | VA-2020-00384 | Project#<br>PR-2020-004662 | Ivan Gallegos (Agent, JAG Planning & Zoning) request a variance of 2.3 feet to the allowed encroachment of 3 feet from the side lot line for a shade structure for Lot 13, Block 9, Knolls of Paradise Hills Unit 2, located 9833 Benton ST NW, zoned R-1B [Section 14-16-5-1(G)]  |
| 22. | VA-2020-00385 | Project#<br>PR-2020-004668 | Titan Investments LLC / Michael Montoya (Agent, Garcia/Kraemer & Associates) request a variance of 30% to the 60% maximum front yard parking area for a lot greater than 5,000 square feet for Lot 20, Block 4, University Heights, located at 409 Harvard DR SE, zoned R-T [Section 14-16-5-5(F)(2)(a)2]                              |
| 23. | VA-2020-00386 | Project#<br>PR-2020-004669 | Charter Schools Solutions (Agent, Garcia/Kraemer & Associates) requests a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M [Section 14-16-5-12(H)(2)(c)] |
| 24. | VA-2020-00388 | Project#<br>PR-2020-004671 | Andrew Brads requests a variance of 3 feet to the 3 feet maximum wall height for Lot 10, Block 1, PRA-CON Heights, located 4501 Jennifer DR NE, zoned R-1B [Section 14-16-5-7-D]   |

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| 25. | VA-2020-00389 | Project#<br>PR-2020-004672 | Mario Valencia requests a variance of 3 feet to the 3 feet maximum wall height for Lot 8, Atlantic and Santa Fe, located at 216 Atlantic Ave SW, zoned R-ML [Section 14-16-5-7-D]  |
| 26. | VA-2020-00390 | Project#<br>PR-2020-004674 | Ray Messick and Donna Ortiz request a permit to allow a carport within the front and side setback for Lot 19, Block 3, Bel Air, located at 2742 Truman ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)3]   |
| 27. | VA-2020-00391 | Project#<br>PR-2020-004674 | Ray Messick and Donna Ortiz request a variance to allow a carport within 19 inches of the property line for Lot 19, Block 3, Bel Air, located at 2742 Truman ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)3]   |
| 28. | VA-2020-00392 | Project#<br>PR-2020-004675 | Kathryn Fellure requests a variance of 2 feet to the 3 foot maximum wall height for Lot 3, Block 31, Raynolds Addn, located at 1204 Lead Ave SW, zoned R-ML [Section 14-16-5-7-D]  |
| 29. | VA-2020-00393 | Project#<br>PR-2020-004675 | Kathryn Fellure requests a variance of 2 feet to the 3 foot maximum wall height for Lot 4, Block 31, Raynolds Addn, located at 1204 Lead Ave SW, zoned R-ML [Section 14-16-5-7-D]  |
| 30. | VA-2020-00394 | Project#<br>PR-2020-004676 | Macritchie Storage Ventures LLC (Agent, Michelle Henrie) requests a conditional use to allow outdoor vehicle storage for Lot C48, Town of Atrisco Grant Unit 4, located at 99999 Volcano RD NW, zoned NR-BP [Section 14-16-4-2]  |
| 31. | VA-2020-00395 | Project#<br>PR-2020-004676 | Macritchie Storage Ventures LLC (Agent, Michelle Henrie) requests a conditional use to allow outdoor vehicle storage for Lot C49, Town of Atrisco Grant Unit 4, located at 99999 Volcano RD NW, zoned NR-BP [Section 14-16-4-2]  |
| 32. | VA-2020-00398 | Project#<br>PR-2020-004677 | Anthem Oil and Renzlo Properties LLC (Agent, Douglas Simms) requests a variance of 3 feet to the 3 foot maximum wall height for Lot 4 Portion of, Block 2, Mandell Addn No 2, located at 2623 2ND ST NW, zoned MX-M [Section 14-16-5-7-D]                              |
| 33. | VA-2020-00400 | Project#<br>PR-2020-004679 | Anthem Oil and Renzlo Properties LLC (Agent, Douglas Simms) requests a variance of 3 feet to the 3 foot maximum wall height for Lot A2, Block 2, Mandell Addn No 2, located at 2601 2ND ST NW, zoned MX-M [Section 14-16-5-7-D]  |
| 34. | VA-2020-00399 | Project#<br>PR-2020-004678 | Carla M Paz requests a conditional use to allow a family home daycare for Lot 24, Block C, Desert Springs Unit 2, located at 7805 Blue Avena Ave SW, zoned R-1A [Section 14-16-4-2]  |
| 35. | VA-2020-00402 | Project#<br>PR-2018-001579 | Presbyterian Healthcare Services (Agent, Jessica Lawlis, Dekker, Perich, Sabatini) requests a variance of 115ft to the required 15ft maximum street side setback for Lot A, Winrock Center Addn, located at 2100 Louisiana Blvd NE, zoned MX-H [Section 14-16-5-1-D-1] |
| 36. | VA-2020-00403 | Project#<br>PR-2020-004682 | Integrated Solar Technologies & Manufacturing (Agent, James Muir) requests a variance of 10 ft to the required 15 ft rear yard setback for Lot A9, Block 4, Vista Magnifica, located at 1632 Cliffside DR NW, zoned R-T [Section 14-16-5-1(C)]                         |

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|-----|---------------|--------------------------------|---|
| 37. | VA-2020-00404 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 7 ft 7 inches to the 35 ft maximum building height for a building < 20 ft from the front property line for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]   |
| 38. | VA-2020-00405 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 15 ft to the required 15 ft rear yard setback for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]  |
| 39. | VA-2020-00406 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 1 ft 6 inches to the required 10 ft minimum ground floor height for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]  |
| 40. | VA-2020-00408 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 29% to the required 40% of clear transparent windows and/or doors on the ground floor street-facing facade for porch, stoop, urban residential, and warehouse frontage types for a building facade facing Silver Ave for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.a.ii] |
| 41. | VA-2020-00410 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 1% to the required 40% of clear transparent windows and/or doors on the ground floor street-facing facade for porch, stoop, urban residential, and warehouse frontage types for a building facade facing Second St for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.a.ii]   |
| 42. | VA-2020-00411 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 19% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Silver Ave for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]  |
| 43. | VA-2020-00412 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 19% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Nickel Rd for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]   |
| 44. | VA-2020-00415 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 2% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Second St for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]  |



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| 45. | VA-2020-00416 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 5% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Titanium St for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]  |
| 46. | VA-2020-00417 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 7 ft 7 inches to the 35 ft maximum building height for a building < 20 ft from the front property line for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]   |
| 47. | VA-2020-00418 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 15 ft to the required 15 ft rear yard setback for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]  |
| 48. | VA-2020-00419 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 1 ft 6 inches to the required 10 ft minimum ground floor height for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]  |
| 49. | VA-2020-00420 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 29% to the required 40% of clear transparent windows and/or doors on the ground floor street-facing facade for porch, stoop, urban residential, and warehouse frontage types for a building facade facing Silver Ave for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.a.ii] |
| 50. | VA-2020-00422 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 1% to the required 40% of clear transparent windows and/or doors on the ground floor street-facing facade for porch, stoop, urban residential, and warehouse frontage types for a building facade facing Third St for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.a.ii]    |
| 51. | VA-2020-00426 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 19% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Silver Ave for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]  |
| 52. | VA-2020-00427 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 19% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Nickel Rd for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]   |

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| 53. | VA-2020-00428 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 2% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Third St for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]    |
| 54. | VA-2020-00429 | Project#<br>PR-2019-<br>002293 | Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 5% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Platinum St for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b] |
| 55. | VA-2020-00409 | Project#<br>PR-2020-<br>004688 | Larry and Diana Lopez request a variance of 3 feet to the required 3 feet maximum height in the front yard for Lot 2, Block 11, Swearingen & Marberry, located at 1304 Valencia DR NE, zoned R-1C [Section 14-16-5-7-D]  |
| 56. | VA-2020-00414 | Project#<br>PR-2020-<br>004689 | Speedy Finance, LLC DBA B&F Finance Albuquerque, LLC (Agent, Barnett Law Firm) request a variance of .9 miles to the 1 mile distance requirement from another small loan business for Lot B3, Block 62, Bel-Air, located at 3325 San Mateo Blvd NE, zoned MX-M [Section 14-16-4-3-D-22]  |
| 57. | VA-2020-00425 | Project#<br>PR-2020-<br>004690 | Redeemer Lutheran Church - Pastor John Heffelfinger (Agent, Elva Pierson) request a variance of 3ft to the 3ft maximum wall height for Lots 10, 11, 12, 24, Block 42, Tijeras Place Addn, located at 210 Alvarado DR SE, zoned MX-M [Section 14-16-5-7-D]  |
| 58. | VA-2020-00430 | Project#<br>PR-2020-<br>004038 | Kreider Shirley Revocable Trust -- 7B Building & Development (Agent, Modulus Architects) request a variance of 16ft to the required 20ft landscape buffer for Lots 3, 4, 5, 6, Block 8, Broad Acres, located at 7509 Menaul BLVD NE, zoned MX-M [Section 14-16-5-6(E)(3)]  |