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PR-2022-007294-VA-2022-00200-VA-2022-00270

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CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

September 26, 2022

TO: Isaac Benton, President, City Council

FROM: Alan Varela, Planning Director *Alan Varela* **for ALAN VARELA**

SUBJECT: AC-22-19, PR-2022-007294-VA-2022-00200-VA-2022-00270:

Jack C Skinner appeals the Zoning Hearing Examiners decision to Deny a variance of 3 to the required 8 residents in a community residential facility for Lot 1, Block B, Monterey Manor, located at 12105 Sierra Grande Ave NE, zoned R-1C [Subsection 14-16-4-3(B)(8)]

OVERVIEW

On the 16th day of August, 2022, Jack C. Skinner appeared before the Zoning Hearing Examiner (ZHE) requesting a variance to allow 11 residents in a small community residential facility on a property zoned R-1C at 12105 Sierra Grande Ave. NE. Table 4-2-1 allows small community residential facilities in the R-1 zone district. A large community residential facility is first allowed in the R-ML zone district. The IDO defines a small community residential facility as housing between 6 and 8 individuals, while a large community residential facility houses between 9 and 18 individuals. See Section 14-16-7-1.

The Zoning Hearing Examiner denied the request, and the Notice of Decision was issued August 31, 2022.

The Applicant timely filed an appeal of the ZHE's decision on September 14, 2022.

BASIS FOR APPEAL

IDO Subsection 14-16-6-4(V)(4) outlines the applicable criteria for the appeal in determining whether the Zoning Hearing Examiner erred in its 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).

STAFF RESPONSE

Please see the Appellant's letter and submittal packet for additional details. The Planner for the ZHE provided the response below.

- *14-16-6-4(V)(3) of the IDO requires that the "appeal shall specifically state the section of this IDO, City regulation, or condition attached to a decision that has not been interpreted or applied correctly.*
- *It appears that the Appellant addressed the five criteria in IDO Subsection 14-16-6-6(O)(3)(a) Review and Decision Criteria for approval of a variance.*
- *There is no mention in the appellant's letter that the ZHE acted fraudulently, arbitrarily, or capriciously.*
- *There is no mention in the appellant's letter that decision being appealed is not supported by substantial evidence.*
- *There is no mention in the appellant's letter that the ZHE 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).*
- *ZHE Notice of Decision Finding #10: "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(O)(3)(a)(1). Applicant asserted in written submittals and oral testimony that the special circumstances justifying the variance are that the "property was purchased, designed and permitted in 2017 (BP-2017-11056). It was also approved by the NM Dept of Health for 11 beds. No additions were required to meet the minimum requirements. Parking was provided per Code. However, the project needed funding and wasn't available until 2022." The ZHE can certainly sympathize with difficult situations. However, these cited circumstances are not terrain-specific circumstances caused by the Subject Property's size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by the IDO. As such, Applicant's cited circumstances do not satisfy the requirement of special circumstances under the IDO."*

/ Lorena Patten-Quintana /
Lorena Patten-Quintana, ZHE Planner

Office of the Zoning Hearing Examiner
City of Albuquerque Planning Department



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

Jack C Skinner requests a variance of 3 to the required 8 residents in a community residential facility for Lot 1, Block B, Monterey Manor, located at 12105 Sierra Grande Ave NE, zoned R-1C [Section 14-16-4-3(B)(8)]

Special Exception No:..... **VA-2022-00200**
Project No: **Project#2022-007294**
Hearing Date: 08-16-22
Closing of Public Record: 08-16-22
Date of Decision: 08-31-22

On the 16th day of August, 2022, property owner Jack C Skinner (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 to the required 8 residents in a community residential facility (“Application”) upon the real property located at 12105 Sierra Grande Ave NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 3 to the required 8 residents in a community residential facility.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district, or any applicable Overlay Zone.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).

4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Applicant appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned R-1C.
8. The proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(4).
9. The Applicant has authority to pursue this Application.
10. 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(O)(3)(a)(1). Applicant asserted in written submittals and oral testimony that the special circumstances justifying the variance are **tat** the “property was purchased, designed and permitted in 2017 (BP-2017-11056). It was also approved by the NM Dept of Health for 11 beds. No additions were required to meet the minimum requirements. Parking was provided per Code. However, the project needed funding and wasn’t available until 2022.” The ZHE can certainly sympathize with difficult situations. However, these cited circumstances are not terrain-specific circumstances caused by the Subject Property’s size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by the IDO. As such, Applicant’s cited circumstances do not satisfy the requirement of special circumstances under the IDO.
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(O)(3)(a)(1), the Application must be denied. Out of considerations of administrative and quasi-judicial economy, the ZHE will not summarize any analysis of the remaining prongs of the variance test in this Notification of Decision.

DECISION:

DENIAL of a variance of 3 to the required 8 residents in a community residential facility.

APPEAL:

If you wish to appeal this decision, you must do so by September 15, 2022 pursuant to Section 14-16-6-4(V), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional

use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Jack C Skinner, jake87125@gmail.com
Kevin Georges, keg@kga-architects.org
John T sandytroop54@gmail.com
Linda Martinez- Ortega, lyndamartinezortega@gmail.com
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John Thomas Folkner, 12104 Sierra Grande, 87112
Betty Russell, 12204 Casa Grande, 87112
Don Martindel, 12300 Viola, 87112,
Shawn Cox, 12108 Sierra Grande, 87112
Cindy Miller, 12208 Casa Grande, 87112
Dwane Coch, 12216 Viola Ave, 87112
Donna Russell, 12204 Casa Grande, 87112



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

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

APPLICATION INFORMATION

Applicant: JACK C SKINNER		Phone: 505-263-4349
Address: 12105 Sierra Grande Ave NE 12105 Sierra Grande Ave NE		Email: jake87125@gmail.com
City: Albuquerque	State: NM	Zip: 87112
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site: owner		List all owners: self

BRIEF DESCRIPTION OF REQUEST

Appeal of Decision of project # 2022-007294, Special exemption # VA-2022-00200

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

Lot or Tract No.: 1	Block: B	Unit:
Subdivision/Addition: Monterey Manor	MRGCD Map No.: J22 Z	UPC Code: 102205807108030429
Zone Atlas Page(s): J22 Z	Existing Zoning: R-1C	Proposed Zoning: R-1C
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): .2376

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 12105 Sierra Grande Ave	Between:	and:
--	----------	------

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

BP-2021-45028 (12/22/2021)	
Signature: Jack C Jake Skinner	Date: 09/14/2022
Printed Name: JACK C JAKE SKINNER	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

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

FORM A: Appeals

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

- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- ☐ APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

___ Interpreter Needed for Hearing? ___ if yes, indicate language: _____

___ A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

✓ Project number of the case being appealed, if applicable: 2022-007294

___ Application number of the case being appealed, if applicable: _____

✓ Type of decision being appealed: Variance Request

___ Letter of authorization from the appellant if appeal is submitted by an agent

✓ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)

✓ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)

✓ Copy of the Official Notice of Decision regarding the matter being appealed

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: Jack C Jake Skinner

Date: 09/14/2022

Printed Name: JACK C JAKE SKINNER

☒ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers:

Project Number:

Staff Signature:

Date:



09/14/2022

Appeal of Notification of Decision

Special Exception #VA-2022-00200

Project #2022-007294

RE: Building Permit #BP-2021-45028

Attn: Robert Lucero, Esq. Zoning Hearing Examiner

- 1) There are special circumstances applicable to the subject property that are not self-imposed by the owner and that do not apply generally to other property:

This, as far as I am aware, is the only property in the City of Albuquerque that has had a set of building/renovation plans studied, reviewed, and most importantly approved by the planning and zoning office which then resulted in a building permit #BP-2021-45028. The stamped architectural drawings clearly show an 11-bed community residential facility, which was reviewed and approved. This is a demonstration of government action. If the building plans did not meet code it should have been addressed before the permit was issued.

As a result of the issuance of building permit #BP-2021-45028, a considerable and substantial renovation project has taken place on the subject property and is expected to be finalized in the near future. The expectation is that the property will operate as an 11-bed facility. If only 8 beds are authorized, the result would be a substantial and unjustified limitation on the reasonable use and return on the property equal to a loss of 27.27% of the total revenue expected of an 11-bed facility. 3 divided by 11 is .2727.

Costs of assisted living varies widely across the nation and across the City of Albuquerque. Attached are a few examples quickly searched on the internet of the costs of assisted living in Albuquerque. Average monthly costs per "payingforseniorcare.com" is \$4750/month, "retirementliving.com" is \$5100/month and "whereyoulivematters.com" is \$4500/month. Generously taking a discounted rate of \$3500/month per bed results in the following calculation of substantial limitation on reasonable use and return on the property:

$\$3500/\text{month per bed} \times 11\text{-beds} = \$38,500 \text{ per month} \times 12 \text{ months} = \$462,000 \text{ annual expected gross rent.}$ Multiply that by the IRS determinable useful life for residential investment property of 27.5 years, the total expected gross rent for the life of the property is \$12,705,000. Reducing that amount by 27.27% results in a loss of expected gross rent of \$3,464,653.50. This is an unjustified limitation on the reasonable return on the property.

- 2) The variance will not be materially contrary to the public safety, health, or welfare and quite the opposite. This property will have more safety features such as fire suppression, smoke detection, CO2 detection, as well as visual and audible alarms throughout. The safety of this property will be substantially superior to anything around it. The building plans were reviewed and approved by the New Mexico Department of Health as an 11-bed community residential facility - further Government Action.
- 3) The variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvement. There will be no indication on the exterior of this property whether the residents total 8 or 11. The parking and traffic were approved by the City as an 11-bed facility which is further Government Action.
- 4) The variance will not materially undermine the intent and purpose of the IDO or the applicable zone district, or any applicable overlay zone as the project with 11 beds maintains the residential feel of the applicable zone. Nothing on the exterior of the property will change whether 8 beds or 11 beds.
- 5) The variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties. Since the building permit clearly approves a renovation project resulting in an 11-bed community residential facility, reducing the number of beds to 8 would result in an extraordinary, and possibly catastrophic, hardship to the operation and success of the project.

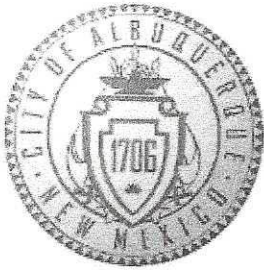
Thank you for considering this matter.
I stand for any questions you might have.....

Sincerely,



Jack C Skinner, owner
12105 Sierra Grande Ave NE
Albuquerque NM 87112

505-263-4349
jake87125@gmail.com



CITY OF ALBUQUERQUE

PO Box 1293
Albuquerque, New Mexico 87103

Commercial Building Permit

Permit Number:* BP-2021-45028

April 29, 2022

Job Number: 147046421-001

Page 1 of 3

Applicant:

Kevin Georges - CU23531153
214 Truman Street NE
Albuquerque, NM 87108
USA

Site Location:

12105 SIERRA GRANDE AV NE,
Albuquerque, NM

Specific Location: 12105 SIERRA GRANDE AV
NE

Site Information:

Type Of Structure:

Type Of Work: Alterations

Work Description: Converting a single family dwelling into
a community residential facility.

Land Area:

Zoning Jurisdiction:

Zoning:

Zoning Approved: Yes

Flood: No

Owner/Tenant Information:

Name: REzlo Properties, LLC

Phone: (505) 255-4975

Address: P. O. Box 462967

City: Escondido, NM 92046-2967

Occupancy Information:

Floor: House

Square Feet: 3294

Finished: Yes

Heated: Yes

Sprinklered: Yes **Type Of Construction:** 5-B Combustible Unprotected

Type Of Occupancy: R-4 Residential (Residential Care)

Contractor Information:

Name: ADOBE VILLAGE CONSTRUCTION & REM **Address:** 1910 FORAKER PL NW

License: GB98-403021

ALBUQUERQUE, NM 87107
USA

Phone: (505) 795-1737

Type: Building

Total Construction Cost:

\$60,000.00

This permit will expire if an inspection is not requested within 6 months or an entire required inspection is not passed within any 6 month period. No refunds will be given after expiration.

Building Safety
Phone: (505) 924-3320

The Cost of Assisted Living in Albuquerque, NM

Data from the **2021 Genworth Cost of Care Survey** shows that Albuquerque is a relatively costly place to obtain assisted living, with facilities charging approximately \$4,750 per month for this level of care. This is a couple hundred dollars higher than the respective state and national average rates of \$4,498 and \$4,500.

Compared to other surveyed cities in New Mexico, Albuquerque is an expensive option. In Farmington, care costs are about \$750 less at \$3,999 per month, and in Las Cruces, care costs are on par with state and national medians at \$4,495. Santa Fe is the costliest surveyed city for assisted living, with rates coming in at \$5,814.

- Albuquerque: \$4,750
- New Mexico: \$4,498
- United States: \$4,500
- Farmington: \$3,999
- Santa Fe: \$5,814
- Las Cruces: \$4,495

The Cost of Other Types of Care in Albuquerque, NM

Seniors in Albuquerque pay \$2,427 per month for adult day health care, making this the most cost-effective long-term care option in the city. In-home care and home health care are more expensive at \$4,671 each but provide a greater degree of privacy and independence. Assisted living rates are comparable at \$4,750 but include living expenses such as meals and housing, along with personal care. Nursing home rates are considerably higher, with residents in semiprivate rooms paying \$8,479 for services and those in private rooms paying \$9,518.

- In-Home Care: \$4,671
- Home Health Care: \$4,671
- Adult Day Health Care: \$2,427
- Assisted Living Facility: \$4,750
- Nursing Home Facility (semiprivate room): \$8,479
- Nursing Home Facility (private room): \$9,518

not obligated to provide this consent to utilize Caring's service(s). I acknowledge I was able to review the **Agreement to be Contacted, Terms of Use, and Privacy Policy**. This site is protected by reCAPTCHA and the Google **Privacy Policy** and **Terms of Service** apply.

[Home \(https://www.wherelivematters.org/\)](https://www.wherelivematters.org/) » [Categories \(https://www.wherelivematters.org/categories/\)](https://www.wherelivematters.org/categories/) » [Assisted Living \(https://www.wherelivematters.org/category/assisted-living/\)](https://www.wherelivematters.org/category/assisted-living/)

How Much Does Assisted Living Cost?

Updated August 4, 2022



([https://www.facebook.com/sharer/sharer.php?living-u=https://www.wherelivematters.org/how-](https://www.facebook.com/sharer/sharer.php?living-u=https://www.wherelivematters.org/how-much-does-assisted-living-cost/)

[cost/&source=tweetbutton&text=Understanding+Skilled+Nursing+Ca](https://www.wherelivematters.org/how-much-does-assisted-living-cost/)
[much-does-assisted-living-cost/](https://www.wherelivematters.org/how-much-does-assisted-living-cost/))



([https://twitter.com/intent/tweet/?original_referer=https://www.wherelivematters.org/how-](https://twitter.com/intent/tweet/?original_referer=https://www.wherelivematters.org/how-much-does-assisted-living-cost/)

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[Assisted Living \(https://www.wherelivematters.org/category/assisted-living/\)](https://www.wherelivematters.org/category/assisted-living/), [Cost \(https://www.wherelivematters.org/category/cost/\)](https://www.wherelivematters.org/category/cost/), [Evaluating a Community \(https://www.wherelivematters.org/category/evaluating-a-community/\)](https://www.wherelivematters.org/category/evaluating-a-community/)

As you search for the right senior living option, you may find yourself awash in a wide variety of contracts, services and fees. Weighing your choices carefully is worth the time and research it takes so you can make an informed decision that meets all your objectives.

An Overview of Assisted Living Costs

How does assisted living work, financially?

Many [assisted living communities \(assisted-living-defined/\)](https://www.wherelivematters.org/assisted-living-defined/) have a community move-in fee. It can be paid up front or prorated monthly. It usually runs between \$1,000 and \$5,000.

What should you look for in a contract?

Pricing is usually broken down into rent and services. Rent pays for your apartment, the cost of which will vary depending on size and location. Services typically include three meals a day, housekeeping, transportation, activities and some level of personal assistance.

Beth Burnham Mace, chief economist at the National Investment Center for the Seniors Housing & Care Industry (NIC), notes that depending on the community, care services may have an additional fee, on top of base costs. "Sometimes called tiered or à la carte pricing, the amount you pay depends on the level of help you need with ADLs ([activities of daily living \(https://www.wherelivematters.org/activities-of-daily-living-checklist/\)](https://www.wherelivematters.org/activities-of-daily-living-checklist/)) and the amount of time it takes to deliver those services," said Mace. For example, a resident may need 15 minutes of help with medication management, 15 minutes of help with dressing and 30 minutes of help with meals each day. That's one hour of care per day at the community's stated rate. Someone needing three hours of care would pay more.

Some assisted living communities provide [memory care \(https://www.wherelivematters.org/memory-care-looks-like-today/\)](https://www.wherelivematters.org/memory-care-looks-like-today/) for their residents with Alzheimer's disease or other forms of dementia. It's important you find out about any additional fees associated with memory care.

Which is better: a package or a flat fee?

Some communities will offer a selection of bundled packages based on need, rather than charging for the amount of time it takes to deliver various services. Other communities have a flat fee for the monthly package, which means everyone pays the same, regardless of the amount of services they use.

How Much Does Assisted Living Cost?

The answer depends on the community, the size of your apartment, the number of services you need and what part of the country you live in.

The Genworth Cost of Care Survey 2021 says that the national median cost for assisted living per month is \$4,500, which breaks down to around \$148 per day (and adds up to \$54,000 per year). To put that into some context, the same survey says a private room in a nursing home will cost around \$9,034 a month, which is \$297 per day (\$108,405 per year). Home health aide services average \$154 per day (\$56,160 per year), based on an eight-hour day, 5 days a week (more time-intensive care will likely be more expensive).

[Find a Community \(https://www.wherelivematters.org/find-a-community/\)](https://www.wherelivematters.org/find-a-community/)

[Subscribe \(https://www.wherelivematters.org/subscribe/\)](https://www.wherelivematters.org/subscribe/)

RetirementLiving

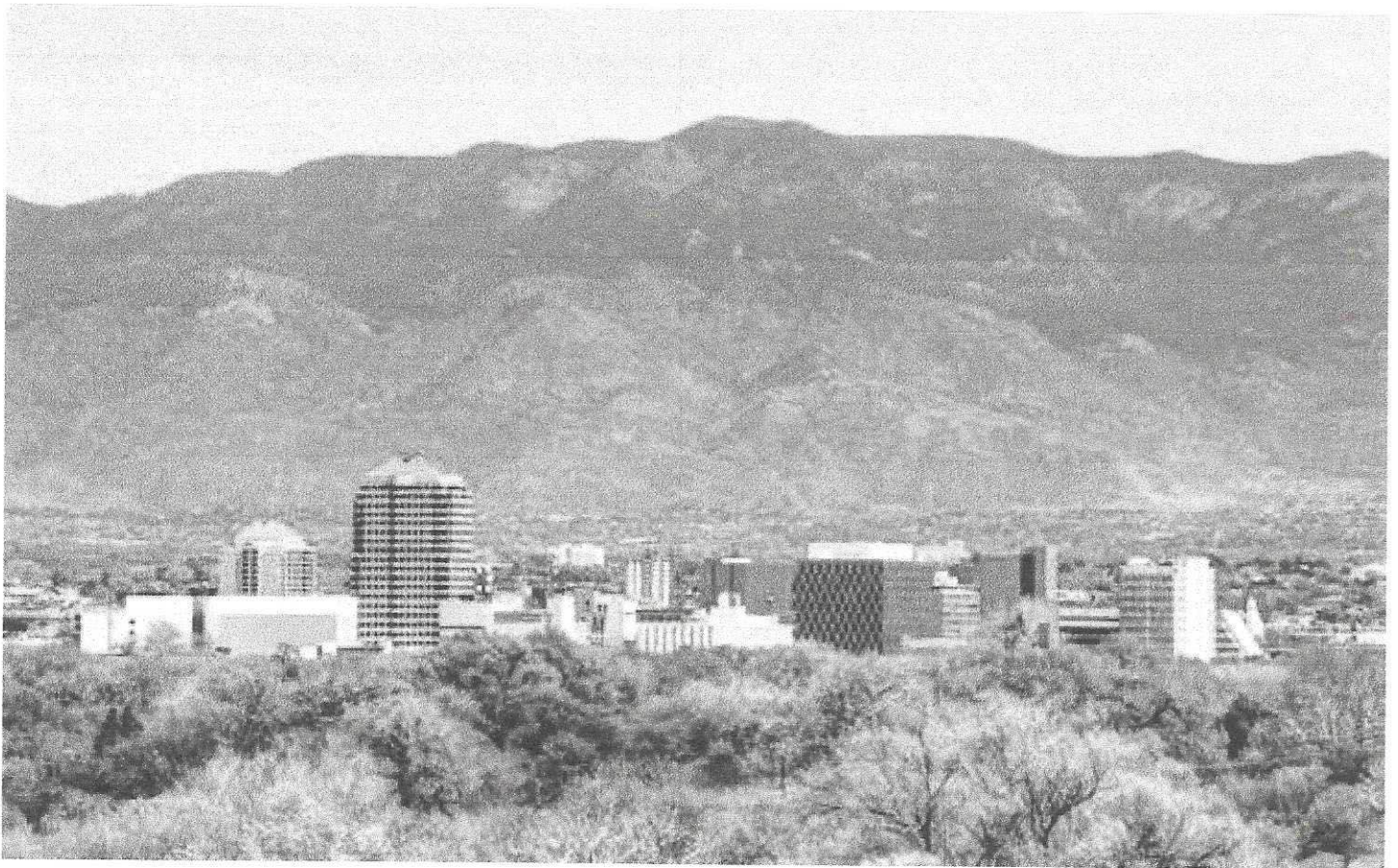
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Assisted Living Albuquerque, NM

Assisted living in Albuquerque costs an average of \$5,100 a month for a private room, making it higher than the state average of \$4,250 a month, and higher than the national average. Some assisted living communities in Albuquerque offer a continuum of care, while others operate as standalone facilities. A continuum of care program means the facility can provide nursing, rehabilitation, or memory care services. If a facility doesn't offer an advanced care program, your loved one will have to visit another facility for those services.

Like anything, there are luxury facilities and more modest accommodations. The actual price depends on which facility you choose and the level of care that you require. The cost of a private room in an assisted living community in Albuquerque ranges between \$2,999.93 to \$7,200.07 a month.



Get matched with senior living that meets your needs

[Get Matched](#)



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

Jack C Skinner requests a variance of 3 to the required 8 residents in a community residential facility for Lot 1, Block B, Monterey Manor, located at 12105 Sierra Grande Ave NE, zoned R-1C [Section 14-16-4-3(B)(8)]

Special Exception No:..... VA-2022-00200
Project No: Project#2022-007294
Hearing Date: 08-16-22
Closing of Public Record: 08-16-22
Date of Decision: 08-31-22

On the 16th day of August, 2022, property owner Jack C Skinner ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 3 to the required 8 residents in a community residential facility ("Application") upon the real property located at 12105 Sierra Grande Ave NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 3 to the required 8 residents in a community residential facility.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district, or any applicable Overlay Zone.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*"
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).

4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Applicant appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned R-1C.
8. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(4).
9. The Applicant has authority to pursue this Application.
10. 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(O)(3)(a)(1). Applicant asserted in written submittals and oral testimony that the special circumstances justifying the variance are that the "property was purchased, designed and permitted in 2017 (BP-2017-11056). It was also approved by the NM Dept of Health for 11 beds. No additions were required to meet the minimum requirements. Parking was provided per Code. However, the project needed funding and wasn't available until 2022." The ZHE can certainly sympathize with difficult situations. However, these cited circumstances are not terrain-specific circumstances caused by the Subject Property's size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by the IDO. As such, Applicant's cited circumstances do not satisfy the requirement of special circumstances under the IDO.
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(O)(3)(a)(1), the Application must be denied. Out of considerations of administrative and quasi-judicial economy, the ZHE will not summarize any analysis of the remaining prongs of the variance test in this Notification of Decision.

DECISION:

DENIAL of a variance of 3 to the required 8 residents in a community residential facility.

APPEAL:

If you wish to appeal this decision, you must do so by September 15, 2022 pursuant to Section 14-16-6-4(V), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional

use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Jack C Skinner, jake87125@gmail.com
Kevin Georges, keg@kga-architects.org
John T sandytroop54@gmail.com
Linda Martinez- Ortega, lyndamartinezortega@gmail.com
Vicki Klammer vjklammer@gmail.com
Pamela Hamilton plham1958@gmail.com
Jeff Miller golfnjeff@gmail.com
Gemma Morris morris.gemma@gmail.com
Tommy Donham, tdonham@juno.com
Viki Cox, vikicox@gmail.com
John Thomas Folkner, 12104 Sierra Grande, 87112
Betty Russell, 12204 Casa Grande, 87112
Don Martindel, 12300 Viola, 87112,
Shawn Cox, 12108 Sierra Grande, 87112
Cindy Miller, 12208 Casa Grande, 87112
Dwane Coch, 12216 Viola Ave, 87112
Donna Russell, 12204 Casa Grande, 87112

REQUEST FOR SPECIAL EXCEPTION

☐ Variance ☐ Conditional Use ☐ Other

Interpreter: ☐ Yes ☐ No

VA# VA-2022-00200

PR# PR-2022-007294

Date: 06/02/2022		Received By: Concetta Trujillo	
Address of Request: 12105 Sierra Grande Ave NE			
City: Albuquerque		State: NM	Zip: 87112
Lot: 1	Block: B	Zone: R-1C	Map pg. J-22
Subdivision: Monterey Manor		UPC# 102205807108030429	
Property Owner(s): Jack C Skinner			
Mailing Address: P.O. Box 27308			
City: Albuquerque		State: NM	Zip: 87125
Phone: 505-263-4349		Email: jake87125@gmail.com	
Agent:			
Mailing Address:			
City:		State:	Zip:
Phone:		Email:	
Fee Total: \$265.20			

Completed Application Requirements:

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

Approved for acceptance by:	Date:	Hearing Date:
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ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16-4-3(B)(8) and Table 4-2-1			
Description of request: a VARIANCE of 3 to the required 8 residence in a Community Residential Facility			
<input type="checkbox"/> Ownership verified on AGIS <input type="checkbox"/> Proof of ownership included <input type="checkbox"/> Letter of authorization included			
Case history number(s) from AGIS: 1010903			
APO:	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance ^{2nd check} Initials _____			

2. Twenty-five (25) percent of the net lot area shall contain landscaping; playgrounds, sports courts, swimming pools, or similar features may count up to 10 percent of net lot landscaping. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscaped area, and the maximum a tree canopy shall count toward this requirement is 600 square feet.
3. Cool season grasses are restricted to 20 percent of the landscape area. Warm season grasses may cover up to an additional 70 percent of the landscape area.

4-3(B)(7)(c) At least 50 percent of the trees required by Subsection (a) or (b) above shall be deciduous canopy-style shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.

4-3(B)(7)(d) No more than 40 percent of required usable open space can be private to a household or occur on upper stories of the project buildings unless the site is located in a DT-UG-MS-PT area or is 660 feet or less in any direction of an NR-PO zone district or Major Public Open Space.

4-3(B)(7)(e) In any Mixed-use zone district west of the Rio Grande on properties abutting the public right-of-way of a Major Transit or Premium Transit Corridor, allowable uses in the Commercial category are required along at least 50 percent of the ground floor of the façade facing the Major Transit or Premium Transit Corridor.

4-3(B)(7)(f) In the MX-L and MX-M zone districts in the North I-25 – CPO-10, this use is prohibited on the ground floor.

4-3(B)(7)(g) This use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) if located on the ground floor of any building in the Downtown Center in any zone district other than MX-FB-ID or in the Volcano Heights Urban Center.

4-3(B)(8) Community Residential Facility, Small or Large

4-3(B)(8)(a) This use must comply with all applicable local, State, and federal regulations.

4-3(B)(8)(b) Each community residential facility occupying a structure originally designed for a use in the Household Living category shall comply with the Development Standards in Part 14-16-5 applicable to the zone district in which it is located.

4-3(B)(9) Group Home, Small, Medium, or Large

4-3(B)(9)(a) This use must comply with all applicable local and State regulations.

4-3(B)(9)(b) This use is prohibited within 1,500 feet in any direction of any other group home.

Part 14-16-4: Use Regulations

4-2: Allowable Uses

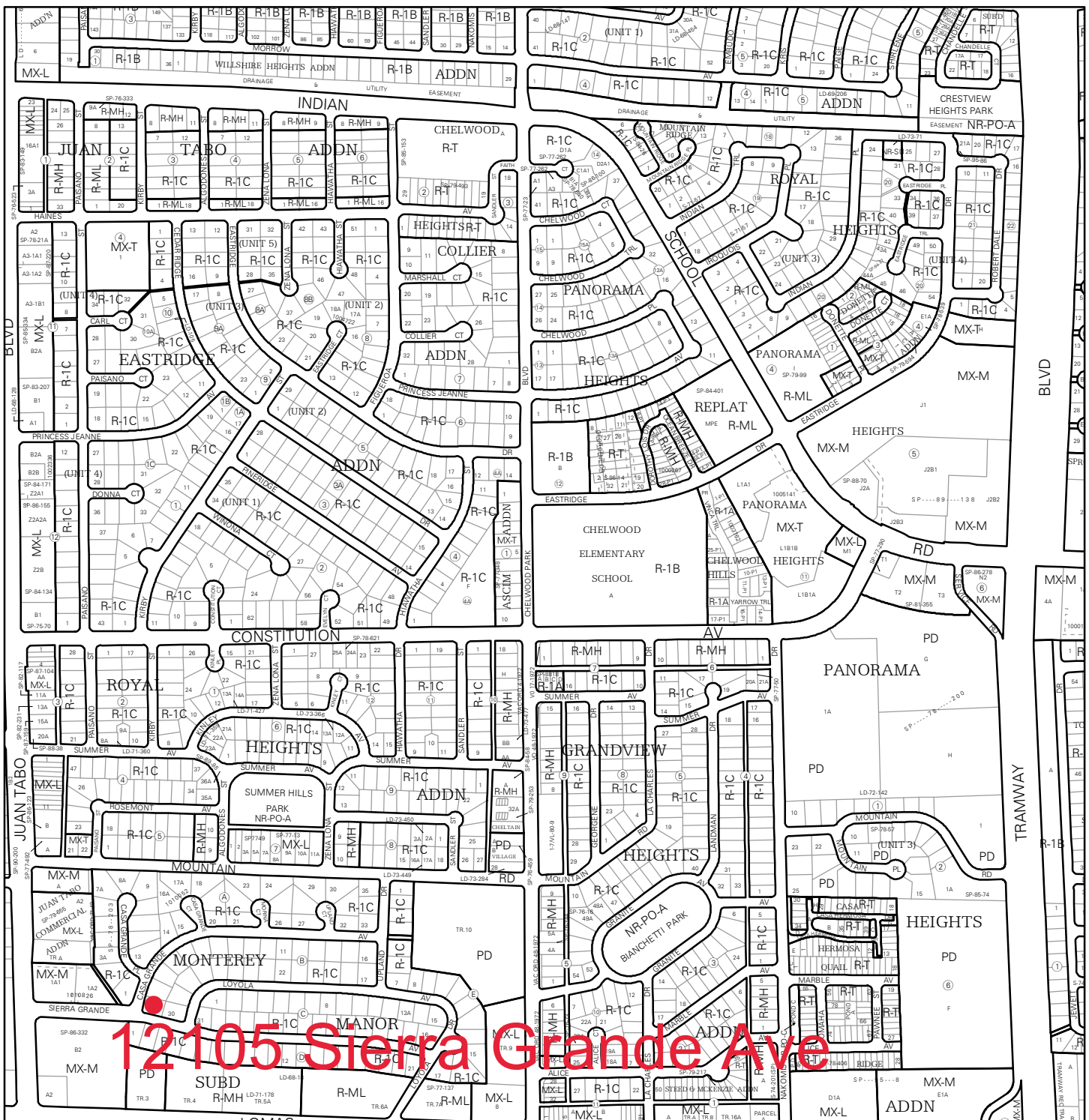
4-2 ALLOWABLE USES

Table 4-2-1: Allowable Uses

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory

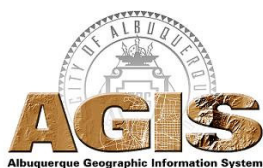
CV = Conditional if Structure Vacant for 5 years or more T = Temporary Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-residential										Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO					
Land Uses																A	B	C			
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																					
RESIDENTIAL USES																					
Household Living																					
Dwelling, single-family detached	P	P	P	P	P		P												4-3(B)(1)		
Dwelling, mobile home			P																		
Dwelling, cluster development	P	P		P	P		P												4-3(B)(2)		
Dwelling, cottage development	P	P	P	P	P		P												4-3(B)(3)		
Dwelling, two-family detached (duplex)		P		P	P		P												4-3(B)(4)		
Dwelling, townhouse				P	P	P	P	P	P	P									4-3(B)(5)		
Dwelling, live-work				C	C	P	P	P	P	P	CA	CA							4-3(B)(6)		
Dwelling, multi-family					P	P	P	P	P	P									4-3(B)(7)		
Group Living																					
Assisted living facility or nursing home				C	P	P	P	P	P	P											
Community residential facility, small	P	P		P	P	P	P	P	P	P									4-3(B)(8)		
Community residential facility, large					P	P	P	P	P	P									4-3(B)(8)		
Dormitory						P	C	P	P	P											
Group home, small					C	P	P	P	P										4-3(B)(9)		
Group home, medium					C	C	C	P	P	P									4-3(B)(9)		
Group home, large						C			C	C									4-3(B)(9)		
CIVIC AND INSTITUTIONAL USES																					
Adult or child day care facility			C	C	C	P	P	P	P	P	P	P	A	A							
BioPark																P (in D)			4-3(C)(7)		
Cemetery															P						
Community center or library	C	P		P	P	P	P	P	P	P	C	C	C	C		P		C	4-3(C)(1)		
Correctional facility															P						
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	P	CV			P		C	4-3(C)(2)		
Fire or police station															P						
High school	C	C		C	C	P	P	P	P	P	P	P	C			P			4-3(C)(3)		
Hospital									P	P	P	P							4-3(C)(4)		
Museum				CV	CV	C	P	P	P	P	P	P	P	P		P	A		4-3(C)(5)		
Overnight shelter										C	C	C	C	C					4-3(C)(6)		
Parks and open space	P	P		P	P	P	P	P	P	P	P	P	C	C	A	P	P	P	4-3(C)(7)		
Religious institution	P	P		P	P	P	P	P	P	P	P	P	CV	CV					4-3(C)(8)		
Sports field							CV	C	P	P	P	P	P	C		P		C			
University or college						CV	CV	C	P	P	P	P	P	CV	CV						

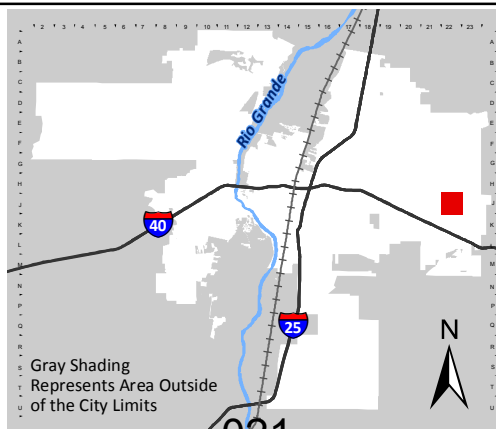


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
J-22-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet

Sanchez, Suzanna A.

From: Sanchez, Suzanna A.
Sent: Friday, June 03, 2022 2:07 PM
To: 'jake87125@gmail.com'
Subject: ZHE Information for 12105 Sierra Grande Ave
Attachments: 1. Letter to Neighborhood Association.pdf; VARIANCE JUSTIFICATION APRIL 2021.pdf
Importance: High

Dear Applicant,

Please fill in and forward the attached [Letter to Neighborhood Association](#) to the list of neighborhood association contacts below. It is recommended that the neighborhood associations be notified 45 days prior to application submittal. Per Section 14-16-6-4(C)(3) of the Integrated Development Ordinance, a meeting request must be sent to the 2 representatives of all applicable Neighborhood Associations via Certified Mail, return receipt requested, or via email.

Association Name	First Name	Last Name	Email	Address Line 1	City
East Gateway Coalition	Julie	Dreike	dreikeja@comcast.net	13917 Indian School Road NE	Albuquerque
East Gateway Coalition	Michael	Brasher	eastgatewaycoalition@gmail.com	216 Zena Lona NE	Albuquerque
Monterey Manor NA	Cindy	Miller	golfncindy5@gmail.com	12208 Casa Grande Avenue NE	Albuquerque

Please forward me the items below at your earliest convenience.

- Proof of email sent to the neighborhood association
- Justification letter

If you have questions, please contact me.

Thank you,

Suzie



SUZIE SANCHEZ-FLORES
zhe administrative assistant
o 505.924.3894
e suzannasanchez@cabq.gov
cabq.gov/planning

REQUEST FOR NEIGHBORHOOD MEETING

Date: 06/09/2022

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 up to 11 beds in an assisted
Living facility currently permitted for 8 beds.
(summary of request).

Property owner JACK C JAKE SKINNER
Agent if applicable _____
Property Address 2105 Sierra Grande Ave NE Albuquerque, NM, 87112 (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 Jake Skinner
Email jake87125@gmail.com
Phone Number 505-263-4349

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

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

Sanchez, Suzanna A.

From: Jake Skinner <jake87125@gmail.com>
Sent: Thursday, June 09, 2022 2:34 PM
To: dreikeja@comcast.net; eastgatewaycoalition@gmail.com
Cc: Sanchez, Suzanna A.
Subject: Variance Application
Attachments: REQUEST FOR NEIGHBORHOOD MEETING.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good afternoon.

I hope this email finds you well.....

I am writing to inform that as the new owner of the property at 12105 Sierra Grande Ave NE, I am in the process of applying for a variance to allow for an assisted living facility with up to 11 beds, up from the currently allowed 8 beds.

Please see the attached Request For Neighborhood Meeting.
And let me know if you have any questions.

Thank you so much,
Jake Skinner
505-263-4349
jake87125@gmail.com

cc. Suzi Sanchez, City of Albuquerque Planning

Sanchez, Suzanna A.

From: Jake Skinner <jake87125@gmail.com>
Sent: Wednesday, July 06, 2022 11:15 AM
To: Sanchez, Suzanna A.
Subject: Fwd: suzannasanchez@cabq.gov
Attachments: REQUEST FOR NEIGHBORHOOD MEETING.pdf; ATT00001.htm

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Oops.

Sorry. I see that I put your name in the subject line instead of copying you on the email. Is this everything you need from me? Thank you. Cheers. Jake.

Begin forwarded message:

From: Jake Skinner <jake87125@gmail.com>
Date: June 9, 2022 at 2:35:05 PM MDT
To: golfncindy5@gmail.com
Subject: suzannasanchez@cabq.gov

Good afternoon.

I hope this email finds you well.....

I am writing to inform that as the new owner of the property at 12105 Sierra Grande Ave NE, I am in the process of applying for a variance to allow for an assisted living facility with up to 11 beds, up from the currently allowed 8 beds.

Please see the attached Request For Neighborhood Meeting.
And let me know if you have any questions.

Thank you so much,
Jake Skinner
505-263-4349
jake87125@gmail.com

cc. Suzi Sanchez, City of Albuquerque Planning

VARIANCE JUSTIFICATION LETTER - GENERAL

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Variance of Part 14-16-4-2 Allowable Uses - Allow Community Residential Facility - Large (11 Beds) in R-1C Zone.
at 12105 Sierra Grande Avenue NE (address of the subject property).

1) There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards. **PLEASE EXPLAIN:**

This property was purchased, designed and permitted in 2017 (BP-2017-11056). It was also approved by the NM Dept of Health for 11 beds. No additions were required to meet the minimum requirements. Parking was provided per Code. However the project needed funding and that wasn't available until 2021. The project was permitted again (BP-2021-45028).

2) The Variance will not be materially contrary to the public safety, health, or welfare **BECAUSE:**
As noted above there is no addition to the building and no additional parking is needed to accommodate 11 beds vs 8 beds.

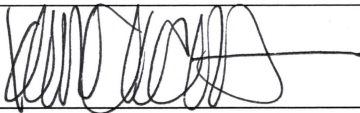
3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity **BECAUSE:** All construction is within the interior of the building which accommodates 11 beds. You can not tell from the exterior if there is 8 beds or 11 beds. The construction is the same whether 8 beds or 11 beds.

4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district **BECAUSE:**
The project with 11 beds maintains the residential feel of the applicable zone district. Nothing is changes on the exterior for 11 beds versus 8 beds.

5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties **BECAUSE:**

Reducing the number of beds from 11 to 8 will significantly reduce the operating capital necessary to keep this facility operational. It will create an unnecessary hardship to the Owner.

Signature



Date

6/21/22



CITY OF ALBUQUERQUE INVOICE

JACK SKINNER

PO BOX 27308

Reference NO: VA-2022-00200

Customer NO: CU-118421929

Date	Description	Amount
7/06/22	2% Technology Fee	\$4.20
7/06/22	Application Fee	\$100.00
7/06/22	Facilitated Meeting Fee	\$50.00
7/06/22	Posted Sign Fee	\$10.00
7/06/22	Published Notice Fee	\$50.00

Due Date: **7/06/22**

Total due for this invoice:

\$214.20

Options to pay your Invoice:

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

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 7/06/22
Amount Due: **\$214.20**
Reference NO: VA-2022-00200
Payment Code: 130
Customer NO: CU-118421929

JACK SKINNER
PO BOX 27308
ALBUQUERQUE, NM 87125



130 0000VA20220020000102546716167305700000000000002142CU118421929

City of Albuquerque ZHE – August 16, 2022

Agenda Item #31

VA-2022-00200

PR-2022-007294

Jack C Skinner requests a variance of 3 to the required 8 residents in a community residential facility for Lot 1, Block B, Monterey Manor, located at 12105 Sierra Grande Ave NE, zoned R-1C [Section 14-16-4-3(B)(8)]

Owner: DWYER DON C/O REZLO PROPER

Ownership: LLC

Zone District/Purpose: R-1/The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area.

Allowable Use: n/a

Applicable Comp Plan Designation(s): Area of Consistency; Lomas MT

Applicable Overlay Zones: None listed

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

Applicable Dimensional/Development Standards:

4-3(B)(8) Community Residential Facility, Small or Large

4-3(B)(8)(a) This use must comply with all applicable local, State, and federal regulations.

4-3(B)(8)(b) Each community residential facility occupying a structure originally designed for a use in the Household Living category shall comply with the Development Standards in Part 14-16-5 applicable to the zone district in which it is located.

Traffic Recommendations: No objections

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



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

August 5, 2022

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF August 16, 2022

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

VA-2022-00200

PR-2022-007294

Address: 12105 Sierra Grande Ave NE

Transportation Review: No objections

After review of the provided application, Transportation has no objection a VARIANCE of 3 to the required 8 residence in a Community Residential Facility.

Sanchez, Suzanna A.

From: Jake Skinner <jake87125@gmail.com>
Sent: Tuesday, July 19, 2022 12:17 PM
To: Sanchez, Suzanna A.
Subject: Re: ZHE Public Notice-12105 Sierra Grande
Attachments: CABQ ZHE 1.pdf; CABQ ZHE .pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good afternoon Suzanne.
I've completed the tasks outlined in your email.
Please see documents attached.
Please let me know if I need to do anything further before posting my signs on August 1st.....
Cheers,
Jake

On Mon, Jul 18, 2022 at 11:33 AM Sanchez, Suzanna A. <suzannasanchez@cabq.gov> wrote:

Dear Applicant,

Below is a list of property owners within 100+ feet of the subject property. Please fill in and mail the attached, *Letter to Property Owners- August*. 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	Complete Owner Address
MILLER JEFF R & CYNTHIA Y	12208 CASA GRANDE AVE NE ALBUQUERQUE NM 87112-5808
RUSSELL BETTY JEAN & WILFRED FORREST RVLT	12204 CASA GRANDE AVE NE ALBUQUERQUE NM 87112-5808
DEY R EDWARD	12209 LOYOLA AVE NE ALBUQUERQUE NM 87112-5820
BONNEY CAROL V & MAXFIELD MARY JANE	12100 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112-5835
PAEZ JUSTIN J	1001 CASA GRANDE PL NE ALBUQUERQUE NM 87112-5815
GOATCHER FAMILY LTD CO	2511 MONROE ST NE ALBUQUERQUE NM 87110-4090
GARCIA TANYA A & QUIGLEY-TREJO GRIFFIN A	12205 LOYOLA AVE NE ALBUQUERQUE NM 87112-5820
ROYBAL R BONIFACIO & ANITA M	12112 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112-5835
COX VICTORIA GRACE & SHAUN PATRICK	12108 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112
STRUCK CHARLES E & ELAINE M	12109 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112-5834
DWYER DON C/O REZLO PROPERTIES LLC	PO BOX 462967 ESCONDIDO CA 92046-2967

FOLKNER JOHN T & MARTINEZ LYNDA M	12104 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112-5835
CLEARBROOK INVESTMENTS INC	8801 JEFFERSON ST NE BLDG A ALBUQUERQUE NM 87113-2439

Please forward me a copy of the letter and proof of notice by **Wednesday, August 10th.**

Lack of notice may result in a deferral.

Thank you,

Suzie



SUZIE SANCHEZ-FLORES

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

**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:	<i>Variance Request</i>
Decision-making Body:	Zoning Hearing Examiner
Pre-Application meeting required:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
Neighborhood meeting required:	<input checked="" type="checkbox"/> X <input type="checkbox"/> Yes <input type="checkbox"/> No
Mailed Notice required:	<input checked="" type="checkbox"/> X <input type="checkbox"/> Yes <input type="checkbox"/> No
Electronic Mail required:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
Is this a Site Plan Application:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X Note: if yes, see second page
PART II - DETAILS OF REQUEST	
* Address of property listed in application:	<i>12105 Sierra Grande Ave NE 87112</i>
Name of property owner:	
Name of applicant:	
Date, time, and place of public meeting or hearing, if applicable:	<i>August 16 2022 9:00AM via Zoom (Meeting ID# 704 449 0999)</i>
Address, phone number, or website for additional information:	<i>www.cabq.gov/zoninghearingexaminer or 505-924-3894</i>
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input type="checkbox"/> Zone Atlas page indicating subject property.	
<input type="checkbox"/> Drawings, elevations, or other illustrations of this request.	
<input type="checkbox"/> Summary of pre-submittal neighborhood meeting, if applicable.	
<input type="checkbox"/> Summary of request, including explanations of deviations, variances, or waivers.	
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.

Jack Skinner (Applicant signature) *07/19/2022* (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.

Public Notice of Hearing

Date:

07/19/2022

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 11-bed assisted living facility instead of the (summary of request).
Currently allowed 8-Bed facility.

Property owner: JACK C. JAKE SKINNER

Agent (If applicable): KEVIN GEORGES

Property Address: 12105 Sierra Grande AVE NE, Albuquerque, NM, 87112 (zip code).

A hearing will be held on August 16, 2022 beginning at 9:00AM via ZOOM. Please call 505- 924-3894 for details and updates regarding an in-person hearing. If an in-person hearing is available, it will occur in the Plaza Del Sol Hearing Room at 600 2ND Street NW-Basement Level.

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)

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

Thank you,

Applicant's Name: JAKE SKINNER

Applicant's Number or Email Address: Jake87125@gmail.com

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

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline may result in deferral. An agenda can be found at <http://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>.

Abeasstin LLC
Box 27308
Albuquerque NM
87125

Don Dwyer / Rezo Properties
PO Box 462967
Escondido Ca 92046-2967



Abeasstin LLC
Box 27308
Albuquerque NM
87125

Abeasstin LLC
Box 27308
Albuquerque NM
87125

Clearbrook Investments Inc.
8801 Jefferson St NE
BLDG A
Albuquerque NM 87113



Abeasstin LLC
Box 27308
Albuquerque NM
87125

Abeasstin LLC
Box 27308
Albuquerque NM
87125

John Folkner / Lynda Martinez
12104 Sierra Grande Ave NE
Albuquerque NM 87112



Abeasstin LLC
Box 27308
Albuquerque NM
87125

Abeasstin LLC
Box 27308
Albuquerque NM
87125

Charles & Elaine Struck
12109 Sierra Grande Ave NE
Albuquerque NM 87112



Abeasstin LLC
Box 27308
Albuquerque NM
87125

Abeasstin LLC
Box 27308
Albuquerque NM
87125

Shaun and Victoria Cox
12108 Sierra Grande Ave NE
Albuquerque NM 87112





tes
6-2967

Abeavskin LLC
Box 27308
Albuquerque NM
87125



R. Bonifacio + Anita M Roybal
12112 Sierra Grande Ave NE
Albuquerque NM 87112

Abeavskin LLC
Box 27308
Albuquerque NM
87125



ic.

Abeavskin LLC
Box 27308
Albuquerque NM
87125



Tanya Garcia/Gitkin Quigley-Trejo
12205 Logola Ave NE
Albuquerque NM 87112

Abeavskin LLC
Box 27308
Albuquerque NM
87125



E

Abeavskin LLC
Box 27308
Albuquerque NM
87125



Goatcher Family Ltd
2511 Monroe St NE
Albuquerque NM 87110

Abeavskin LLC
Box 27308
Albuquerque NM
87125



E

Abeavskin LLC
Box 27308
Albuquerque NM
87125



Justin J Paez
1001 Casa Grande PL NE
Albuquerque NM 87112

Abeavskin LLC
Box 27308
Albuquerque NM
87125



E

Abeavskin LLC
Box 27308
Albuquerque NM
87125



Edward Day
12209 Loyola Ave NE
Albuquerque NM 87112

Abeavskin LLC
Box 27308
Albuquerque NM
87125



Betty Jean Russell
12204 Casa Grande Ave NE
Albuquerque NM 87112

Abeavskin LLC
Box 27308
Albuquerque NM
87125



Cynthia + Jeff Miller
12208 Casa Grande Ave NE
Albuquerque NM 87112

Abeavskin LLC
Box 27308
Albuquerque NM
87125



Carol Bonney / Mary Jane Maxfield
12100 Sierra Grande Ave NE
Albuquerque NM 87112

Sanchez, Suzanna A.

From: Jake Skinner <jake87125@gmail.com>
Sent: Monday, August 01, 2022 10:57 AM
To: Sanchez, Suzanna A.
Subject: Re: ZHE Public Notice-12105 Sierra Grande

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good morning. Just checking in. I posted the signs up at 12105 Sierra Grande Ave., Northeast this morning.

See the pictures attached. Cheers. Jake.









On Jul 20, 2022, at 10:27 AM, Sanchez, Suzanna A. <suzannasanchez@cabq.gov> wrote:

Received, thank you.

Suzie

From: Jake Skinner [<mailto:jake87125@gmail.com>]
Sent: Tuesday, July 19, 2022 12:17 PM
To: Sanchez, Suzanna A.
Subject: Re: ZHE Public Notice-12105 Sierra Grande

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good afternoon Suzanne.
I've completed the tasks outlined in your email.
Please see documents attached.
Please let me know if I need to do anything further before posting my signs on August 1st.....
Cheers,
Jake

On Mon, Jul 18, 2022 at 11:33 AM Sanchez, Suzanna A. <suzannasanchez@cabq.gov> wrote:

Dear Applicant,

Below is a list of property owners within 100+ feet of the subject property. Please fill in and mail the attached, *Letter to Property Owners- August*. 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	Complete Owner Address
MILLER JEFF R & CYNTHIA Y	12208 CASA GRANDE AVE NE ALBUQUERQUE NM 87112-5808
RUSSELL BETTY JEAN & WILFRED FORREST RVLT	12204 CASA GRANDE AVE NE ALBUQUERQUE NM 87112-5808
DEY R EDWARD	12209 LOYOLA AVE NE ALBUQUERQUE NM 87112-5820
BONNEY CAROL V & MAXFIELD MARY JANE	12100 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112-5835
PAEZ JUSTIN J	1001 CASA GRANDE PL NE ALBUQUERQUE NM 87112-5815
GOATCHER FAMILY LTD CO	2511 MONROE ST NE ALBUQUERQUE NM 87110-4090
GARCIA TANYA A & QUIGLEY-TREJO GRIFFIN A	12205 LOYOLA AVE NE ALBUQUERQUE NM 87112-5820
ROYBAL R BONIFACIO & ANITA M	12112 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112-5835
COX VICTORIA GRACE & SHAUN PATRICK	12108 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112
STRUCK CHARLES E & ELAINE M	12109 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112-5834
DWYER DON C/O REZLO PROPERTIES LLC	PO BOX 462967 ESCONDIDO CA 92046-2967
FOLKNER JOHN T & MARTINEZ LYNDIA M	12104 SIERRA GRANDE AVE NE ALBUQUERQUE NM 87112-5835
CLEARBROOK INVESTMENTS INC	8801 JEFFERSON ST NE BLDG A ALBUQUERQUE NM 87113-2439

Please forward me a copy of the letter and proof of notice by **Wednesday, August 10th.**

Lack of notice may result in a deferral.

Thank you,

Suzie



SUZIE SANCHEZ-FLORES

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

Sanchez, Suzanna A.

From: tdonham@juno.com
Sent: Thursday, August 04, 2022 11:10 AM
To: Sanchez, Suzanna A.
Cc: golfncindy5@gmail.com
Subject: House at 12105 Sierra Grande NE

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

I am opposed to the increase from 8 residents to 11 residents in the house at 12105 Sierra Grande NE. That house is at the intersection of Sierra Grande NE and Casa Grande NE. Parking is a real problem since the house is at the intersection of 2 major streets in the subdivision. The increase of residents will also increase the traffic into and out of the area. Increased traffic is always a safety issue and that is especially true of this area where many of the residents in the subdivision are older and walk for exercise. It is especially true of me. I am 87 years old and I ride my bike in the neighborhood 100 miles a month. I already have to be selective of my bike riding time based on Manzano High School students going to and getting out of school. More vehicles into and out of the area with this home increases the possibility of addition safety risks. The zoning of that house in a residential area should never have been changed from a single family dwelling home. I really appreciate your help in keeping our neighborhood quite and safe.

Thank you,

Tommy Donham

1012 Casa Grande Pl. NE

Sanchez, Suzanna A.

From: Jeff Miller <golfnjeff@gmail.com>
Sent: Thursday, August 11, 2022 11:26 AM
To: Sanchez, Suzanna A.
Subject: Jake Skinner and his request for a variance for the Property at 12105 Sierra Grande Ave N.E

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

This is the second owner of the property at 12105 Sierra Grande Ave. NE, following Mr. Dale Hensel, to express a desire to get a variance for licensing an Assisted living Facility at this address. The property has, for many years, been an Assisted Living Facility, and the residents of Monterey Manor Neighborhood Association have no issue with Assisted Living Facilities. If you look up past requests for this property, you will see the Monterey Manor Neighborhood Association was able to prove the inherent dangers and money/profit/greed motivation by the owners at the expense of the current neighborhood residents and any residents of the Assisted Living Facility, to justify STRICTLY R-1 zoning within the borders of our neighborhood. We gained DENIAL by Albuquerque City Planning, of the variance on November 10, 2016. We will of course attend in mass, the ZOOM meeting, and again speak on how a 3086 sq ft, or 3412 sq ft, or 3585 sq ft property, (depending on which owners numbers you look at, (MLS# 838196, 963578, or 1010128) with 11 residents requiring assistance, is a kin to human warehousing, and that this is a single family home neighborhood with safe walkability and how the iconic location of the property will cause severe traffic safety issues. An R-1 facility with a maximum of 8 residents is within city guidelines and needs no unacceptable Commercial zoning change.

Can you please send me a link which I can distribute to the residents of the Monterey Manor neighborhood so we can attend the scheduled ZOOM meeting on August 16, 2022 beginng at 9:00am

Sent from [Mail](#) for Windows

Jeff Miller
Copeland Real Estate
License# 51630
505-269-7214

Sanchez, Suzanna A.

From: Gemma Morris <morris.gemma@gmail.com>
Sent: Saturday, August 06, 2022 3:26 PM
To: Sanchez, Suzanna A.
Subject: Variance request for 12105 Sierra Grande NE

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Ms. Sanchez and zoning board,

My husband, Russell Morris and I have lived in this house since 1983 and have enjoyed this lovely area and wonderful neighbors. I am sharing my thoughts since I have concerns of past poor construction for remodel work that was under code. Even if this location meets minimum certification standards for a fragile and needy population, there may be a crowding condition because of the high number of residents.

I share these thoughts because of my recent experiences with my husband, Russell, who has had strokes, now has Parkinson's, dementia and no longer speaks. He is now receiving many services that would be similar to the residents who will be living at the Sierra Grande house. We have a need for large spaces, large storage spaces, specialty beds and walking assistance, toileting equipment and extensive bathing enhancements. This home cannot properly accommodate these needs times 8-11 residents. I know the space it requires for my husband for comfortable, safe and enjoyable living. The proper storage of additional supplies i.e., incontinence supplies, wound care, physical therapy tools, etc. is extensive, but necessary.

Please do not consider a variance change for this 60 year old established neighborhood just because a site has been found with a little extra space and an investor wants to make extra money without regard for the neighbors and most times providing poor quality living conditions in a cramped living space. Most of us have recently witnessed below standard remodeling with warning signs not to enter and regret that our senior community members may not be placed in a safe, high quality, large and engaging housing facility.

As a quiet, long established residential neighborhood with a wonderful mix of seniors, young families and individuals who walk and enjoy this neighborhood, please allow it to retain its goodness and safety without the additional traffic and problems that such a home would generate.

Thank you very much for your consideration,

Gemma Morris

cc:golfncindy@gmail.com

Sanchez, Suzanna A.

From: Jake Skinner <jake87125@gmail.com>
Sent: Tuesday, August 16, 2022 3:11 PM
To: Sanchez, Suzanna A.
Subject: Re: FW: Jake Skinner and his request for a variance for the Property at 12105 Sierra Grande Ave N.E
Attachments: REC Recorded Rezlo Skinner.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good afternoon.....
Here is a recorded real estate contract requested at the ZHE hearing today....
Please let me know if you need anything else.....
Cheers,
Jack C Jake Skinner

On Thu, Aug 11, 2022 at 12:38 PM Sanchez, Suzanna A. <suzannasanchez@cabq.gov> wrote:

Good afternoon,

Below is one more comment that was received as new evidence.

Suzie

From: Jeff Miller [mailto:golfnjeff@gmail.com]
Sent: Thursday, August 11, 2022 11:26 AM
To: Sanchez, Suzanna A.
Subject: Jake Skinner and his request for a variance for the Property at 12105 Sierra Grande Ave N.E

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

This is the second owner of the property at 12105 Sierra Grande Ave. NE, following Mr. Dale Hensel, to express a desire to get a variance for licensing an Assisted living Facility at this address. The property has, for many years, been an Assisted Living Facility, and the residents of Monterey Manor Neighborhood Association have no issue with Assisted Living Facilities. If you look up past requests for this property, you will see the Monterey Manor Neighborhood Association was able to prove the inherent dangers and money/profit/greed motivation by the owners at the expense of the current neighborhood residents and any residents of the

Assisted Living Facility, to justify STRICTLY R-1 zoning within the borders of our neighborhood. We gained DENIAL by Albuquerque City Planning, of the variance on November 10, 2016. We will of course attend in mass, the ZOOM meeting, and again speak on how a 3086 sq ft, or 3412 sq ft, or 3585 sq ft property, (depending on which owners numbers you look at, (MLS# 838196, 963578, or 1010128) with 11 residents requiring assistance, is a kin to human warehousing, and that this is a single family home neighborhood with safe walkability and how the iconic location of the property will cause severe traffic safety issues. An R-1 facility with a maximum of 8 residents is within city guidelines and needs no unacceptable Commercial zoning change.

Can you please send me a link which I can distribute to the residents of the Monterey Manor neighborhood so we can attend the scheduled ZOOM meeting on August 16, 2022 beginng at 9:00am

Sent from [Mail](#) for Windows

Jeff Miller
Copeland Real Estate
License# 51630
505-269-7214

ID: 2022-042702County: BernalilloDate: 4/29/2022 Time: 2:05 pmFidelity National Title
File # Sp00013102864**REAL ESTATE CONTRACT**

MAN

THIS CONTRACT IS MADE in triplicate this **29th day of April, 2022** by and between **REZLO PROPERTIES LLC, a New Mexico Limited Liability Company**, whose address is **PO Box 462967, Escondido, CA 92046**, hereinafter called Seller, and **JACK C. SKINNER, an unmarried man**, whose address is **PO Box 27308, Albuquerque, NM 87125**, hereinafter called Purchaser. Whenever a masculine pronoun is used, it shall also be considered as referring to the female gender and plural pronouns, whichever is proper.

1. SALE: The Seller, in consideration of the promises and agreements herein made by the Purchaser, agrees to sell and convey to the Purchaser the following described real estate, hereinafter called the Property, in the County of **Bernalillo**, and State of New Mexico:

Lot numbered One (1) in Block Lettered "B" of Monterey Manor Subdivision, an Addition to the City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated on the Plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on March 12, 1964, in Volume D3, Folio 94.

Subject to reservations, restrictions and easements of record, and to property taxes for the current year and all subsequent years.

Subject to substandard building compliance.

The Seller agrees, upon completion of all terms and conditions of this contract by the Purchaser, that the Purchaser shall then receive the Warranty Deed and related documents placed in escrow with this Contract.

2. **PRICE AND PAYMENT:** The Purchaser agrees to buy the above-described Property and to pay Seller therefor the total sum of **FIVE HUNDRED TWENTY THOUSAND and NO/100 Dollars (\$520,000.00)**, payable as follows: **TWO HUNDRED FIFTY THOUSAND and NO/100 Dollars (\$250,000.00)** cash down payment, the receipt of which is hereby acknowledged, and the balance of **TWO HUNDRED SEVENTY THOUSAND and NO/100 Dollars (\$270,000.00)**, payable as follows:

\$270,000.00, the amount of this Real Estate Contract, which Purchaser agrees to pay in monthly installments of **\$1,796.00** each or more, including interest from April 29, 2022 at the rate of 7% per annum. The first payment shall be due on June 1, 2022 with like installments due and payable on the 1st day of each succeeding month thereafter until June 1, 2025, at which time the entire remaining balance due, including any and all accrued interest, shall be due and payable in full.

In addition to the payments for principal and interest, Purchasers shall pay to the Escrow Agent, with each installment, a pro rata portion of the estimated annual taxes and insurance premiums for hazard insurance on said Property, which payments shall be separately accounted for by the Escrow Agent and utilized to make prompt payment of said taxes and insurance premiums as they become due, the sum at the present time being \$311.80 per month, making the total monthly payment due and payable on this Contract \$2,107.80, or more. Purchasers agree to pay the adjusted payment in the event that trust funds increase/decrease. Purchasers shall be responsible for providing the Escrow Agent with billings for both taxes and insurance premiums, failure to do so will result in nonpayment. In the event there be any shortfall in the escrow account, Purchasers shall be responsible to pay Escrow Agent any additional funds necessary to pay taxes and/or insurance premiums.

A late charge of \$25.00 will be due and payable on any installment that is made over five (5) calendar days past due. The time period before the late charge becomes due shall not be considered a grace period. Late charges will be paid as additional interest.

Purchasers acknowledges that they agree to purchase the above described property in an "As Is" condition, and their decision to enter into this Contract is based solely on their own personal knowledge and inspections and any hidden or obvious defects that may exist within the property. The Seller, seller's agent is making no representation or warranty of any kind, either expressed or implied are being, therefore, Purchasers hereby releases, disclaims, and waives any and all claims Purchasers now have or may have in the future against the Seller, and seller's agent, as to the physical condition of the above described property, improvements, and personalty, and including zoning. Purchasers will be responsible for bringing the above described property up to code and having inspected by the City of Albuquerque. The Purchasers will be responsible to pay any fees for releasing the liens and any fees for inspection.

Sanchez, Suzanna A.

From: Kevin Georges <keg@kga-architects.org>
Sent: Wednesday, August 17, 2022 4:30 PM
To: Sanchez, Suzanna A.
Cc: Jake Skinner (jake87125@gmail.com)
Subject: 12105 Sierra Grande NE
Attachments: City Zoning Hearing Examiner's - 12105 Sierra Grande NE.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Suzanna,

Attached are the item I shared yesterday during our Hearing. Let me know if you have any questions.

Thank you,

Kevin

Kevin Georges, AIA

KGA Architects

214 Truman Street NE

Albuquerque, New Mexico 87108.1333

505.255.4975



Seven Clover Dispensary

Wendy's
Fast Food • S

Chipotle Mexican Grill
Mexican • S

12105 Sierra
Grande Ave NE

Sierra Grande Ave NE

Sierra Grande Ave NE

Noble Gaming
Video game store

Duke City Janitor Supply

Diamond Nails NM

Awards Etc
Trophy shop

Phillips 66

Camino Retirement
Apartments

Monterey Manor

Sage Roofing

River Rock

Lomas Blvd NE

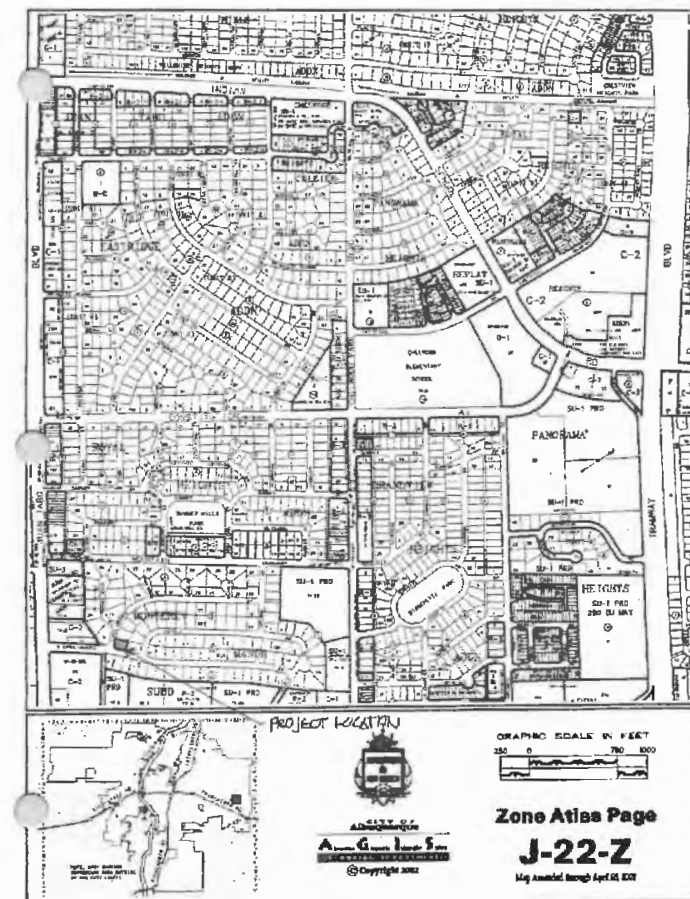
053

Lomas Blvd NE

Lomas Blvd NE

Google

ALL WHEELCHAIR RAMPS LOCATED
WITHIN THE PUBLIC RIGHT OF WAY
MUST HAVE TRUNCATED DOMES.



Design Criteria

NOTE: THIS PROJECT WAS ORIGINALLY SUBMITTED FOR PERMIT AND APPROVED (BP-2011-1056). PERMIT WAS NEVER FILLED BY OWNER. PROPERTY WAS SOLD. NEW OWNER WANTS TO PURSUE THE COMPLETION WITH A NEW PERMIT.

A. ZONING DESIGN CRITERIA

- | | |
|---|---|
| 1. LEGAL DESCRIPTION: | LOT 1 BLOCK B, MONTEREY MANOR ADDITION, BERNALILLO COUNTY, NEW MEXICO |
| 2. ZONING CLASSIFICATION: | R-1C |
| 3. PERMITTED AND ACTUAL USE: | COMMUNITY RESIDENTIAL FACILITY |
| 4. ZONE ATLAS PAGE: | J-22-Z |
| 5. PARKING REQUIREMENTS REQUIRED: 1 + 1/4 BEDS X 11 + 1 + 3 + | 14 |
| PROVIDED: | 4 |



Fire Hydrant Locations

NTS

LOT 1 BLOCK B
MONTEREY MANOR ADDITION



TRAFFIC CIRCULATION LAYOUT
APPROVED

Signed

Date

11/23/21

Casa Grande Rd. NE
(32' R.O.W.)

NOTE: EXISTING GRADES DO NOT EXCEED 8% IN PARKING AREAS.

NOTE: ZONING REVIEW WAS APPROVED THIS PROJECT.

NOTE: ALL BROKEN OR CRACKED SIDEWALK MUST BE REPLACED WITH SIDEWALK AND CURB AND GUTTER (PER CITY STANDARD DRAWING 2430 AND 2434).

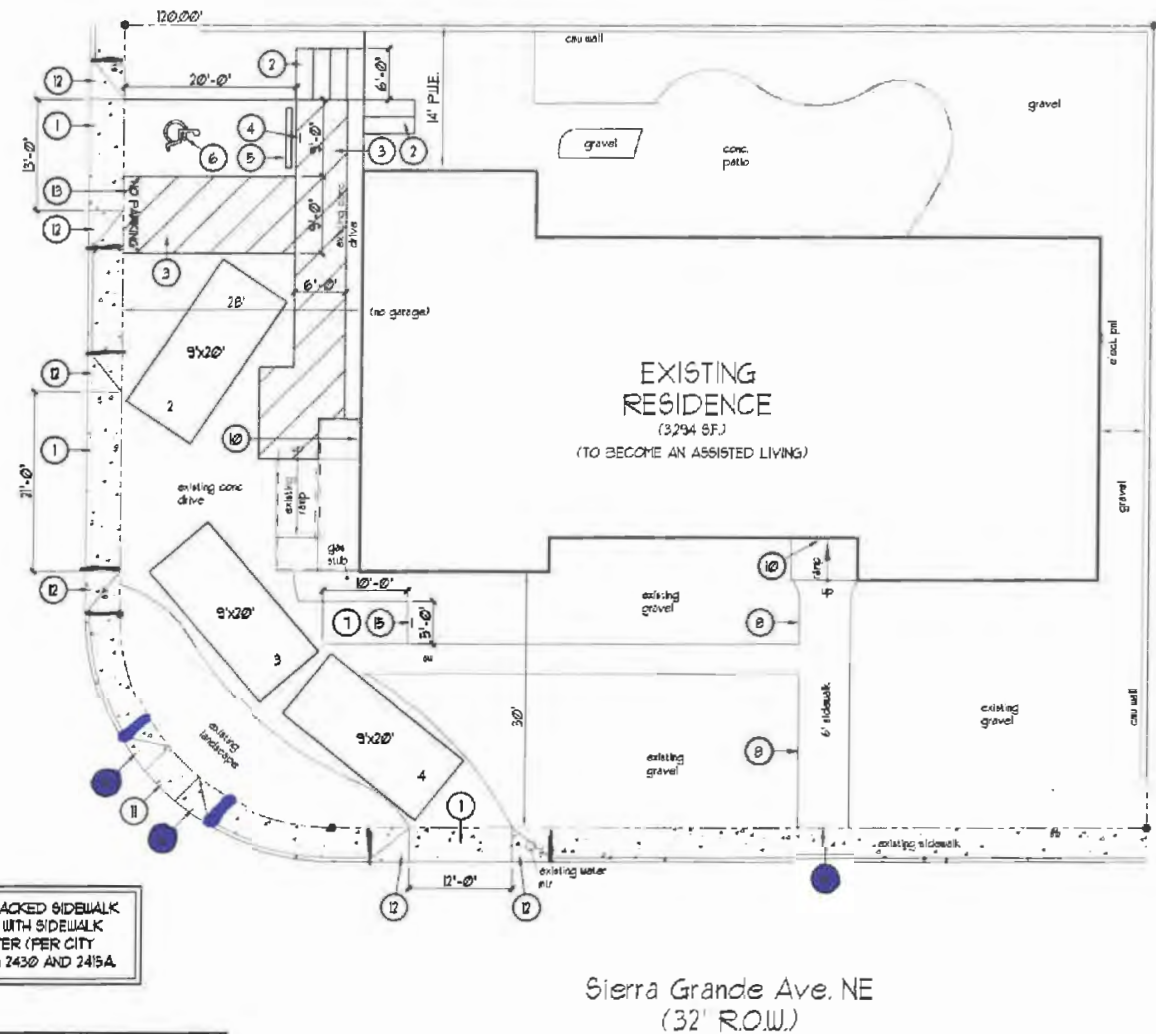
NOTE: EXISTING SITE PLAN, NO CHANGES TO SITE ACCESS, CIRCULATION FOR PARKING AREAS AND DRIVE THROUGH FACILITIES.

Accessible
Parking Sign
1/2" x 1'-0"

International Symbol
of Accessibility
NTS

Motorcycle
Parking Sign
1/2" x 1'-0"

Vicinity Map
NTS



Sierra Grande Ave. NE
(32' R.O.W.)

Traffic Circulation Layout

1" = 10'

LOT 1 BLOCK B
MONTEREY MANOR ADDITION



CITY OF ALBUQUERQUE PLANNING

These plans have been reviewed for code compliance and are:

APPROVED

The Approval of these plans shall not be construed to be a permit for any violations of any code or ordinance of this city.

PERMIT # BP-2021-45028

DATE 12/22/21

Motorcycle
Parking Sign
1/2" x 1'-0"

Vicinity Map
NTS

Kevin Georges & Associates
Architecture & Planning
214 Truman Street NE • Albuquerque, New Mexico 87102-1333 505/250-1871

Keyed Notes TCL:

- EXISTING CURB CUTS.
- BIKE RACK FOR 6 (1 PER 2 DUELLING UNITS (BEDROOMS) X 1/2) ALL BICYCLE RACKS SHALL BE DESIGNED ACCORDING TO THE FOLLOWING GUIDELINES:
 - THE RACK SHALL BE A MINIMUM 30 INCHES TALL AND 16 INCHES WIDE.
 - THE BICYCLE FRAME SHALL BE SUPPORTED HORIZONTALLY AT TWO OR MORE PLACES. COMB / TOASTER RACKS ARE NOT ALLOWED.
 - THE RACK SHALL BE DESIGNED TO SUPPORT THE BICYCLE IN AN UPRIGHT POSITION. SEE THE IDO FOR ADDITIONAL INFORMATION.
 - THE RACK ALLOWS VARYING BICYCLE FRAME SIZES AND STYLES TO BE ATTACHED.
 - THE USER IS NOT REQUIRED TO LIFT THE BICYCLE ONTO THE BICYCLE RACK.
 - EACH BICYCLE PARKING SPACE IS ACCESSIBLE WITHOUT MOVING ANOTHER BICYCLE.
 - BICYCLE RACKS SHALL BE STURDY AND ANCHORED TO A CONCRETE PAD.
 - A 1-FOOT CLEAR ZONE AROUND THE BICYCLE PARKING STALL SHALL BE PROVIDED.
 - BICYCLE PARKING SPACES SHALL BE AT LEAST 6 FEET LONG AND 2 FEET WIDE.
- HANDICAP STRIPING. 4" BLUE LINES AT 36" O.C. AT ACCESS AISLE, 4" WHITE LINES AT 36" O.C. AT ACCESS PATHWAY.
- PROVIDE 'VAN ACCESSIBLE' SIGN PER CITY STANDARDS, SEE 1/TCL.
- PRECAST PARKING BUMPER.
- PAINT ACCESSIBILITY LOGO PER CITY STANDARDS, SEE 2/TCL.
- MOTORCYCLE PARKING. LABEL PAVEMENT M.C.
- WIDEN EXISTING CONCRETE SIDEWALK TO 6' WIDE.
- FLUSH ACCESSIBLE ROUTE.
- ACCESSIBLE ENTRANCE.
- CREATE ADA SIDEWALK CURB RAMP PER CITY STANDARDS (CITY OF ALBUQUERQUE STANDARD DRAWING 2441).
- UPDATE DRIVEPADS PER ADA CITY STANDARDS (CITY OF ALBUQUERQUE STANDARD DRAWING 2435A).
- 'NO PARKING' IN CAPITAL LETTERS EACH OF WHICH SHALL BE ONE FOOT HIGH AND TWO INCHES WIDE. PLACE AT THE REAR OF THE PARKING SPACE SO AS TO BE CLOSE TO WHERE ON ADJACENT VEHICLE'S REAR TIRE WOULD BE PLACED. (PER 66-1-415 N.M.S.A. 1819).
- INCLUDE LANGUAGE 'VIOLATORS ARE SUBJECT TO A FINE AND/OR TOWING'. (PER 66-1-352.4C).
- PROVIDE SIGN FOR MOTORCYCLE PARKING ONLY, SEE 3/TCL.

100% Construction Documents

Adina Assisted Living
12105 Sierra Grande Avenue NE
Albuquerque, New Mexico

Project Title

Drawn By EB Checked By KEG

Proj. No. 202120 Date 11/17/21

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NEW SHEET FOR PERMIT REVISIONS 11/17/21

Revisions

Architect 11/17/21 Engineer



TCL

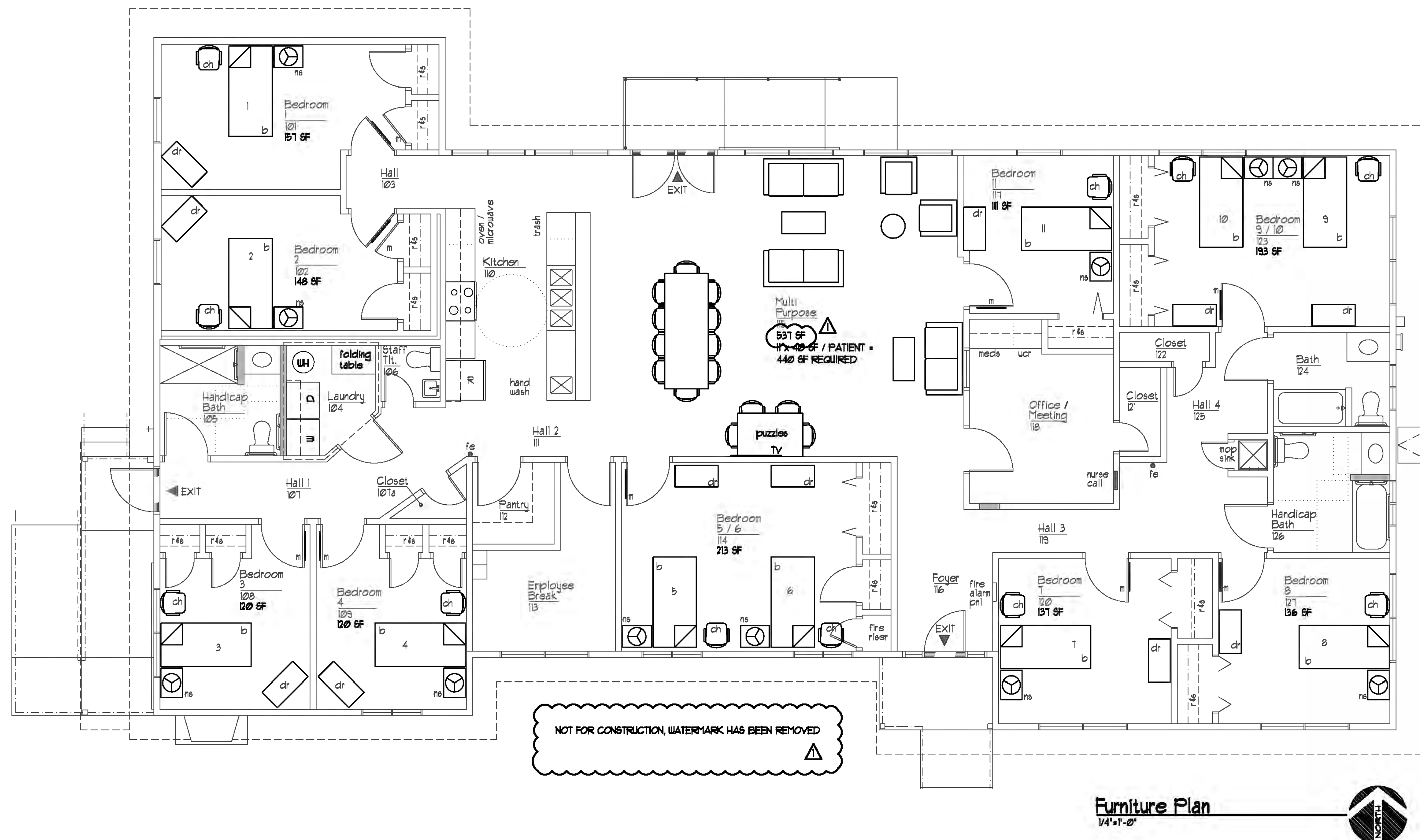
TRAFFIC CIRCULATION LAYOUT

Sheet Title

Sheet 1 of 1



Keyed Notes Fl:



General Notes:

1. FURNITURE IS SHOWN AS A GENERIC LAYOUT FOR COMPLIANCE WITH REGULATIONS ONLY. ACTUAL FURNITURE SIZE, NUMBER AND LAYOUT MAY VARY.

Furniture Legend

- ns NIGHTSTAND WITH LIGHT
- b BED
- ch CHAIR
- dr DRESSER
- m MIRROR ON BACK OF DOOR

100% Construction Documents

Adina Assisted Living
12105 Sierra Grande Avenue NE
Albuquerque, New Mexico

Project Title

Drawn By JA/EB Checked By KEG

Proj. No. 202120 Date 11/17/21

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PERMIT REVISIONS 11/17/21
Revisions Architect Engineer



F1

FURNITURE PLAN

Sheet Title Sheet 8 of 12



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

Jack C Skinner requests a variance of 3 to the required 8 residents in a community residential facility for Lot 1, Block B, Monterey Manor, located at 12105 Sierra Grande Ave NE, zoned R-1C [Section 14-16-4-3(B)(8)]

Special Exception No:..... **VA-2022-00200**
Project No: **Project#2022-007294**
Hearing Date: 08-16-22
Closing of Public Record: 08-16-22
Date of Decision: 08-31-22

On the 16th day of August, 2022, property owner Jack C Skinner (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 to the required 8 residents in a community residential facility (“Application”) upon the real property located at 12105 Sierra Grande Ave NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 3 to the required 8 residents in a community residential facility.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district, or any applicable Overlay Zone.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).

4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Applicant appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned R-1C.
8. The proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(4).
9. The Applicant has authority to pursue this Application.
10. 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(O)(3)(a)(1). Applicant asserted in written submittals and oral testimony that the special circumstances justifying the variance are **tat** the “property was purchased, designed and permitted in 2017 (BP-2017-11056). It was also approved by the NM Dept of Health for 11 beds. No additions were required to meet the minimum requirements. Parking was provided per Code. However, the project needed funding and wasn’t available until 2022.” The ZHE can certainly sympathize with difficult situations. However, these cited circumstances are not terrain-specific circumstances caused by the Subject Property’s size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by the IDO. As such, Applicant’s cited circumstances do not satisfy the requirement of special circumstances under the IDO.
11. Because all prongs of the variance test must be satisfied and, as stated above, Applicant failed to satisfy Section 14-16-6-6(O)(3)(a)(1), the Application must be denied. Out of considerations of administrative and quasi-judicial economy, the ZHE will not summarize any analysis of the remaining prongs of the variance test in this Notification of Decision.

DECISION:

DENIAL of a variance of 3 to the required 8 residents in a community residential facility.

APPEAL:

If you wish to appeal this decision, you must do so by September 15, 2022 pursuant to Section 14-16-6-4(V), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional

use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Jack C Skinner, jake87125@gmail.com
Kevin Georges, keg@kga-architects.org
John T sandytroop54@gmail.com
Linda Martinez- Ortega, lyndamartinezortega@gmail.com
Vicki Klammer vjklammer@gmail.com
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Jeff Miller golfnjeff@gmail.com
Gemma Morris morris.gemma@gmail.com
Tommy Donham, tdonham@juno.com
Viki Cox, vikicox@gmail.com
John Thomas Folkner, 12104 Sierra Grande, 87112
Betty Russell, 12204 Casa Grande, 87112
Don Martindel, 12300 Viola, 87112,
Shawn Cox, 12108 Sierra Grande, 87112
Cindy Miller, 12208 Casa Grande, 87112
Dwane Coch, 12216 Viola Ave, 87112
Donna Russell, 12204 Casa Grande, 87112

VA-2022-00200
Applicant: Jack C. Skinner
Agent: Kevin Georges
Appeal- 12105 Sierra Grande Ave NE



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

MINUTES

August 18, 2022

600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:

Robert Lucero – Zoning Hearing Examiner

Lorena Patten-Quintana – ZHE Planner, Planning Department

Suzie Sanchez – Hearing Monitor

VA-2022-00200
Applicant: Jack C. Skinner
Agent: Kevin Georges
Appeal- 12105 Sierra Grande Ave NE

ZHE: Next on the agenda is item 31. It's VA-2022-00200 project number PR-2022-007294 Jack C. Skinner requests a variance of 3 feet to the required - - I'm sorry of three to the required eight residents in a community residential facility for Lot 1, Block B, Monterey Manor which is located at 12105 Sierra Grande Ave. NE and it's zoned R-1C. Do we have Mr. Skinner on the line or applicant or agent?

J. SKINNER: Yes, I'm here.

ZHE: Hello, sir. Would you please state your full name mailing address for the record? Oh, looks like you muted there, sir. Let's see if we can get you... There you go.

J. SKINNER: Jack C. Skinner, and its P.O. Box 27308 in Albuquerque and it is 87125.

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

J. SKINNER: Yes.

ZHE: Thank you, sir. Go ahead.

J. SKINNER: Yeah, so we have this great assisted living facility up in the Northeast Heights and it has been in various stages of construction over the last several years and the head architect and the project manager is on the line with us now and I'd like to turn it over to him, Mr. Kevin Georges.

ZHE: Thank you, sir. Are you there Mr. Georges?

K. GEORGES: Yes, can you hear me?

ZHE: Yes, I can hear you, sir. Would you please state your full name and mailing address for the record?

K. GEORGES: Yes, Kevin Georges 214 Truman St. NE., Albuquerque, NM 87108.

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

K. GEORGES: I do.

ZHE: Thank you, sir. Go ahead.

K. GEORGES: Okay, this particular project, we started it back in 2017. It was designed for 11 beds. It was approved by the zoning department in March of 2017. We also submitted it to the New Mexico Department of Health which, which got approved by them. The owner of the

property couldn't get financing for the construction so, it sat for a number of years until Mr. Skinner purchased it and took it over. And then, we submitted again for a building permit and it was approved in 2021. I'd like to share my screen here.

ZHE: Sure.

K. GEORGES: This property is located on the corner of Sierra Grande and Casa Grande. It's this property right here on the corner. As I said, we, we got our building permit approved in December of last year and we submitted again to the Department of Health and it was approved again in 2021. It is, it was designed for 11 beds. You can see here on the corner, we've got parking for four parking spaces. The City requires one space plus, one space for every four beds and so, we were required to have four parking spaces which we have on the property. It doesn't matter whether we have 8 beds or 11 beds, the parking stays at 4 required. Here you can see the City approval stamp for the building permit. This is the floor plan and you can see there's a large multipurpose room here in the center with the kitchen. We, we've always shown it as 11 beds. It doesn't make a difference whether we have 8 or 11, the exterior of the building stays the same. Item number 2, the variance will not be materially contrary to the public safety, health and welfare. As noted before, we're not doing any additions to the building. It's all interior to the building. It's a large 3,300 square-foot building. No additional parking is required to accommodate 11 beds versus 8. The variance does not significantly have adverse impacts on the surrounding properties. Again, all the construction is on the interior of the building so, it doesn't affect anything on the outside or the neighbors. As I told you, the parking is the same for 11 as it is for 8. Number 4, the variance will not materially undermine the intent and purpose of the IDO, 11 beds has the same residential feel as the 8. We could just as well have the house next-door turned into an assisted living and we could have you know, 16 of them here but we want to just have the 11. There's a shortage of assisted-living in the nation. As the population of the nation is getting older, more of these are going to be necessary so that they're not all put in nursing homes which is where people get warehoused and forgotten. Item number 5, the variance, if the variance is approved, is minimally to avoid extraordinary hardship or practical difficulties. By reducing the beds from 11 to 8, it significantly reduces the operating for the facility the - - It's gonna have, you know, three staff members whether it has 8 or 11. So, the seller would rather have the 11 beds versus the 8. We've gone through the City Zoning Department, the Building Department. Like as I said before, we submitted this to the state health department, their regulations are the same for hospitals and nursing homes and we've met all their requirements. This complies with the IDO. The owner tried to contact the neighborhood association to meet with them, to show them the project. He's never heard from them so; we're assuming that they're okay with the project. He's issued the letters to them as required by the IDO and we would really appreciate your approval of this Mr. Lucero.

ZHE: Thank you for sharing your screen. I do see that we have that, those plants in the record but if there's anything that you've shown that's not in the record, please email it to Ms. Sanchez by this Friday.

K. GEORGES: Sure.

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Agent: Kevin Georges
Appeal- 12105 Sierra Grande Ave NE

ZHE: And, we'll make sure that's it's included.

K. GEORGES: You bet.

ZHE: Okay, well why don't we...

K. GEORGES: So, it's really been approved?

ZHE: Yeah, let's see if there's any a public comment and then you'll get the chance to respond. Was there anything else, was there another, third person that wanted to speak on behalf of the applicant?

K. GEORGES: No, I don't believe so.

ZHE: Okay. All right. Very good. Let's see if there's public comment and then of course you'll get the chance to respond. So, for everybody on the line, this is item 31. It's a request for a variance of 3 to the required 8 residents in a community residential facility at 12105 Sierra Grande NE. Please raise your hand if you'd like to speak on that item. I see Jeff Miller with a hand raised. Are you there?

J. MILLER: Yes.

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

J. MILLER: My name is Jeff Miller. I live at 12208 Casa Grande Ave. NE., Albuquerque, NM 87112.

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

J. MILLER: I do.

ZHE: Thank you, sir. Go ahead.

J. MILLER: I've got a few items I wanna touch in the shortest period of time I can. I have protective covenants that were establish for the neighborhood in 1963 and they're still in effect. It states that all of the lots will be used for residential purposes. No building shall be erected, altered or placed or permitted to remain for anything other than single-family dwellings. The property has been in various stages of construction since 2016 where the neighborhood association was actually developed because of Dale Hensel purchasing it and wanting to convert it to assisted living facility. It had not been for several years since 2011, licensed for assisted-living and it had a license for 7 residents at that time and we were able to stop him from changing the zoning from residential to commercial so, that he could have 14 residents and then he basically abandoned the property. And, it's changed hands twice. I think actual ownership

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may have sort of been the same but it's sold at one point in 2020 for \$250,000 and then it currently, most recently sold for \$519,000 and it was listed at \$545,000. There's some discrepancies on the square footage of the property but if you do the math, they deducted, I think the buyers deducted 173 square feet from the measurements and then asked the seller to reduce the price \$26,296 which would have taken it down to 519. I kind of find it interesting that Mr. Skinner is present but Mr. Don Dwyer also listed on the tax records isn't present. I am not sophisticated enough to do the screen share like everybody else but, this is not going to be visible. This is showing various assisted living facilities within a half a mile that we already have. We don't need any other assisted living facilities let alone to go from 8 to 11 and none of the residents...

HEARING MONITOR: Excuse me, Robert. The time limit is up.

ZHE: Thank you, Suzie. Mr. Miller go ahead and finish your thought there, sir.

J. MILLER: Okay. None of the residents in this neighborhood, some are original since 1963 are going to utilize the assisted living facility and one last important point I want to make. Mr. Skinner is a registered sex offender and has been incarcerated for that and he requested early release which was denied. And, in those court documents he admitted that his crimes were crimes of violence toward young boys where he had obtained over a thousand photographs and 31 videos of sexually explicit material for primarily young boys and will he be required to register at this address or is all he had to do is add his 2nd Street?

ZHE: Mr. Miller, thank you for your testimony. Let's see, I see a John Faulkner with a hand raised, are you there, sir?

J. FAULKNER: Yes, sir.

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

J. FAULKNER: Sure, my name is John Thomas Faulkner it's 12104 Sierra Grande Ave. NE. 87112.

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

J. FAULKNER: I do.

ZHE: Thank you, sir. Go ahead.

J. FAULKNER: Just a couple of pick up my points. So, it's always interesting to me when people who are designing or developing a project use the phrase, "it doesn't matter." It matters to people who live here. Things like, I understand they have four parking spaces at the facility because I live literally right across the street from it. So, I've seen this place broken into more

times than I can count and the police there to respond to it. So, I do appreciate the fact that it's now going to be utilized and occupied and it won't be a hangout for homeless people, that's swell. They put 4 parking spaces in front of the place, my house is right across the street from it. My mother was in assisted living for several years and I don't think I ever had an opportunity to park in the normal parking spaces at the house so, where would I park? Across the street. And, I suspect that with 8 residential beds there, it's possible that you could get just enough people visiting that, everyone tends to park in the assigned parking spaces but when they can't, some may park in front of the facility itself but if they're coming up Casa Grande, they're headed East on Casa Grande they're likely to just pull up in front of my house. So, I think my house is going to end up being the parking space that a lot of people use. It'd be more convenient than pulling into the little parking lots and spots that are there at the building. Just because they're there doesn't mean that people will use them. We already have, as pointed out previously, some assisted living in the neighborhood, in the area directly behind my house, the wall directly south of my house is a wall shared by an assisted living facility, multi-story assisted living facility. I believe there's actually two back there but one for sure and we regularly get several times a week, ambulance calls and calls for service to that facility and I think this is simply going to put another facility, it's just a one story and I get it so, it's only you could say, only 11 beds but it's gonna be a one story assisted living facility that won't just have visitors and staff but it will also have ambulances coming periodically and those sirens in the middle of the night and that type of action going on and I already get that from the people behind me and my neighbors get that. So, we're not at all excited about the idea of adding any more beds more than the 8 that we've already heard about and I mean, if I could do this without...

HEARING MONITOR: Excuse me, Robert. The time limit is up.

ZHE: Thank you, Suzie.

J. FAULKNER: Thank you very much.

ZHE: Mr. Faulkner, go ahead and finish that thought.

J. FAULKNER: That's okay. We can do this with no beds at all if it was just a residential house single-family dwelling that'd be great but that's not the point we're talking about right now so, thank you for your time.

ZHE: Thank you, sir. Let's see, I see a person with a hand raised. It says iPad5. Are you there? iPad5, are you there?

B. RUSSELL: Hello.

ZHE: Hello.

B. RUSSELL: Yes, I am. Thank you.

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

B. RUSSELL: Betty B. Russell, 12204 Casa Grande Ave NE, 87112.

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

B. RUSSELL: I do.

ZHE: Thank you, go ahead.

B. RUSSELL: Thank you, Mr. Lucero. I too will live next door to this facility and I'm speaking to you concerning the fact, the request for the conditional variance to larger people in the property than the current regulations allow. One of the appealing aspects of this neighborhood, when we first looked at it and we moved here in 1982 and the rest of our neighbors have all been here quite a long time also is that, this neighborhood exhibits a family appearance. And, one of the main concerns that has been addressed is the parking and it's going to relate to me also. One of the things that the purchaser of the property has mentioned is that they have the parking spaces but, he didn't mention the fact that these facilities are required to have a patient, staff ratio. So, if there's a larger staff, I mean, a larger patient ratio, there's going to be larger staff and that's going to be more cars. And, more vehicles to be parked and so then, when people who are coming to visit come, they are not going to have any place to park because the staff is already going to be parked there. So, guess what? They're going to be parking on our sides of the streets and close to our driveways. I also wanted to mention, the fact came up about the ambulances. Parking nearby in any of the residences will involve interrupting lights and noises and motor noises. Especially...

HEARING MONITOR: Excuse me, Robert. The time limit is up.

ZHE: Thank you, Suzie. Go ahead and finish your thought, ma'am.

B. RUSSELL: Especially, relating to night, change of nighttime shifts. There's going to be nighttime staff and one final thing, a larger patient facility would definitely impact and change the serene nature of our neighborhood, especially for any homes within a certain radius. Thank you very much, sir.

ZHE: Thank you for your testimony. I see Don Martindale with a hand raised. Are you there, sir?

D. MARTINDALE: Yes, sir. Thank you, Mr. Lucero. I have...

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

D. MARTINDALE: Yes, Don Martindale, 12300 Loyola Ave NE, Albuquerque, NM 87112.

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

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D. MARTINDALE: Absolutely.

ZHE: Thank you, sir. Go ahead.

D. MARTINDALE: First, I would like to ask a procedural question that doesn't take part of my two minutes.

ZHE: Go ahead, sir.

D. MARTINDALE: The sign on the property basically was posted on August 1st and it says it has to be posted until September 15th. That's 45 days. This hearing is being held within 15 days and all of these cases prior to this, you've said there will be a written decision within 15 days of this hearing. Well, that sounds kind of ridiculous because why is the sign even going to stay up there 15 days after your decision? Is that actually right or should this hearing not be held until September 15th?

ZHE: I see, yeah. The post hearing, posting of the sign is to allow continued notice in the events someone wishes to appeal.

D. MARTINDALE: Okay.

ZHE: The appeal period runs from 15 days after. There's a chance for people to appeal the decision.

D. MARTINDALE: Okay, just as a member of the public, that does not seem reasonable or long enough but I understand your rules and respect them. Number 2, and this is procedural, none of these people have had enough time. Two minutes is not enough time to present our concerns per person. So, again, that's not in your control, it's the rules and I respect that. With that, respectively said, I'd like to start my 2 minutes.

ZHE: Go ahead, sir.

D. MARTINDALE: Okay, number 1, I'm going to address items 2 and 3 in the, with the petitioner's request, 2 and 3, 2 says this is not an addition to the building. Number 3, you cannot tell the difference in the exterior or the construction here. Number 1, that building has additions, there's no question and if he is not realized that, I think this is not honest. That buildings garage was converted. That building had then a 2-car carport added. Then, that 2-carport was turned into a two-car garage. Then, that carport, new 2-car garage was completely torn down and then, they added two bedrooms which is a major addition to the north side of this property and it's done in stucco. It does not go with the feel of our neighborhood. These houses are rock, brick, everything. It's become an eyesore. Also, the entire west side of this property is nothing but a sheet of concrete, it looks horrible. Moving forward. That's 2 and 3. So, that's not fair. Number, I wanted to address number 4, the project with 11 beds maintains a residential feel of zone district, nothing changes the exterior 11 to 8. This project is practically for all purposes, a commercial income producing venture, that's all there is to it. This project will not maintain the residential feel of this neighborhood. Please consider the following traffic concerns which are

undeniable. Hold on just a moment. This will definitely increase traffic flow into the neighborhood. Unfortunately, our neighborhood already has traffic problems. Our neighborhood is being used as a bypass for between Juan Tabo to Lomas, so people avoiding...

HEARING MONITOR: Excuse me, Robert. The time limit is up.

ZHE: Go ahead, sir. Go ahead and finish your thought.

D. MARTINDALE: Okay, so, what's going to increase here is, this will drastically increase traffic in the neighborhood and there will definitely be traffic from care providers including nurses, home healthcare aides, chaplains, physicians, respite providers, Durable Medical Equipment trucks, healthcare professionals, employees of the facility, care planners, social workers, insurance care coordinators, food deliveries, family visits including family, loved ones. There's no way. They're asking for increasing from 8 to 11 is a 37.5 in percent increase. There's no way this isn't going to stop the traffic. In addition to that, number 5, I find it disingenuous that they're stating that by reducing it from 11 to 8, well it's never been 11. That's not right. They're increasing. The way it's worded is not even proper. So, that's not right and then, just on 5, I just wanted to finish one little spot here on 5 and then I will be finished. Excuse me, I'm sorry. I got unorganized here. Basically, the petitioner has created a self-imposed hardship. In the past, they're talking about hardships because of the land or the property. This is a personal, financial hardship for a business. He is not buying this for a residential area. This is for a business. I cannot believe you would make a variance to help somebody increase their income. So, as you can tell or probable guess, I am vehemently, adamantly opposed to allowing this variance. Thank you.

ZHE: Thank you, Mr. Martindale.

D. MARTINDALE: Thank you, I appreciate it Mr. Lucero.

ZHE: Thank you, sir. All right, let's see, I just want to call one more time to make sure everyone knows, we're on agenda item number 31 and if there's anyone who hasn't yet spoken that would like to speak, please raise your hand. Let's see, I see ShaunCox@Gmail.com, are you there?

S. COX: I am.

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

S. COX: Yes, Shaun Cox, 12108 Sierra Grande NE. I'm John's neighbor, directly next to him, caddy corner from the house.

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

S. COX: It will.

ZHE: Thank you, sir. Go ahead.

S. COX: I'd like to say, I share the neighborhood's concern with it moving from 8 to 11 but I would also welcome an 8 facility, an 8-bed facility. The house has sat vacant for the last 6 years and it has been just a nightmare. It's been people coming, breaking in at all hours and all during the week and call after call to the police and they can't do a whole lot other than chase them away and then they come back the next day or that night. And so, I'd like to see it, I'd like to see it vacated, I'd like to it inhabited and I think an assisted living program would be a fine inhabitation for it. But again, I recommend an 8 facility, not the 11.

ZHE: Thank you, Mr. Cox. Let's see, I see Ms. Miller with a hand raised.

C. MILLER: Yes.

ZHE: Are you there?

C. MILLER: Yes, yes.

ZHE: Okay.

C. MILLER: Yes, I'm here.

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

C. MILLER: Cindy Miller, 12208 Casa Grande Ave NE, Albuquerque, 87112.

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

C. MILLER: Yes, I do.

ZHE: Thank you, go ahead, ma'am.

C. MILLER: Okay, I am the president of the neighborhood association and I did personally speak with Jake Skinner so, I don't know where Mr. Georges, I didn't speak with him but I did speak with Jake Skinner approximately a week ago and told him that the neighborhood was largely opposed to this change. I have, I have 21 letters of objection. I'm, some of them did not get to you guys in time, I know, but, like I said, I did talk to Mr. Skinner. And, I have parts of a letter I'd like to read. In response to paragraph 5 of the variance justification letter and I believe I get 5 minutes because I'm...

ZHE: Yes. Go ahead.

C. MILLER: Thank you. Which focuses on the variance is the minimum necessary intervention to avoid extraordinary hardship or practical difficulties; the petitioner states that reducing the number of beds from 11 to 8 will significantly reduce the operating capital necessary to keep this facility operational it will create an unnecessary hardship for the owner. Again, that is a self-imposed hardship, as Don Martindale said which - - In response to paragraph 2, which focuses on public safety, health and welfare, the petitioner focuses on parking. Assuming the petitioner

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was truthful when they provided me with information on the age of residents, there are several questions left unanswered. The petitioner indicated they needed an 11-bed facility to be profitable, however, this is 3 or more if a couple shares a bed, additional residents that staff will have to look after. Sierra Grande is already used by many drivers to avoid the intersection of Juan Tabo and Lomas. The property sits at the corner of Sierra Grande and Casa Grande and is very close to the parking lot of a commercial strip set back from Juan Tabo. Increasing the number of residents in the facility, will likely be in early stages of dementia, the health of some residents at this facility if they are unsupervised because staff is even slightly overwhelmed may be jeopardized by the traffic on the street. The petition - - In paragraph 4, the petitioner to justify how the requested variance will not undermined the intent and purpose of the IDO or the applicable zoning district. The petitioner's response, again focuses on the exterior of the property, this request for variance raises several additional questions. According to the IDO, within the definition of a community residential facility, one of the approved uses is for handicapped individuals. However, the term handicap does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. The question is, if this variance is approved, can the petitioner use the property as a recognized drug treatment facility for up to 11 patients, rather than for the elder care? The IDO defines a communal residential facility small as a facility housing between 6 and 8 individuals that do not meet the definition of family. A residential facility large is a facility housing between 9 and 18 individuals that do not meet the definition of family in which personal service, personal assistant, personal care and or protective care provided. If the variance is approved, the property would be reclassified as a large facility. Would the petitioner then be able to increase the number of beds to the maximum allowed in a large residential facility? 18 or somewhere I between the number of 12 and 18? So, those both questions we would like to get an answer for. And, like I said, the neighborhood association has talked, we have been on email and chat and they are largely opposed. We're a small little boutique neighborhood and we want to keep it that way. Thank you for your time.

ZHE: Ms. Miller, what's the name of the neighborhood association that you represent?

C. MILLER: Monterey Manor Neighborhood Association.

ZHE: Thank you. Thank you very much.

C. MILLER: Thank you.

ZHE: Let's see. I see Duane Koch with a hand raised. Are you there?

D. KOCH: I'm here.

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

D. KOCH: My name is Duane Koch, I live at 12216 Loyola Ave NE.

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

D. KOCH: Yes, I do.

ZHE: Thank you, sir. Go ahead.

D. KOCH: I've lived in the neighborhood since 1996. I have bought and sold a couple houses in the neighborhood and when I do buy them, we go through these houses, which were built in like 60's and 70's. We go through and completely upgrade and make them brand new. I did try to make a little bit of a run with that house when it was tied up back in the day when this was going on a few years ago but my intentions were to make it into a, more of a single-family residence. I saw what they were doing with chopped up bedrooms and everything else. And I just, I'm with everybody else about this traffic. Schools are now just started and yesterday, for an example, there's cars parked on both sides of Sierra Grande going up and here comes a Manzano kid barreling down Sierra Grande. It's like everybody is saying, it's already a short cut and they come out down Loyola going the same way. We have cars going around and everything else. So, the added traffic is a huge concern. Besides that, in 2000 to 2002, I was involved in some assisted living homes for the Developmentally Disabled on the DD Weber Program and The State of New Mexico Department of Health and we would do 3-bedroom facilities, with 3 occupants in each room. With just the staff we needed, oxygen deliveries, they would go to a day care thing in the day so, there was constant, a lot more traffic than they're leading on here. So, I vote, if they're gonna do it, the 8 beds should be absolutely enough. You set precedence by giving a variance this. What's that going to do to the future of our neighborhood? And, the next company that wants to come in there and build it for profit, you know? With the assumption that they need more of this and I'm totally against it. I just wanted to put in my two cents. Thank you for your time, Mr. Lucero.

ZHE: Thank you, sir. I appreciate your participation today. For everybody on the meeting, again, this is agenda item 31. If you haven't yet spoken and you'd like to address this item, please raise your hand. Let's see, I see Donna Russell? Are you there? Hello? It looks like you might be muted, there.

D. RUSSELL: Okay, sorry.

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

D. RUSSELL: I will. It's Donna Russell and it's 12204 Casa Grande Ave NE, 87112.

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

D. RUSSELL: Yes, I do.

ZHE: Thank you. Go ahead.

D. RUSSELL: I won't take a lot of time but for all of the reasons that you have heard, I am vehemently opposed against this also. My bedroom, my - - We are the house right next to the care facility and my bedroom faces that care facility and it's already been totally disturbed by everything that's going on and if you increase the number of houses it increases the traffic. My window faces the street and it is very disturbing to have to you know see all of this stuff and with all the additional traffic that's going to be going by day and night because let's face it, when people have emergencies, it's not usually during the day, it's at night. With ambulances and everything else coming in. And, I just, I, for all of those reasons, I think that it, just increasing the number will just increase all of that. You know, like they said, it's a 33% increase and it just, it's just going to be very disturbing and I don't think it's necessary other than for the mighty buck.

ZHE: Thank you, Ms. Russell. I appreciate your participation.

D. RUSSELL: Thank you.

ZHE: I see, is it Julian Cordova with a hand raised? Are you there?

J. CORDOVA: Julian Cordova 12504 Laurel Ave.

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

J. CORDOVA: Yes.

ZHE: Thank you, sir. Go ahead.

J. CORDOVA: I, myself have been in the neighborhood 7 years now as a homeowner and as previously stated by everyone else, the traffic up Sierra Grande around the short cut around Juan Tabo and Lomas is horrific. The driver's speed up and down. It is a very small, very quiet neighborhood. I think we all enjoy walking outside, walking our dogs. The traffic alone is a nightmare. This traffic that this is going to create is unthinkable. I, I myself, I didn't grow up next to it but a friend of mine did that I spent a lot of time next to a 4-bed assisted living and as previously stated, there are constant deliveries. There are constant traffic back and forth. Now that's half the size. I don't live directly next to this property. I live close, it will impact me to hear the sirens to see the lights in the middle of the night when you have emergencies. Again, it's not really going to happen during the day, if it does, it's a little quieter. It's the disruption of this quiet neighborhood and a huge impact for all of us. And, what this opens the door to, for our neighborhood, past this is unthinkable and I very much am opposed to this.

ZHE: Thank you for your testimony, Mr. Cordova.

J. CORDOVA: Thank you, Mr. Lucero.

ZHE: Again, everyone on the meeting, this is agenda item 31. If you have not yet spoken and you would like to speak on this matter, please raise your hand. Agenda item 31. I'm scrolling

through the participant list and I don't see anyone else who'd like to speak. Last call for agenda item 31. Okay, Mr. Skinner, Mr. Georges, you heard the public comment. Would you like to respond?

K. GEORGES: Yes, first, I'd like to address Cindy Miller. I was not aware that Jake had spoken to you. I asked him a number of times if he had heard from the association and I've been constantly told that he hasn't. So, I apologize that I wasn't aware that you had spoken with him. I wish I had talked to you. There was a comment made about the facility behind someone, that is actually a nursing home. It is a large facility, it is a commercial facility. Ours is considered residential. We - - We're going to be limited to 11 patients. We can't make this any bigger than it is. We've already been approved by the state health department for that many. They have certain requirements and we would have to meet those requirements and that's impossible for us to do that by making this any bigger. There was a comment about the property being made, additions made to the property. When we took this project over in 2017 we did an as builds to the property and it has not changed since we did those in 2017. What happened before then, I'm not aware of. The question on the justification letter doesn't say you know, from when it was built, was there any additions to it? That's why I answered it that there hasn't been any additions. We - - I'm going to my notes, here. There was a comment about the property being vacant, yeah, Mr. Skinner has been on the property since the beginning of the year and he's gonna be completing the construction here very soon and so, it's going to be occupied. As I said at the beginning, the IDO allowed us to have 11 in 2017 and we - - There was a requirement that if there were 2 assisted living's they had to be at least 1,500 feet apart and now, that requirement is not there. We could have another one right next door to ours and you think there's a traffic problem, there would be a definite traffic problem then. We don't believe that going from 8 to 11 is going to create more traffic than there is for 8. Residential, commercial, traffic... Jake, do you have anything you want to add?

J. SKINNER: I think...

K. GEORGES: There was a comment made by Miller at the beginning made about you. So, I'm not sure if you want to address that or not but I don't believe that was appropriate to bring up at this hearing.

J. SKINNER: Thank you. I appreciate you responding to all of the other comments. And, I personally do not live there. I will never live on the property and so, that should not be a concern. That is - -I'm simply there to perform the job, my job that I give myself is that I take distressed properties and I fix them and I leave them in better condition than when I found them and that's my role in this project and I personally will never live there.

ZHE: Thank you. Thank you, gentlemen. I had a couple of questions just to follow up if you'd address them please. The first one is just sort of technical. It's that the, based on owner, the way that we determine who the owner of the property is and whether there is a, whether the applicant has the right to bring the application. We look at the County records and the County records

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show it's owned by Don Dyer, c/o Rezlo Properties, LLC and I understand that there's been a recent purchase. Could you send Suzie Sanchez documents showing ownership in the applicant by this Friday? That would satisfy that little technicality there.

J. SKINNER: Yeah, it was sold under a real estate contract so, he may remain as the owner until the contract is satisfied. It could be many years in the future.

ZHE: Okay. Yeah, if you could send us the, you know, I assume the real estate contract was recorded and is public record so, if you could send us a copy of that and that would suffice.

J. SKINNER: I will get that to you for sure.

ZHE: Thank you. And then, secondly, you know, there was some discussion of the other, many of the criterion for approval but one that sort of I feel may not have been adequately addressed was the first variance criterion which is that, there must be special circumstances that are applicable to the lot itself. You know, it's something physical about the lot like its size, shape, topography, location surrounding, physical characteristics. What is it about this lot that's different than other lots in the area you know, in the area or in that zoning code that raises the need for this variance?

K. GEORGES: Well, it's a large piece of property that allowed us to design it for 11 beds. You know, if we'd had purchased a 2,000 square foot house, we wouldn't be able to put 11 in there, we could have only got 5 or 6. So, the difference in this property is that it's larger.

ZHE: Is it larger than other lots in the neighborhood or surrounding area?

K. GEORGES: Some.

ZHE: Okay.

K. GEORGES: I wouldn't say all of them.

ZHE: All right. Very good. Well, thank you for all of the submittals and the testimony and thank you also to everyone from the public and neighborhood association who have spoken and submitted written materials. I definitely value your participation, you've given me a lot to think about consider and I'm going to do my best to weigh out all the evidence and decide it on the merits and I'll take everything under consideration and issue the written decision in 15 days. Thank you everybody.

J. SKINNER: Thank you.

ZHE: Thank you. That concludes agenda item 31.

NOTICE OF APPEAL

September 19, 2022

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on September 16, 2022. 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 Ernesto Alfredo Salas, Planning Senior 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 Mandi Hinojos, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-22-19
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2022-007294-VA-2022-00200-VA-2022-00270

APPLICANT: Jack Skinner
12105 Sierra Grande Ave. NE
Albuquerque NM, 87112

cc: Mandi Hinojos, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
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Shawn Cox, 12108 Sierra Grande, 87112
Cindy Miller, 12208 Casa Grande, 87112
Dwane Coch, 12216 Viola Ave, 87112
Donna Russell, 12204 Casa Grande, 87112



ZONING HEARING EXAMINER'S AGENDA

TUESDAY, August 16, 2022 9:00 A.M.

Join Zoom Meeting

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

Meeting ID: 704 449 0999

One tap mobile

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Dial by your location

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+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 704 449 0999

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

Robert Lucero, Esq., Zoning Hearing Examiner

Lorena Patten-Quintana, ZHE Planner

Suzie Sanchez, ZHE Administrative Assistant

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

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at

suzannasanchez@cabq.gov

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

INTERPRETER NEEDED:

1. VA-2022-00180

Project#
PR-2022-
007281

Mario and Melva Olivas request for a permit wall major in the front and street side yard for Lot 20, Rio Grande Heights Addn, located at 439 52ND ST SW, zoned R-1B [Section 14-16-5-7(D)(3)(g)]

- | | | | |
|----|---------------|----------------------------|---|
| 2. | VA-2022-00186 | Project#
PR-2022-007283 | Eloy Rodriguez Estrada requests a carport permit for Lot 13, Block 7, Sunrise Terrace Unit 1 Phase A3, located at 10424 Ongais Ave SW, zoned R-1A [Section 14-16-5-5(F)(2)(a)(3)(b)] |
| 3. | VA-2022-00187 | Project#
PR-2022-007284 | Jose Nunez requests a wall permit major in the front yard for Lot 7, Block 9, Skyview West Amended Replat, located at 7508 Forsythe RD SW, zoned R-1B [Section 14-16-5-7(D)(3)(g)] |
| 4. | VA-2022-00188 | Project#
PR-2022-007284 | Jose Nunez requests a variance of 3 ft to allow for a 6 ft solid wall in the front yard for Lot 7, Block 9, Skyview West Amended Replat, located at 7508 Forsythe RD SW, zoned R-1B [Section 14-16-5-7(D)(1)] |

OLD BUSINESS:

- | | | | |
|----|---------------|----------------------------|--|
| 5. | VA-2022-00151 | Project#
PR-2022-007122 | Daniel Gallegos requests a permit wall major in the street side yard for Lot 8, Block 1, Atrisco Ct, located at 9800 Ryno CT SW, zoned R-T [Section 14-16-5-7(D)(3)(g)] |
| 6. | VA-2022-00152 | Project#
PR-2022-007122 | Daniel Gallegos requests a variance of 3 ft to allow for a 6 ft high solid wall on the street side for Lot 8, Block 1, Atrisco Ct, located at 9800 Ryno CT SW, zoned R-T [Section 14-16-5-7(D)(1)] |
| 7. | VA-2022-00155 | Project#
PR-2019-002179 | Jana Quintero requests a conditional use to allow for cannabis retail within 600 ft of another cannabis retail location for Lot 6, Block 8, Mesa Grande Addn, located at 4012 Central Ave SE, zoned MX-M [Section 14-16-4-3(D)(35)(c)] |
| 8. | VA-2022-00157 | Project#
PR-2021-006322 | Joes Properties, LLC (Agent, Consensus Planning) requests a conditional use to allow artisan manufacturing in an MX-T zone for Lot 232A Old Town Pk, MRGCD Map 38, located at 522 Romero ST NW, zoned MX-T [Section 14-16-4-3(E)(1)] |
| 9. | VA-2022-00158 | Project#
PR-2022-00158 | LaLynn Hines requests a variance of 3 ft to the allowable 3 ft fence/wall in the front and street side yard for Lot 1, Townsend Addn, located at 6102 Central AVE SW, zoned MX-M [Section 14-16-5-7(D)(1)] |

NEW BUSINESS:

- | | | | |
|-----|---------------|----------------------------|---|
| 10. | VA-2022-00173 | Project#
PR-2022-005169 | Brittany Love (Agent, Teresa King) requests a variance of 10 ft to the required 10 ft rear setback for Lot 266A, MRGCD Map 38, located at 2311 Hollywood Ave NW, zoned R-1A [Section 14-16-5-1(C)] |
| 11. | VA-2022-00174 | Project#
PR-2022-007277 | Marcus Hill requests a conditional use to allow for cannabis cultivation within 300 ft of a school or daycare for Lots 22-23, Block 3, Mesa Verde Addn, located at 134 Tennessee ST NE, zoned MX-M [Section 14-16-4-3(E)(2)(c)] |

12.	VA-2022-00175	Project# PR-2022-007278	Russell Jones requests a wall permit major for Lot 12, Block 7, Gilchrists-Nora E, located at 229 Truman ST NE, zoned MX-T [Section 14-16-5-7(G)(3)]
13.	VA-2022-00176	Project# PR-2022-007278	Russell Jones requests a variance of 3 ft for a solid wall in the front yard for Lot 12, Block 7, Gilchrists-Nora E, located at 229 Truman ST NE, zoned MX-T [Section 14-16-5-7(D)(1)]
14.	VA-2022-00177	Project# PR-2022-007279	Charles E Dowd (Agent, Gilbert Austin) requests a carport permit for Lot 48, Block 3, Prairie Ridge Unit 6, located at 4333 Rabbit Brush Ave NW, zoned R-1B [Section 14-16-5-5
15.	VA-2022-00179	Project# PR-2022-007280	Friends of the Franciscan Friars of the Renewal (Agent, NCA Architects) requests a variance of 4 ft 6 inches to allow for a 7 ft 6 inch solid block wall in the street side yard for Lot A, Block 13, Tijeras Place Addn, located at 404 San Mateo BLVD NE, zoned MX-T [Section 14-16-5-7(D)(1)]
16.	VA-2022-00182	Project# PR-2022-007282	Nikola Babic and Sarah Steng requests a permit carport for Lot 1A, Block 3, Garcia Addn, located at 1200 11 th ST NW, zoned R-1A [Section 14-16-5-5(F)(2)(a)(3)(b)]
17.	VA-2022-00183	Project# PR-2022-007282	Nikola Babic and Sarah Steng requests a variance of 2 ft to the required minimum 15 ft rear setback for Lot 1A, Block 3, Garcia Addn, located at 1200 11 th ST NW, zoned R-1A [Section 14-16-3-4(M)(3)(a) (3)]
18.	VA-2022-00184	Project# PR-2022-007282	Nikola Babic and Sarah Steng requests a variance of 1 ft 3 inches to the required 10 ft setback for a building over 15 ft tall for Lot 1A, Block 3, Garcia Addn, located at 1200 11 th ST NW, zoned R-1A [Section 14-16-3-4(M)(5)(b)(1)]
19.	VA-2022-00185	Project# PR-2019-002370	Kenneth Cooper requests a variance of 3 ft to the 3 ft maximum wall height for Lot 3A, Block 4, Anderson Addn No 2, located at 1402 8 TH ST NW, zoned R-1A [Section 14-16-5-7-D]
20.	VA-2022-00189	Project# PR-2022-007285	Peterson Properties c/o Jim Peterson (Agent, AYO Corporation) requests a conditional use to allow nicotine as a primary use in an MX-M zone for Lot A1, Old Town Shopping Center, located at 2107 Central Ave NW, zoned MX-M [Section 14-16-4-3(D)(40)(E)]
21.	VA-2022-00190	Project# PR-2022-007286	John Docherty (Agent, Gilbert Austin) requests a carport permit for Lot 21, Block 15, Loma Del Norte Addn Unit 4, located at 7500 Coulson DR NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(3)(b)]
22.	VA-2022-00191	Project# PR-2022-007287	Smart Assets, LLC (Agent, Consensus Planning) requests a conditional use to allow cannabis retail within 600 ft of another cannabis retail location for Lot 2A2, Block 129, Snow Heights Addn, located at 2120 Eubank BLVD NE, zoned MX-M [Section 14-16-4-3(D)(35)(c)]

23.	VA-2022-00192	Project# PR-2022-007288	Lobo Retail Investors LLC c/o Salmanson Capital LLC (Agent, Anwar Aziz) requests a conditional use to allow nicotine in an MX-M zone and within 500 ft of a residential zone district for Lot 24A, Block 25, University Heights, located at 2820 Central Ave SE Unit D, zoned MX-M [Section 14-16-4-3(D)(40)(b)(2)]
24.	VA-2022-00193	Project# PR-2022-007289	Marc Saavedra (Agent, Ken Sandoval) requests a variance of 10 feet to the required 15 foot rear yard setback for Lot 24, Block 3, McDuffie Place Unit 1, located at 3716 Mackland Ave NE, zoned R-1B [Section 14-16-5(C)(1)]
25.	VA-2022-00194	Project# PR-2022-007290	AHEPA 501- III Inc. requests a variance of 11 ft to the maximum required height of 38 ft for Lot A1A2C1, Hubell Plaza, located at 6620 Bluewater RD NW, zoned R-ML [Section 14-16-5-1(C)(1)]
26.	VA-2022-00195	Project# PR-2022-007290	AHEPA 501- III Inc. requests a variance of 143-square feet open space to required 225-square feet open space per dwelling unit to allow for 82 square feet of open space for Lot A1A2C1, Hubell Plaza, located at 6620 Bluewater RD NW, zoned R-ML [Section 14-16-5-1(C)(1)]
27.	VA-2022-00196	Project# PR-2022-007290	AHEPA 501- III Inc. requests a variance of .65 to required 1.5 minimum Parking space per Dwelling Unit to allow for .85 parking space per unit for Lot A1A2C1, Hubell Plaza, located at 6620 Bluewater RD NW, zoned R-ML [Section 14-16-5-5(C)(2)]
28.	VA-2022-00197	Project# PR-2022-007291	San Antonio Commons, LLC (Agent, Consensus Planning) requests a conditional use to allow for nicotine retail in an MX-M zone within 500 ft of a residential zone district for Lot 5A1, JJ, located at 5700 San Antonio DR NE, zoned MX-M [Section 14-16-4-3(D)(40)(b)(2)]
29.	VA-2022-00198	Project# PR-2022-007292	GROUP I U26 VC LLC RM 115 (Agent, Hoppy Bear, LLC) requests a conditional use for a taproom in the MX-L zone for Lot 4A1, Block 3, Volcano Cliffs Unit 26, located at 99999 Valiente RD NW, zoned MX-L [Section 14-16-4-3(D)(8)(f)]
30.	VA-2022-00199	Project# PR-2021-005566	RM Sams, LLC (Agent, JAG Planning & Zoning, LLC) requests a variance of 3 ft to the required 3 ft wall height in the front and street side yards for Lot A-2, Ventana Ranch, located at 99999 Ventana RD NW, zoned R-ML [Section 14-16-5-7(D)1]
31.	VA-2022-00200	Project# PR-2022-007294	Jack C Skinner requests a variance of 3 to the required 8 residents in a community residential facility for Lot 1, Block B, Monterey Manor, located at 12105 Sierra Grande Ave NE, zoned R-1C [Section 14-16-4-3(B)(8)]
32.	VA-2022-00202	Project# PR-2022-007303	Annie Sais requests a conditional use to allow a cannabis retail establishment within 600 ft of another cannabis retail establishment for Lot 2, Block 4, Bel Air, located at 2639 San Mateo Blvd NE, zoned MX-L [Section 14-16-4-3(D)(35)(C)]